Wilmington Blueprint Report

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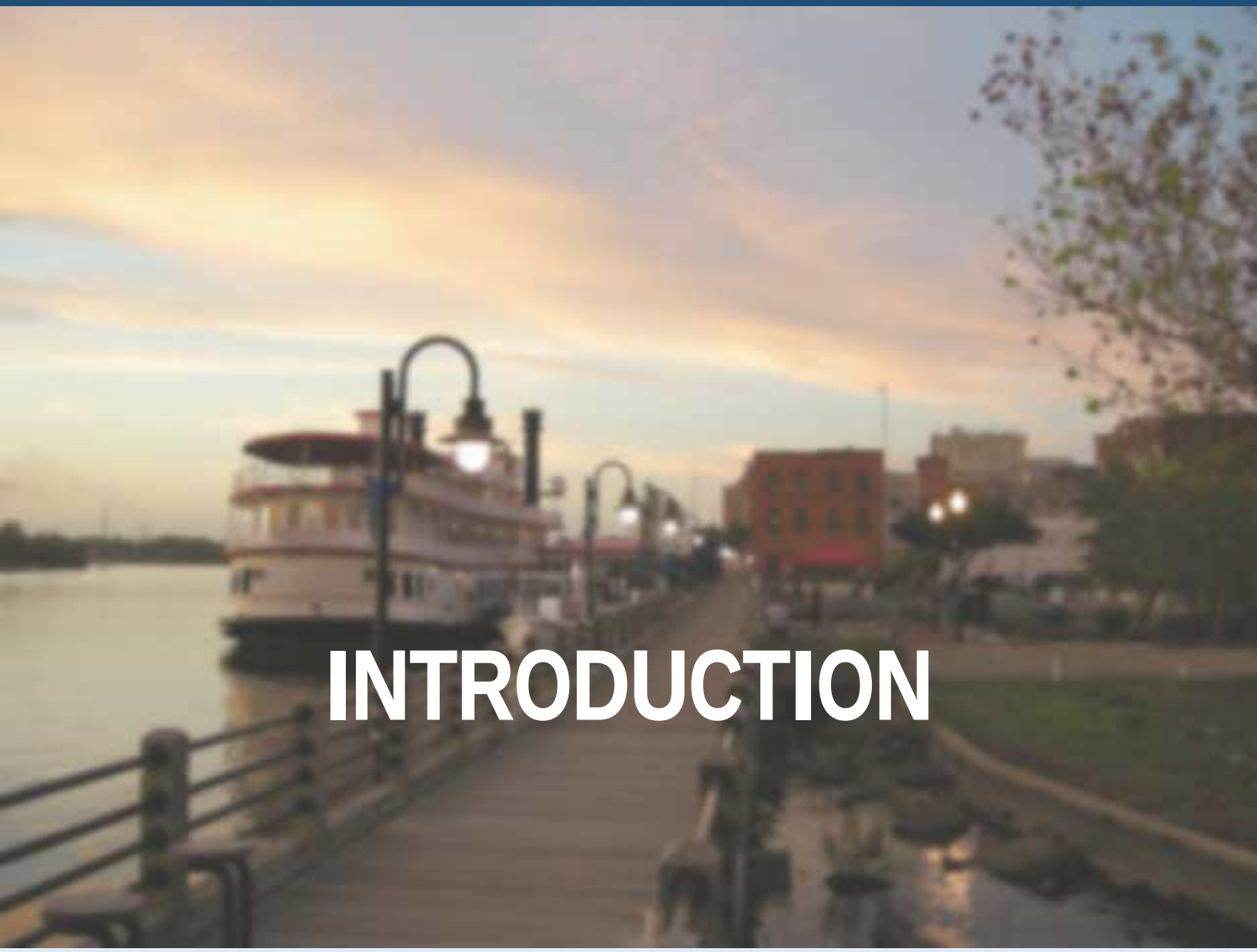


INTRODUCTION

Like many prosperous, growing communities, Wilmington has enjoyed considerable success attracting new development, protecting its prized assets and promoting reinvestment. But, also like many communities, the City is operating with land use regulations originally written decades ago to address a very different community with abundant land available for development, minimal congestion on the streets and a desire to minimize density. Over the intervening years, available land was consumed, traffic congestion became a concern and political philosophies evolved. As a result, the original regulations were frequently amended, while the core structure of the ordinance remained unchanged.

Today, Wilmington remains a highly desirable community, but one that is essentially built-out. To accommodate the projected doubling of the region's population by 2040, including an influx of 60,000 new residents within Wilmington, a different approach to development is needed. Rather than wide expanses of raw land, new development will take place in the midst of existing buildings or will remove those buildings to create adequate sites. Infill and redevelopment are the new normal and the land development regulations that have been patched and modified for years will no longer address the City's needs, nor provide the flexibility that developers require.

This report, therefore, provides a comprehensive assessment of the City's various land development regulations and presents specific and detailed recommendations for changing those regulations to establish a more predictable, user-friendly framework for land development. It is not the intent of this report to be critical of the City leaders or their staff. In fact, the City should be proud of its highly competent and very professional staff, as well as the atmosphere of support that is evident to accommodate new, creative development and to be customer friendly to all who require approvals for projects large and small throughout the community. However, it is recognized by those leaders and staff that the current regulations are not adequate to address the current and anticipated development challenges facing the City. It is their proactive acknowledgement of that fact that led to this diagnostic assessment.

Process

Work began approximately eight months ago with assembling volumes of regulations and manuals, along with the City's comprehensive plan. In order to better understand the character and complexities of Wilmington, a team of zoning experts toured the community, conducted meetings with key staff, interviewed dozens of stakeholders and surveyed local government officials.

With this background information providing a perspective, the consulting team immersed themselves into the various ordinances to examine what works, what doesn't and where there are disconnects between the City's philosophy (as expressed in the new comprehensive plan) and the existing regulations. In addition to examining the many zoning districts, allowed uses and dimensional requirements imbedded in the regulations, the team also studied the various review and approval procedures.

This third-party audit, coming on the heels of Wilmington's newly adopted comprehensive plan, gives the City a solid foundation for revising its land development regulations to support the plan and give the City a strong implementation tool to achieve its vision for a continued healthy and sustainable community.

Contents

This diagnostic blueprint is a comprehensive assessment of the current land development regulations and technical standards. It contains a detailed analysis of the Land Development Code, distinguishing the comments as “housekeeping”, “significant” and “policy” matters. These comments are included in table format in Appendix D of this report. An annotated version of the comments in the text of Chapter 18, is also available from the City of Wilmington planning department or on the City’s website. However, due to the length of the document, it is not included here.

In addition the report contains a summary of the input received, along with recommendations to address short-comings identified from stakeholders and the detailed technical audit conducted by the consultant team. Examples are inserted to illustrate changes in the current regulations (such as reformatting the sign regulations and revising awkward text).

Recommendations are also provided for a revised table of contents and a sample format to improve readability. Looking ahead to the ultimate rewriting of the code, a suggested style guide is also included.

ANALYSIS

Input

In the early stages of this process, input was sought from a variety of sources including City staff (planning, zoning, TRC and administration); stakeholders and City officials. During the course of these meetings and through a City official survey, several common themes were repeated. These included:

- **Density** – greater density, especially in the downtown core, should be permitted and even required
- **Flexibility** – the regulations must allow for more flexibility to accommodate the predominant character of development, i.e., infill and redevelopment
- **Expedited reviews** – while generally effective, desired improvements were noted, including the structure of the TRC, lack of a central "voice" for the committee and the CFPUA's role
- **Incentives** – the use of incentives to promote City objectives regarding quality of development was considered important
- **Affordable housing** – finding ways to address the cost of housing and ensure that those who work in the city can afford to live there
- **Project tracking system** – the current Pro-Track system should be improved to make it more useful to developers and staff

Stakeholders

Meetings were conducted on October 28 and 29, 2015 with several individuals and groups identified by the City. Among these were representatives of:

- City Council
- Planning Commission
- City Management
- Cape Fear Public Utility Authority
- Economic Development
- Engineers, Surveyors and Designers
- Architects
- Downtown Business Owners
- Developers
- Historic District Interests
- Land Use Attorneys
- Large Land Owners

A table containing all comments received from the stakeholders and arranged by general category is provided in Appendix A of this report. While not ranked in order of importance or frequency, several topics stood out as significant from among the long list of comments heard from the stakeholder groups. These include:

- **Flexibility**: Nearly all individuals and groups cited the need for more flexibility in the new regulations, indicating that staff should have some discretion when working with applicants and that the districts and requirements should permit a degree of latitude.
- **Density and height**: Clearly, city representatives and stakeholders see Wilmington as essentially a built-out urban area where increased density and even taller buildings are needed to accommodate expected population growth, mitigate traffic concerns and support a more vibrant and sustainable community.
- **Affordable housing**: While there does not appear to be clear consensus regarding a definition of "affordable" or "working-class" housing, most of those interviewed acknowledge the issue of accommodating service workers, families and individuals of modest means in the community.

- **Incentives**: Increased use of incentives to stimulate infill and redevelopment, while supporting community objectives, was cited by several participants. Greater density, reduced parking, expedited reviews, lower permit fees and other "carrots" were suggested as means of enhancing walkability, addressing stormwater, supporting transit, improving development quality, gaining open space and obtaining affordable housing.
- **Performance guarantees**: Apparently, performance guarantees were removed from the ordinance some time ago. There is a strong desire on the part of the development community to reinstate these as an option so all site improvements would not have to be installed prior to occupancy. Even staff and decision-makers seem unsure as to why this provision was eliminated.
- **Development handbook:** A basic user (applicant) guide to zoning is needed. It would preferably be available on-line, as well as in hard copy. This would be a manual explaining, in simple terms, the various zoning approvals required, review procedures (including flow charts) by type of request, which body(ies) is/are responsible for reviewing and making decisions, and timing and filing deadlines. Much of this could be done in a matrix format. Application forms and fees could also be included.
- **Technical standards**: While design standards exist for most infrastructure improvements, it appears that many are outdated; conflicts occur between city standards and CFPUA standards; and fire department requirements are not codified. A single, comprehensive manual of technical standards should be developed as the go-to, authoritative source for infrastructure design within the city.
- **Historic preservation commission**: While the City's heritage and historic assets are a source of great pride, there is considerable frustration in dealing with the Historic Preservation Commission. Several examples were cited regarding cumbersome, time-consuming, arbitrary and unnecessary review procedures. The subjectivity of the ordinance standards and their rigid application by the Commission were frequently noted.
- **TRC**: Overall, the TRC is viewed in a positive light. For the most part, staff is highly regarded. Many suggestions, however, have been offered to further improve the TRC review process to expedite reviews and minimize changes in the field. One such suggestion was to formalize the TRC and provide a single source of approval from the committee rather than each department.
- **Conditional rezonings**: It appears that this has become the mechanism of choice by the City to retain control over development throughout the community and balance the interests of developers with the concerns of neighbors. Frustration was expressed with the uncertainty of the process and the many conditions imposed.
- **Tree preservation**: Opinions vary considerably regarding the tree preservation ordinance. Some feel the requirements are not strict enough and fines are too low; while others point to high costs of compliance and penalties.
- **Stormwater**: Considerable comment was offered relative to stormwater regulation, including lengthy reviews and what many view as a disincentive for redevelopment by calculating runoff and impervious surface as if the redevelopment site was raw land.
- **Pro-Track system**: The Pro-Track system is generally viewed as a positive step toward improving the flow of information between reviewers and applicants. However, there was also general agreement that the system could and should do much more than it is currently.
- **CFPUA**: The authority is widely viewed as a significant obstacle to obtaining timely review of projects. Insufficient staffing is recognized as a primary cause of delays and, apparently, the agency is addressing that issue with the addition of more staff. There are, however, two other frustrations – one relates to CFPUA field personnel requiring changes to plans that have been approved by TRC and the Authority's representative on that committee; the second is the

conflict between city standards and those of the Authority relative to the placement of sewer/water lines within the right-of-way. Staff training relative to customer service was also suggested.

City Officials

Through December, 2015 and January, 2016, a survey was given to City officials. The survey was designed to gauge the importance of a variety of land development issues to the city as a whole. Eighteen respondents participated and included members from City Council, Planning Commission, Historic Preservation Commission and Zoning Board of Adjustments. Responses to each survey question are contained in Appendix B of this report.

Those issues scoring as the most significant (at least averaging 4 on a 5 point scale) included:

- Greater use of incentives
- Improved enforcement
- Affordable housing
- Training for boards and commissions
- Improved project tracking system
- Higher densities downtown
- Higher quality development
- Streamlining project reviews
- Improving traffic and safety
- Preserving the historic character
- Being more supportive of development
- Protecting the natural environment
- Control of street and driveway locations
- Flexible zoning techniques
- Establish building design and architectural standards
- Improve landscaping requirements

Overview of Findings

Over 800 pages of regulations and standards were evaluated during the course of this project. In addition, the City's newly adopted comprehensive plan was reviewed to provide a context for the assessment of the land development regulations. The section-by-section detailed comments are found in Appendix D of this report. However, a synopsis of the overarching issues and broader recommendation resulting from the diagnostic assessment are described below:

Issues

- The numbering pattern is inconsistent. Some paragraphs are not numbered, making referencing them difficult. Others that should be numbered differently as subparagraphs are not, making it difficult for the user to follow and understand the relationship of some requirements to others (e.g., Section 18-174 (d)).
- Many sections and articles appear to be random assortments of disjointed provisions, inserted without organization. This is especially true of the special use provisions (Article 6).
- Other provisions are completely out of place within unrelated sections. For example, Section18-580, addresses signs in the Industrial Districts but contains a table that lists all permitted and prohibited signs in all zoning districts.

> Sec. 18-142. - Extension or enlargement of nonconforming situations.
>
> Existing Language
>
> (j) Notwithstanding subsection 18-142(e), any principal structure within the 1945 corporate limits maintained as a conforming use, may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to yard size and setback requirements. This provision shall not apply if the nonconforming setback abuts a residential use or district.
>
> Proposed Language
>
> (j) Notwithstanding subsection 18-142(e), any nonconforming structure within the 1945 corporate limits may be expanded or replaced with a larger structure; provided, no new nonconformities are created and the area devoted to existing nonconformities is not enlarged. This provision shall not apply if a nonconforming setback abuts a residential use or district.

- There are many examples of redundancy throughout the document, as well as excessive and awkward wording that unnecessarily adds to the length and complexity of the code.
- There appear to be 38 different zoning districts. Some are not used; others are used minimally (3 districts not used at all; 8 districts encompass less than 50 acres each, 3 districts encompass 51 to 99 acres each). See the zoning districts by acreage in Appendix C.
- Despite the City's desire to be flexible, encourage creative development and support infill/redevelopment, the regulations are very prescriptive and, in many cases, dictate design for the applicant. One example, among many, is the requirement for private dormitories (Section 18-267).
- There is a great reliance on complicated formulas for density bonus, height increases, street yards, buffers and landscaping. These are difficult to follow, require mathematical calculations, and, in many cases, contain waiver provisions that are equally complicated.
- While the regulations make frequent distinctions between property within and outside of the 1945 boundary, many of the regulations tend to be one-size-fits-all, applying a set of universal requirements that rely on waivers to correct.
- Many of the requirements contain waiver provisions that allow the city manager to modify the requirements or grant relief. This suggests that the requirements may be too restrictive in the first place or broader in scope than is appropriate. Sections 18-227(c) and 18-232 are just a couple examples.
- While there is general agreement that the TRC review of plans is helpful, issues remain regarding the pace of reviews, lack of a clear decision-making process and a disconnect between TRC approvals and field personnel acceptance of those decisions.

Detailed Audit

Appendix D contains a detailed audit of Chapter 18, Land Development Code, and the Technical Standards Manual. For ease of review, these comments can also be found in the full text of each document, available at the City of Wilmington planning department and on the City's website. However, due to the size of those documents, the table format is provided here.

RECOMMENDATIONS

General

- While no surprise, the entire set of codes needs to be reorganized. Even without significant changes to the regulatory language, better organization of the content, along with use of tables and graphics, would greatly improve the usability of the code.
- All tables in the regulations should be formatted and numbered consistently. In addition, for ease of reading, the column headings should be carried over onto subsequent pages when the table flows onto more than one page.
- Throughout the regulations, there are references to "city manager" as the point of contact or the decision-maker. In other places, however, "city engineer", "planning director", "planning staff" or "zoning inspector" are cited. In lieu of "city manager", it would be less confusing (more user-friendly) to identify the person or position actually responsible for the action described.
- All districts should be reevaluated relative to:
    - Redundancy/overlap (in particular: historic, industrial and mixed use districts)
    - Extent to which they are used, as noted above
    - A disconnect between the district purpose and the allowed uses within the district (e.g., Airport Industrial or Residential Office)
    - Reducing the long lists of specific uses allowed. General categories with a few examples should be used instead. Categories such as personal services, entertainment and hospitality, vehicle service, etc. can be defined in the Definitions article, as well.
    - Supporting the recommendations of the Comprehensive Plan may necessitate creation of new zoning districts and elimination of others, as well as making other changes to the structure of the regulations.
- Many districts are very specialized, single-purpose districts (e.g., Riverfront Mixed Use, Main Street Mixed Use, Historic District Mixed Use, Residential-Office). Consideration should be given to eliminating some or all of these districts and using other techniques or existing or proposed districts to accomplish the intended purpose.
- A number of overlay districts are included in the ordinance, some of which are divided into fairly small segments. These should be reexamined to determine if they are needed or if other regulatory techniques could be used to achieve the same purpose, but in a less complicated way.
- Incentives are used in some districts but are very complicated, using a variety of mathematical formulas and scales that are cumbersome and difficult to calculate. These should be greatly simplified.
- Consider restructuring the zoning districts and regulations, based on pre- and post- 1945. While references are made to the 1945 boundary in the current regulations, the actual requirements within the 1945 city retain many "suburban" elements.
- In general, all the mixed use districts need to be rethought, with a clear understanding of their purpose and the desired character of development. It may make sense to have two tracks—urban and suburban—which would have different contextual parameters and standards. This new approach to mixed-use districts should be calibrated to implement the various centers identified in the Comprehensive Plan. Any new mixed-use standards should be "beta-tested" on existing developments to see whether or not they would be allowed.

Format and Organization

One of the most obvious formatting issues with the current regulations is the monotony of hundreds of pages of text. While some graphics are included to illustrate complex formulas and setback requirements, they are used sparingly and the style is inconsistent. Likewise, tables are used in several places but their layout, in most cases, is difficult to comprehend; graphically, they are bland; headings are not descriptive; and where the table continues onto another page, the headings are absent.

Graphics and tables, as well as color and varied fonts, should be used to aid the reader in understanding the regulations and making them more interesting.

The code does use an outline format but it is not followed consistently throughout the document. There are many examples of paragraphs that have no reference number at all. A more distinguishable outline format and headings should be used to make maneuvering through the regulations easier.

The organization of the document requires more cross-referencing than necessary. For example, Article III, Division IV addresses the Special Use Permit process, while the uses and their individual requirements are found in Article VI, Division I. Several districts contain individually tailored buffering requirements, while additional general requirements for buffer yards are in Article VIII, Division VII. Other examples include individualized parking and sign requirements imbedded within various zoning districts.

To the extent possible, articles should be self-contained to identify the requirements, review procedure, decision-maker, review standards and other relevant information. Special uses, site plan review, parking, signs, lighting, landscaping and screening are examples of articles in which all related provisions should be consolidated.

Review Procedures

Time is money in the development business. While the City's review procedures have been acknowledged by developers to be significantly improved over past practices, more efficiencies are possible. During the course of eliciting input from various stakeholder groups, a number of comments and suggestions were offered regarding he Technical Review Committee and its procedures. Many comments were very positive. However, there were also a number of suggested improvements. While it is not clear to what extent some of these may already be in place or whether they represent a minority opinion, frustrations exist and some changes should be made to further improve the plan review process. Among those to be considered are:

- Formalize the TRC with a chairperson and defined membership
- Require that all review comments flow from departments/agencies to the applicant from a single source (possibly the case manager)
- Case manager should have authority to resolve conflicts between departments and expedite projects
- All relevant entities should participate consistently, i.e., county, state, fire, engineering, CFPUA, planning, etc.
- Improve the turn-around time for stormwater reviews
- Consider a separate expedited procedure for "minor" projects

- Provide TRC review comments to the applicant at least one week prior to the next meeting
- Establish a time frame/deadline by which review comments must be submitted
- Avoid requiring changes in the field contrary to the approved plan

Intent and Purpose of Districts

There is a disconnect between the stated purpose of several existing zoning districts and the uses allowed within those districts. Examples include: CB, Community Business (hotels, testing labs, motion picture production studios, mini-warehouses); CS, Commercial Services (movie theaters, night clubs, RV dealers, bowling alleys, churches, shopping centers); and AI, Airport Industrial (new and used auto/truck sales, manufactured housing). The purpose statement should establish the framework for the district, distinguish it from other districts, note where it is appropriate to be used and link it to recommendations and goals in the Comprehensive Plan.

Site Development Provisions

- *Signs* – Article XII should be completely revised. The organization is very difficult to follow. The many pages of regulations could be simplified by the use of tables (see example below). Numerous exceptions, single purpose provisions and overlapping requirements make it extremely and unnecessarily difficult to determine what signs are permitted where. Finally, several provisions dictate content and must be changed to be consistent with court rulings, the most recent of which is the US Supreme Court's decision in Reed v. Gilbert.

  The table below is intended to illustrate a simplified method of presenting the numerous sign requirements by district. However, it does not contain recommended changes to the current regulations. For example, based on the recent Supreme Court decision, terms such as "real estate" and "political" signs should not be used.

Table 1 Schedule of Permitted Signs by District

Residential Districts	
Subdivision Identification Sign	
Number	Two (2) per entrance
Size	35 square feet
Location	Must be located on a privacy or freestanding wall. Minimum setback of five (5) feet from any property line
Height	The wall shall not exceed six (6) feet in height or the height of the subdivision privacy wall, whichever is greater
Apartment or Condominium Complex Identification Sign	
Number	One (1) per entrance
Size	Maximum 35 square feet
Location	At complex entrance
Other	May be located on walls provided such signs do not exceed four (4) feet in height and seventy-five (75) square feet in area
Construction Signs	

Table 1 Schedule of Permitted Signs by District	
Number	One (1) per street frontage of a construction project
Size	20 square feet
Location	Minimum setback of five (5) feet from any property line
Height	Six (6) feet
Other	May be erected ten (10) days prior to beginning of construction and shall be removed within thirty (30) days following completion of construction
Signs for Permitted Non-residential uses (churches and synagogues)*	
Number	One (1) freestanding sign per frontage and One (1) marquee sign
Size	Freestanding: 35 square feet Marquee: 25 square feet
Location	Minimum setback of five (5) feet from any property line
Height	Freestanding: Six (6) feet
Other	Within the 1945 corporate limits, a single projecting sign may be permitted in lieu of any freestanding signs, subject to the regulations in subsection 18-575(e)
Bed and Breakfast uses*	
Number	One (1) attached or one (1) freestanding sign
Size	Four (4) square feet
Location	Attached: Must be mounted flat against the wall of the principal building Freestanding: Minimum setback of five (5) feet from any property line
Height	Freestanding: Six (6) feet
Signs Allowed In Most Districts (Except the separate use historic districts, historic district overlays, the River Front Mixed Use, Mixed Use, Main Street Mixed Use and Central Business Districts)	
Real Estate Signs	
Number	Two (2), non-illuminated signs per lot or premises
Size	20 square feet
Location	Minimum setback of five (5) feet from any property line
Other	Such signs must be removed thirty (30) days following completion of construction
Nameplate	
Number	One (1) nameplate per occupancy
Size	Four (4) square feet
Political Signs (allowed in all districts)	
Size	Twelve (12) square feet per sign
Location	Only on private property and only with the permission of the property owner
Other	Must be non-illuminated. Such signs shall be removed thirty (30) days following the applicable election or referendum

Table 1 Schedule of Permitted Signs by District	
Freestanding Directional/Information Signs*	
Number	Four (4) per lot
Size	Three (3) square feet per sign
Height	30 inches

*Any freestanding sign that is illuminated, shall only be illuminated from an external light source.

General Note: In that portion of the R-5 and R-7 Districts in the Historic District Overlay, commonly referred to as Carolina Heights, a certificate of appropriateness shall be obtained from the historic preservation commission or the historic preservation planning staff prior to the issuance of a sign permit. The certificate of appropriateness shall be required whether or not a sign permit is required. The boundaries of the Historic District Overlay shall be determined from maps or files in the development services department.

§ *Landscaping* – There is considerable ambiguity in the landscaping provisions. Conversely, there are several complicated formulas and ratios for calculating the number of trees required in various situations. These could be greatly simplified. Many districts contain special landscaping provisions that add more detail and complications to the regulations without resulting in a significant or meaningful difference.

§ *Buffers* – Requirements for buffering are found throughout the code. In many cases, the requirements vary. Buffer standards should be consolidated in one place (Article VIII) and simply referenced, if needed, in other parts of the code. However, more standardized buffer requirements would be appropriate, rather than creating multiple standards to address each of several isolated situations. Three or four buffer profiles should be sufficient to address all needs. These should be clearly described in the code; illustrated with graphics; and their applicability specified in a matrix table format.

§ *Parking* – This article should be revised and reorganized. Several provisions should be added including: shared parking, modification of requirements, deferred parking and parking structures. The entire parking schedule should be reevaluated; many requirements are either too low or excessive. In addition, some categories (e.g., retail sales establishments) are too broad. There is a great difference in parking demand between a grocery store and a clothing store, for example. Other requirements are unnecessarily complicated (parking based on number of bedrooms).

Several provisions in the Technical Standards Manual would be more appropriate if inserted into the code. Examples include: parking lot design requirements and access management provisions.

Subdivisions

The subdivision regulations within Articles III and VII should be consolidated and improved to better define procedures and make the code easier to follow. The following general recommendations would improve their usefulness:

§ Readability. Use of flow charts to illustrate the various procedures would improve understanding and clarify the various steps involved.

- Authorities and Processes. A table noting reviews and necessary approvals, along with the individual or group authorized to approve the request, should be included in the regulations.
- Consolidation. Division III of Article III specifies the process for review and approval of subdivision plats while the regulations are included in Article VII. Although all review procedures are included in Article III, an overall reorganization of the code should consider consolidation of subdivision processes and regulations in a single Article.
- Overlap. There are a number of subdivision design regulations included in the Technical Standards and Specifications Manual that, more appropriately, should be included in the Subdivision Article of the code. Aside from the technical construction standards and specifications, general design requirements should be transferred to Article VII.
- Traditional Neighborhood Design (TBD) and Low Impact Development (LID). There are opportunities for the code to embrace TND development and LID design elements. Suburban, sprawling subdivisions could be prevented where desired with a revised regulatory framework.
- Financial Guarantees and Warranties. Timeframes, determination of surety amounts and general procedures for accepting guarantees should be carefully reviewed. In the case of developer default or incomplete projects, the City should be able to rely upon sufficient bond or letter of credit coverage. Additionally, subdivision developers should have a clear understanding of the City's expectations, should they wish to bond infrastructure or seek City acceptance of improvements.

Technical Standards and Specifications Manual

The Technical Standards and Specifications Manual includes detailed construction specifications for roads, stormwater systems, infrastructure and utilities. The Land Development Code update should carefully consider the relationship between the manual and the code, as it relates to consistency, content and procedures.

While this detailed manual should remain a stand-alone document, there are several connections and overlaps between the Land Development Code and the provisions within the manual. For instance, landscaping, tree protection, access management, driveway spacing, fencing, interconnectivity, parking design and traffic impact studies are all appropriate elements of a Land Development Code. Additionally, there are several instances noted in the diagnostic of repetition and inconsistency.

The process for variances and modifications should also be clarified and revised. While subdivision construction will be reviewed against the manual, site plans and other development projects that do not involve divisions are also regulated. Therefore, considering variances and alternative designs may not necessarily be the role of the Subdivision Review Board, as that is the authority referenced in the manual.

Comprehensive Plan

The City's newly adopted Comprehensive Plan charts a very different course for the community, recognizing the essential role that infill and redevelopment will play to accommodate the anticipated growth and ensure the City's sustainability. Emphasis is placed on the urban character of the City and the need for more intensity and mixed uses. The plan also acknowledges the need for affordable housing and multi-modal transportation.

In order for the plan's vision to be fully realized, the land development regulations must be overhauled. This will certainly require significant changes in the number and type of zoning districts, possibly adding form-based districts for specific areas; reevaluating available incentives; incorporating some inclusionary provisions for affordable housing; and introducing greater flexibility for development projects. The focus of the code must be on urban mixed use, rather than individual large-lot development.

Within the Comprehensive Plan, the framework has been established for revamping the Land Development Code. Policies throughout the document relate specifically to the role of development regulation in implementing the planning vision. The new land development code should be synchronized with these many policies that recommend a range of best practices to achieve the community envisioned in the plan. Among these are:

- Placemaking,
- Compact design,
- Density,
- Housing choice,
- Mixed-use development,
- Complete streets,
- Connectivity,
- Walkability, and
- Transit oriented development.

Suggested Table of Contents for Revised Land Development Code

Article I – Purpose and Organization

Division 1 – Enactment
Division 2 – Title and Purpose
Division 3 – Rules of Construction

This article establishes the legal framework, including the public purpose for land use regulation. It will also incorporate much of the current Article I and state the basic tenets of the ordinance, such as: when two regulations are in conflict, the more restrictive prevails.

Article II – Zoning Districts

Division 4 – Zoning Districts and Map
Division 5 – Residential Districts
Division 6 – Commercial Districts
Division 7 – Industrial Districts
Division 8 – Mixed Use Districts
Division 9 – Overlay Districts
Division 10 – Form-based Districts
Division 11 – Special Districts (PD, Historic Preservation, Conservation)

The number and type of zoning districts will likely change. In any case, they should be grouped into categories, as suggested here. Each category should be formatted consistently, e.g., Purpose, Schedule of Uses, Spatial Requirements and Site Development Requirements. (See the Sample Format, beginning on p. 16.

Article III – Supplementary Regulations

Division 12 – General Provisions
Division 13 – Special and Conditional Use Requirements

General Provisions will compile all requirements common to most or all districts (e.g., Clear Vision Triangle, Right-of-Way Encroachment, Illegal Dwellings, Principal Use per Lot, Outdoor Storage).

A single division will be devoted to those uses that have additional conditions and/or requirements attached to them. The review procedures and standards for approval will also be included in this one location.

Article IV – Environmental Regulations

Division 14 – Storm Water Management
Division 15 – Floodplain Management
Division 16 – Soil Erosion Sedimentation Control
Division 17 – Conservation Resource Regulations
Division 18 – Exceptionally Designed Projects

All regulations pertaining to environmental protection will be organized within a single article. The order may be adjusted, depending on the addition or deletion of some provisions and the degree of cross-referencing.

Article V – Site Development Requirements

Division 19 – Parking and Loading
Division 20 – Trees, Landscaping, Screening and Buffering
Division 21 – Signs
Division 22 – Site Plan Review

All of the common requirements for development will be assembled in this article. Each division will contain all applicable requirements, procedures and standards relevant to that topic. Illustrations will be used extensively.

Article VI – Subdivision of Land

Division 23 – Scope
Division 24 – Required Improvements
Division 25 – Design Standards
Division 26 – Plat Specifications

The organization of the subdivision regulations will change and the current Article III, Division III will be consolidated here, as well.

Division 27 – Review and Approval Procedures

Article VII – Administrative Provisions

Division 28 – Administration and Enforcement
Division 29 – Nonconformities
Division 30 – City Council
Division 31 – Planning Commission
Division 32 – Board of Adjustment/Variances
Division 33 – Historic Preservation Commission
Division 34 – Technical Review Committee
Division 35 – Subdivision Review Board

This article will be a consolidation of the current Article II and Division I of Article III, as well as Article IV. The Administration and Enforcement Division will include sections addressing performance guarantees, vested rights, in addition to permitting, amending the code and other related matters.

Appendix

Appendix A – Definitions
Appendix B – Table of Uses
Appendix C – Table of Dimensional Requirements
Appendix D – Permitted and Prohibited Tree Species

Several appendices will be included. Appendices B and C will be reference tables that consolidate the schedule of uses for all zoning districts and a similar consolidated table of the dimensional requirements for all the districts. This will allow for easy comparison, as well as a quick reference to find out, for example, in which districts a specific use is allowed without leafing through the individual tables in the various use categories.

Sample Format

Residential Districts

Division V

EXAMPLE

Section 5-1 Purpose

A. **"R-1," Low Density Residential District**. The R-1 District is intended to accommodate single family residential subdivision and in-fill development at densities of approximately four units per acre, along with related uses. Land within this district will be served by public sanitary sewer and water facilities.

B. **"R-2," Moderate Density Residential District.** The R-2 District is intended to encompass much of the Village's existing single family residential neighborhoods and accommodate similarly situated new and in-fill development at densities of up to eight units per acre. This district also permits the introduction of attached residential units and non-residential uses that are compatible and in scale with the established single family neighborhood character. Land within this district will be served by public sanitary sewer and water facilities.

C. **"R-3," High Density Residential District.** The R-3 District is intended to promote a high quality mix of residential units, including multiple family dwellings, at a density of up to 12 units per acre. Other compatible, non-residential uses may also be permitted. Public sanitary sewer and water facilities are required.

Section 5-2 Schedule of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this code. Land and/or buildings in the districts indicated at the top of *Table 5-2* may be used for the purposes denoted by the following abbreviations:

A. **Permitted Use (P).** Land and/or buildings in this district may be used by right.

B. **Conditional Use (C).** Land and/or buildings in this district may be used by right, provided the specific conditions related to that use, as found in Division 13 are met.

C. **Special Use (S)**. Land and/or buildings in this district may only be used upon receiving special use approval in accordance with the provisions of Division 13.

D. **Specific Conditions.** Indicates requirements or conditions applicable to conditional uses or special uses, as listed in Division 13, Special and Conditional Use Requirements.

Table 5-2 Schedule of Uses: Single Family Residential Districts

Use	R-1	R-2	R-3	Specific Conditions
Residential				
Single family dwellings	P	P	P	
Two-family dwellings		P	P	
Attached single family dwellings		P	P	
Multi-family dwellings			P	
Accessory dwelling unit	C	C	C	Section ***
Bed and breakfasts	C	C	C	Section ***
Boarding homes			C	Section ***
Day care, family	C	C	C	Section ***
Day care, group	C	C	C	Section ***
Foster care home, adult family	C	C	C	Section ***
Foster care home, child	C	C	C	Section ***

EXAMPLE

Table 5-2 Schedule of Uses: Single Family Residential Districts				
Use	**R-1**	**R-2**	**R-3**	**Specific Conditions**
Accessory uses and structures	C	C	C	Section ***
Non-Residential				
Home occupations	C	C	C	Section ***
Professional offices			C	Section ***
Art, music and dance studios	C	C	C	Section ***
Recreation				
Golf courses and country clubs	C	C	C	Section ***
Private non-commercial recreation	C	C	C	Section ***
Public parks/playgrounds	P	P	P	
Public/Quasi-public				
Cemeteries	C	C	C	Section ***
Churches and customary related uses	C	C	C	Section ***
Cultural buildings	C	C	C	Section ***
Schools (elementary, middle and high)	C	C	C	Section ***

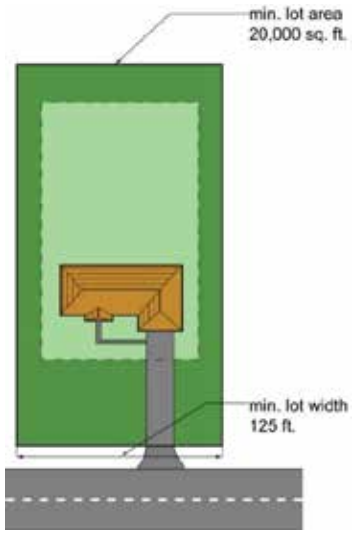
Section 5-3 Spatial Requirements

All lots and buildings shall meet the minimum area and width requirements of Table 5-3. New lots shall not be created, except in conformance with these requirements.

Table 5-3. Lot and Width Requirements, Residential Districts		
Zoning District	**Minimum Lot Area (sq. Ft.)[1]**	**Minimum Lot Width (ft.)**
R-1, Low Density Residential	**20,000**	**125**
R-2, Moderate Density Residential	**12,000[2]**	**80**
R-3, High Density Residential	**6,000[3]**	**45**

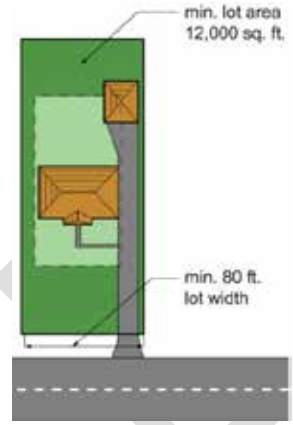
EXAMPLE

[1] Public water and sanitary sewer are required for all property in these districts.
[2] Two-family and attached single family dwellings shall provide 5,000 square feet per unit.
[3] Two-family dwellings shall provide 4,000 square feet per unit. Attached single family and multi-family dwellings are permitted a density up to 12 units per acre.



R-1, Low Density Residential

R-2, Moderate Density Residential



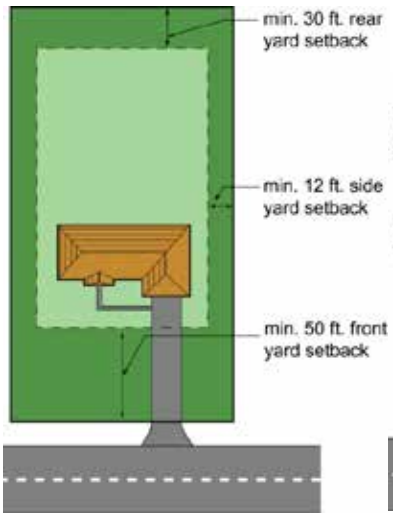
R-3, Medium/High Density Residential

A. All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in Table 5-3a.

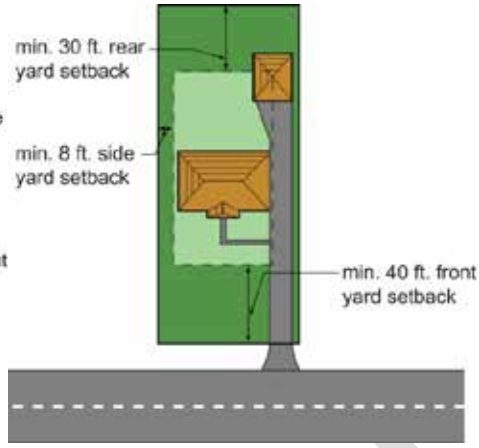
Table 5-3a. Dimensional Requirements, Residential Districts

Zoning District	Maximum Building Height (ft./stories)	Minimum Yard Setbacks (ft.)[4]					Lot Coverage (%)	Min. Floor Area[5]
		Front		Side		Rear		
		Park'g	Bldg.	Total	Least			
R-1	35/2.5	25	25	25	10	30	35	1,000
R-2	35/2.5	25	25	15	5	25	40	900
R-3	35/2.5	30	30	15	5	15	50	750

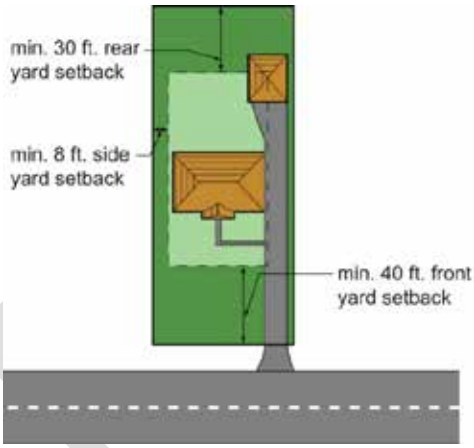
[4] Average established setback shall apply, where applicable, in accordance with Section ***.
[5] Minimum floor area requirements are for single family detached dwellings. For two-family, attached single family and multi-family, the minimum required floor area shall be determined by the number of bedrooms, as follows: efficiency unit – 500, 1 bedroom – 700, 2 bedroom – 800, 3 bedroom – 900. An additional 100 square feet shall be provided for each bedroom over 3.



R-1, Low Density Residential



R-2, Moderate Density Residential



R-3, Medium/High Density Residential

Illustrations are examples only and will be drawn to reflect actual code dimensional requirements

Section 5-4 Supplementary and Site Development Regulations

In addition to the requirements of this division, all development in the Residential Districts shall meet other applicable requirements, as listed elsewhere in this code:

A. Overlay Districts, see Division 9
B. General Provisions, see Division 12
C. Special and Conditional Use Requirements, see Division 13
D. Stormwater Management Requirements, see Division 14
E. Floodplain Management, see Division 15
F. Soil Erosion and Sedimentation Control, see Division 16
G. Conservation Resource Regulations, see Division 17
H. Exceptionally Designed Projects, see Division 18
I. Parking and Loading, see Division 19
J. Trees, Landscaping and Buffers, see Division 20
K. Signs, see Division 21
L. Site Plan Review Requirements, see Division 22

EXAMPLE

Style Guide

The following style guide will define the layout, organization, and grammar in the UDO. If any deviations from this style guide are desired, they must be established as part of this blueprint. Any subsequent changes that are inconsistent with the approved style guide will be outside the scope of the professional services agreement.

Fonts

1. 16 point Arial font, bolded, will be used for each article title:

   Article III Residential Zoning Districts

2. 12 point Arial font, bolded will be used for each section title:

   Section 3.1 Intent

3. 11 point Times Roman font will be used for the body of text:

   The Single Family Residential Districts are intended to provide sites for one-family detached dwellings and residentially related uses.

4. References to the titles of all Articles, Sections, Subsections and Tables within the text will be italicized:

   The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in *Chapter 17.18* and specific standards of *Section 17.18.030* are met.

5. Size 10 Arial font will be used for headers:

   Single Family Residential Districts

6. Size 9 Arial font will be used for footers:

   Page 3-23 Wilmington Unified Development Ordinance

Line Spacing and Justification

1. Single line spacing will be used with 6pt separation between paragraphs (this document is an example).
2. All text will be left-justified.

Ordinance and Page Numbering

1. Articles will be numbered in numerical order, using Roman numerals, starting with Article I.
2. Sections will be numbered in numerical order, starting with “X.1” with “X” signifying the article

number.

3. A traditional outline numbering and spacing will be used within each section, as follows:

   A.

      1.

         a.

            i.

4. Each article will have self contained page numbering, starting with “page X-1”, with “X” representing the article number.

Capitalization

1. Capitalize words that refer to a body or commission (like City, State, Federal).
2. Capitalize the names of geographic divisions, regions, and localities such as Towns, Cities, Rivers, Lakes and Streets.
3. Capitalize titles when preceding a name only (Mayor Funderburk vs. the mayor of Wilmington)
4. The words “plan” and “ordinance” should not be capitalized unless at the beginning of a sentence or part of the proper title of a document (City of Wilmington Unified Development Ordinance).
5. The words “section” and “article” shall be capitalized only when referring to a specific section or article (this section and Section 17. 2 A.1).

Punctuation Marks

Commas

1. Commas separate complete thoughts joined by these simple conjunctions: and, but, or, for, nor, so, yet.
2. Commas separate items in a series consisting of three or more words, phrases, or even whole clauses.
3. Commas separate long introductory phrases and clauses from the main body of a sentence.
4. Commas enclose parenthetical expressions.
5. Commas separate nonessential modifying and descriptive phrases and clauses from a sentence, especially those clauses beginning with who, which, or that.
6. Commas separate titles and degrees from names.

Quotation Marks

1. Use quotation marks to enclose direct quotations.
2. Use quotation marks to indicate that a word is used in a special or abnormal sense.
3. Always place periods and commas inside of closing quotation marks.
4. Always place semicolons and colons outside of closing quotation marks.
5. Place dashes, exclamation marks, and question marks inside of quotation marks if they are part of the quotation; otherwise, place them outside of quotation marks.

Semi-colons

1. Use semicolons to link complete thoughts that could otherwise stand alone as separate sentences.
2. Use semicolons to separate items in series when one or more of the items has a comma.

Ampersands

1. Use the written-out version of signs and symbols in text unless the nature of the text is such that readers would expect to see signs and symbols (planning and zoning not planning & zoning, off-street parking and loading not off-street parking & loading).

Hyphenation

1. Hyphenate two or more words that act together to create a new meaning (single-family, mixed-use). The word after the hyphen is not capitalized except where an organization has branded a phrase (Form-Based Code).
2. Hyphenate compound numbers from twenty-one to ninety-nine.
3. Avoid using hyphens with most prefixes (nonconforming).

Numbers

1. Numbers one (1) through nine (9) should be spelled out with the numeric character in parentheses afterwards (except in tables and graphics).
2. Numbers starting with 10 will only use the numeric character.
3. When used at the beginning of a sentence, a number is always spelled out.
4. Always use figures for percentages and decimal fractions.
5. Always use figures for dates.
6. Spell out feet and inches, not ‘ and “, including square feet. Abbreviations (ft., sq. ft., ac.) may also be used.

Acronyms

1. When using an acronym, write it out the first time in each chapter with the acronym in parentheses after the words, and then the acronym may be used for the remainder of the chapter.
2. Do not use periods between the letters in an acronym. (US vs. U.S.).
3. Abbreviations with periods should be typed without spaces between letters and periods (e.g. or

i.e.).

4. Acronyms can be made plural by simply adding a lowercase “s” to the end. Do not use an apostrophe unless it is possessive (there are a lot of CAFOs vs. the CAFO’s smell was the primary concern of the public). Same with dates (1990s).

Words

1. Stormwater
2. Setback
3. Mixed-use
4. Nonconforming
5. Single-family
6. Multiple-family
7. Two-family

APPENDIX A: SUMMARY OF STAKEHOLDER COMMENTS

Meetings were conducted on October 28 and 29, 2015 with several individuals and groups identified by the City. Among these were representatives of:

- City Council
- Planning Commission
- City Management
- Cape Fear Public Utility Authority
- Economic Development
- Engineers, Surveyors and Designers
- Architects
- Downtown Business Owners
- Developers
- Historic District Interests
- Land Use Attorneys
- Large Land Owners

The table on the following pages is a summary of comments offered during the input process. These are grouped into categories for ease of understanding. In order to ensure confidentiality, the comments are not attributed to any person or group. While not ranked in order of importance or frequency, several topics stand out as significant. These include:

- **Flexibility**: Nearly all individuals and groups cited the need for more flexibility in the new regulations, indicating that staff should have some discretion when working with applicants and that the districts and requirements should permit a degree of latitude.
- **Density and height**: Clearly, city representatives and stakeholders see Wilmington as essentially a built-out urban area where increased density and even taller buildings are needed to accommodate expected population growth, mitigate traffic concerns and support a more vibrant and sustainable community.
- **Affordable housing**: While there does not appear to be clear consensus regarding a definition of "affordable" or "working-class" housing, most of those interviewed acknowledge the issue of accommodating service workers, families and individuals of modest means in the community.
- **Incentives**: Increased use of incentives to stimulate infill and redevelopment, while supporting community objectives, was cited by several participants. Greater density, reduced parking, expedited reviews, lower permit fees and other "carrots" were suggested as means of enhancing walkability, addressing stormwater, supporting transit, improving development quality, gaining open space and obtaining affordable housing.
- **Performance guarantees**: Apparently, performance guarantees were removed from the ordinance some time ago. There is a strong desire on the part of the development community to reinstate these as an option so all site improvements would not have to be installed at the time of completion. Even staff and decision-makers seem unsure as to why this provision was eliminated.
- **Development handbook:** A basic user (applicant) guide to zoning is needed. It would preferably be available on-line, as well as in hard copy. This would be a manual explaining, in simple terms, the various zoning approvals required, review procedures (including flow charts) by type of request, which body(ies) is/are responsible for reviewing and making decisions, and timing and filing deadlines. Much of this could be done in a matrix format. Application forms and fees could also be included.
- **Technical standards**: While design standards exist for most infrastructure improvements, it appears that many are outdated; conflicts occur between city standards and CFPUA standards; and fire department requirements are not codified. A single, comprehensive manual of technical standards should be developed as the go-to, authoritative source for infrastructure design within the city.
- **Historic preservation commission**: While the City's heritage and historic assets are a source of great pride, there is considerable frustration in dealing with the Historic Preservation

Commission. Several examples were cited regarding cumbersome, time-consuming, arbitrary and unnecessary review procedures. The subjectivity of the ordinance standards and their rigid application by the Commission were frequently noted.

- **TRC**: Overall, the TRC is viewed in a positive light. For the most part, staff is highly regarded. Many suggestions, however, have been offered to further improve the TRC review process to expedite reviews and minimize changes in the field. One such suggestion was to formalize the TRC and provide a single source of approval from the committee rather than each department.
- **Conditional rezonings**: It appears that this has become the mechanism of choice by the City to retain control over development throughout the community and balance the interests of developers with the concerns of neighbors. Frustration was expressed with the uncertainty of the process and the many conditions imposed.
- **Tree preservation**: Opinions vary considerably regarding the tree preservation ordinance. Some feel the requirements are not strict enough and fines are too low; while others point to high costs of compliance and penalties.
- **Stormwater**: Considerable comment was offered relative to stormwater regulation, including lengthy reviews and what many view as a disincentive for redevelopment by calculating runoff and impervious surface as is the redevelopment site was raw land.
- **Pro-trac system**: The Pro-trac system is generally viewed as a positive step toward improving the flow of information between reviewers and applicants. However, there was also general agreement that the system could and should do much more than it is currently.
- **CFPUA**: The authority is widely viewed as a significant obstacle to obtaining timely review of projects. Insufficient staffing is recognized as a primary cause of delays and, apparently, the agency is addressing that issue with the addition of more staff. There are, however, two other frustrations – one relates to CFPUA field personnel requiring changes to plans that have been approved by TRC and the Authority's representative on that committee; the second is the conflict between city standards and those of the Authority relative to the placement of sewer/water lines within the right-of-way. Staff training relative to customer service was also suggested.

Comment Summary	
Category	**Comment**
Ordinance Format	Ordinance needs to be clear, concise, allow more density, flexible
	Need to be nimble & allow changes to respond to market changes
	Fewer districts needed but more mixed use
	Simplicity & flexibility needed
	Ordinance needs to be flexible & respond to market conditions
	Land Dev. Code needs to be more easily understood & accessible
	Make sure rules are clear upfront
	Need interactive ordinance
	Need to return to "matrix" to clarify uses (rather than lists under each base district)
	Historic District Guidelines and Maps are VERY hard to find on-line.
Ordinance Requirements	Higher density needed in infill and redevelopment projects
	Increase density & intensity (lot coverage, height, FAR) in UMX, CBD, historic districts. Minimum CBD height should be increased
	Density is needed, diverse housing opportunities – ADUs, medical accessory

Comment Summary	
Category	**Comment**
	structures
	Density – need better utilization of in-fill properties, heights should be increased
	Need more density & height
	Affordable work force housing needed
	Affordable housing needed but infeasible to require or control, may want to allow residential within commercial districts
	Need better incentives – green roofs, downtown parking, financial, jobs, connectivity, recreation
	Incentivize public transit, increase limit for students not using cars from 1 mile radius to 1 ½ or 2 miles from campus
	Incentives – save historic buildings, promote mixed use, views of the river, open space, public space
	Incentives – green space, pervious surface, affordable housing , parking
	Incentives – Transit, affordable housing, resource protection, tree preservation, fee reductions (impact fees, permits)
	Incentives – Sec.18-196 (i-n) preservation of contributing structures greenspace
	Pervious vs. Impervious – no incentive for redevelopment; must meet all stormwater on-site, etc.
	Revise stormwater rqmts. for redevelopment outside of downtown
	Stormwater—"new impervious" vs. "net" gain or loss (latter would be better)
	Look at Maryland stormwater standards · Use of underground infiltrators · Quality vs. quantity · Start at State requirements · Need to give developer an economic reason/carrot/incentive to make it better
	Stormwater reviews delay entire process
	Stormwater reviews cause delays
	Stormwater decisions/approvals are slower/delayed
	Handling stormwater & saving trees are in conflict, need balance
	Stormwater requirements waived in downtown if project built within a year or it loses its NC status
	City needs to allow letter of credit (performance guarantees) so all improvements don't have to be put in up front
	Reinstitute performance guarantees
	Need good transitions between uses
	List of rqmts. for site plans needs to be updated
	Distinguish between large & small projects
	Reduce landscaping requirement for parking lots behind buildings
	250 sf parking space – plus street yard requirements – landscape+parking+ (inefficient use of space--particularly for commercial)
	Problematic retail/parking lot design (island min. square footage, too rigid—makes all parking lots look the same); No alternative approach, allowance for usable spaces (green, etc.)

Comment Summary	
Category	**Comment**
	Prohibit surface parking
	Parking – let developer decide; they know their needs (especially for commercial)
	Ordinance requires a 7' wide sidewalk where head-in parking is designed perpendicular to curb (to prevent bumper overhang). 2' grass strip allowed against the curb and a 5' sidewalk, but grass strip is maintenance nightmare. Equates to more impervious area (which in coastal area is detrimental to intent/goal). 5' sidewalk should be adequate (most people don't park tight to the curb) – 2' can add up in a hurry.
	Low-hanging fruit – fix landscaping and parking
	"Minor development" still draws in other standards
	"private access easements" and other standards impact infill
	"cottage development" is not usable it has been so revised during approval
	"0-lot line" requirements create need for variances in CBD (structural issues related to foundation locations)
	Use clear bonus system for "desired" rather than "required" standards
	SHOD (Eastwood Road & Military Cutoff) – standards have produced unintended consequences, not fulfilled "gateway corridor" intent · 100-ft. setback, variance allowed for additional landscaping · intent/origin – natural buffer area (but instead parking lots!)
	Problems: water, sewer, erosion, DOT, zoning, wetlands, stormwater
	Street light ordinance – out of step with Duke Energy; regulations create Catch-22 conflict between cobra-heads and decorative fixtures
	Streets, curbing, etc. prior to "record plat" § timing of all infrastructure improvements (bonding vs. actual building/construction) § 2-3 times the actual cost (ex. 124 units @ The Forks – timing, construction, landscaping practicalities § max. of $55,000 – in infinite increments § City Attorney controls
	$15,000 to get through TRC in CBD – interpretation of VISION 2020 (alley as right-of-way); requiring fenestration/glazing on alleys doesn't make sense; historic context – needs to be respected
	Density based on land-use classifications—doesn't make sense
	ADUs – no longer allowed (over garage?) due to square-footage limitations
	Wrightsville Ave. overlay doesn't allow densification
	Oleander RO overlay – still has the same number of curb cuts – standards don't achieve intent
	Sign ordinance is too restrictive (but still too many billboards); Box signs all look the same because of standards
	Signage is very difficult (confusing and restrictive) – based on uses?
	Sign ordinance is inflexible
	Signage is very difficult (confusing and restrictive) – based on uses?
	Wetlands—25' buffer from DNR, plus city has additional 25'—no way to mitigate at staff level
	LDC has good provisions; alert Code Enforcement about problems with

Comment Summary	
Category	**Comment**
	appearance or uses
	12 years ago, proliferation of B&Bs in historic district; new standards established cap and other regulations
	Conditional Use permit is overused
	"Conditional Use" is great for lawyers--almost everything has to go "conditional use"
	"Conditional uses" run with the land, but aren't registered anywhere
	"Conditional Use" rezonings – too much upfront, can kill a project (requires early engineering prior to getting rezoned)
	Origin of "conditional use permits" – way to get around things
	Reduce conditional/special use reviews
	Conditional zones not developed in 3 years should be rezoned back to original zone
	Tree ordinance too strict – $750,000 fine for cutting down a few trees
	"Tree Ordinance" problems – Luna Station, exemplary project, would NOT be allowed/achievable under current "exceptionally designed" standards
	Look at rules/standards for "non-conforming"
	CBD – ground floor fenestration rule doesn't make sense everywhere
	Average roof height (much better than absolute max) allows for tower features, etc. rather than taller buildings with VERY low-pitched roofs (look squashed)
	"Exceptionally designed" standards – came out of previous committee work, but bastardized beyond recognition; establish higher base density and development standards, then only use "bonus" system for "preferences"
	City street ROW's adjacent to property are not necessarily (and often are not) zoned the same as the property which needs to access the adjacent street. Required to file a rezoning to rezone the ROW, to the centerline only, adjacent to property on which RB Zoning established for years. Otherwise unable to develop property.
Procedures	Concept review @ TRC works, improves process
	System works well if you're familiar with it
	TRC process can be cumbersome
	Concept plan (pre-approval review) with TRC is very helpful
	TRC sometimes circumvents ordinance, requiring things not in the ordinance
	TRC is disjointed – planning, engineering, CFPUA. TRC should operate as a committee & make decisions, planning does its job but engineering & CFPUA cause delays; process usually takes 6 months. Should PC have final review of site plans to expedite the process?
	Scoping meeting needed, checklist needed with individual departments or get comments a week prior to TRC meeting
	DOT should attend TRC
	County & State approvals needed & complicates review due to chgs. – all should be @ TRC
	TRC process – no single approval; separate departments approve; but concept review process has helped

Comment Summary	
Category	**Comment**
	City, County & State level reviews required
	Need more lead time between receiving TRC comments & actual meetings
	TRC needs to set a timeline for reviews: · Unless there is a "health, safety, or welfare" issue, no new comments should be added by staff at subsequent reviews · Issue of timeline – ex. client under tight financial timeline, requested "90-day review", and staff met it due to economic circumstances…why not do this all the time? Could there be a "priority track" or "fast track"? · Staff doesn't understand "kill & eat" of business; time is money…private income is dependent on projects moving forward (no "regular paycheck") · "Subjective comments" from staff should only appear at first review (don't keep repeating)
	TRC process – too many people attend; some don't add value · People should feel comfortable to say "no comment" (seems like everyone feels compelled to say something) · There are way too many "suggestions" that are just personal opinion
	Concept review is helpful; need preliminary site plan review with official "approval"
	TRC makes decisions beyond scope of ordinance (Fire dept. especially—where are their standards written down?)
	TRC—timing of comments and responses is bad; one-upmanship between staff at TRC meeting
	TRC – delayed comments are frustrating, especially fire/electric (inspection staff)
	Provide for expedited review of some projects and specific timing commitment
	More lead time needed between getting review comments & TRC mtg.
	Case manager has no authority to move projects along, should be an ombudsman
	Ombudsman needed to help applicants & facilitate review process
	Designated planner is only the project lead within Planning Department; not over the other departments review process
	Closer coordination with fire services needed, changes req'd. after plan is approved by TRC
	Bifurcation between planning and engineering causes problems
	County TRC is more formal (PC member chairs the TRC)
	Raleigh system works well one-stop shop
	CFPUA staff training needed to be customer friendly
	CFPUA field people sometimes require changes from plans approved by CFPUA
	CFPUA uses a lot of City standards but City & Authority differ about utilities in the street. No standard in place to show the requirement. City needs to define where utilities can't go.
	Some conflicts exist between CFPUA reps who approve plans & inspector who denies approval
	CFPUA needs to be improved – staff training, coordination, timely reviews
	SRB – should use the PC, current SRB is staff, not all projects should have to go to SRB, many projects beyond plats have to go to SRB

Comment Summary	
Category	**Comment**
	SRB could just go away! should they be doing more or less than subdivision?
	SRB—public hearing adds to confusion
	SRB – waste of time -- Should only be dealing w/technical specifications (public comes to vent about all other issues)
	Subdivision review – redundant with TRC
	More flexibility needed for staff
	Staff needs some authority to be flexible
	Staff should resolve issues without sending them to B of A
	Flexibility needed to work with staff without variances
	Board of Adjustment not used as much as needed (some site plan issues could be handled as variances)
	Streamline procedures by allowing more decisions by staff rather than PC or CC
	Staff should give more guidance to applicants re: CC philosophy & priorities
	Special use permits are overused, height increases require SUP, PC is advisory, CC makes final SUP decision
	No appeal provided from City engineer decisions
	CC should be responsible for land use decisions but staff should control site design
	Council doesn't always see site plan for conditional rezoning
	Technical manual needs to be updated
	Tech standards manual being updated
	Need development guide for applicants
	Development handbook needed
	Development handbook desirable
	Technical standards are ok, but located "all over the place" – hard to find everything
	Technical Standards Manual needs complete review/overhaul
	A "development handbook" would be a good idea
	Take design standards out of ordinance
	City working on setting required time frame for completing review
	Expand required property owner notification distance for public hearings
	Staffing issue is HUGE; need more bodies for doing reviews
	"Concept review" is more like a "site plan review" at 20,000-ft level (Raleigh uses a "one-stop-shop")
	"Important to know the system" – it's doable, but time sequence could be better
	Timing is huge; many points of potential "hold-ups" (DOT, stormwater, environmental)
	Engineering needs a "scoping meeting" – one-on-one meeting w/reviewer
	Limitations on annexation – more county properties expected under voluntary annexation; should they use development agreements or exiting standards
	Current process for any development on major thoroughfares requires: · Justification why project should be allowed · Traffic impact analysis (which is outside of individual developer's control) This should not be the process for small sites – should only be required for large

Comment Summary	
Category	**Comment**
	sites
	Engineers have too much power – too absolute (overrule planners) · Ex. of requiring 40-ft wide drive/entrance for 3-lane entrance/exit to avoid queuing (for only 12 units!)
	Need to give people authority to make decisions (and overrule stupid standards) Indecision by staff costs money (paralysis)
	Conflicts between all the "technical specialists" – especially with Cape Fear Utilities – Who has rank?
	Expedited process –how is it working?
	Multiple comments each review
	Resistance from staffers--interjecting their opinions in site plan approval (not at rezoning); hold up approvals based on "thought you were going to do…"
	Downtown "zoning" is most liberal in the city as far as "uses"; but "design review" is completely different
	No such thing as "too much notice" in the end
	Permitting is quasi-judicial; bodies that hear these issues don't understand their role (lack of education more than problem with ordinance); frustrating for attorneys who are dealing with "facts"; 3 minute limit, no chance to cross-examine. It is a game that people play. Does the City train boards/commissions?
	Legally challenging the process is not the best use of client's money (Abuse of discretion)
	Historic review – very restrictive, paint colors, etc. · Very subjective (example of testing swatches on bldg. 4 times, "will know it when we see it" attitude) · Staff level review – based on staff preferences · Have spent more than 7 months making determination on collapsing "historic" retaining wall
	Historic District approvals are laborious
	Application for C of A in historic district is too arduous and archaic (requiring stamped envelopes for adjacent property owners, etc.) Most could be done on-line, via e-mail, etc.
	Historic Preservation Commission out of control, too much power, very strict interpretation of the rules
	Historic preservation commission – final authority, very difficult to work with, arbitrary
	Historic District Guidelines haven't been reviewed since 1999, need updating Ex. – required to go back for a second C of A to repair 20-ft. section of fence previously approved by HDC, even though using exactly the same fencing
	Historic district: Need to review provisions for Administrative By-Pass (should be used more often)
	Historic Preservation appeals – common sense vs. intent/letter of law, ex. fence height, materials; Staff needs discretion (understand there is no guarantee of common sense)
Communication	Communication needed between planning staff & transit authority to coordinate land use (density) with transit routes

Comment Summary	
Category	**Comment**
/Coordination	Coord. with other agencies is good
	Need better coordination between City & Co.
	Empower dialogue at staff level – new riverfront development; CBD standards don't make sense there
	Involve County & State in TRC
	DOT should be at TRC
Issues	Loss of trees during construction
	Buffers needed between incompatible uses, save existing trees
	More trees & open space needed
	Downtown parking for residential (not available, not required)
	Downtown development often requires variances
	Overuse of conditional zoning & SUPs
	Over use of conditional districts & special use requires too much up front cost
	Traffic, over-building of MF housing
	Affordable housing needed
	Infrastructure may be issue regarding increasing density
	Maintenance of infrastructure poor
	Code doesn't allow needed flexibility & causes ordinance amendments
	UMX needs work
	Following new Comp Plan – UMX should work for new Mixed-Use Centers
	UMX dictates materials – should not
	MX concept – was good, but "sick and tired"; requirements different/tighter than technical standards manual
	MX – ordinance is "horizontal" not "vertical"
	Private access easements – ordinance requires lot width across entire easement so road must be extended to end of last lot.
	Subd. ord requirement that no building be more than 500' from intersection (65% of all variances)
	Sec. 7-15 Subdivision (500/800 ft. rule, 65% variances requested; 100-ft tangent between curves, 45% variances)
	Frequent variances from driveway standards
	Concern about move to FBC if it is like Brunswick County
	Board of Adjustment – items that regularly come to BOA should be changed/revised; Someone needs to review the consistent issues at BOA--Things need to be adjusted in ordinance, not at BOA
	Engineering used to be under "Development" office; they need to be back under direction/supervisor
	Coastal & DOT standards are outside city control
	Nodes – Kerr & Market Streets · City needs to be proactive and REZONE for mixed-use centers and underground utilities (as part of current MPO/DOT road projects)
	Problems with bonding limit, done in $55,000 increments
	Ordinance should be written to incentivize densification (need bonuses to go to structured parking)

Comment Summary	
Category	**Comment**
	Flexibility is imperative – how to get to "yes" · Time is money—political phone calls required to break internal staff conflicts · Need ability to be flexible at staff level – administrative
	Let developer/owner bring "idea" to the table—be more creative
	Current Issue in historic district: "short term vacation rentals" (VRBO) · no one living/managing on-site · threat to neighborhood—pushing toward commercial use · current code prohibits "guest lodging" – staff is not permitted to interpret · narrow definition of "housing unit" – rental of "one week or more" · need to tighten and clarify (not to create "grandfather" situation) · afraid of slippery slope · need PROHIBITION, not just regulation · look to Asheville, NC example – prohibited in residential neighborhoods—rental units limited to minimum of 30 days
	"demolition by neglect" still an issue, concern with enforcement "Minimum Housing Standards" reasonable but slow; need to intervene to facilitate sales, etc.
	The boundaries of the historic district seems arbitrary (so similarly situated property owners with buildings of same age are treated differently only a block apart) – change the border
	Could City use other/additional tools/strategies to deal with absentee landlords/owners of historic properties?
	State statute—discretion given to governing body; "major landscape changes" is not defined, silent on "minor" changes; Staff focuses on trees & loses forest – nitpicking on "minor" changes. Is enforcement achieving intent?
	Jurisdictional questions – "high water mark" · Needs to be changed legislatively or amend charter · Single development in certain key locations can be required to go to multiple jurisdictions for approvals, etc.
	Future Land Use Plan needs to be reviewed and updated (it sometimes doesn't match with existing/proposed infrastructure)
	Really like mixed-use, but how do/can you limit "undesirable" uses (vapor shops, tattoo parlors, etc.)
	What about national retailers? Good or bad? (not everyone agrees)
	Problems in CBD: Bars next to residences & protecting view corridors
	Need to bring bike lanes into downtown
Observations	Antiquated ordinance
	Ordinance hasn't significantly changed since 1984
	Redevelopment is completely different from greenfield development—this needs to be acknowledged in process and standards); Ex. of grocery store – a new replacement would be great, but can't meet new standards on same site/lot
	Co. zoning is more suburban & may result in voluntary annexation requests
	Draft Comprehensive Plan still too suburban, needs more urbanism/density
	Cluster design subdivision regs are helpful to allow flexibility

Comment Summary	
Category	**Comment**
	City doesn't understand up front cost & uncertainty of development
	Decision-makers overreact to public comment/opposition
	Council is responsive to public concerns but looks for compromise
	City Council is final authority because they're elected but sometimes micro manage
	Council is pro-development but concerned about impacts
	Council uncomfortable with straight rezoning
	CC typically follows PC & staff recommendations
	University to grow by 5,000 students – more density, transit & trails needed
	College & surrounding area should be a node, minimize commuting
	Nodal development is inevitable & desirable
	Transit funding being cut, makes it difficult to support nodal & mixed use development
	Mayfair mixed-use could be more intense high-rise
	UMX not understood
	Annexed areas create NC uses
	Neighborhoods need to have control
	Some projects don't merit approval
	Ordinance too open to interpretation
	Ordinance often amended for specific cases (signs)
	Straight rezonings are typically not done, conditional rezoning is used
	Process, staff, & conditional zoning all work well
	Plans tracking software (Pro-trac) needs to be updated
	Update software system to be more robust & user-friendly
	Pro-trac system good but could be improved
	Pro-trac – good tool, but need a "live map" to identify projects somewhere in the review pipeline
	Pro-trac – generally positive, but you have to get used to reviewing it
	CFPUA hiring another inspector & a superintendent to oversee inspections
	City/County relationship OK, better than in past
	Impervious calcs for redevelopment may be disincentive
	City staff is excellent
	Staff qualifications are uneven, some not well versed to be dealing with applicants, need right people @ the counter, sometimes give incorrect info
	Staff training needed, customer service
	Staff specialist needed for unique areas – downtown, historic districts, etc.
	City is more customer friendly than pre-recession
	City finds ways to say yes
	There should be an electronic notification process when any section of ordinance is amended (send e-mail & link) – Development community would PAY for the service
	60s/70s standards were applied to downtown; still the mindset of public works
	Wilmington battling "brain drain" from planning staff over past few years (young, energetic staff leave for better opportunities)

Comment Summary	
Category	**Comment**
	"Protest petition" removed by state legislature; has made infill redevelopment much easier
	No annexation – enacted at state level
	"The Forts" has been well received
	Crime issues – stupid petty crime; vandalism on construction sites
	Staffing is good, but overworked (difficulties with separation of planning and engineering)
	Ordinance is outdated, at least 10 years behind
	Recommendations for New ordinance: · KISS · current ordinance has been amended so many times (too many rules) · simplify it; offer flexibility · focus on big picture; get it right · too MANY base districts
	Height is discouraged by existing zoning ordinance (everything is low-rise)
	No room for new roads (or plans for transit)
	Development appearance affects property values
	Taking UMX citywide was an awesome start (originally only allowed in 1945 limits)
	"MX is unworkable"
	UMX – city council members aren't all on the same page
	Avoided using MX a few years ago; opted for separate zones instead (more straightforward rules and process)
	Tree ordinance is very weak (fines too low)
	Tree ordinance problematic – ex. cut down large stand of pine trees and replanted with hard woods – still caused uproar
	Make it EASY to do (good) development downtown--Chapel Hill, Cary & Wilmington are most difficult places to develop in NC
	Wilmington is difficult (compared to Brunswick & Hanover Counties)
	General feeling across state is that it is "hard to develop in Wilmington" – but not compared to Chapel Hill, Cary, etc.
	Historic Wilmington focuses on preservation & beautification
	Historically, city has "led with beaches" and ignored heritage
	CBD issues: Wilmington Downtown Inc grew out of National Main Street program · New CBD standards in 2010, comfortable with these · Respect between groups, work together and w/city to prevent demolition, etc
	Most people don't understand Historic District regulations (neighbors can appeal to B of A)
	Historic District Commission – "appropriate" in guidelines (really means do commission members like it or not?)
	Look at Raleigh as a good example of overall ordinance
	People don't understand standards that are matters of statute vs. local discretion
	Thoughts on new ordinance:

Comment Summary	
Category	**Comment**
	· There have been substantial changes in state legislation; need to make sure new ordinance addresses these · People need to understand difference between zoning, subdivision, and building code · Remedies and Accountability are very different · Needs to be integrated and coordinated – current ordinance places everyone at a disadvantage · Recognize statutory limits – there is no "home rule" · Everyone on city staff should know what "Dillon's Rule" is
	Only so much you can do from a litigation standpoint—everything needs an economic base
	The southern end of downtown is ignored by the City
	Riverwalk has had unintended consequences, drawing foot traffic toward the river and away from downtown streets
	Departure of film industry has hurt downtown
	Parking isn't hard to figure out
	DOT limits parking on new subdivision streets · Reconnect at backs of lots · Connectivity is KEY – peninsulas and cul-de-sacs create lots of problems · Need to get over fear of density
	"Anything is better than what is there now"
	Cross City Trail – ped/bike trail · Good but not useful locations · Crossing College Avenue at campus
	Comp Plan recommendations – recognize historic resources

APPENDIX B: PUBLIC OFFICIAL SURVEY SUMMARY REPORT

Public Official Survey

Summary Report

Prepared February 2016
DRAFT 2-10-16

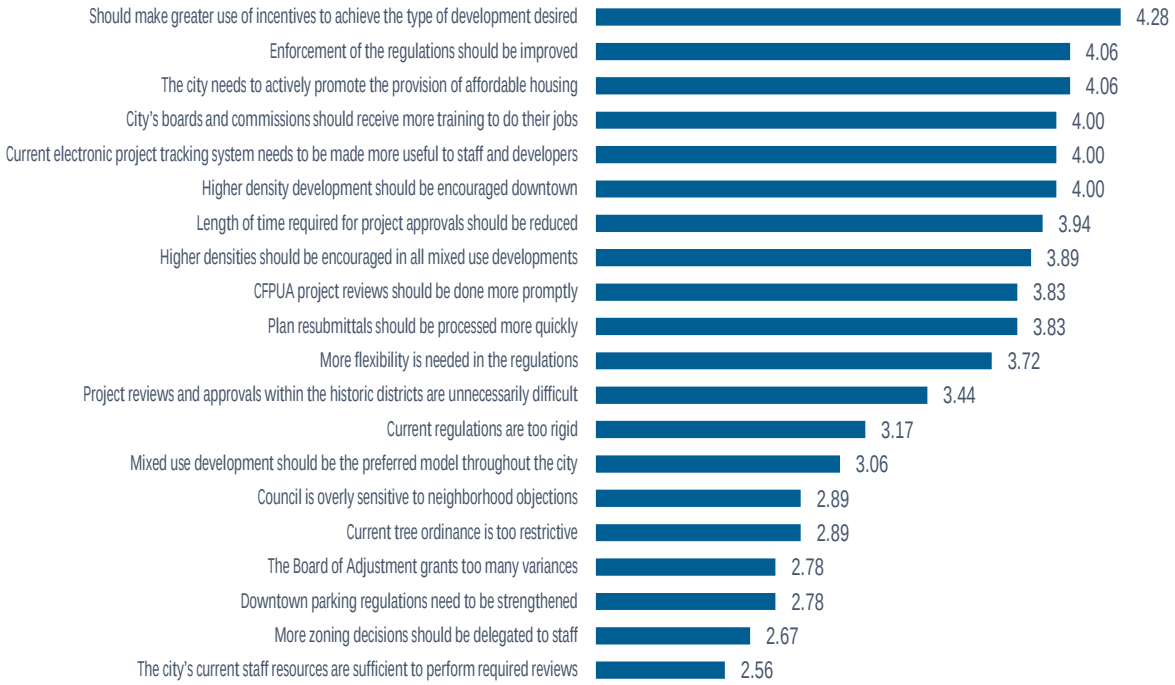
EXECUTIVE SUMMARY

Through December, 2015 and January, 2016, a survey created by LSL Planning was given to public officials in the City of Wilmington in preparation for the update to the city's land development code. The survey was designed to more accurately gauge which land development issues were of greatest importance and significance to the city as a whole. A total of 18 respondents participated in the survey and included members from City Council, Planning Commission, the Historic Preservation Commission and the Zoning Board of Adjustments. Responses to each survey question are contained within this summary report.

Among the many issues facing the City of Wilmington, increased density and a flexible, expedited review process were identified among the most important. Greater use of incentives to achieve desired development, enforcement of regulations, provision of affordable housing, training for city officials, improvement to the current electronic project tracking system and higher density development downtown were the frequently cited issues facing Wilmington's future development. Officials identified high-quality development, visual and aesthetic improvements and streamlining the project review process as the most important items to be addressed in revised land development regulations. Flexible zoning techniques, controlling street and driveway locations, and building design/architectural standards were determined to be the most effective avenues for achieving the city's improvement goals.

QUESTION 1

To what extent do you agree or disagree with the following:



Note: this question was weighted based on response to illustrate degree of agreement or disagreement (e.g., 'strongly agree' was given a score of 5; 'strongly disagree' was given a score of 1). Numbers above indicate the average weighted response (excludes skipped questions).

- **Greater use of incentives to achieve desired type of development** received nearly unanimous support (17 out of 18 respondents 'agreed' or 'strongly agreed' with this statement).
- **Enforcement of the regulations should be improved** and **the city needs to actively promote the provision of affordable housing** each received an equal rating of 4.06 indicating strong support. 88% 'agreed' or 'strongly agreed' with improved enforcement (zero responses disagreeing or strongly disagreeing with the statement), and 83% 'agreed' or 'strongly' agreed with promoting affordable housing.
- **City's boards and commissions should receive more training to do their jobs** and **current electronic project tracking systems needs to be made more useful to staff and developers** both received identical ratings of 4.00 and with each receiving 83% of support.
- There is a strong sentiment that **city staff resources** are not sufficient to perform reviews. 44% of responses indicated 'disagree' or 'strongly disagree' (an additional 39% indicated 'no opinion').
- **Zoning decisions delegated to staff** also received little support. 61% of respondents 'disagreed' or 'strongly disagreed' with the statement.
- Over 50% feel **downtown parking regulations** do not need to be strengthened.

QUESTION 2

How important is it to you that the following be addressed in revised land development regulations?

Note: this question was weighted based on response to illustrate degree of importance (e.g., 'very important' was given a score of 5; 'not very important at all' was given a score of 1). Numbers above indicate the average weighted response of all responses (excludes skipped questions).

- **High quality development** had unanimous support as 17 of 17 respondents indicated it was 'important' or 'very important' (one skipped question).
- **Improving traffic conditions and safety**, **visual and aesthetic improvements**, and **streamlining the project review process** each garnered very strong support; 94% indicated importance or strong importance for improved traffic conditions and 82% indicated the same for visual and aesthetic improvements and streamlining, respectively. While the percentages may differ, the weighted average score among the three items is equal (4.47).
- Other items identified as being particularly significant: **preserving the city's historic character** (4.29), **being more supportive of development** (4.06) and **provisions to better protect the natural environment** (4.00).
- Last on the list with an average weighted rating of 3.59, **controlling big box development** received the least support to be addressed in revised land development regulations; however, only 18% felt it was 'not very important at all' that big box development is controlled. 35% indicated a medium level of importance, and 47% indicated importance or very important.
- One comment was received: "Code enforcement."

QUESTION 3

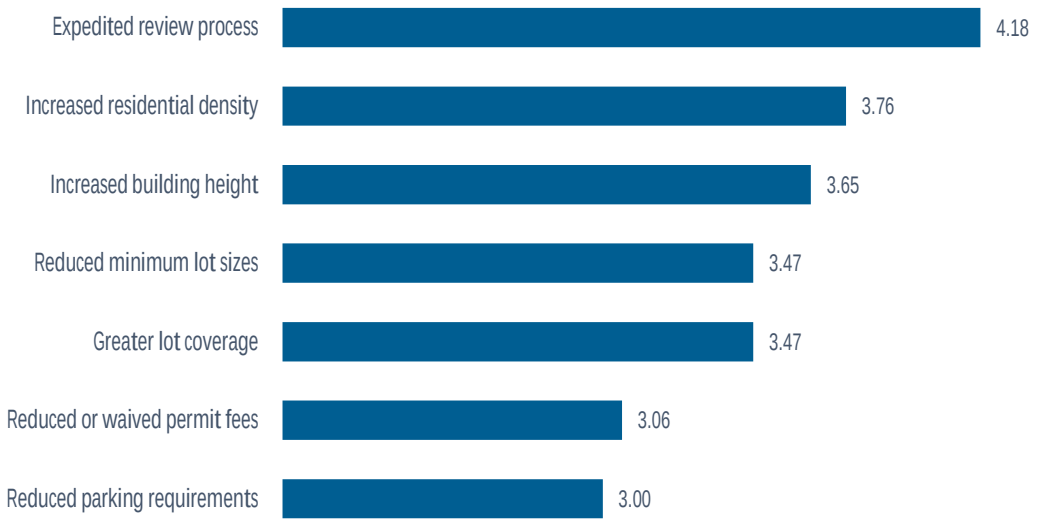
Rate the importance of each of the following for achieving the kind of community you desire.

Note: this question was weighted based on response to illustrate degree of importance (e.g., 'very important' was given a score of 5; 'not very important at all' was given a score of 1). Numbers above indicate the average weighted response of all responses (excludes skipped questions).

- **Flexible zoning techniques**, **controlling the location of streets and driveways**, and **building design and architectural standards** were among the three items of greatest importance for achieving the kind of community desired by respondents with each receiving a weighted score of 4.12. Flexible zoning techniques garnered particularly strong interest as over 50% of respondents indicated 'very important.'
- **Minimum parking standards** was rated the least important at a score of 3.35.
- Interestingly, the **use of incentives** was rated fairly low in this question, but received nearly unanimous high marks in question #1. It may be that incentives are desired to stimulate development but are not viewed as contributing to better development. It would be worthwhile for staff to pursue this apparent anomaly further.

QUESTION 4

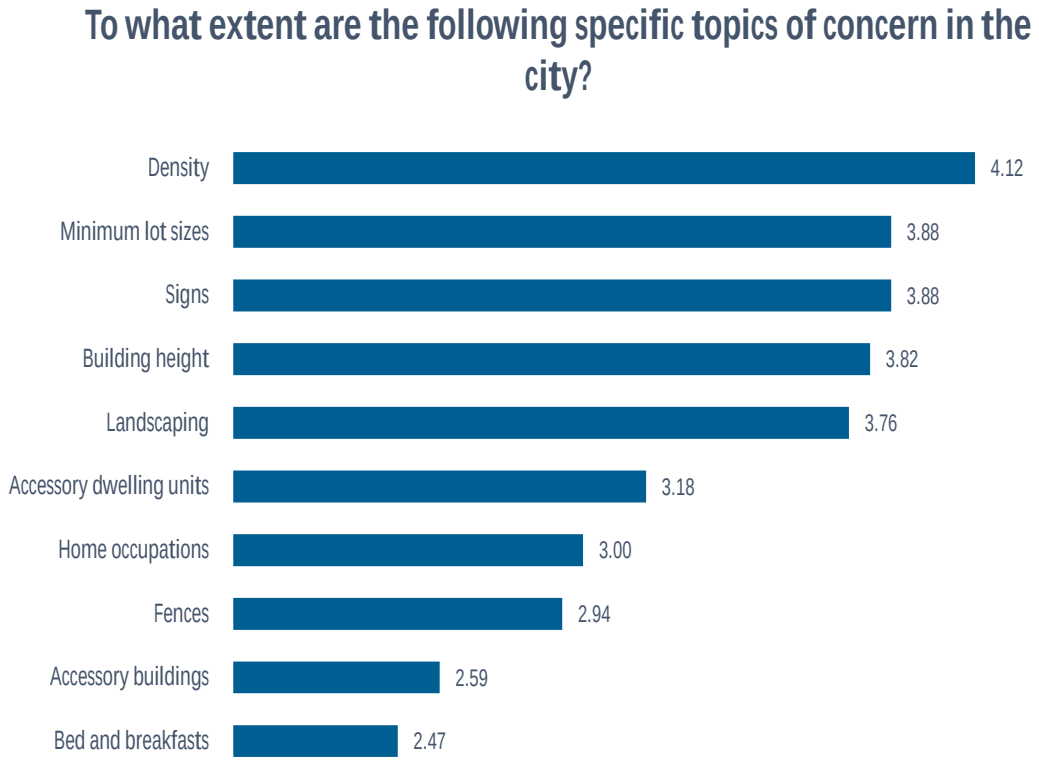
To what extent would you support offering the following incentives to encourage developers to provide desired amenities or to address issues of importance to the city?



Note: this question was weighted based on response to illustrate degree of importance (e.g., 'very strong support' was given a score of 5; 'would not support at all' was given a score of 1). Numbers above indicate the average weighted response of all responses (excludes skipped questions).

- The clear favored choice, **expedited review process** attracted the greatest interest. 76% indicated they would 'support' or 'very strongly support.'
- **Reduced parking requirements** attracted the least interest at 3.00; however, this indicates there is yet some level of support based on the overall score.
- On a whole, developer incentives was the most polarizing issue when compared to all other topic areas in each question in the survey. Answers to these items in Question 4 tended to have a more even distribution of responses to the answer choices and received the greatest degree of negative response compared to answer choices in other questions. The weighted score for these incentives may not necessarily illustrate more divided opinions surrounding these issues.
- Two comments were provided:
    - "Developers should pay impact fees (e.g., stormwater, etc.)
    - "All above depend on the quality of amenities."

QUESTION 5



Note: this question was weighted based on response to illustrate degree of significance (e.g., 'very significant' was given a score of 5; 'not significant at all' was given a score of 1). Numbers above indicate the average weighted response of all responses (excludes skipped questions).

- **Density** was discernibly the most significant topic of concern in Wilmington. 35% indicated the issue was 'very significant' and another 41% selected the next-most significant answer choice.
- **Bed and breakfasts** and **accessory buildings** came in with some of the lowest scores among all answer choices in any question in the survey demonstrating very low significance regarding these two issues.
- Two comments were provided:
    - "Code enforcement."
    - "Unregulated short-term rentals in HD-R."

QUESTION 6

Please tell us what you believe is the most significant issue that needs to be addressed by new land development regulations.

1. Flexibility
2. Grading requirements that came into conflict with clearing of trees. Code enforcement and minimum housing standards as well.
3. Wilmington is blessed and cursed by its density ranking 2nd in NC. I say blessed because many shops and entertainment nearby...reducing the wait in traffic. Cursed because we absolutely have a very limited supply of acreage remaining. Wilmington needs to continue looking for dense housing options, however they must take into considering the surrounding neighborhoods and the impact it will have on existing values. Also, if you reduce the backyard space you need to give young families a location nearby to play outside with their children. Kids are obese because they are not getting enough fresh air / activity outside.
4. Density and landscaping screening. Just drive down Kerr between Randall and Cinema and look west at the wasteland created by the new construction. Hideous.
5. Bringing older developments into compliance -- so many are exempt
6. Need to specifically define "short term" rentals. The current vacation rentals by owner should not be allowed in residential districts.
7. Affordable Housing
8. List only prohibited uses for each zoning district rather than allowable uses.
9. To utilize the existing land in such a way that the character of our city is complemented by new growth. Have staff available to be able to provide reviews and permits in a reasonable time period, 90 days or less. Excessive time periods for reviews and permitting drive would be investor to other areas. The funds necessary for providing many services in the city come from the tax base
10. Flexibility. As both soft and hard costs for all types of development projects continue to increase, flexibility of various City/CFPUA requirements can make projects more feasible and affordable to the end users/buyers.
11. Encourage redevelopment opportunities where appropriate, reduction of special zoning circumstances, create initiatives to increase development feasibility in areas such as storm water requirements; especially for small to mid-sized developments; to encourage entrepreneurial, but savvy investment creating a mix of large and small scale development.
12. Reconsider the TRC regulation on the percentage of glazing required for street frontages - it is forcing the situation of having too much glass on the first level which in certain situations, is a crime potential.
13. Ease of online navigation and flow diagram for LDC rules. Ease accessory apartment rules. Tighten holes in LDC and streamline language where verbose or complex. Find a way to address unusual sites that do not fit in the box.
14. Non-payment of builder paid impact fees for schools, stormwater fees, and road construction. Instead, the new homeowners pay the fees - unfair.
15. We need to maintain a collective vision for continual improvement to the fabric of our community. Regulations and processes need to be followed and enforced consistently.
16. Increased density and having understandable regulations
17. Protection of existing neighborhoods.

Major themes found in responses:

- Density
- Flexibility
- Code enforcement
- Affordability of housing

QUESTION 7

Are there other comments you can offer regarding land development regulation in the city now or suggestions for new regulations?

1. "Continue working on the Affordable housing topic. Many families in Wilmington cannot afford housing because of the following (and I personally know this because I have lived in other counties besides New Hanover)
   Wind / Hail insurance (if you lived in Raleigh. all you pay is Hazard insurance). This is on average $100-300 more each month added into the mortgage escrow.
   Auto Insurance (when I moved back to Wilmington, my auto insurance went up. Why? Wilmington is home to thousands of auto accidents)
   Low Pay (What the US Census says about Wilmington: Median household income is $42,130)
   Now let's compare Raleigh and the cities in or near Wake County:
   Raleigh: $54,581
   Durham: $52,038
   Cary: $91,481
   Apex: $89,392
   Morrisville: $84,301
   Wake Forest: $77,173

   Again, keep in mind that none of those cities pay Wind and Hail & their auto is less. :
   Living in Wilmington costs much more and everyone is making much less."

2. Create written regulations that use examples and visual diagrams for clear communication -- such as the City of Fayetteville -- better to copy others than try to create anew -- and focus on concise communications able to be understood by out-of-town architects, not urban planner "geek talk" with cross-references and hidden exceptions.
3. Need some type of regulation against feeding homeless people in parking lots.
4. Streaming permitting process
5. I suggest the city review the current procedures for appeals to the BOA. Appeals can be extended for long periods of time, wasting staff time and BOA members' time who have to meet to approve these extension requests. Staff should be given the power to grant these extensions, limit the number of times an appeal can be extended. 90 days and then if not heard in that time period, appeal is automatically denied and cannot be filed again for 1 year. Lawyers and professional consultants work the system to the detriment of the city, its staff and board members. They can be heard, make them get their act together. Ask City council approve these suggestions. It will allow staff to work more efficiently and save money.
6. Height restrictions equal restrictions on economic development.
7. The comprehensive plan should include a bike rental and exchange service. This could be provided by private sector rather than City.
8. Require minimum rentals in HD-R to be month-long, as city of Asheville has done. Save the character of residential Historic District.
9. Train boards and council members better. Require briefings to all decision making boards.

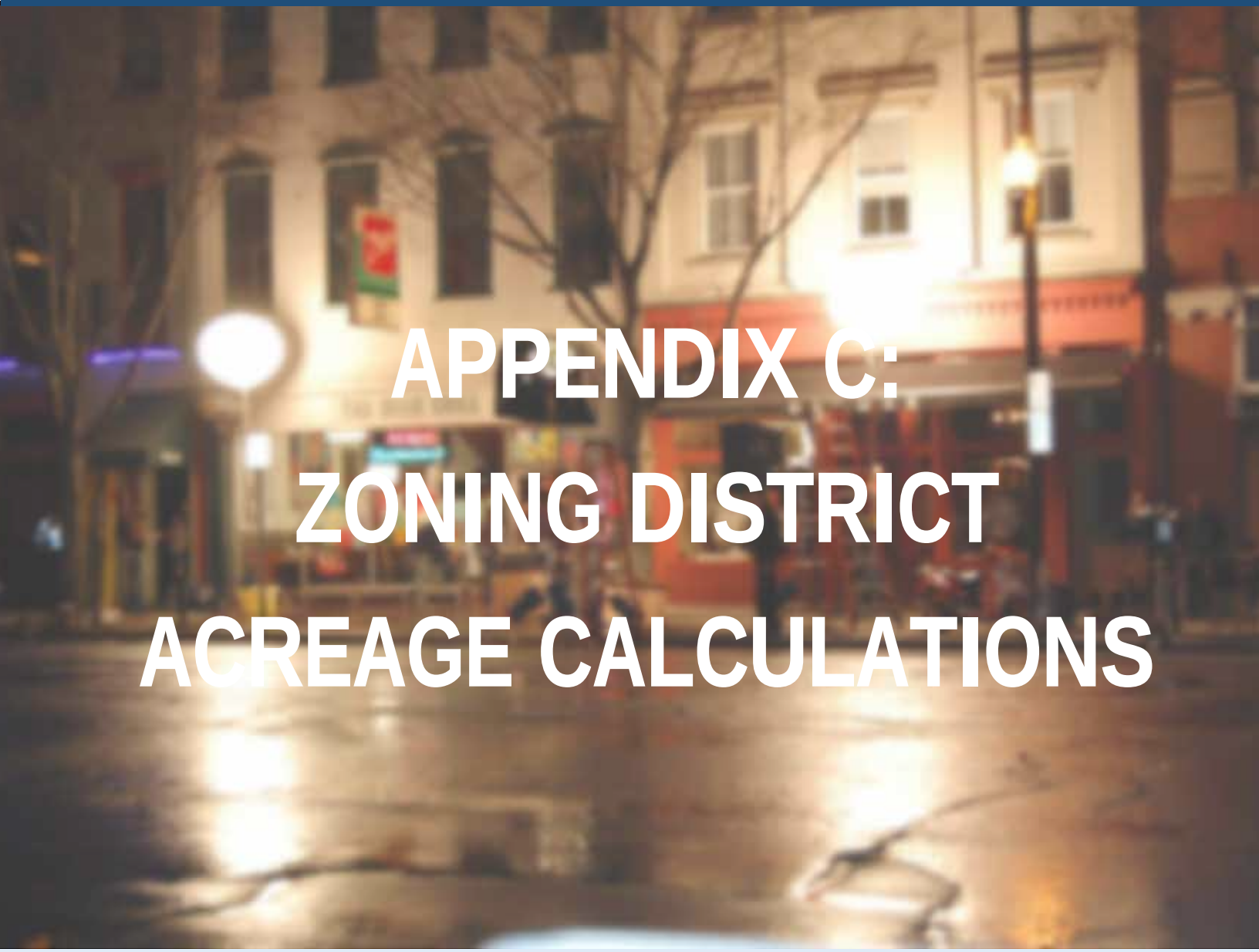
Major themes in responses:

- Housing affordability
- Streamline permitting process
- Training for city officials
- Short-term rentals

QUESTION 8

On which council, commission or board are you a member?

- **Historic Preservation Commission** (5)
- **Zoning Board of Adjustments** (5)
- **Planning Commission** (5)
- **City Council** (2)



APPENDIX C: ZONING DISTRICT ACREAGE CALCULATIONS

ZONING DISTRICT	ACRES	Acres by Category
R-20, Residential District	3,981.90	Residential 22,830.44
R-15, Residential District	10,782.75	
R-10, Residential District	1,606.19	
R-7, Residential District	1,760.24	
R-5, Residential District	1,177.86	
R-3, Residential District	467.03	
MHP, Manufactured Housing Park District	173.10	
MF-L, Multiple-Family Residential District-Low Density	572.78	
MF-M, Multiple-Family Residential District-Medium Density	2,212.88	
MF-MH, Multiple-Family Residential District-Medium-High Density	38.09	
MF-H, Multiple-Family Residential District-High Density	57.62	
MX, Mixed Use District	953.97	
SHOD, Special Highway Corridor Overlay District	4,196.58	
PD, Planned Development District	10.66	
HD, Historic District	51.09	Historic 329.83
HD-MU, Historic District-Mixed Use	20.57	
HDO, Historic District-Overlay	247.51	
O&I-1, Office and Institutional District	2,652.67	
O&I-2, Office and Institutional District	<unmapped>	
NB, Neighborhood Business	<unmapped>	
MSMU, Main Street Mixed Use	18.26	
CB, Community Business District	759.20	Commercial 3,344.73
RB, Regional Business District	1,906.64	
CBD, Central Business District	271.38	
CS, Commercial Services District	407.52	
AI, Airport-Industrial District	781.17	Industrial 3,312.06
LI, Light Industrial District	458.56	
IND, Industrial District	2,072.34	
CEM, Cemetery District	196.71	
RFMU, River Front Mixed Use District	3.44	
Dawson-Wooster Corridor Overlay	96.33	
WACO, Wrightsville Avenue Corridor Overlay	492.20	
HD-R, <not listed in zoning ordinance>	161.71	
NHC, <not listed in zoning ordinance or on zoning map>	45.27	**New Hanover County enclaves inside Wilmington
ROD, <not listed in zoning ordinance>	36.19	
UMX, Urban Mixed Use District	270.62	
WB, <not listed in zoning ordinance>	13.04	**Wrightsville Beach enclaves

	0 acres
	< 50 acres
	50 - 200 acres
	201 - 500 acres
	501 - 2,000 acres
	2,001 + acres

APPENDIX D:

LAND DEVELOPMENT CODE & TECHNICAL STANDARDS AND SPECIFICATIONS MANUAL TECHNICAL AUDITS

Land Development Code Technical Audit

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
CHAPTER 18 – LAND DEVELOPMENT CODE					
General Comments					
§ While no surprise, the entire set of codes needs to be reorganized. Even without significant changes to the regulatory language, better organization of the content, along with use of tables and graphics, would greatly improve the usability of the code. § There appear to be 38 different zoning districts. Some are not used; others are used minimally (3 districts not used at all; 8 districts encompass less than 50 acres each, 3 districts encompass 51 to 99 acres each). § All districts should be reevaluated relative to: o Redundancy/overlap (in particular: historic, industrial and mixed use districts) o Extent to which they are used, as noted above o A disconnect between the district purpose and the allowed uses within the district (e.g., Airport Industrial or Residential Office) o Reducing the long lists of specific uses allowed. General categories with a few examples should be used instead. These categories (personal services, entertainment and hospitality, vehicle service, etc.) can be defined in the Definitions article, as well. o Supporting the recommendations of the Comprehensive Plan. This may necessitate creation of new zoning districts and elimination of others, as well as the structure of the regulations. § Many districts seem to be very specialized, single-purpose districts (e.g., Riverfront Mixed Use, Main Street Mixed Use, Historic District Mixed Use, Residential-Office). Consideration should be given to eliminating some or all of these districts and using other techniques or other existing or proposed districts to accomplish the intended purpose. § Incentives are used in some districts but are very complicated, using a variety of mathematical formulas and scales that are cumbersome and difficult to calculate. These should be greatly simplified. § Consider restructuring the zoning districts and regulations, based on pre- and post- 1945. While references are made to the 1945 boundary in the current ordinances, the actual requirements within the 1945 city retain many "suburban" elements. § In general, all the mixed use districts need to be rethought, with a clear understanding of their purpose/desired character of development. It may make sense to have two tracks—an urban one and a suburban one—which would have different contextual parameters and standards. This new approach to mixed-use districts should be calibrated to implement the various centers identified in the Comprehensive Plan. Any new mixed-use standards should be "beta-tested" on existing developments to see whether or not they would be allowed.					

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
ARTICLE I – IN GENERAL					
2(c)	Authority	This entire paragraph is one long sentence. It should be rewritten and simplified.			x
2(d)		Same comment. Rewrite and simplify. Also remove legalese (heretofore, hereafter)			x
2(e)		Intent of this paragraph needs to be clarified and wording simplified.			x
3(b) & (c)	Jurisdiction	These should be listed under a single heading (Scope, Exceptions, etc.) and reworded to clarify.			x
4	Purpose	The "purpose" statement should come after the "Title" section.			x
		Could be strengthened relative to benefits of consolidating all related regulations into a single code.			x
5	Relationship to Long Range Plans	18-5 thru 18-10 should be consolidated into a single section, titled "General Rules"			x
		This is very beneficial. The wording should be strengthened relative to the relationship between the plan and the code (i.e., foundation for zoning, guiding policies for sustainable growth, etc.)			x
6(a)	Fees	All permits, applications and procedures should not be listed individually. This is unnecessary and risks omitting one or more or having to amend the code to add or delete one.			x
6(b)	Fees	Reword this paragraph since not all items listed in (a) are applications or notices.			x
7(a)	Computation of time	Simplify by stating "Days shall mean business days, excluding Saturday, Sunday and city-recognized holidays"			x
8	Public hearing notice	Hearing notices should apply consistently for all bodies (planning commission, board of adjustment, historic review board, etc.). Or, if different, state the procedures for the other bodies in this section too.			x
10(b)	Interpretation	Should add a caveat to note that uses not otherwise listed shall be interpreted as provided (elsewhere in the code).			x
11	Severability	Section should be rewritten to simplify.			x
		"herein or hereafter": Remove			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
ARTICLE 2 - ADMINISTRATIVE OFFICIALS AND AGENCIES					
Division I – Administrative Officials					
13(a)	Administrative official	Simplify wording			x
13(b)		Simplify			x
14	Technical review committee	Simplify, not necessary to specify membership in the TRC.			x
Division II – Board of Adjustment					
27	Appeals to the board of adjustment	"by the city manager": This is to limiting. Delete. An appeal may be taken from any administrative official or body.			x
28	Stay of proceedings	Simplify the wording of this section			x
29(a)	Administrative review	Combine with 18-27			x
		See prior comment re: city manager			x
29(b)	Variances	Dimensional requirements: What about parking variances, signs, landscaping, etc.			x
		Delete, already provided in subsection (c) below			x
29(b)(2)		Public Hearing: Reference applicable section that specifies notification requirements			x
29(b)(6)		Simplify wording			x
29(c)	Ruling	Simplify			x
29(d)	Voting	Restate in English…"remanded by the superior court"			x
30	Appeals from the board of adjustment	" by proceedings in the nature of certiorari pursuant to G.S. 160A-393" Delete			x
		Last sentence: Delete this sentence. This was already stated as a general principal.			x
Division III – Planning Commission					
35	Established	Simplify…"The city planning commission is created…"			x
36(a)(1)	Appointment and tenure	"Wilmington": Delete, unnecessary			x
37(a)	Meetings	See above			x
		"council shall approve the rules": Is this a statutory requirement? PC should be able to adopt its own rules. All other boards and commissions are empowered to adopt their rules with concurrence of Council. Should be consistent	x		

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
38	Planning commission duties	"Wilmington": Delete			x
Division IV – Subdivision Review Board					
General		Given Planning Commission and staff roles and responsibilities, the Subdivision Review Board may be unnecessary.		x	
General		This, along with Article 3, Division 3, should be consolidated, reorganized and moved to Article 7 to keep all subdivision regulations in one place.			x
43(b)	Establishment; designation of planning agencies for final approval of subdivision plats	Is the Subd. Review Board a staff committee? Is the PC represented?			x
43(d)		Is this paragraph needed? Reference to open meetings law requirements should be sufficient			x
43(e)		????			x
Division V – Historic Preservation Commission					
43(b)	Composition	Second sentence: Awkward wording. Is one member required from each of the three separate districts or 3 members from any of the historic districts? Clarify and simplify.			x
		"preservation architecture": Does this mean an architect who is not a preservation architect may not serve?			x
43(c)	Attendance at meetings	"appropriate authority": Should specify City Council			x
43(e)	Design guidelines	Where is the manual located? Amended or updated? How accessed by users/citizens/public? I eventually found a version on-line, but it was not intuitive to locate…This document is fundamental to the workings of the commission and all applicants for C of A			x
49(m)	Authority to act as advisory	Revise. Several of the statements could be incorporated with other subparagraphs or deleted, as redundant			x
ARTICLE 3 - ENFORCEMENT AND REVIEW PROCEDURES					
Division I – Enforcement					

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
50(a)	Building permits	Restate as a positive, i.e., "A permit shall be required for each of the following activities…"			x
50(b)		"by the city manager": Consider specifying the appropriate person in all cases (building official, zoning administrator, planning director, city engineer, etc.) rather than city manager to make it easier for applicant to know where to go.			x
51	Certificate of occupancy	"No person": Restate as a positive			x
52(c) thru (e)	Penalties and remedies	These should be subsections of (b)			x
53(a)	Withholding of permits and approvals	"or county": County references should be deleted from the city ordinance			x
53(a)(1) thru (2)		These are specific to timber harvest violations. Either more provisions should be added to this list or these two items should be moved to Article VIII, Landscaping and Tree Preservation			x
53(c)	Stopping work	This ordinance has no jurisdiction over county actions.			x
Division II – Site Plan Review					
60(a)	Purpose	Expand to include other purposes, such as: ensure conformance with the requirements of this Chapter, minimize negative impacts upon surrounding infrastructure and uses of land, and ensure a harmonious relationship with adjoining uses of property.			x
60(b)	Procedure	Insert a subsection entitled "Applicability" before this subsection. It should identify those projects that are subject to site plan review and distinguish between major and minor projects.			x
60(b)(1)	Preapplication conference	"the appropriate city staff"			x
		"mutual exchange of basic information": Minimum required information should be listed here (e.g., concept plan illustrating the following:…)			x
60(b)(2)	Application	"major or minor development project": Define			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
60(b)(4)(a)	Review	Consider a less formal review for "minor" developments.			x
60(b)(4)(b)		"following written findings": Items 1 through 6 should be listed more specifically as Review Standards and reworded or supplemented, as needed			x
60(c)	Site plan content	These items should be put into a table format and organized under applicable headings such as: general information, existing conditions, proposed development, building details, etc. In addition, a distinction should be made between information required for minor site plans versus major site plans.		x	
60(c)(1)		"subdivision": property			x
60(c)(4)		For major projects, this section should require that the plan be prepared by a registered engineer, architect, surveyor or landscape architect and the drawings contain the signature and professional seal of the preparer.			x
60(c)(11)		Materials too			x
60(c)(19)		Insert "such as, but not limited to, a traffic impact assessment, wetland delineation, or floodplain elevations."			x
60(d)	Infrastructure improvements	"Article 7, Subdivision Regulations": More specific citation would be helpful			x
		"on an annual basis": Does this mean not more than 5 percent in any given calendar year? If so, it should be restated as such to clarify the intent.			x
60(e)	Effect and duration of the plan approval	"major or minor": Different time frames may be appropriate for major and minor		x	
		Reword to "a single extension of up to six months" so the extension can be limited to less than six months.			x
		"upon receiving a request": "in writing"			x
Division III – Review and Approval of Subdivision Plats					
General		This entire Division should be moved to Article 7 so all provisions related to plats are in one place			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
66(a)		A "committee" approach to the preapplication conference is recommended instead of holding multiple individual meetings. This will help to expedite review and will ensure that all city officials have a consistent understanding of the project and associated review comments.	x		
66(b)(2)	Boundary land use	Be more specific, e.g., all buildings, structures, fences, parking, water features within 100 feet of the subject property's boundary			x
66(b)(5)	Site inventory	List examples of information to be shown.			x
67(b)	Plat submittal for review	A heading would be helpful such "as "Major Subdivisions" It would be preferable to reorganize the remaining sections into Major and Minor Subdivisions and specify all of the applicable requirements and procedures under the appropriate heading			x
		Second sentence: delete; already stated elsewhere			x
67(c)		Heading "Minor Subdivisions" or reorganize as above			x
68	Preliminary plan	Should be made clear whether this applies to both major and minor subdivisions			x
68(a)		Amendments to preliminary plans should be addressed in a separate section. Minor amendments or variations from the preliminary plat should be authorized under certain circumstances, instead of through a full resubmittal process. Minor amendments could be specifically outlined, such as slight changes or adjustments to proposed lot dimensions.		x	
68(c)		Revise and clarify			x
69	Required improvements	This illustrates why consolidating this Division with Article 7 is desirable. Either the referenced provisions could be listed under this section or the applicable sections could more easily be accessed.			
70(c)		This section should also reference the option for a surety and performance			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		guarantee (Article 7, Division II, section 18-366).			
71	Plat recordation	This section places the full burden of recording and copying on city staff. The subdivider should provide all copies and be responsible for recording, upon approval of the final plat by the subdivision review board or its chairman.	x		
72	Major subdivisions; review by subdivision review board	See comments re: 18-67. This section should be reorganized with all related procedures under a single major subdivision heading.			x
72(a)		Each of the subsections (1) – (5) should be rewritten and simplified			x
72(a)(2)		Standards for developing conditions should be included in a separate section. Conditions should specifically relate to the intent of the city ordinances.		x	
72(a)(4)		Applications should be subject to a prior "completeness review." Incomplete applications should stop the review clock and should not be processed until complete.	x		
73	Minor subdivisions; review by city manager	Same comment as above			x
74(a)	Appeals	This raises due process issues. Does the chairman get to vote on this appeal? Even if not, the process gives the perception of being tainted. Suggest that the chairman not be involved in the original approval. This could be delegated to staff with appeal to the full subdivision review board.			x
74(c)		How many appeals are there? Suggest that an appeal of the subdivision review board go to superior court. (S). In any case, (c) – (f) should be rewritten and simplified			x
Division IV – Special Permit Approval Process					
General		Apparently, the special use process is used only minimally. Consideration should be	x		

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		given to using it as a means of controlling certain uses that may not be compatible or appropriate in all locations.			
79	Purpose	Revise to more clearly define special uses			x
82	Consideration	"planning commission may review an application in a joint meeting": Why?	x		
83(a)	Additional conditions	Simplify wording			x
84	Action by planning commission	This seems to say, the recommendation must be sent to the council within 30 days of making the recommendation. Is it intended to be within 30 days of receiving the application?			x
85(a)	Action by city council	Would be more appropriate to have the public hearing at the PC level in order to obtain sufficient input to make a recommendation.	x		
85(b)		All this detail (1) – (5) is not needed. Delete			x
85(b)(6) c		This is very subjective. Revise to address the impact of potential nuisance effects (traffic, hours of operation, noise, odor, etc.) on the surrounding character.		x	
85(b)(7)		Consolidate with (6)			x
85(c)	Issuance, denial of permit	Revise to simplify and consolidate with (6)			x
86	Denial	This should be done regardless of whether it's approved or denied. There need to be findings.			x
88(b)	Permit voidance	Revise and simplify			x
89	Modifications to approved plan	The Site Plan Review division should contain the major/minor distinction; so it's only necessary to reference those provisions here in order to avoid duplication or contradiction			x
Division V – Historic Preservation Commission Procedures					
General		All provisions related to the HPC should be consolidated into this one Division rather than scattered in various parts of the ordinance.			x
96	Application requirements and procedures for	"eighteen thousand dollars": How was this derived? With rising construction costs, this may be a moving target. Should require all projects of a certain type		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
	certificate of appropriateness	(building additions, reroofing, exterior remodel, etc.) to go to the HPC, and allow staff to review others (color changes, landscaping, lighting, windows, etc.). See (C) (2) below.			
96(a)(7)	Application	Alternative (electronic) means of notification should be allowed/considered.	x		
96(c)(2)	Required procedures for the certificate of appropriateness	"Wilmington Design Guidelines": Need reference to where these are located.			x
96(c)(2)c	Administrative bypass for the certificate of appropriateness; specified categories	Is this not followed? We heard of at least one example of an owner who was required to get HPC approval to replace one section of fence that had previously been approved.		x	
96(c)(3)	Notification of affected property owners	Is there a more efficient/modern (yet still meeting all legal requirements) way to handle this step?	x		x
96(c)(4)	Action required	The ordinance needs to specify the standards/criteria upon which a decision will be based.		x	
96(c)(8)	Submission of new application	This should apply to reapplying within 12 months (or some other reasonable period) but not indefinitely.		x	
97	Design review process for certificate of appropriateness	How does an applicant know which guidelines are in effect? Where are they maintained?			x
		Secretary of interior's standards: These should be listed in the ordinance			x
		What are these? How will the applicant know what is expected? This needs to be more specific		x	
98(a)	Demolition	Extreme hardship should be defined. Reference 18-102 if those are the criteria.		x	
98(d)		Contradicts (a) above. These paragraphs should be consolidated and reconciled.		x	
101	Petition and action	This section should be rewritten to simplify			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
102(a)	Safeguards from undue economic hardship	The term used in prior sections is "extreme hardship". Is this the same thing? Terminology should be consistent to avoid conflicts and confusion.			x
103(a)	Methods of service	Revise and simplify			x
109(c)	Buildings owned by State of North Carolina	If these are the only standards applicable to state projects, additional standards should not be required of private projects			x
Division VI – Ordinance Amendments					
117(a)	Authorization	"higher": Change to "more restrictive"			x
118(a)	Initiation of amendments	Move this paragraph to the "Authorization" section above			x
118(c)	Letter of notification	The word "buffer" isn't appropriate. Should say "all properties within 100 feet of any boundary of a property to be rezoned."			x
		Simplify by saying "each property proposed to be rezoned"			x
		Clarify. "Notification shall also be provided to properties across a public street when the street right-of-way width is less than 100 feet.			x
		Third sentence: Delete			x
118(c)(1)		Buffer: Revise			x
118(g)	Regulatory amendments	A 3 month wait before the process can even begin doesn't appear very user-friendly. This should be reconsidered and may not be necessary once a new code is in place.	x		
		"situation that is detrimental to the health, safety, and welfare of the city and its residents": Sounds like a very difficult burden of proof. If the quarterly amendment policy is to remain, more objective, criteria should be added to guide the waiver decision.		x	
120(a)	Notice and public hearing	Unnecessarily wordy. Revise			x
120(b)	Consideration	Same as above			x
121(a) & (b)	Protest petition	Revise and consolidate			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
122	Resubmission of a denied petition	This is a rezoning. No need to be redundant			x
		12 months is more common, unless a change of conditions can be demonstrated that might alter the original decision			x
Division VII – Future Land Use Plan Amendment Process					
General		This isn't needed in the code. A much briefer statement could be included within the Planning Commission duties and powers provisions, indicating that, as part of its responsibilities, the PC shall periodically review and may amend the plan, in accordance with state statute			x
Division VIII – Site Inventory					
General		This entire Division should be consolidated with Division II, Site Plan Review.			x
133	Purpose	The purpose of this inventory is not clear. How is this related to site plan review?			
133(a)		18-134 states "as part of the application"			x
136	Site Inventory Map	Many of the required items are redundant, already required in site plan provisions. As noted above, this Division should be consolidated or, at least, these specific map requirements should be added to the site plan checklist			x
137(b)	Review	Is this done concurrently with site plan review or as a first step in determining potential development constraints? Suggest it should be part of the site plan review so more time isn't added to the review process unnecessarily.			x
137(d)	Review	Why would it not be approved, if it's just an inventory? Criteria should be listed to identify the circumstances under which it might not be approved.			x
138(b)	Expiration	5 years is a long time. This should be tied to overall site plan approval, rather than a separate requirement.	x		
ARTICLE 4 - NONCONFORMITIES AND VESTED RIGHTS					
Division 1 – Nonconformities					
140(a)	Nonconforming single lot of record	"Does not conform": Should add "with respect to lot area or width"			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		Consider allowing a reduction in side setbacks in proportion to the extent that the width is nonconforming			x
140(b)	Nonconforming contiguous lots of record	"at the owner's option": It is not uncommon to require that such lots be combined to create a conforming or more closely conforming lot		x	
141	Completion of nonconforming projects	Suggest deleting. This is already covered under the Vested Rights provisions.			x
		"nonconforming project": If this section is retained, the wording should be changed to "any nonconforming building, structure or use"			x
142	Extension or enlargement of nonconforming situations	If this section is retained, the wording should be changed to "any nonconforming building, structure or use"			x
142		This should be specific to nonconforming structures or buildings since it's not applicable to lots and use are addressed in the following section			x
142(b)		Move to section 143			x
142(d)		This allows the NC use to potentially become much more intense. Recommend deleting or rewording to allow change in equipment or processes; provided, the intensity of the use doesn't increase. Move to section 143			x
142(e)(1)		Move to section 143			x
142(f)		Move to separate section "Maintenance and Repair"			x
142(g)		"does not create new nonconformities": Clarify. Does this mean any addition must comply with required setbacks or that it can be extended along the same plane as the established if it doesn't further increase the nonconformity.			x
142(h)		"if partially": Consider adding a threshold such as more than 50 % of assessed value.		X	
142(j)		Revise and simplify, a conforming structure containing a NC use may be expanded; provided, it meets all			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		dimensional requirements and the area devoted to the NC use is not enlarged			
143(b)	Change in kind of nonconforming use	Revise and simplify			x
143(c)		"substantially": Vague, needs to be defined specifically			x
		"if it finds that the proposed use will be no less compatible with the surrounding neighborhood": Should use same 5 standards as previous section			x
144(a)	Abandonment and discontinuance of nonconforming situations	"may": Shall			x
144(b)	Abandonment and discontinuance of nonconforming situations	Criteria should be specified for determining abandonment: disconnecting utilities, removing signs, disrepair, etc.			x
Division II – Vested Rights					
155(a)	Establishment of a vested right	TRC approves plans. Why is this in here?		x	
156(a)	Approval procedures and approval authority	Delete. Restates what other parts of the ordinance already state.			x
156(b)		Does this mean that a plan approved by the TRC or PC is not vested? IF so, why? Should not have to go to Council if properly approved by another body		x	
156(c)		How does the applicant know that he needs to apply for a vested right, if a new ordinance or amendment hasn't been adopted?		X	
ARTICLE 5 - ZONING DISTRICT REGULATIONS					
Division I – Establishment of Zoning Districts					
164	Zoning districts established	31 zoning districts, including 11 residential and 7 business districts seems unnecessary. With the adoption of the new comprehensive plan, the number, purpose and requirements for each district should be reexamined to coincide with the plan recommendations to the greatest extent possible.		X	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
	R-10	Does not appear to be a great amount of land zoned R-10, possibly combine with R-7		X	
	R-3	Insignificant difference between R-3 and R-5. Consolidation may be possible		X	
165(a) & (b)	Official zoning map	Revise and simplify			x
166	Rules for interpretation of district boundaries	It would be preferable to identify the correct person (s) responsible, rather than "city manager" throughout the ordinance.	X		
Division II – District Regulations					
173(a)	Introduction	And relationship to recommendations in the comprehensive plan.			x
173(b) thru (f)		These should be revised and simplified.			x
173(g)	Interpretation of permitted uses	Revise and move to General Provisions			x
		"impacts": "Characteristics" would be a better word			x
174	Exceptions to area and height standards	This should be inserted as a footnote to the schedule of dimensional requirements or put into a General Provisions article			x
174(a) (1)		Does this permit a higher exception? Should state.			x
174(a) (3) thru (5)		These provision should be consolidated into a table format and should be a footnote to the schedule of dimensional requirements or inserted into General Provisions			x
174(a) (6)		There are so many standards sprinkled throughout Chap. 18 that are called out as only applying to, or being exceptions within, the 1945 corporate limits, would it make sense to group them together for ease of use? Or to create new base districts that are specific to the 1945 Corporate Limits area? (Almost like a set of "urban districts" parallel to the more suburban/auto-oriented ones?) Some of the examples have been highlighted below.	x		x
		"typically occurring": Hard to determine. Average on either side of the lot is more		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		typical and easier to determine. This type of provision is usually only applied to front setback requirements, rather than all yards. Suggest revising			
174(b)	Zero lot line development	Doesn't appear to be defined anyplace. Is this concept used in the city? Needed? Why is it applied to the multi-family, office and some commercial districts?			x
174(b)(2)a		May be more relevant to state "in subdivisions or developments containing more than X lots". Conceivable, a 2 acre tract might only contain 2 or 3 lots.			x
174(b)(2)b		"standard": Minimum required?			x
174(b)(2)d		"windowless": Unnecessary to state this if it's a shared wall and has to meet building code			x
174(c)	Properties on thoroughfares	These requirements should be in the Schedule of Regulations as a footnote.			x
		"and upon the granting of a variance by the board of adjustment": Why? This seems an unnecessary step. If the plat or deed prohibits access, that could be approved administratively.	x		
174(d)		Why is this permitted? It appears to apply to any districts, provided the building doesn't encroach into the clear vision zone. What is a "cohesive development"?		x	
174(e)	Lot coverage requirements	If this only applies to the "exceptional design" projects, it should be with those related provisions.			x
		This is an overly complicated system of points and bonuses.		x	
175	Zoning affects use of land and structures	Move to General Provisions article			x
176(a)		Revise and simplify. It should state that no lot may contain more than one principal use, except for…			x
176(b)		Revise and clarify intent.			x
177(a)	Purpose	Purpose is fairly generic, should be more specific…potential locations, relationship to comprehensive plan, relative density, availability of utilities, etc.			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
177(b)		(b), (c), (d) and (e) should be consolidated into a use table. Ideally, a single use table (matrix) should be created for all Residential Districts and another for all non-residential districts. The table should also reference applicable sections of the ordinance containing specific conditions or other requirements pertaining to conditional and special uses.			x
177(f)	Development standards	This should be formatted into a table for all residential districts to facilitate use and comparison with other districts.			x
177(f)(1) c	Minimum lot width (feet)	Fairly narrow for a ½ acre lot, results in a lot 3 times the width. Are most R-20 developments in the city built to this standard?		x	
178	R-15, Residential District	See all comments from R-20 District		x	x
178(f)(1)(a)	Notes	Delete. Unnecessary			x
179	R-10, Residential District	See all comments from R-20 District		x	x
179(f)(1)(a)	Notes	Delete			x
180	R-7, Residential District	See all comments from R-20 District		x	x
180(f)(1)(a)	Notes	Delete			x
181	R-5, Residential District	See all comments from R-20 District		x	x
181(b)(2)		Could simplify as: Multiple-family, not exceeding four units/building			x
181(f)(1)(a)	Notes	Purpose for this provision is unclear. It seems to apply to any lot, rather than nonconforming lots. Suggest revising to state, if existing lot width is less than minimum required, interior side yard may be reduced to 10 percent of the width, measured at the front setback line.			x
182	R-3, Central City Residential District	See all comments from R-20 District		x	x
182(b)(4)	Uses permitted by right	Seems unlikely and probably undesirable in this district. Suggest deleting			x

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182(f)(1)(b)	Notes	See comment in R-5 District			x
183	MHP, Manufactured Housing Park District	See all comments from R-20 District			x
183(b)(2)	Density	Density limit not needed with min. lot area requirement. In addition, this density could not be achieved when streets are included. Likely net density would be about 8 per acre.			x
183(c)	Regulations	These regulations should be specified in the ordinance.			x
183(e)	Uses permitted under prescribed conditions	This is the only residential district that doesn't permit schools. For consistency, they should be added.			x
184	Multifamily Residential Districts (MF-L, MF-M, MF-MH, MF-H)	In light of the Comp Plan desire for creating more compact, walkable centers, should there be a distinct difference for urban/suburban developments/projects? In general, these standards seem to promote/require apartment complexes.	x		
		See all comments from R-20 District		x	x
184(a)	Purpose	Are there any districts that will allow "small" apartment buildings on small lots—for example, more like historic apartments with 8-12 units on ¼ acre? (which would by definition be "high density")? Minimum lot size appears to be 15,000 sf			x
184(b)(1)	Uses permitted by right	Not necessary, defined as an attached dwelling			x
184(b)(2)		Redundant, if multi-family is also allowed			x
184(b)(9)		Delete, already covered			x
184(f)(1)	Minimum lot area (square feet)	"Detached": Why have Att/ Du/Tr/Q been excluded?			x
	Minimum lot area (square feet)	"SFR, detached": Same as above			x
	Minimum lot width (feet)	"Du/Tr/Q": Per earlier comment, this could be multi-family of 4 units or less			x
	Maximum lot coverage (%)	Multi-family: Lot coverage is very low		x	

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184(f)(2)	Building height	96 feet: About 8 stories. Greater height should be permitted in some areas such as near CBD	x		
		These standards appear to promote "sprawl" and the inefficient use of land	x		
184(g)	Special regulations	These standards presume/require a suburban pattern; not conducive to infill redevelopment	x		
		The "standards" are pretty vague. It may be more appropriate to state something like: "shall give consideration to:"	x		
184(g)(1)j		Consider additional items relating to connectivity and transit service. These would add support to the new comprehensive plan.			x
184(g)(4)		City should have private street standards or consistency.		x	
184(g)(5)		Should this say "private street"? If not, what is the "adjoining roadway"?			x
184(g)(6)		"or designee": Delete, already defined and not used in other sections of the ordinance			x
184(g)(8)		"maturing tree": Is this defined? It would be preferable to specify a size using dbh (diameter at breast height) which is an industry standard			x
184(g)(9)		Delete. Should be in the list of site plan requirements.			x
184(g)(11)		Third sentence: Simplify: "At least half the required open space shall be devoted to active or passive recreation."			x
184(g)(12)		Why? And if the required setbacks don't apply, what is the setback? Who determines? Suggest deleting this provision.		x	
185	MX , Mixed Use District	It is difficult to understand the ultimate intent of the MX district—is it to allow or require the range/mix of uses? Is it to produce a particular character and form of the development? The purpose statement includes language that simultaneously states what it is attempting to achieve and what it is trying to prevent, some of which may be at cross-purposes—attempting to	x		

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		both create "a single development that is unified by distinguishable design features" (which sounds large scale and suburban) and "replicate the historic urban development pattern in redevelopment areas" (which by their nature were fine grained, on multiple parcels, built by multiple developers and architects, etc.) Despite the stated intent, the process and standards appear to be set up for greenfield development or very large scale redevelopment, such as a grayfield or brownfield site. Ultimately, the purpose language is full of jargon and fails to provide a clear picture of the desired development. Is it a mixed-use neighborhood center surrounded by traditional neighborhoods, built around an interconnected network of streets and blocks with a range of public spaces? Or is it really a suburban shopping center, with an office park, an apartment complex, and a new residential subdivision? The purpose statement of a mixed-use district should paint a clear picture of the type of development envisioned.			
185(b)	Mixture of uses	While the use of percentages gives the appearance of precision and certainty, there is no clear rationale for the minimum and maximum percentages — they appear arbitrary, with no basis in market reality or construction logistics.	x		
		In addition, attempting to prescribe specific uses for a mixed-use project that is going to be built over a long period of time, is virtually impossible; if the buildings are well designed, there should be some expectation that the uses will change over time, and be responsive to changes in the market. The "formulas" for the mix of uses and the phasing requirements (including the option of using either gross acreage of floor area as metrics) are nearly impossible to follow.	x		

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185(b)(5)		Very complicated. Simplify the requirements and put in table form for ease of understanding.		x	
185(b)(6)		This schedule appears to conflict with the provisions of paragraph (5) above. Complicated and potentially unworkable. Revise		x	
		"certificate of occupancy or at least foundations and footings": There's a big difference. If footings and foundations are acceptable, delete the reference to C of O. In any case, a C of O wouldn't be issued if the mix isn't achieved.			x
		"Single-family detached residential developments and townhouse residential developments…": Extremely complicated! This entire paragraph should be revised and simplified.		x	
		Last paragraph: Also very complicated and confusing. Revise.		x	
185(c)(1)	Principal uses	This is redundant. Delete and move (a) – (e) to (b)(4) above.			x
185(c)(1)b.iii. & iv.	Offices & Offices with limited wholesale distribution	Neither of these would seem to allow professional offices or real estate office. It would be clearer to specify general business offices and, in a separate provision (applicable to all uses listed,, note that no outdoor operations or storage are permitted, unless expressly permitted (such as outdoor eating).			x
185(c)(1)c.ii.	Lawn and garden stores	This doesn't need to be called out since "retail sales establishments" is listed, as well.			x
185(c)(1)c.v.	The following personal service establishments	Are these the only personal services allowed? What about watch repair, travel agents, etc.? It would be more appropriate to state "including by way of example…"			x
185(c)(1)c.x.	Restaurants with or without drive-up windows	Move to entertainment category			x
185(c)(1)c.xv. & xvi.	Breweries, microbreweries & Artisan food and	Move to entertainment category			x

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	beverage producers				
185(d)	General regulations	Most of these standards are suburban in nature, from the minimum contiguous acreage to the location of the tallest buildings in the center of the site; from the requirements that the MX development be separated from surrounding areas (and therefore "self-contained") and the establishment of "fringe use areas" to the requirements for unified control/ownership and the creation of a community property owners association.	x		
185(d)(2)	Building height	What's the rationale for a six story limit if it can be much taller when located on top of a parking structure that's four or five stories tall? Revise		x	
		"bonuses for low impact development": There should be other means of obtaining bonuses.			x
		"six (6) floors or greater": Too specific. It should be based on compatibility of scale in relation to adjacent buildings and development. An adjacent four story building might be of such scale and mass that it would be very compatible.		x	
185(d)(3)	Thoroughfare requirements	"direct access to and from": Should state "shall abut and have direct access to" in order to avoid an interior parcel with a road easement connecting to an arterial.			x
185(d)(3)a.		"operate above capacity": Not a very reliable standard. Daily volumes may be well within the acceptable capacity of the street, but peak hour traffic could create a serious deterioration in the Level of Service. Revise		x	
185(d)(4)b.		"residential uses": Any residential use? If the intent is to provide a buffer adjacent to established single family areas, why allow all forms of residential within the fringe area?		x	
185(d)(4)d.		This means that a two-story single family home built in the fringe area, next to		x	

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		existing single family homes, would have to be setback 65 to 70 feet from those homes. But the same single family home in a conventional single family zoning district could be built as close as 15 or 20 feet (rear yard), depending on the district. Revise			
		This is not needed. A 25 foot setback would be required for a building 9 feet tall.		x	
185(d)(5)		"large distances": Define		x	
185(d)(9)	Minimum landscaping	There are no landscaping requirements referenced in O&I			x
		"landscaping requirements for large-scale retail": Where are these found? There should be a section reference.			x
		"provide at least the minimum square feet of landscaped area and number of trees required by this chapter": The specific MX landscape requirements should be stated here or, preferably, all landscape requirements should be in one article which can be referenced here.			x
185(d)(9)c.	Provision of low impact developments	"density bonus section": Specific section should be referenced			x
185(d)(10)	Signs	All sign requirements should be in one article for signs, rather than dispersed throughout the ordinance.			x
185(d)(10)a.		What is an "internal sign"?			x
185(d)(10)b.i.		These dimensions result in a very long, low sign (19x4). Suggest max. size be reduced (32) and max hght be increased (6).		x	
185(d)(10)b.iv.		27 feet: 13.5 sq. ft. each is an odd size. Revise		x	
185(d)(10)b.v.		Can't regulate sign content. Delete. The definition of entry sign should indicate the purpose to identify a development.			x
185(d)(10)e.		Should be in definitions.			x
185(d)(10)e.iii.		"pedestrian area": Clarify. Most wayfinding signs will be near a sidewalk		x	

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		and along a street. It would be preferable to require a minimum clearance in any case to ensure good visibility.			
185(d)(10)e.iv.		"on the sign pole or post": Unnecessary wording. Delete.			x
185(d)(10)e.vi.		Some separation distance would be appropriate so the signs aren't adjacent to one another		x	
185(d)(10)f.		What is the intent for allowing these?	x		
185(d)(10)f.iv.		Very large! Are there any of these in the city? Was this allowed to accommodate one specific request? Consider deleting or revising		x	
185(d)(10)f.vi.		All signs should be subject to City approval. In this case, concurrence of the association may be appropriate, but not approval.		x	
185(d)(11)	Street and parking design	The preference for interconnected streets and de-emphasized parking is clear, but the language is too soft (use of "encouraged") with too many exceptions.		x	
185(d)(11)b.iii.		Difficult to determine or enforce. Most developments have a main entry. Suggest something like "not carry a disproportionate volume in relation to other access points."			
185(d)(11)b.v.		Delete. This is confusing. The second sentence seems to state the intent and what is required.			x
185(d)(11)d.		Should be required.			x
185(d)(11)e.		Revise to more clearly state the intent. It may be desirable to have access to a parking structure from a collector street rather than a local street. Establish façade design requirements if a face of the structure is on a collector or require/encourage a liner building along that façade		x	
		This would be stronger if it differentiated between ground floor and upper stories—to keep the street frontage along the sidewalk activated.		x	

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185(d)(11)g.		What is this actually saying? What is a "block perimeter", the aggregate length of all four sides? What is "pedestrian access"? Sidewalks are required along all streets, so what does the 450 foot requirement mean?		x	
185(d)(11)j.a. thru e.		This level should be lowercase Roman numerals			x
185(d)(11)j.b.		"density bonus section": State specific section reference			x
185(d)(11)j.c.		"total parking": Should say "required" parking			x
185(d)(12)	Parking requirements	This should be in the Parking article			x
185(d)(13)	General site design	This section in particular would benefit from diagrams.			x
		"Each of these components shall be included in mixed-use developments": Delete. This seems to contradict the next sentence which states that there are both required and optional elements. State more clearly that each component must be satisfied by incorporating the required or optional design elements of that component into the project.			x
		"this section includes both required and optional site design elements": A matrix or menu layout might be helpful—clearly identifying the "required" and the "optional" elements, rather than reading through all of the sub-sections looking for terms.			x
185(d)(13)a.i. thru v.		The elements should be organized into "required" and "optional" categories.			x
185(d)(13)a.iv.		"encouraged to be located in front of businesses and houses and not concentrated in parking areas":			x
185(d)(13)b.	Clearly defined common spaces for gathering/interaction and fostering a	"described in the common space and open space section": Cite the section number			x

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	sense of community				
185(d)(13)c.	Integrated design of the project. Common architectural theme	"intended to guide development": Are these requirements or recommendations?			x
185(d)(13)c.i.	Physical integration of uses	Too subjective—need to develop objective standards for achieving or at least provide an example of what this might mean.			x
185(d)(13)c.iii.	Design	Too subjective.			x
185(d)(13)c.iii.a.		"Blank walls": Need definition and/or dimensional standard.			x
		"breaks in roof elevation": Unclear what this has to do with a "blank wall"			x
185(d)(13)c.iii.b.		"should": Shall?			x
185(d)(13)e.		"common space and open space section": Cite section number			x
185(d)(13)e.		This paragraph should be consolidated with Section 18-185 (b)(6) and the two unnumbered paragraphs that follow it. All of those provisions should be in a separate subsection related to Phasing.			x
185(d)(13)g.	Phasing	This paragraph should be consolidated with Section 18-185 (b)(6) and the two unnumbered paragraphs that follow it. All of those provisions should be in a separate subsection related to Phasing.			x
185(e)	Density	This entire section is very convoluted, and depending on the desired outcome, seems to undermine itself.	x		
		This should be numbered (14) and the subsequent provisions renumbered to be consistent with the outline format.			x
185(e)(1)	Mixed-use density.	These provisions should be combined with subsection (2) and put in table form for ease of understanding.			x
		If compact, mixed use development is the actual goal, it would make sense to raise the base density while also raising the	x		

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		minimum requirements. Simply make the most important "performance measurements" actual requirements; then provide potential bonuses for those projects that go "above and beyond" the expected.			
185(e)(1)a.		Where is this designation found?			x
185(e)(1)b.		Same as above			x
185(e)(1)c.		Same as above			x
185(e)(1)d.		Very complicated. Should be simplified.			x
185(e)(1)e.		Move to Definitions article			x
185(e)(2)	Residential density	See comment re: subparagraph (1)			x
185(e)(3)	Density calculations	Very complicated and difficult to follow. Revise completely.			x
185(e)(4)	Density bonuses	A matrix would be useful for increased clarity			x
185(e)(4)a.	Category A	Does this mean that the density may be doubled from what is permitted in the Developed and Urban Transition category, noted in (1) and (2) above?		x	
185(f)	Common space and open space	It seems that these standards should vary depending on existing context, scale and mix of uses/type of development	x		
185(f)(1)	Purpose	"Recreation open spaces": Somewhat confusing because it appears to be a third category injected into a discussion of common space and open space. This concept seems to contradict the definition of "open space" in the following (unnumbered) paragraph which states that it is essentially unimproved pervious area with limited modifications. This apparent inconsistency should be reconciled.		x	
		"Each MX project shall contain a minimum ten (10) percent common space and a minimum twenty-five (25) percent open space": How are these measured?			x

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		Percentage of what? Percentages should be deleted, since they're specified in the subsequent descriptions of the open space categories.			
185(f)(1)a.iii.		Delete as redundant. Already stated in a.i.			x
185(f)(1)b.i.		This seems totally contrary to the prior description of open space. A community swimming pool would appear to be far more intrusive than a golf course relative to providing "open space". This should be revised or the earlier description of the open space concept should be modified.		x	
185(f)(1)b.iv.		"city council may reduce": Earlier provisions vested the TRC with decisions re: density bonuses. Presumably, the TRC also has (though it doesn't seem to be specified) authority over the final development plan. This should be reconciled.		x	
185(f)(1)b.vi.		"Each lot or unit owner's undivided interest": Awkward wording. Change to "The undivided interest of each owner of a lot or unit regarding the use of…"			x
185(f)(1)b.vii.	Access to open space	Can the open space be made public? Should they be required to be publically accessible?	x		
185(f)(1)b.viii.	Open space provisions	Long term maintenance—does Wilmington have experience with a project/property like this being managed across multiple generations of ownership?			x
185(g)	Procedural requirements for the establishment of an MX District	All paragraphs and subparagraphs should be numbered according to the outline format of the ordinance for ease of reference and to avoid confusion.			x
		Should procedures and submission requirements be embedded in district standards?			x
185(g)(1)c.		This is different than our understanding of how the TRC currently works, i.e., plans are reviewed by departments independently and comments are forwarded by each to the applicant, rather than through a central clearinghouse. The		x	

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		procedure described in this paragraph seems preferable but it should reflect actual practice.			
185(g)(3)b.		Is this the procedure? Again, our understanding of the TRC process differs from this. Clarify			x
185(h)	Submittal requirements	All items listed in subparagraphs (3), (4) and (5) should be consolidated into a single table to simplify, facilitate understanding and reduce pages of lengthy text			x
186	PD, Planned Development District	It is unclear where/how this district may be applied.			x
		What does this mean? Seems very complicated. Should specify requirements for PD. Overlay districts should be much less complicated.		x	
		"See Sec. 18-213. CO , Corridor Overlay Districts.": Should this reference actually be limited to Sec. 18-213.3(a)(3) e. Planned Development District (PD) regulations?			x
187	HD, Historic District	Since it is place-specific, it would be useful to identify the location of the district in either text or using a map/graphic.			x
		There is nothing in this Section that references the Historic Preservation Commission or any specific procedural requirements for project approvals unique to the historic district. This should be included. Otherwise, there is nothing that distinguishes this district from any other zoning district.			x
187(a)	Purpose	The purpose of this district and the other HD districts are very similar. Could they be combined to eliminate redundancies and promote consistency within the ordinance? Perhaps there would be an overarching set of standards, consistent across all HD districts, with sub-areas/districts identified where different standards are necessary due to unique character or context? Or there might be	x		

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		two HD base districts, one residential and one mixed-use?			
		Other base districts include "Development Standards" but there are none included for the HD districts. Are they completely under the purview of the Historic Commission? The design guidelines? Section 18-174(6)?			x
187(b)	Density	There are no dimensional requirements in this district, or any of the other historic districts. Are there setback, lot size, height and similar requirements? If so, where?		x	
		This standard seems arbitrarily precise.			x
		Why is this necessary? The district is established and new development will most likely, if not exclusively, occur on in-fill lots or single family conversions. Should new multi-family be encouraged in this district, except in existing structures? This density equates to 3,000 sq. ft. per unit. I t seems that would be a simpler standard.		x	
187(c)	Exceptions to the density requirements	What is the intent of this exception? To incentivize conversion? To allow it, but make it very difficult? What are "the standards for new construction"? 14.5 units per acre? This standard is very unclear.			x
		This needs to be clarified. On the one hand, it seems to say existing residential structures (without qualification) may be converted to multiple family (not exceeding 14.5 units per acre) but then it states that an existing home of 2,000 sq. ft. can only be converted to a duplex.			x
187(d)	Uses permitted by right	All uses should be arrayed in a table format with specific section references added for each of the conditional and special uses.			x
187(d)(3)		These are permitted by right, but all other offices are regulated as special uses. To be consistent, all offices should be treated consistently.		x	

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187(d) (5) & (6)		Change to "multiple family, not exceeding four units per building."			x
187(e)	Uses permitted under prescribed conditions	Identify/reference where prescribed conditions are established.			x
		It would be useful to identify what "Article 6" is by title as well, and make the reference directly to Sec. 18-305.			x
187(f)	Permitted by special use permit	This list seems very long, with several that would be less than desirable for the intent of the historic district, (i.e commercial parking lots?) Could it be purged?	x		
188(a)	Purpose	Second paragraph should be numbered.			x
188(b)	District provisions	A similar statement should be in the HD District. Consideration should be given to consolidating all of the historic districts into one, so there is a need for only one Purpose statement and other general framework provisions. Individual subdistricts or overlays could be established within the broader Historic District.		x	
		The HD District does not include a comparable "provisions" section; unclear why not?			x
		Dimensional requirements need to be added to this district.		x	
188(c)	Density	This repetition would be unnecessary if the historic districts were consolidated.		x	
188(d)	Uses permitted by right	How do you know what this incudes? Reference?			x
188(d) (10)	Internal services facilities incidental to permitted uses	This should be moved to the accessory use list below.			x
188(d) (17)	Retail sales establishments	If this is permitted, why is (10) above needed? How are they different?			x
		This is a very open-ended category to permit all retail uses by right. What about size, outdoor storage, delivery traffic, etc.? Consider narrowing this and putting some retail uses in the special use or conditional use category.		x	

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188(d)(20)	Triplex	Why not also quadraplex, like in the HD? This seems to be a much more intense district.		x	
188(e)	Uses permitted under prescribed conditions	Consider moving several of the uses in the "by right" category to "conditional" or "special" uses – farmers market, funeral home, medical offices, some retail.		x	
188(e)(4)	Mixed-use buildings	Based on definition of "mixed-use building," this seems overly broad, since both non-residential and residential uses are permitted by-right in this district.	x		
188(f)(4)	Convenience food stores	Unclear how this differs from (17) retail sales, permitted by right.			x
		Why is fruit and vegetable market allowed by right?			x
188(f)(6)	Grocery stores, under five thousand (5,000) square feet	Unclear how this differs from (17) retail sales, permitted by right			x
188(f)(10)	Multifamily, including townhouses	Recommend that townhouses be classified as "SF, attached"	x	x	
188(f)(12)	Religious institutions	Why is this a special use when others allowed by right are as, if not more, intense? Need to be careful of running afoul of RLUPA.		x	
188(f)(14)	Restaurant, standard	Why is this a special use? Again, many uses allowed by right could be more intense than this.		x	
189	HD-R, Historic District-Residential	See prior comments re: MU-HD		x	
		See notes on previous HD districts concerning potential consolidation.	x		
189(d)	Exceptions to the density requirements	See comment under HD District			x
		What is the intent of this exception? To incentivize conversion? To allow it, but make it very difficult? What are "the standards for new construction"? 14.5 units per acre? This standard is very unclear.			x

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189(e)	Uses permitted by right	Many of the uses listed in (e) – (g) are not residential and are inconsistent with the Purpose statement. These non-residential uses are generally compatible with a residential neighborhood, as may be found in conventional residential districts. Suggest revising the Purpose statement to indicate that residential is the primary use, along with other compatible supportive uses.		x	
190(a)	Purpose	The allowed uses are not significantly different from the MU-HD district and are very similar to the O&I-2 District. Is this district really necessary? Suggest the purpose statement be refined and narrowed, perhaps as a Medical Center District to give it more legitimacy or delete it.		x	
190(c)(12)	Residential uses as allowed in Commercial District Mixed Use	This isn't listed as one of the established zoning districts. What is it? Delete and list the allowed residential uses.			x
190(f)(1)(a)	Notes	To simplify, move the language from (2) to the footnote and eliminate the need to cross reference			x
190(f)(2)b.	Setback requirements	Consider removing the "residentially used" provision. This means that a residential unit within a mixed use building or a nonconforming home in a commercial district is given the same protection as if it were a residential use in a residential district. This may create an unnecessary hardship on the O&I property owner and may not be appropriate at all.		x	
190(f)(2)b.ii.		An additional 15 feet of height requires an added 63 feet of setback. This seems excessive. The setback is twice the height of the building which will consume a lot of land.		x	
190(f)(3)	Exposed exterior building materials	Why are materials specified for this district and not other nonresidential districts? If this is desired, a statement should be added here or in the Purpose to note the significance of this district.		x	

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190(f)(5)	Site lighting	Not needed. There should be general lighting requirements in the ordinance that address this and other specifications city-wide.		x	
191	O&I-2, Office and Institutional District 2	Given the overlap in uses, two O&I districts may not be needed. Suggest eliminating one, possibly both.		x	
191(a)	Purpose	"for hospital expansion": IF this is part of the stated purpose, why allow hospitals, medical offices, etc. in the O&I-1 District?		x	
191(b)	Uses permitted by right	Restaurants are allowed by right in O&I-1 but not allowed at all here. Is that an oversight? Should be allowed.		x	
191(c)(12) thru (14)		Why are these conditional uses in this district (which is intended to be more intense) but allowed by right in the O&I - !? Seems that it should be the reverse.		x	
191(f)(1)	Minimum lot area (square feet)	Very small relative to the purpose and many of the uses allowed. It may not be worth having a minimum size.		x	
192	NB, Neighborhood Business District	In order to implement the centers identified in the Comprehensive Plan, should two versions of "Neighborhood Business District" be considered—one more suburban and auto-oriented, and one that accommodates cars, but is more integrated with surrounding neighborhoods with strong pedestrian and bike connections? Current standards appear to be halfway in-between.	x		
192(e)(1)	Dimensional requirements	These sizes aren't sufficient to accommodate some of the permitted uses and required parking. It may be preferable to just establish the maximum use size without a maximum site or district size.		x	
192(e)(2)a.	Parking	Not even possible on 9,000 sq. ft. lot		x	
192(e)(3)a.	Building facades	State in the affirmative. "All facades shall contain..."			x
192(e)(3)b.	Roof pitch	No flat roofs allowed?	x		
193	MSMU, Main Street Mixed Use	According to our calculations, there are about 18 acres zoned in this category.		x	

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		Suggest deleting this district and using a mixed use, neighborhood business or O&I-1 district in its place.			
193(a)	Purpose	Where is this district allowed? Citywide or limited to 1945 area?			x
193(b)(12)	Retail sales establishments	This unrestricted category seems contrary to the purpose of the district. Without safeguards, this could yield a strip center, big box or other potentially objectionable uses.		x	
193(c)(2)f.	Historic mixed-use buildings	Why limit to historic? Based on "purpose" it would seem that new mixed-use structures would be desired.	x		
193(e)(1)a.	Maximum residential density	This is an unusual measure (per lot). Acreage is more equitable.		x	
193(e)(1)g.	Front setbacks	The context and intent are important for using the MSMU zoning—if desiring to transform an aging auto-oriented commercial strip into a "neighborhood main street", there should be a method for establishing a new build-to/setback that is street oriented. This would have added benefit of pulling commercial uses toward the street and away from adjacent SF residences.	x		
		"predominant existing setback": This is too subjective. A specific formula should be inserted regarding average setback of adjoining buildings.			x
		"align with the street right-of-way": Does this mean it is to be built at the right-of-way line? The word "align" is misleading.			x
193(e)(1)h.	Side and rear setbacks	This standard could be context specific, tied to both lot depth and adjacent residential zoning (particularly SF) If buildings are moved to the front of the lot (see above comment on front setbacks) a larger rear setback might be appropriate.	x	x	
193(e)(2)a.	Buffer yards	It is unclear how the buffer yard standard would apply in this district. Is it limited to common lot lines shared with residential zoning?			x

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193(e)(2)b.	Parking and access	"reduced to one-half (0.5) of a space per unit": This is very low, even in an urban setting.		x	
193(e)(2)b.	Off-street parking design	Additional parking standards should be considered, including: a parking maximum, a prohibition of parking between the building façade and the street, limitation on gross area of surface parking, and clarification of whether or not a (private) parking lot can be the primary use on the lot.	x		
193(e)(3)	Building design standards	Diagrams would be useful for clarifying many of these standards.			x
193(e)(3)e	Building orientation	"a transitional façade": How defined?			x
193(e)(3)b.	Massing and development scale	"facade offsets": This term needs to be defined/clarified, as it could be interpreted as very suburban "strip shopping center" design. Might be expressed as: the use of bay windows, projecting shopfront windows, recessed entries, use of awnings, and/or change in window style or arrangement.			x
193(e)(3)d.	Height relationships	Is this based on a historic Wilmington precedent? It seems like a precise, yet arbitrary dimension. A single uniform façade line may not be desirable. Some variety is appropriate. Suggest deleting.		x	x
193(e)(3)e.	Building entries and pedestrian-scale design	"Entrances shall be recessed": How far?			x
193(e)(3)f.	Street-level facades	Is this the "transitional façade" referenced in (3) a. above? If so, it should be called that by name			x
		Last sentence: Depending on desired intent, the definition of "façade" may need to be improved, including relationship to the street and/or public view/exposure.		x	
193(e)(3)g.	Facade materials	Is this defined? Is cut stone allowed?		x	
194(a)	Purpose	There is no land zoned NB. This reference should be revised.			x

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194(c)(14)	Residential uses as allowed in Commercial District Mixed Use	Not a listed district. In any case, the allowed residential uses should be listed rather than requiring the reader to go to another article.			x
194(c)(15)	Residential unit contained within principal use	Is this an accessory use, e.g., caretaker apartment? A more precise term should be used here.			x
194(c)(18)	Skating rink, ice or roller	Indoor amusement and recreation is a permitted use. It seems this should be considered part of that category. Delete.			x
194(d)(1) thru (7)		These uses are inconsistent with the district purpose and generally out of character with the fairly intense commercial that is otherwise permitted. Suggest deleting.		x	
194(f)	Prohibited uses	Should clarify that this does not include shipping containers, as permitted in (e)(3).			x
195(a)	Purpose	Nearly 2,000 acres are zoned in this category which seems excessive, given the purpose statement. It would be advisable to reevaluate the areas where this zoning exists and possibly change to other, more relevant, classifications.		x	
195(b)(18)	Drive-in theater	Archaic. Delete			x
195(b)(20)	Fuel and ice dealers	Archaic. Delete			x
195(c)(13)	Residential uses as allowed in Commercial District Mixed Use	Same comment as previously. List the uses.			x
195(c)(17)	Skating rink, roller and ice	Should combine with bowling alleys and pool halls as indoor commercial recreation			x
195(d)(1) thru (7)		Inconsistent with purpose and character of district. Delete		x	
195(f)(1)(a)	Notes	Should state over 20 feet, up to 35 feet.			x
195(f)(2)	Building height	Is this in addition to the extra setback required in subparagraph (d) above? This should be clarified.			x
196(a)	Purpose	Change reference to reflect new Comp Plan			x

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196(b)	Uses permitted by right	Unclear what this means, as the section referenced describes the organization and layout of the base districts. Is there a more specific reference? Is it (g) interpretation of permitted uses?			x
196(b) (2) thru (7)		None of these seems to be consistent with the purpose nor appropriate in a CBD.		x	
196(b) (8)		Do the market economics support this prohibition?	x		
196(b) (9) thru (13)		These are industrial auto related uses that are not consistent with the purpose statement or the character of the CBD. Delete or, at a minimum, make then special uses.		x	
196(d) (7) thru (9)		These seem out of place in the CBD where you are trying to encourage more intensity and create vibrancy.		x	
196(e)	Development standards	Should this portion of the CBD be designated as an HD base district instead of an overlay? What is the intent of this approach?	x		
		This seems confusing to inject the HPC here when this provision is dealing with general standards of the whole district. Suggest creating a separate subsection addressing HPC jurisdiction.			x
196(e) (1)	Setbacks	Would it be more straightforward (to understand and administer) to create a "neighborhood transition area" with a lower prescribed maximum height within XX feet of a residential district? The area could be indicated on Figure 4 (below)	x		
		This should be reconsidered. The one to one ratio may be excessive within the downtown, especially in light of the expressed desire of many stakeholders to increase height and intensity of development.	x		
196(e) (2)	Setbacks along all public rights-of-way	This standard should include a reference to Figures 1 and 2.			x
		What is the intent of this standard? To achieve wider sidewalks? To gain space for	x		x

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		planting? To create small "public plaza" areas? This seems like a very convoluted approach, regardless of intent.			
		Awkward wording. Revise to "shall be within five" or "shall not be more than five feet from...			x
196(e)(2)a.		This is very specific, yet totally at the discretion of the city engineer. Is there a palette of acceptable materials or any design guidelines in place? More guidance should be provided.		x	
196(e)(2)b.		This seems to require a three foot high wall along the right-of-way line. Is that the intent? Clarification is needed, along with a better illustration to convey the desired results.		x	
196(e)(2)c.		This seems very suburban, particularly without an overarching urban design/public space masterplan for downtown. Same expense invested in public realm (sidewalk and street trees) would seem to have greater public benefit or in the creation of a few new, larger public spaces, rather than very small spaces required on every parcel.	x		
196(e)(2)c.		"increased front setback area": Is this referencing the 50 percent that may be setback as much as 15 percent of the building height? If so, a reference to that paragraph would be helpful.			x
196(e)(2)e.		This should be included as a general provision in the landscaping provisions of 18-448 and not repeated in other individual sections of the ordinance.			x
196(e)(3)	Sidewalks	Confusing. This needs to be revised. The 12 feet seems to be referencing the location of the sidewalk between the right-of-way and property line. However, based on the illustration, it is intended to require a 12 foot wide sidewalk.			x
196(e)(4)	Building heights	The matrix should be moved here to eliminate the need for cross-referencing and searching for other pages.			x

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196(e)(4)b.		What does this mean in plain English? Needs clarification of intent and calculation. Should the second "above" actually be "below"? i.e is this trying to say that the building envelope above the by-right height be 10% smaller than the building below?)			x
		"above": Below? This sentence needs to be revised. It's very awkward. The figure illustration doesn't show up in the hard copy or electronic version of the ordinance.			x
		"in certain areas": Which areas are these? How identified on the map?			x
196(f)(1)	Density	This approach might make sense in some other districts (possibly limited to within 1945 limits?) to promote fine-grained infill using small apartment buildings, more compatible with surrounding context.	x		
196(f)(2)	Parking	It would be preferable to put these parking requirements in the Parking article.			x
196(f)(2)a.i.		If not wanted, why not make an outright prohibition?	x		
196(f)(2)a.ii.		Consider raising the bar by prohibiting ground floor-level parking on certain street or block frontages and requiring active frontages.	x		
		"louvers": Archaic design standard. Revise to require architectural design compatible in materials with adjacent buildings or use of liner buildings.		x	
196(f)(2)a.iii.		Below grade? Or at the base of the building? "Under the footprint" doesn't clearly describe the intent.			x
196(f)(2)b.i.		A higher minimum would actually allow for a buildable area or generous planting, particularly for high pedestrian traffic areas, and would reinforce/complement (ii) below.	x	x	
196(f)(2)b.ii.		First sentence seems redundant relative to paragraph b.i. The second sentence is awkward. "Fronting right-of-way" seems to be the same as "street-facing facades"			x

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		in the previous paragraph. If so, be consistent, don't introduce new terminology.			
196(f)(2) b.iii.		"five (5) feet ":A bit excessive. This could create a very hard edge, as well as potential security issues. Three feet is the typical limit.		x	
196(f)(3) a.	Street trees, full canopy	This should go into the Landscaping article in table format.			x
196(f)(5)	Trash containment screening	Should these standards be considered for some of the other compact, mixed-use districts?	x		
196(f)(7)	Encroachment agreements	The new ordinance needs to be consistent when identifying review authority and decision-makers. Much of the ordinance currently refers to the "city manager", despite the fact that it is not the manager who carries out all those duties. In this paragraph, and a few others, the actual staff person is identified. This is preferable and tells the user/applicant where to seek approvals or answers.			x
196(g)	Table 1: Public Benefit Matrix	This is very daunting. The concept of tying incentives to public benefit is excellent but should be greatly simplified. Base densities and height limits should also be reviewed to ensure that there is sufficient margin to interest developers in providing the benefit in order to obtain the bonus.		x	
		Additional Building Height and/or Residential Density: Consider other bonuses – fee waivers or reduction, priority project review, increased lot coverage, etc.		x	
		"Public parking: 24 feet and 24 u/a for every 5 spaces of structured parking dedicated for public use": Are the density bonuses a real incentive considering that the district already allows 100 units per acre? In addition, 12 – 24 unit per acre bonuses are very substantial. This relationship should be reexamined…perhaps reduce the allowed		x	

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		density or devise a more creative incentive offering.			
		"Review by Architectural Review Committee": Does anyone voluntarily do this? Based on input re: the ARC, the committee's subjectivity would be a deterrent to doing this.		x	
		"Maximum height allowed as prescribed by the CBD height map and/or unlimited density": Is this really an incentive, considering current generous density limits? Consider reducing allowed density in order to encourage use of density bonus.	x		
		"Ground floor nonresidential provided on all street-facing facades": In many communities this is a requirement, not an option. Consider revising accordingly.	x		
		"Unlimited density": Seems pretty generous in re: to the action.		x	
		"Workforce housing; 15% of the total project for affordable housing": Does the city have an ordinance or guidelines to define "affordable" and establish requirements for the sale or lease of such housing?	x		
		"Technology; 6 u/a": Seems generous for this action.		x	
		"Green Building Elements; any level of LEED": Consider gradations of bonus, depending on the level of LEED		x	
		"Fundamental building system commissioning": What are the bonuses for this and the next several actions? Revise table to clarify.			x
		Group A: Revise table to clarify the available bonus.			x
196(g)(1)	Covenants	Paragraphs (1) and (2) should be under a single heading of Covenants for ease of understanding.			x
196(g)(2)	Requirements	"city is empowered to terminate occupancy": Seems unrealistic, if a building is in use and fully occupied		x	

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		(residents or offices), that the city would require everyone to vacate.			
196(g)(4)	Maintenance	There should be some provision re: minimum acceptable level of maintenance and who makes that determination.		x	
196(h)	Building design	Clarify whether this is an advisory review with recommendation to the TRC or if the HPC has decision-making authority. For completely new construction, it seems advisory review is more appropriate	x		
196(h)(1)	Building entrances	Insert graphic to illustrate			x
		"Secondary outside building entrances to upper floors on the primary facade shall align with the outermost window on the front facade": Unclear about meaning or intent of this requirement.			x
196(h)(2)	Massing and scale	Insert graphic to illustrate			x
196(h)(2)a.		"facade offsets": See previous note concerning term in MSMU			x
		"Transitions shall be no further apart than two-thirds (2/3) of the height of the façade": Depending on the height of the building, this requirement is meaningless. Is that intended? Should there be additional requirements for façade design at street level (below the required expression line?	x		
196(h)(2)b.		"no less than thirteen (13) feet": Reconsider. This may not be appropriate in many situations.		x	
196(h)(2)b.	Figure 5	Figure 5 should be replaced with better quality image/diagram.			x
196(h)(3)	Street-level facades	This standard should include a requirement for a minimum number of functioning entrances along the façade. Could be an absolute number or based on a maximum distance between entrances.	x	x	
196(h)(4)	Exterior building materials	Heading should read "Prohibited Building Materials" for clarity.			x
196(h)(4)d.	Full metal facades	Clarify. Is 75% corrugated metal acceptable?			x

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196(h)(5)	Alterations to historic facades	It would be helpful to have one section within the CBD regulations that addresses development within the historic district. Several paragraphs with requirements specific to historic or contributing structures are scattered throughout the district regulations. Having them in one place would be helpful to the user.			x
		"are more than fifty (50) years old": This age-based standard could become problematic and internally contradictory with other standards, in the instance of some mediocre modern and/or Brutalist buildings with large expanses of blank walls.	x		
		"should": Is this optional? If not, "shall" should be inserted.			x
196(h)(6)	Drive-through windows and service islands	Complete prohibition might be considered along some street frontages.	x		
196(i)	Height restriction for demolition of buildings with "contributing historic structure" status	"or portion thereof": Does this mean that any part of the new building not located within the original footprint is not subject to these height limitations?			x
196(j)(1)		"twelve (12) feet of height increase": This is one story. Is that sufficient incentive?		x	
196(j)(2)		12 units? Doesn't seem significant compared to the unlimited density bonuses offered for public benefit in the prior table.		x	
196(j)(4)		Most of the subsequent content in this section (CBD District) relates to historic structures and the Historic District Overlay. This should be reorganized and a moved to a separate HDO section within an Overlay District article.			x
196(k)(3)		"has little or no significance in the following four (4) categories": Does this mean that it cannot show significance in any one category (e.g., scoring a 3)? This paragraph should be reworded to clarify. It seems the combined score should be			x

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		the key factor. This should also state that the reviewing body shall determine the score.			
196(k)(3)d.i.		"will be given a score of three (3) points": This means that if the building is sound, the total additional points cannot be more than 2 ½ in order to stay below six. Is this the intent?		x	
196(k)(4)		"city council": Based on what criteria? The B of A criteria are specified. The same should be true of an appeal to the city council.		x	
196(k)(6)		Add more detail, re: these articles.			x
196(l)(1)		See above comment			x
196(l)(2)		"regarded as a public benefit (see Table 1 of this section) that allows the height increase to the applicable maximum height": Needs clarification—benefits matrix indicates "unlimited density", not maximum height. Which is correct?			x
196(l)(7)		Reword to say "the lesser of 25 percent or 8 feet."			x
196(l)(10)	Figures 6 and 7	Figures 6 and 7 should be larger for improved legibility.			x
196(m)	Demolition requirements and procedures	Should these be embedded here in the zoning ordinance? Seems more like code enforcement or technical standards.			x
196(m)(1)a.i.		"approved by the city's technical review committee": This implies a formal TRC vote but that is not how the TRC functions. Such a formal procedure would be preferable.		x	
196(m)(1)a.ii.		Note that the guarantee expires in 2 years or upon construction, whichever occurs first.			x
196(m)(1)b.iii.		"grade the site level": Is this possible on all sites? Some may be sloping or contain elevation changes. Suggest revising.			x
196(m)(1)b.iv.		"owner shall replace": Should note that the financial guarantee will be returned upon completion of the repairs and construction.			x

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196(m)(2)a.ii.		"two (2) years from submittal": Same comment as above			x
196(m)(3)		"division V in articles 2 and 3": Same as prior comment			x
196(n)(3)		"receiving properties shall not exceed the maximum height requirements as prescribed in Figure 4": This isn't clear. If they can't go higher than what is already allowed, why would they acquire the rights from the transferring property? Are they permitted the increased density? Clarify.		x	
196(n)(5)		Why not the TRC or planning director? The person or body actually responsible should be specified.			x
197(a)	Purpose	This seems to be created as a transitional district between commercial and industrial. However, the allowed used are very broad. The purpose should be redefined, uses changed or district eliminated.		x	
197(b)	Site lighting	This is out of place and should be moved to a more logical place within the district regulations or to a general section of the ordinance that addresses "lighting"			x
197(c)	Uses permitted by right	Many of the allowed uses are inconsistent with the stated purpose of the district. Is this district necessary? If so, the list of uses should be narrowed to fit the district purpose.		x	
197(c)(22)	Drive-in theater	Archaic			x
197(c)(42)	Movie theaters, except drive-in	Allowed in 22. Movie theaters, night clubs, etc. could be categorized as indoor commercial entertainment.			x
197(d)	Uses permitted under prescribed conditions	Same comment as above, many uses inconsistent with district purpose			x
197(e)	Permitted by special use permit	Same comment as above			x
197(g)(1)a.	Minimum lot area	Very small and inconsistent with the types of uses promoted by the purpose statement and listed above. Suggest 20,000		x	

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197(g)(1)b.	Minimum lot width	Too narrow for such uses. Min. 100 to 125 recommended		x	
197(g)(1)(a)	Notes	Why in this district? Doesn't seem appropriate.		x	
197(g)(1)(b)	Notes	Not necessary, if buffer requirements are established.		x	
197(g)(1)(c)	Notes	Same as above		x	
197(g)(2)	Building height	Reconsider whether added height is needed for the district. If so, a less complicated setback schedule should be used.		x	
198(a)	Purpose	"port": Would it be desirable to have a Port Industrial District focused on shipping, distribution, marine repair, etc.?		x	
198(b)	Uses permitted by right	Both permitted and conditional uses should be consolidated into categories – food and beverage, construction, manufacturing, transportation and warehousing, motor vehicle service, office/research, business service, etc.			x
198(c)(24)	Religious institutions	Not really consistent with Purpose			x
198(e)(1)a.	Minimum lot area	Has this been an issue? Any variance requests as businesses expand on sites that are too small? Typically, we recommend a 2 acre minimum for industrial and 150 to 200 ft. width.		x	
198(e)(1)b.	Minimum lot width	Same as above		x	
198(e)(1)(d)	Notes	This is a pretty low threshold for an industrial district. It would be preferable to increase the minimum required setback and establish a higher threshold (35 ft.).		x	
198(e)(2)	Building height	Unnecessarily complicated. Set one ratio or a fixed setback adjacent to residential regardless of height.		x	
199(a)	Purpose	Expand re: intensity of use, manufacturing from raw materials, etc.			x
199(b)(28)	Manufactured housing	Building the homes or a manufactured home community???			x
199(d)(1)	Ordnance uses	Is it necessary to create a separate special use category for one use? Chemical manufacturing is permitted by right.		x	

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		Shouldn't that at least be a conditional use?			
199(e)(2)		Petroleum refining and related industries		x	
199(f)(1)	Dimensional requirements	Same comments as LI District		x	
199(f)(3)	Bulk storage and handling facilities	This isn't listed as either a permitted or conditional use. Is this considered accessory to any industrial use?			x
200	AI, Airport Industrial District	All three industrial districts should be reviewed to determine if they are needed or if some consolidation or restructuring is desirable.		x	
200(b)	Lot size	The format should be consistent with the other districts and list permitted and conditional uses after the purpose statement, then dimensional requirements.			x
200(d)	Special requirements	May be more appropriate to change to "Performance Standards" and say that all applicable federal and state standards for air quality, noise, odor, etc. shall be met and list the local standards for glare and heat.			x
200(e)	Uses permitted by right	There is a lot of overlap with the LI District. Many of the permitted and conditional uses don't need to be near airports. Is this really intended to be an airport related district?		x	
200(e)(1)	Airport services	This term is not defined. Either define it (in Definitions) or provide examples here.			x
200(h)(1)a.	Minimum lot area (square feet)	This should be increased to at least 2 acres, possibly more. And a width of 150 to 200 feet specified.		x	
200(h)(1)(a)	Notes	See comments in LI District re: height.		x	
201	CEM, Cemetery District	This is a very specialized district for one use and should be deleted. It is more common to allow cemeteries as a conditional or special use within other districts or create a broader Public Facilities District that encompasses public offices, facilities, schools, parks,		x	

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		cemeteries, etc. The conditional or special use approach is recommended.			
201(d)(1)a.	Minimum lot area (square feet)	Considering the purpose statement re: compatibility with surroundings, it seems a minimum site size, width and frontage on an arterial street would be essential requirements.		x	
202	RFMU , Riverfront Mixed Use District	There are only 3.4 acres zoned in this category. Is it needed? Could a broader mixed use district serve the desired purpose or possibly create a riverfront overlay district that encompasses a larger area?		x	
		Is the desired character of the district urban or suburban? The purpose language and the general standards sometimes seem contradictory. This entire district would benefit from graphics.	x		x
202(b)(1)		How defined? By the building? By the parcel? By the development submission?			x
202(b)(3)		These would seem out of character with description (particularly at 25% of gross building footprint), except for as features/public amenities in in the public spaces. Were these percentages "beta-tested"?			x
202(b)(4)		Is this necessary if there are two or more buildings within a development?		x	
202(b)(5)		Structured parking should not be allowed along the riverfront facades.	x		
202(c)(1)a.	Residential category	In various residential districts, there are finer categories of residential use, such as attached single family. Are townhomes not permitted in this district or are they lumped in with multifamily?			x
202(c)(1)d.iv.	Nursing homes	This use, along with retirement center and assisted living seem out of character for this district.		x	
202(c)(1)e.i.		What is this number and how is it calculated? Why is the district silent on parking for all other uses?			x
202(c)(1)e.ii.		What is this number and how is it calculated? Why is the district silent on parking for all other uses?			x

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202(c)(1)e.v.		This seems to contradict Mix of Uses (b)(1)e. above, which indicates that "entertainment and lodging" are included. Should "entertainment" and "lodging" be separated to avoid confusion?			x
202(d)	General regulations	This is very prescriptive and very confusing. Clearer language, fewer formulas and the addition of graphics would help. Some of the regulations seem to run contrary to the intent of the district and its urban waterfront location.	x	x	
202(d)(1)	Riverfront access	What does this mean? How is frontage defined? This requirement leaves a lot to interpretation.			x
202(d)(2)	Lot coverage	50% of what? The "lot" or the "development"? This seems like a very suburban/sprawl-inducing standard, without clear intent of what happens with the remaining 50%. Mixed use should allow much greater intensity than this.		x	
202(d)(3)	Building base	Why not just state "four (4) stories or 50 feet"?			x
202(d)(4)a.		Ten percent of what?			x
202(d)(4)b.		Unclear what this is in reference to. Perhaps it should say "See (5) Building Envelope, below."			x
202(d)(5)	Building envelope	"elevation": height?			x
		"building mass": Recommend using a different term—could be "massing" or "volume" or "envelope"			x
		"equation": What is intent? Sentence is very convoluted. Is the desire to have upper stories step back on all sides? Can "mass reduction" occur at any level? There must be a more straightforward way to explain and calculate.			x
202(d)(6)	Building setbacks and separations	This will create an irregular edge ranging from 16 to 75 feet from the river's edge. What is intent? What will happen in that area?	x		
		For clarity, recommend separating standard setbacks for river and streets			x

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		from the SF setbacks. Could be done with an (a) and (b) as in (4) above.			
202(d)(8)b.ii.		"at project entrances": What are "project entrances"? How defined? Are a "project" and a "development" the same thing?			x
202(d)(8)b.iii.		See notes in the Exceptionally Designed Projects" section.			x
202(d)(9)c.		Very suburban and auto-oriented. Does not sound like the "purpose" description for the RFMU. This applies to most of the standards in this section on entrances.		x	
202(d)(9)c.i.		Very large for this type of downtown urban district and the height of 4 ft. results in a very long sign. If this is an entry sign, it should be much smaller.		x	
202(d)(9)c.ii.		Clearly not a garage entrance or porte cochere. What is it? This sounds like a suburban development feature.			x
202(d)(9)c.iv.		"monument signs": Again, seems contrary to the location and intent of the district, very suburban.		x	
		"(150) square feet": Huge! This section should be revised. Ground signs should not be permitted or, at least, greatly reduced in size.		x	
202(d)(9)c.v		"development name and the name of one (1) tenant": Regulations must be content neutral.		x	
		The sign article should contain all regulations in general and related to specific district nuances so everything is in one place and multiple cross-references are avoided or minimized.			x
202(d)(10)a.		How is "development" defined? Is it the same as a "project"?			x
		This standard should be with other information regarding parking structures, not surface parking. Not sure of the significance of this statement.			x
202(d)(10)e.		"shall relate to the context of the area": What does this mean?			x
		"Exterior walls of parking structures": Could promote liner building along the		x	

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		riverfront or any street side of the structure.			
202(d)(11)a.	Clearly defined common spaces	Do these count against the 50% lot coverage standard?		x	
		Are there standards relating to quality, quantity, or overall location and configuration of the defined common spaces? What are the requirements for public accessibility?	x	x	
202(d)(11)b.		"significantly obstructed": Subjective. If the buildings meet the setback requirements and the street remains open, the view corridor is unobstructed. This should be reworded or deleted.		x	
202(d)(11)c.i.		How does this correlate with the 50% lot coverage restriction?		x	
202(d)(11)c.ii.		Poor wording. These should be required everywhere, including where vehicle access is provided. Perhaps this should be moved after (iii) below, and start with "In addition"			x
202(d)(11)d.i.	Orientation of primary building entrances	"pedestrian-friendly facades": Need a requirement to have functioning entrances in key locations, such as along street frontage and riverfront facades.	x	x	
		"appropriate scale and quality materials": Need more objective standards.			x
202(d)(11)d.ii.	Massing and development scale	"This transition may be achieved by utilizing at least two (2) methods including, but not limited to the use of facade offsets, recesses, pilasters or change in materials": See notes on comparable standards in CBD.	x		x
		"At least sixty (60) percent of the ground-level facade shall be constructed of transparent materials or otherwise designed to allow pedestrian view of inside activities": Need to clarify that this standard applies to street and riverfront facades, not to rear or side elevations, as buildings need "backs" to provide for loading docks, garbage, etc.			x
202(d)(11)d.ii.	Height relationships	"less than thirteen (13) feet, six (6) inches": This standard should be made			x

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		consistent throughout the ordinance—in some places it is 13' 4", others it is 13' even, and now 13' 6"!			
202(d)(11)d.iv.	Screening	Recommend using the CBD standard here.		x	
202(d)(11)e.	Dwelling unit size	Consider using an average rather than a minimum, to help promote more diverse and affordable units.	x		
202(e)	Public space	Is this different than "common spaces" previously addressed? The two provisions should be consolidated and better defined.			x
202(e)(1)	Purpose	Most of these (unnumbered) paragraphs are review standards rather than requirements or purpose statements. Revise and label accordingly.			x
		"minimum ten (10) percent": Do these count against the 50% lot coverage?			x
		Unusual allowance. Why allow the right-of-way if it provides pedestrian access but exclude the sidewalk? Clarify or remove.			x
		"Public spaces shall": This entire section covers much more than the "purpose". Although it uses the term "shall" through out, there are very few quantifiable or objective standards. Who is responsible for maintenance?	x		x
202(e)(2)a.	Easement and access	"These walkways should be landscaped and designed with a series of public spaces to accentuate the pedestrian experience.":		x	
202(f)	Procedural requirements for the establishment of a RFMU District	This is confusing. Something should be noted at the beginning of the RFMU section that this is a unique district with special procedural requirements. Also, an "applicability" provision or statement as part of the "purpose" should be included to note where and under what circumstances the RFMU district may be established. This may be more appropriate as an overlay district along the entire downtown riverfront rather than its current small, isolated location.		x	
		Is this the establishment of an "RFMU district" or an "RFMU Development"? Will			x

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		there be multiple "districts"? What are the geographic parameters where such a rezoning is allowed? Need to clarify.			
203	RO , Residential Office District	This appears to be labelled ROD on the city's zoning map. There is only one small linear strip (about 34 acres) zoned in this category. Is this district needed?		x	
203(a)	Purpose	It is unclear if the ultimate goal is to allow vs. incentivize redevelopment along this corridor. The standards might be adjusted accordingly depending on that intent.			x
		Very specialized district. Are there other areas of the city where this might be applied, has residential conversion occurred, or are there other districts or techniques that have broader application throughout the city? It appears that much, if not most of the uses along this two block area remain as single family dwellings. Consider allowing two family dwellings or offices as a conditional or special use with criteria that are mainly applicable to this area.	x		
203(c)(1)	Dry cleaner	Seems out of character with intent and other allowed uses.		x	
203(c)(5)	Retail sales establishment	Not consistent with purpose, i.e., offices and low intensity uses.		x	
203(f)(1)e.	Minimum front setback	Should be more specific, e.g., average of setback within 200 feet on either side of the subject property.		x	
203(f)(2)	Site design standards	Diagrams would be useful in this section.			x
203(f)(2)f.	Driveway access controls	There should be minimum driveway spacing standards that support the purpose of the access controls (separation from intersections and other driveways.		x	
		"When driveway easements and cross-access easements are created to serve more than one (1) lot, an owners' association or binding contract for the purpose of maintenance is encouraged": Could cross-access be made a requirement for redevelopment? Or incentivized in some way, such as additional	x		

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		development potential or streamlined by-right process?			
		Should be required.		x	
203(f)(2)f.1.		Should goal be to reduce number of curb cuts through consolidation and required/incentivized cross-access easements?	x		
203(f)(2)f.2.		"single-family detached uses shall be required to share access with the adjacent RO-zoned property": This may not be defensible. All property has a right to access a public street. If a neighbor is unwilling to share an existing driveway, the ordinance can't deny a reasonable use of the property.	x		
203(f)(2)f.2.a.i.		"proposed use shall utilize the driveway on the adjacent tract as a shared access": Same comment as above	x		
203(f)(2)f.2.a.iii.		Does this scenario actually exist along Oleander? Or is this boilerplate language?			x
203(f)(2)f.2.b.i.		Redundant. Prior provision already states no more than one access per street frontage.			x
203(f)(2)f.2.b.ii.		"Shared access shall not be required when all possible interconnections between two abutting lots would cross twenty (20) linear feet or more of wetlands and/or floodplains": Already stated in a.iii. above. Delete.			x
203(f)(2)f.2.b.iii.		"Each use other than single-family detached shall provide a cross-access easement to this driveway guaranteeing access to all abutting lots zoned RO": Is this defensible, since all other residential uses and offices are allowed "by right". This provision could be better supported if those uses were "conditional" or "special uses" which would give the city leverage to require cross access. Seems like this should be stated earlier in this section, if it is the desired result.		x	
		"The TRC may waive the cross-access requirement if it would cause five (5) or	x		

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		more contiguous lots to be interconnected.": This seems counterintuitive. Wouldn't a block-long "alley-like" passage at the rear of lots or interconnected parking lots be desired in order to eliminate all curb cuts along the frontage?			
203(f)(2)f.3.		This seems counterintuitive. If the district was revised to restrict the uses to other forms of residential and offices, use of the alley would be a reasonable requirement and all drives on Oleander could be eliminated.	x		
203(f)(2)f.4.		This seems redundant with previous sections above. How is it different? This is the third time this language is used.			x
203(f)(2)g.	Parking	Would advise against this flexibility; push towards shared parking in this scenario.	x		
203(f)(2)g.2.		Could use minimum parking reduction as an incentive to move toward shared parking.	x		
203(f)(2)h.	Screening	This should be a general requirement in all districts, except possibly CBD.		x	
203(f)(2)i.3.		Larger than appropriate in relation to the residential character of the area and the office/residential intent.		x	
203(f)(2)k.1.		Buffer requirements should be applied throughout the city and should be specified in a separate (Landscaping, Buffering, Screening) article. This could then be deleted.			x
204(b)(1)h.	Nightclubs	Why is this excluded? By definition, this would seem to also exclude brew pubs and micro-breweries (note inconsistency in (2) h. which are very popular and enhance the entertainment value of such a district.	x		
204(b)(2)f.	Industrial uses greater than ten thousand (10,000) square feet	Are industrial uses consistent with the intent of this district…housing mix, pedestrian oriented, transit, reducing auto trips, sense of community?	x		
204(b)(3)	Permitted by special use permit	Same comment as above. Many of these uses would seem to be inconsistent with the intent of urban mixed use…auto	x		

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		renting, auto service, drive-through services, large industrial, vehicle sales, tire dealers).			
204(c)	General regulations	Could multiple property owners with contiguous parcels outside of the 1945 limits work together to create a UMX district, maintaining separate ownership and without consolidating parcels into a single site?	x		
204(c) (1)	Maximum building height	Based on prior discussions with staff and other stakeholders, it appeared that the intent was to increase intensity and height within the 1945 limits. This provision would seem to do just the opposite.	x		
		"within the project": How is this defined?			x
204(c) (2)a.		Diagram would be useful.			x
204(c) (2)b.		Are these side setbacks? Rear set backs? Both? But not front?			x
204(c) (2)c.		"the primary street(s)": How defined? Does this really apply along all street frontages? Is this for both inside and outside 1945 limits?			x
204(c) (4)	Utility and equipment screening	"facades": Need to clarify the use of "façade" throughout the ordinance. Sometimes it seems to only refer to the front or face of the building; but in other contexts, it appears to refer to any building elevation.			x
204(c) (5)	Site lighting	This should be deleted and moved to general lighting requirements elsewhere in the ordinance			x
204(c) (6)	Parking and driveway requirements	It would be helpful to group the standards for surface and structured parking together; items c-g below jump back and forth between the two.			x
204(c) (6)b.		For a mixed-use building, would the minimum requirements be added together? Or would there be a lower "shared" standard?			x
204(c) (6)c.		There should be a measurable standard—for example, number of feet from street ROW or "not forward of the building façade" etc.		x	

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204(c)(6)d.		Parking lot screening requirements should be in the Landscaping, Screening, Buffering article. A reference to the applicable section would be sufficient here.			x
204(c)(6)e.		This is contrary to the prohibition in the RO District.		x	
204(c)(6)f.		Recommend that ground floor parking in structures be prohibited along street frontage, require active uses.	x		
204(c)(6)g.		This should be a general standard for all parking areas.		x	
204(c)(6)h.		"urban form": How defined? Some parameters or examples would be useful.			x
204(c)(7)a.		"either be a conditional district zoning or a general zoning": Why? Who decides which option? A site plan is required as part of the zoning review and approval in either case. The "conditional" zoning option is unnecessary. Our understanding of conditional zoning, as used in the city, is that it allows council to attach various conditions to appease neighborhood objections to development. That would seem to run counter to the purpose of mixed use and the inherent flexibility that the district tries to promote.	x		
204(c)(7)b.4.		This seems very subjective; recommend some ultimate parameters, such as "in no case may a block face exceed XX feet without an intersection with an alley, pedestrian path, etc."	x		x
204(c)(7)c.	Street trees	City manager is rarely indicated in this ordinance. Why not the TRC as in the following (unnumbered) paragraph?		x	
		"allee": How defined? A double row of trees? What are standards?		x	x
204(c)(7)e.	Trash containment screening	The preceding paragraphs shift back and forth between inside the 1945 limits, outside the 1945 limits and all UMX projects. This district should be reorganized according to general requirements, inside 1945 limit			x

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		requirements and outside 1945 requirements to minimize confusion.			
204(c)(7)f.	Encroachment agreements	"city engineer": Why? Again, this introduces another reviewer. It seems that the TRC would be the logical authority for something like this.		x	
204(d)(1)	Building entrances	Primary street: How is this defined/determined?			x
204(d)(2)	Massing and scale	See previous notes concerning massing and scale in CBD and other mixed-use districts.			x
204(d)(3)	Street-level facades	Recommend requiring at least one functioning entry.	x		
204(d)(4)	Exterior building materials	Intent seems clear, but review/enforcement will be very subjective. Who determines? Does this apply outside of 1945 limits?			x
204(d)(5)	Alterations to historic facades	This 50-year standard could include some less desirable (non-urban) buildings. Who determines when to apply SOI standards when outside of historic districts?			x
Division III – Overlay Districts					
212(a)	Purpose	"SHOD may also lie in one (1) or more": This is confusing. An overlay district, by definition, is added to an existing underlying district. There should always be an underlying district.			x
		"underlying district, if any": Same comment as above.			x
		"In the event the SHOD requirements conflict with the underlying district requirements, the requirements of the SHOD shall take precedence. If specified by the underlying district, the requirements of the underlying district shall be followed": These two statements seem to directly contradict each other. The point of the overlay district is to establish additional requirements, usually more restrictive, on top of the base zoning.			x
212(b)	Applicability	"Access roads": Why? Usually a highway corridor overlay establishes access		x	

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		management requirements. Access roads should be part of that.			
		"the SHOD is defined as all property fronting on the portions of the following streets, roads or highways": Is there a standard depth for the overlay district from the roadway? Or does the SHOD apply to the entirety of each parcel with frontage? This needs to be specified.		x	
		This is very confusing. There is a single overlay zone but requirements apply differently to different corridors. Separate overlays or a different technique should be considered. It would also help if the paragraphs were properly numbered.	x		
212(c)	Setback requirements	"off-street parking": If goal is beauty and vista, recommend against allowing any parking within the required setback.	x		
		"deciduous or evergreen tree": These will have very different visual effect—need to clarify intent: define the corridor space with tree canopy or create visual screening buffer? Recommend considering an urban design/landscape plan for entirety of each SHOD corridor, to provide consistency and reinforce the desired character of each.	x		x
212(d)	Enclosed facilities	This seems to contradict the stated purpose of this district.	x		
212(e)	Outside storage	This exclusion should be inserted within a "Permitted Uses" paragraph.			x
212(f) (1)		This is not clear as to where the buffer strip would be located…along adjacent property line, screening from view of the street?			x
212(f) (2)		Restate this paragraph to clarify. "Automobile" is generally not used, as it implies passenger cars. What is "vehicular" parking? It would be appropriate to state in the affirmative…"parking is permitted…Provided no loading, unloading or equipment storage shall be permitted…"			x

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		"a fifty-foot setback for automobile parking": This seems to conflict with the stated purpose of the district. If parking is to be allowed in front of buildings in this district, there should be significant landscaping requirements (above the typical parking lot standards.)	x		
212(g)	Lot coverage	Is parking included in the lot coverage standard?			x
212(h)	Signs	Sign area is very large and max. hgt. creates a very long low sign. Suggest revising the permitted area. Also, the paragraph is complicated and should be clarified.		x	
213	CO, Corridor Overlay Districts	Policy question regarding implementing new Comprehensive Plan: is there a desire for any of these corridors to transform and become mixed-use through rezoning and redevelopment/intensification? That determination would determine how much, if at all, these regulations should be adjusted vs. replaced.	x		
213.1(a)		"commercial development": Define. Non-residential? Office? Industrial?			x
213.1(a)(1)		Not a very wide buffer and likely insufficient to support healthy tree growth. A fence may not be desirable due to lack of maintenance over time. Suggest simply referencing the buffer requirements to be specified in a Landscaping, Screening, Buffering article.		x	
213.1(a)(2)		"at least ten (10) feet in width": Not much difference from 7 feet. Again, reference to buffering article would be preferable.		x	
		"or so determined by the city manager": There are no criteria to support such a decision. Likely to be arbitrary and indefensible.		x	
213.1(b)(1)		Too low. This results in more than double the number of poles within a parking area to achieve the desire lighting levels. 25 to 30 feet is preferable.		x	
213.1(b)(2)		There should be general standards governing lighting that would address this			x

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		(i.e., direct cutoff fixtures, no light spill beyond property lines, max. light levels, etc.)			
213.1(c)(1)a.	Automotive services	Not appropriate in the CBD anyway.			x
213.1(d)(2)e.	Drive-in theater	Delete			x
213.1(e)		This article is full of exceptions, some stated in the negative and some in the positive. This complicates the overlay unnecessarily and creates confusion. The areas encompassed by the overlay should be reexamined to determine if another technique is more appropriate or if the exclusions and exceptions are really needed.		x	
213.1(h)		"encouraged": This carries no weight. Suggest referencing access management requirements in the ordinance.		x	
213.1(i)		"entryway landscaping plan": What is this? If it's required in Article 8, there is no need to repeat it here. The overlay districts should state at the outset that all regulations applicable to the underlying district are required, unless specifically altered.			x
213.2	Wrightsville Avenue Corridor regulations	"utilizing for its primary ingress": This could be property not even visible from the corridor but with an access easement out to the street. Doesn't seem reasonable to encumber them with regs intended to establish a desired character along the street.		x	
		Should have a uniform method of defining the boundaries of the corridor overlay (all property fronting on the corridor; all property within 400 feet of the centerline of the road, etc.). There should be some consistency since several streets are encompassed within broader Corridor Overlay District.		x	
213.2(a)		In general, these standards seem to promote suburban development (sprawl) due to very low lot coverage. Was this the	x		x

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		desired intent at the time they were adopted. To what extent (and in what locations) will they continue to make sense for implementing the new Comprehensive Plan.			
213.2(a)(1)	Building scale	"three thousand (3,000) square feet": This is 3 or 4 multi-family units in a building. Is that the intent? Very suburban! What about churches and schools that would certainly exceed this limit?		x	
		"Wrightsville Avenue Land Use Plan that was adopted by city council on February 20, 1990": Is this still applicable or replaced by the new comp plan?			x
213.2(a)(9)	Signage	"maximum height of twelve (12) feet": Why so high? This corridor is tree lined, lots of residential and parking isn't allowed in the front yard; so signs should be low key. Could be consistent with 6 foot height used elsewhere and smaller size.		x	
213.2(a)(10)	Streetscape architectural components	"consistent with those found in the adjacent streetscape": Should be more specific. What is adjacent…abutting buildings on either side, all buildings on same block face, etc.?		x	
213.2(b)(1)		What is the rationale for this limit? If the property is large enough and the addition meets the building material and related requirements, it should be allowed. A requirement could state that if the addition exceeds a specified percentage of the existing floor area, the entire building would have to meet the district requirements.	x		
213.2(b)(2)		This standard is very subjective.			x
213.2(b)(3)		Could not locate these standards. Is the reference incorrect? Should it be 18-213.2(a)?			x
213.2(d)		There are none.			x
213.2(d)(1)(2)f.	Labor unions	Very specific prohibition. This isn't prohibiting unions, what is the use? If offices are permitted, why not this?		x	

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213.2(e)		What are the specified permitted and prohibited uses supposed to accomplish? Consider listing permitted nonresidential uses allowed within the entire corridor overlay and stating any use not permitted is prohibited.		x	
213.2(f)(1)		There are some fairly intensive uses allowed in this list that likely would be more objectionable than some of the prohibited uses. Why?	x		
213.2(f)(1)a. thru d.		Why are service stations and automotive services prohibited in (2)?			x
213.3(a)(1)c.		There should be consistent standards for when a TIA is required (based on peak hour volumes or daily volumes over specified thresholds. Those standards and related requirements for TIA contents should be in a general article or section and referenced here. Why is a TIA not required for any of the other overlay areas? This should be a consistent requirement.		x	
213.3(a)(1)d.		Zoning district or overlay area, not a "study area"			x
213.3(a)(1)e.		"acceleration/deceleration lanes": Should also be a uniform standard along arterial corridors.		x	
213.3(a)(1)f.		Zoning district or overlay area, not a "study area." Also, pedestrian access should be a uniform standard along arterial corridors.		x	
213.3(a)(2)c.		Is the greenway plan still valid?		x	
213.3(a)(2)e.		"There shall be": How is this achieved? This is an unusual requirement in an overlay district. This is not supported by (3) below.		x	
		"a variety of housing types and price ranges": Could this entire district be deleted and the area zoned mixed use?		x	
		"Affordable housing is defined as such housing which can reasonably be expected to [be] purchased or rented by persons	x		

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		having income between eighty (80) percent and one hundred ten (110) percent of the median income, based on local income levels and prevailing interest rates as provided by the U.S. Department of Housing and Urban Development.": No ability to enforce this. If affordable housing is to be required, a much more detailed regulation is needed.			
213.3(a)(3)a.	Regional business and community business	How does this relate to the mixed residential and affordable housing requirements above?		x	
213.3(a)(3)b.	Multiple-family residential low density	"In the multiple-family residential low density use portion of the study area": What is this? The overlay should refer to underlying districts. This is confusing and requires reference to a document that isn't part of the ordinance. Revise.		x	
213.3(a)(3)c.	Single-family residential low density	"In the low density single-family residential use portion of the study area": What is this? The overlay should refer to underlying districts. This is confusing and requires reference to a document that isn't part of the ordinance. Revise.		x	
213.3(a)(3)d.	Minimum buffer	"minimum fifty-foot buffer": Prior district required only 7 feet between residential and commercial. 50 feet seems excessive, especially with no requirement re: plantings.		x	
		"NC and O&I uses or districts": No land is currently zoned this way.			x
213.3(a)(3)e.	Planned Development District (PD) regulations	Recommend that these standards be moved and no longer embedded within this Corridor Overlay.			x
		"The Planned Development District (PD) is established within the study area as a zoning district.": It is unclear as to why this is here. There should be no underlying vacant PD property. Therefore, there is nothing to which the overlay district would relate. Again, this apparently is referencing a designation in a plan that was prepared 16 years ago. In addition, PD		x	

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		zoning should be an option, not a requirement.			
213.3(a)(3)e.i.	Purpose	This purpose seems very similar to other MX districts. Could they be combined? What is the difference in substance and intent? Is the primary difference the scale? The heavier emphasis on residential development? How many locations remain in Wilmington that can meet the minimum size?	x		x
		"Planned Development District is established within the study area as a zoning district to foster the mixture of residential, business, retail, office and institutional uses": Zoning the designated area as Mixed Use would be more appropriate.		x	
213.3(a)(3)e.ii.	Minimum Planned Development District (PD) size	"one hundred (100) acres": Are there even any qualifying sites in the corridor? Suggest removing the PD requirement and zoning as Mixed Use		x	
213.3(a)(3)e.iii.	Land use mixture	"Ranges of land use mixtures": Overly complicated. This is referencing an outdated plan. How will the new comp plan handle these corridors? Revise completely.		x	
		"Similar land uses should face across streets": What are "similar" uses? Is all residential similar, i.e., high density multiple family across the street from low density single family?			x
213.3(a)(3)e.v.	Density and accessory apartments, detached	"Density in the PD is determined by the underlying land use": Confusing. Is this planned land use?		x	
		"traditional neighborhood": Is this defined? Is it a "TND" district?			x
		"The maximum density allowed for the traditional neighborhood Planned Development District (PD), which is located south of George Anderson Drive, shall be eleven and nine-tenths (11.9) units per acre": Does this standard only apply to this specific location? Unclear			x

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		how was this derived? Does not match any of the densities cited in the table above.			
		"style and architecture of a garage apartment": Should reference specific use provisions that apply to all "garage apartments" (accessory dwelling units)			x
		"There shall only be one (1) accessory apartment, detached per lot": Should this be "no more than one"? Or are they required to include an accessory unit?			x
213.3(a)(3)e.vi.	Maximum building height	"two (2) to three (3) stories": This is a range, not a maximum. State 3 stories, not to exceed 35 feet.			x
213.3(a)(3)e.viii.	Streets	"The average perimeter of blocks created by the intersection of streets within the PD shall not exceed one hundred thirty (130) feet": Is this a typo? Should it be 1300?			x
213.3(a)(3)e.x.b.		This is too low; would result in too many light poles or poles located closed together.		x	
213.3(a)(3)e.xiii.	Signs	Do all of the planned uses correspond with the zoning districts? This continues to get more and unnecessarily complicated.		x	
213.3(a)(3)e.xv.	Preapplication	It seems odd to have process requirements (pre-application and application) embedded in these standards. The application requirements for PD, as specified elsewhere in the ordinance, should be referenced. New procedural requirements should not be created.			x
213.3(a)(3)e.xvi.	Application plan and approval	Do all of the planned uses correspond with the zoning districts? This continues to get more and unnecessarily complicated.		x	
213.3(a)(3)e.xx.		Is this the land use identified as "Neighborhood Retail" in the above matrix at Sec. 18-213.3.a.(3)e.(iii.)? Need to clarify or use same terminology. This doesn't follow any logical sequence of organization. If the PD provisions are retained within the overlay district, they should be completely revised.			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
213.3(a)(3)e.xx.a.	Neighborhood Commercial (NC) use purpose	"Each site within the Neighborhood Commercial District shall provide a minimum of ten (10) percent of the land area of the site as usable open space": Does this count toward the 20 percent required for the entire PD?	x		
213.3(a)(3)e.xx.b.	Neighborhood Commercial (NC) use regulation	Regulation: Site design?			x
		"The rear elevation of these buildings shall be similar to the front elevation of the building. The design of the buildings shall conform to the residential character of the surrounding neighborhood": Unclear what this means or what the goal is. Illustrative images would be useful.			x
		"The maximum building height in the NC use shall be two (2) to three (3) stories not to exceed thirty-five (35) feet": Does this count toward the 20 percent required for the entire PD?		x	
213.3(a)(3)e.xx.c.3.l. & m.		Are these limited to 6,000 sq. ft.?		x	
213.3(a)(3)e.xx.c.3.t.	Religious institutions	Is this limited to 6,000 sq. ft.?		x	
213.3(a)(3)e.xx.d.	Neighborhood Commercial (NC) use parking	"for every space in front of a use": Define			x
213.3(a)(3)e.xx.e.	Neighborhood Commercial (NC) use parking facilities landscaping	A NC area should require shared parking and include a maximum size for surface lots. It should not create separate landscaping requirements. Reference the Off-Street Parking article or Landscaping, Screening, Buffer article for applicable parking lot landscaping requirements.			x
213.3(a)(3)e.xx.f.	Neighborhood Commercial (NC) use signs	Earlier provision referenced signs, as permitted for the use category corresponding to the zoning district. This is contradictory.		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
213.3(a)(3)e.xx. f.2.	Freestanding signs	Consider prohibiting freestanding signs for NC	x		
213.3(a)(3)e.xx. f.2.b.	Height	If the sign is a monument sign on a two foot base, that allows a sign 3 feet high by 11 ½ feet long. Sizes should be reevaluated. Other provisions allow 6 foot high sign which should be used for consistency. Six feet high with a maximum area of 32 sq. ft. would permit a 4 x 8 sign on a 2 foot base.		x	
213.3(a)(3)e.xx. f.2.c.	Area of sign	See prior comment. What is "surrounding"?			x
213.3(a)(3)e.xx. f.3.d.1.	Front elevation	Of the store front to which it relates? Otherwise, each business in a multi-tenant building might argue that the length of the entire building is part of the calculation. Also, suggest a maximum size.		x	
213.3(a)(3)e.xx. f.3.d.2.	Rear elevation	Linear foot of building frontage of the store front to which it relates? Same issue as previous comment above.		x	
213.3(a)(3)e.xx. f.3.d.5.		Delete, as unnecessary statement.			x
213.3(a)(4)	Yard requirement	Numbering is hard to follow in this Section (seems like a set of Russian dolls!) Does this apply throughout the Corridor Overlay? to the PD? Both?			x
		"If there are no structures located in the block fronting the same street…": If there are only one or two and they're not adjacent to the subject property, this averaging requirement shouldn't apply. It would be preferable to restate the provision as the average of existing setbacks on either side and within 200 feet of the subject property.		x	
213.3(a)(4)d.	Building setback and separation	This paragraph should be broken into separate provisions to make it easier to understand…street setbacks, single family side yards, multi-family separation, perimeter setbacks, and bike path setbacks.			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		"Buildings located on the edge or periphery": All buildings or just neighborhood commercial uses? Clarify.			x
		"twenty-five (25) feet from all public and private streets, and fifty (50) feet from any major thoroughfares": Paragraph (4) a. requires a front yard of 15 feet. This paragraph requires a minimum of 25 ft. and up to 50 ft. Clarify.			x
213.3(a)(5)	Other regulations	Does this apply throughout the CO? only to the PD? Both?			x
213.3(a)(5)a.	Fringe use area	This standard could be improved and made clearer. Perhaps it could be called the "neighborhood transition area" or something that would provide more clarity of intent. ("Fringe use" sounds negative.)			x
213.3(a)(5)b.	Varied housing types	Are all these "housing types" defined? They sound more like real estate terminology than development regulations.			x
213.3(a)(5)c.	Barnard's Creek	50 feet from centerline or 50 feet wide (25 on each side)? Clarify. Why is this only applicable in the PD areas? Does the creek run through any other areas/districts?		x	
214	Historic District-Overlay (HD-O)	The pros and cons of establishing historic base districts vs. overlays should be reviewed and then use one system or the other. The intent of both approaches appears the same. Is this a distinction without a fundamental difference?	x		
214(b)	District provisions	It would be helpful if the format for each of the overlay districts was consistent, e.g., Purpose, Applicability, Permitted Uses, General Regulations, etc.			x
214(c)	Design exceptions in a Historic District-Overlay	"except that which is visible only from residentially zoned public alleys": Not clear if this is an exception or an addition to the requirements.			x
		"required to obtain a certificate of appropriateness": Either list the applicable review standards or reference the applicable section in the ordinance that specifies those standards.			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
Division IV – Overlay Districts					
226	Purpose	"The following zoning district categories are conditional zoning districts": Only one description is listed (unnumbered paragraph 2).			x
		"Parallel conditional zoning districts (a parallel conditional zoning district is a conditional zoning district in which the potential permitted use or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use or uses permitted in a general district having a parallel designation of [or] name)": Revise to clarify. What is a parallel designation or name?			x
		"A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project": Why not use mixed use or PUD?	x		
		"Some land uses are of such a nature that they have significant impacts on both the immediately surrounding area and on the entire community which cannot be predetermined and controlled by general district standards": Consider making them special uses or amending city charter which establishes conditional zoning districts.	x		
		"(ii) located within a Large Infill or Redevelopment Priority Area as established in the Future Land Use Plan or the Corridor Plans as adopted": Is this still relevant with respect to the newly adopted comp plan?			x
227(b)(1)		"the applicant shall submit a master land use conceptual area plan in lieu of a detailed site plan": Sounds like a PUD or mixed use. Why is the conditional zoning district needed?	x		

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
227(b)(4)	Submittal requirements—Site plan	"The site plan shall be accompanied by the following information": Should just reference site plan requirements in the site plan review article			x
227(d)		Who is responsible for reviewing the site plan? The process and responsible reviewer should be specified or the site plan review article should be referenced. Why is the TRC not mentioned? Since zoning and concept plan are approved by council, the final site plan should follow the standard procedures, i.e., TRC review.	x		
228	Required community meeting before public hearing	This is out of sequence. A section should be created to specify the procedural steps for getting a conditional zoning approved. The prior section discusses final site plan after zoning is approved; this one goes back to the beginning steps in the process.			x
		"the petitioner must file in the office of the city clerk": Why not the planning department? This just adds a step internally and may not even be followed.		x	
		"as determined by policies approved by the city council": Required notification should be specified here.			x
229	Approval of conditional zoning district	Simplify and just reference the applicable section of the ordinance that specifies rezoning procedures.			x
		Second paragraph: This entire paragraph is an indication of the rezoning decision being highly influenced by public opinion but the preceding paragraph states that the decision is to be based on adopted plans. It seems, therefore, that a proposal that conforms to the plan but is still denied would be subject to challenge.		x	
230	Conditions to approval of petition	"city council request": Isn't the premise of conditional zoning that the council may impose conditions, rather than request them? Suggest rewording this to something like the council may require conditions, however, if not accepted by the applicant...		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
231(a)		"ordinance requirements applicable to the district's classification": Revise the wording to clarify. This is very awkward.			x
231(b)		"not increase the number of structures": Consider changing this to no increase in density, total floor area or number of buildings but reduction in density, number of buildings or floor area may be permitted by the TRC.	x		
232(a)		"city manager shall have the delegated authority": Not the TRC?	x		
		"The standard for approving or denying such a requested change…": Suggest using criteria and procedures for major and minor site plan amendments, as should be stated in the site plan review article and referenced here.		x	
ARTICLE 6 - SUPPLEMENTAL DEVELOPMENT REGULATIONS					
Division 1 – Prescribed Conditions, Special Use Prerequisites, and Accessory Uses and Structures					
246(a)	Prescribed conditions	This could be deleted and stated in an administrative article related to C of O.			x
246(b)	Special use permit prerequisites	Restate as a complete sentence and move to article related to Special Use Permit application, review and standards of approval.			x
246(b)		Restate as a complete sentence to clarify the requirement.			x
246(b) (1)		Restate as a complete sentence to clarify the requirement.			x
246(c) & (d)		Delete as unnecessary. Such statements should be in the special use article.			x
247	Accessory apartments , attached	The term, garage apartments is used elsewhere. Is this the same? Be consistent.			x
		"Accessory apartments shall be allowed in the R-7, R-10, R-15, R-20, and PD Districts if the following criteria are met": No need to state this, since the allowed uses are listed in each district and a composite table of uses should be included in the ordinance.			x
247(e)		Other requirements to consider…owner must live in either the principal dwelling or the apartment as primary place of		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		residence, no separate utility meters, height limits, etc.			
248	Accessory apartments, detached	"Detached accessory apartments shall be allowed in the R-20, R-15, R-10, R-7, R-5, R-3, MF-L, MF-M, MF-MH, MF-H, HD, HD-R, and HD-MU Districts if the following criteria are met": No need to state this, since the allowed uses are listed in each district and a composite table of uses should be included in the ordinance. Consider other requirements for detached apartments…proximity to the principal dwelling, no separate driveway access to the street, maximum height, see others above.		x	
248(h)		"In the multiple-family districts (MF-L, MF-M and MF-H)": Unnecessary wording, delete.			x
249(b)	Location of accessory buildings	"closer toward the front of a lot than the forwardmost projection of the principal structure": Should not be closer than front of the principal building, not including steps, porches, etc.		x	
		"one (1) accessory structure may be allowed in front of the primary structure subject to the following conditions": Why? Others may be nonconforming and this just perpetuates an undesirable pattern.		x	
249(b)(1)		Are there many lots like this in the city? It may be better to avoid perpetuating such a condition.		x	
249(b) – second paragraph		This entire paragraph should be simplified.			x
249(c)	Lot coverage	"(30) percent of the required": Many communities don't even allow accessory buildings in the side yard. Allowing 30 percent coverage is excessive.		x	
		"shall not exceed one hundred (100) percent of the heated square footage of the primary structure": That's a very large accessory building. Suggest a lesser		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		percentage (25 – 35%) as more reasonable.			
249(b)	Setback	"separate use historic districts": Does this include the historic overlay district? Should specify those districts to be clear.			x
249(e)	Height	"thirty-five (35) feet": This is high for an accessory building. 14 to 20 feet is common.		x	
250	Adult establishments	This section should be completely revised to strengthen its defensibility. There needs to be a purpose statement that references empirical evidence of the negative impact of such uses on property values, neighborhood deterioration, crime, etc. The regulations also should contain specific requirements related to individual uses. The city may also wish to establish a licensing requirement for the business (and even the employees). Other provisions related to signs, hours of operation, etc. should be incorporated here.	x		
		"An adult bookstore, adult motion picture theater, adult cabaret, or a massage business as defined in this chapter or as permitted within certain districts shall be subject to the following restrictions": Simply say "adult establishments shall…" The term is already defined. Also consider changing to "sexually oriented business", a more common term.			x
250(b) & (c)		Does this leave any sites properly zoned and able to meet these separation requirements? This should be verified or it is going to be indefensible.		x	
251	Amortization of existing towing services	Why has this use been singled out? Is this provision still needed?	x		
252	Automobile and truck dealers, new and used	These requirements should be revised. Additional provisions should include lighting, customer parking, off-loading of vehicles, minimum parcel size, etc.		x	
252(g)		"Ground signage shall be limited to monument signs, not to exceed forty (40)		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		square feet in area": Highly unlikely for a car dealership			
252(i)		"additional streetyard landscaping": Does this mean additional trees or greater depth of the yard?			x
253	Automobile renting and leasing	"limited to ten (10) vehicles": Why? Does "automobile" include trucks, RVs, etc.? The term is not defined. Typically, "vehicle" is used and has a broader context. Other regulations would be appropriate such as: lighting, paved parking, vehicle wash facilities, etc.		x	
254	Automotive services and automotive repair, except towing	Suggest distinguishing between major (body work, engine rebuilding, transmission, etc.) and minor (oil change, brakes, mufflers, etc.)		x	
254(b)		"enclosed in the principal building": Consider allowing outdoor storage if screened.		x	
256(a)		"than five thousand (5,000) square feet": Very small		x	
256(b)		This is already stated as a general lighting requirement relevant to all uses and is not needed here.			x
257	Commercial District Mixed Use (CDMU) within the O&I-1, CB, and RB Districts	This entire section appears to be a random collection of unrelated requirements just combined without any organization or context.		x	
		CDMU: As noted earlier, this does not appear in the ordinance as a zoning district. It would be simpler to list the desired residential uses within the three zoning districts and reference this section. On the other hand, is this section even needed?			x
		This heading should be revised to be more descriptive of the section.			x
		"limited single-family": The word "limited" is unnecessary if the subsequent regulations specify the limited conditions under which single family detached is allowed.			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
257(b)		"Strip commercial development": The opening (unnumbered) paragraph refers to allowing certain residential within 3 specific districts but several of the subparagraphs refer to commercial development, drive-thru facilities and non-residential development. This is very confusing and should be restructured. More importantly, is it needed? Isn't the UMX district sufficient to permit this range of uses?		x	
257(c)		Completely out of context. Delete or move and provide more explanation.		x	
257(f)		Have these been defined? Would a laundry room count? Very subjective without example of intent or minimum standard.			x
257(h)		Very confusing. Still haven't found where the Watershed Resource Protection area is defined.		x	
257(j)		Out of context.			x
257(k)(1)		"must comprise a continuous minimum of twenty-five (25) percent of the perimeter length of the subject property": What does this mean? How is it measured? Why is it a requirement?		x	
257(l)		Unclear what this means. What is the intent?			x
258(b)		Lighting type, location, footcandles, etc. should be a basic requirement for all site plans and doesn't need to be stated for individual uses.			x
258(c)		"areas": Vague term. Change to "districts."			x
258(d)		There is nothing in the CB district that addresses street yard setbacks.			x
258(e)		This is a strange number. In any event, parking lot landscaping requirements should be in the parking article and applicable to all parking lots.			x
259	Communication facilities	Intro paragraph: Very confusing! The schedule of uses in each district should indicate if these facilities are allowed as a special use. The special use standards,		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		then, should apply to all such facilities. Individual exceptions, such as that noted for the CBD, should be noted within the applicable regulation.			
259(a)	Height limitations	"except pursuant to a special use permit": All towers should be a special use. Antennae could be a permitted use if located on an existing tower or concealed. The terms "stealth" and "camouflaged" are confusing and should be removed.		x	
259(b)	Site plan	Not necessary. The site plan article should state that a site plan is required for all special uses.			x
259(c)	Corridor Overlay District	Delete. This is redundant. Overlay districts and general provisions already address this.			x
259(e)	Spacing	"fifteen hundred (1,500) feet": Spacing could be increased. This is fairly close and cold allow a proliferation of towers.		x	
259(f)	Buffering requirements	"Plantings shall consist, at a minimum, of one (1) tree": Evergreen?			x
259(g)	Roof-top towers	"shall not require a special use permit": Why? A review should be required to ensure compliance.		x	
259(h)	Collocation	These are very minimal collocation requirements. Suggest restating that all towers shall be designed to accommodate additional users.		x	
259(n)	Regulations for concealed, stealth or camouflaged towers	"This term suggests towers designed to look like trees or flag poles (which are not permitted by definition). That is not the intent, so it would be best to delete this term and minimize confusion. Also most of the first four lines should be deleted, since this is a repeat of the definition."			x
		"Construction of a unipole greater than one hundred fifty (150) feet in height requires issuance of a special use permit": Again, it's appropriate to require a SUP for all towers.		x	
		"considerations shall include": The factors listed here should be moved to a separate paragraph related to review standards and			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		listed, along with other relevant standards.			
259(o)		Should apply to all towers, not just those in the 1945 area. Delete and include as a general review standard, as noted in the above comment.			x
261(b)		Not needed. Should be in general lighting requirements applicable to all uses.			x
262(b)		"if permitted in the underlying zoning district": Why reference "underlying zoning district"? Outdoor storage should be a special use and regulated accordingly.			x
262(c)		"otherwise improved driveway": What does this mean? Is gravel an "improved" surface? There should be a general standard in the ordinance applicable to all driveways and parking areas. No need to specify here.			x
263	Contractor's storage yard	What does this mean?			x
264(c)		Not needed, as noted previously.			x
264(d)		"Outdoor storage": Consider not allowing outdoor storage.			x
264(f)		Probably not needed.			x
264(g)		Might be a little low. 4,000 to 4,500 is more reasonable.			x
265(a)		"residential district": Should be defined.			x
265(d)		So small as to be unnecessary. Allow the minimum district requirements to prevail.			x
265(f)		Confusing. Why not just have a standard based on the maximum licensed number? For example, if licensed for 30 or more, 60 sq. ft. per child.		x	
265(i)		"a one-half-mile radius": Suggest specifying a number, 2,640 feet, to be consistent with other separation requirements in the ordinance.			x
266	Dish antennae	This section should be deleted. FCC does not permit local regulation of dishes less than 1 meter in diameter.			x
267(f)		"one mile radius": Suggest specifying a number, 2,640 feet, to be consistent with other separation requirements in the ordinance. Also, is this requirement		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		counterproductive by requiring such facilities to be spread out across the city rather than concentrated to promote transit service, walkability, minimize driving distances, etc.?			
268	Drive-up bank teller facility	"The setback distances for drive-up bank teller facilities shall be as follows": The requirements are the same. Delete the table and simply state the setback requirement.			x
269	Evaluation of special use permits under the provisions of section 18-143, change in kind of nonconforming use	Delete this section. These criteria should be in the Nonconformities article related to change of use.			x
270	Fraternity and sorority houses	These appear to be the same criteria as for Private Dormitories. The two should be consolidated. Also, consider the same comments.			x
271	Funeral homes or crematories	Many communities differentiate between funeral homes and crematoria due to chemical emission from the smoke. Consider such distinction and only allowing crematoria in intense commercial or industrial districts.	x		
271(c)		"large trees": Pretty vague. Suggest changing this to a specific buffer requirement per a Landscaping, Screening and Buffers article.		x	
272	Furniture and other home furnishings stores.	Not needed. Delete.			x
273(b) & (c)		Redundant. Delete. Consider deleting this entire section.			x
274	Group home supportive small, medium and large	"small, group home supportive medium, and group home supportive large"			x
274(a)		Is it necessary to state this?			x
274(b)		"Off-street parking must be provided in accordance with Article 9 of this chapter. Regarding the group home supportive			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		small, the one (1) space per staff person is one (1) space per staff person or family": Move to parking article.			
274(d)		"architecturally compatible": Very subjective. It would be helpful to add this term to the Definitions, along the lines of: exhibiting similar height, scale, building materials, roof pitch and accents as adjoining buildings or are predominant in the surrounding area.			x
274(e)		"not cause any adjacent property to provide increased setbacks": Clarify or simplify.			x
275	Group home residential, group day facility, group home supportive small, group home supportive medium and group home supportive large	Delete. If there are other standards applicable to these uses, they should be listed in the preceding section.			x
275(b)		"three thousand (3,000) square feet": Not needed.			x
275(e)		Move to 18-274.			x
275(h)		Delete and reference Landscaping article.			x
275(i)		Clarify or simplify.			x
276	Group home supportive small, medium and large, family care home, group home residential; separation requirements	Move requirements specific to these to 18-274			x
276(a), (b), & (c)		"one-half-mile radius": 2,640 feet			x
276(e)		Unnecessarily complicated. Suggest deleting.			x
277(a)		Why have the minimum lot sizes on several of these uses been set so low? It isn't even feasible to develop most of the uses on such a small lot and accommodate setbacks, buffers and parking. Either			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		require a large size or delete and let the minimum for the district govern.			
277(e)		"one (1) mile radius": 5,280 feet			x
278	Historic mixed use buildings	"meet the criteria listed below are permitted by right": They would be "conditional uses" if they have to meet additional criteria.			x
278(a)		Requiring National Register eligibility seems like a high bar, IF there is a desire to maintain and re-use such buildings rather than demolish them.	x		
278(e)	Uses	"A minimum of one (1) use must be dedicated for residential use": This is redundant with the previous sentence.			x
		"devoted to a use permitted in the zoning district where it is located and such use shall conform to the permitted use list of this chapter": Wording should be simplified			x
278(f)(2)		"one (1) parking space per bedroom unit": Is this per bedroom? Or per residential unit? Unclear as written.			x
279(c)		Simplify by changing the heading of this section to "Home Occupation, not including Bed and Breakfast". Then delete all subsequent references to B&B in the various paragraphs.			x
279(e)		"pickup trucks and step-type vans only shall be permitted in connection with the conduct of the customary home occupation": Clarify intent. May be preferable to state that no truck, other than…" may be used in the conduct of the home occupation. Also, add an exemption for parcel delivery vehicles and state no deliveries by semi tractor-trailer.			x
279(k)	Bed and breakfast	This should be a completely separate section.			x
279(k)(1)		Not needed. The allowed uses are specified in the various zoning districts and need not be repeated.			x
279(k)(2)		"within one (1) numerical block": Since "block" is defined, it should be sufficient to simply say one per block.			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
279(k)(4)		This could be an issue if the B&B is taking up on-street spaces and impacting residents of the area.		x	
279(k)(6)		"shall be subject to the provisions of Article 4, Division I, Nonconforming Situations": Not needed. The general rules governing nonconforming uses are applicable to all such uses.			x
		"fully transferable with the property and shall furthermore run with the land": Not needed. This is a basic tenet of zoning.			x
280(c)		"Limited outdoor exercise runs": Vague. Delete			x
281(a)		"as defined by Article 15": Delete. Don't need to reference the definitions for each defined term.			x
281(e)		"(2,500) square feet of lot area, or five (5) animals, whichever is greater": Is this the intent? So, 5 animals can be kept on any size lot, no matter how small. But at least 15,000 square feet is required for 6 animals?			x
281(g)		This is very prescriptive. Suggest deleting.		x	
		"shall be the sum of square footage required for each individual animal": Unnecessarily complicated and impossible to enforce. Delete		x	
		"Nursing mothers and their young shall be separated from other animals": Again, too much detail and impossible to enforce. Delete.			x
281(i) & (j)		Delete.			x
282(a)	Purpose	Large-scale retail development already defined, no need to repeat here.			x
		"disturbance of large amounts of land and attract substantial vehicle trips": Based on this purpose statement, the 40,000 sq. ft. threshold seems low.		x	
282(b)(2)		This seems to be an onerous requirement for a 40,000 square foot building and just reinforces the suburban development model. Does this apply to other 40,000 sq.		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		ft. or larger buildings (industry, office, services, etc.)?			
282(b)(3)		"minimum of fifty-foot intervals": Where is this required…in the parking lot, adjacent to the building, other? Such requirements should be in the Landscaping article.			x
282(b)(4)		Move to landscape article.			x
282(b)(5)		Should be in sign article.			x
282(b)(12)a.		Move subsection to Parking or Landscaping article			x
282(b)(12)b.		Move to Parking article.			x
283(a)		"major or minor thoroughfare": Where are these defined?			x
283(c)		Should be in general Lighting requirements			x
283(d)		Why? Is this reasonable?		x	
284	Manufactured housing parks	Change to Manufactured Home Communities. Why is this section needed, since there is a MHP zoning district specific to this use?			x
		"shall comply with the following": Requirements should be expanded re: lot size, setbacks, street dimensions, accessory uses, etc.		x	
285	Meeting and events center	Is this section needed? Many of the criteria are very detailed and seem to single out this use for particular scrutiny. The districts in which the use is permitted should be reviewed to determine if the use is generally appropriate in the district.		x	
286(e)		"and along any property line abutting a residential zoning district": Should already be in the Landsc, Screening, Buffer article.			x
286(f)		Should already be in the Landsc, Screening, Buffer article.			x
286(h)		"ten (10) feet in height": Very low. Should reconsider a more appropriate height		x	
287	Motels, hotels, and residential	Since no property is zoned O&I, suggest deleting this section.			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
	hotels in the O&I Districts				
288	Motion picture production and distribution	"limited supportive services": Needs defining.			x
288(b)		"one-third (1/3) of the total square footage": Of what? This needs to be clarified.		x	
289	Multifamily District Mixed Use (MFMU) within the MF-M, MF-MH, and MF-H Districts	Is this needed? This is another example of complicating the requirements with the intention of making them more flexible.		x	
289(a)		"integration of diverse but compatible uses into a single development": There are at least two mixed use districts, as well as Planned Development. Couldn't one or more of these satisfy this purpose? In addition, simply allowing some small scale retail, office and/or personal service uses as special or conditional uses within the MF districts would also address this.	x		
289(b)		"All buildings shall contain residential uses": Live/work units or vertical mixed use? This paragraph is unnecessarily complicated. Simplify.			x
		"All buildings must be fully integrated into the mixed use project through common design themes (including, but not limited to, lighting benches, landscaping, other decorative features but not necessarily building design), integration with a variety of uses, nonlinear arrangement, common spaces, pedestrian walkways, vehicular access connections and other features": Too many things in one paragraph. This should be broken up and simplified.			x
289(c)		Already required as part of site plan. Delete.			x
289(f)		"These may include, but are not limited to, plazas, courtyards, walking or bike paths, and other similar areas providing public gathering and interaction. Unimproved		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		natural areas shall not be counted as common area. Any area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment may be counted as common area, provided, however, that these natural areas do not exceed twenty-five (25) percent of the minimum required common area. Amenities such as benches, planters, lighting, fountains, art, and landscaping that further the design theme of the project and encourage interaction are required": Excessively specific. Most of this could be in a definition of "common area" or stated as a general requirement within a Landscaping, Screening, Buffering article.			
289(g)		Delete, redundant.			x
289(h)		"Residential density may exceed two and one-half (2½) units per acre": Not feasible for multi-family. In any case, such restrictions should be in the district, not in conditional use criteria for commercial development.		x	
289(i)		"shall not require a buffer": This should be a general provision related to al mixed use and PD development, stated in a Landsc., Screening, Buffering article.			x
289(k)		The rationale for why some of these uses are allowed is not apparent. Some could be fairly large in scale and not consistent with the residential character. In addition, an earlier provision required that all buildings contain residential uses. How would this work with grocery stores, marinas, post office, etc.?		x	
290	Nightclubs	What is the purpose of these regulations? Are they needed? Consider deleting.		x	
291	Nonresidential off-street parking in residential districts	Is this needed? Most situations (churches, schools, etc.) are subject to site plan review. Since many nonresidential uses are specifically allowed in residential	x		

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		districts, subjecting the parking lots to different standards seems onerous.			
291(b)(1)		This leaves a lot to interpretation. A school or church in a residential neighborhood is in a residential "area". Suggest deleting. Other regulations in this section provide the needed controls.		x	
291(b)(2)		"through the lot containing the principal use": Could prohibit access via a local street or require access via a collector or arterial street.		x	
291(c)(2)		"nonresidential zoning district boundary": There may not be a nonresidential boundary, i.e., church, school, park, office located within a residential district. Clarify.			x
291(c)(3)		"except the right-of-way the principal use abuts": Should make plural to address corner or through lots.			x
291(d)		There is no need for this paragraph since buffering requirements are addressed elsewhere.			x
291(e)		Unnecessary; delete.			x
292(a)		A minimum size this small is unnecessary. For a facility like this, an acre or two should be the minimum.		x	
292(d)(2)		This can be addressed through site plan review, as with any use. Delete.			x
292(d)(3) & (4)		Regulated by the state. Delete.			x
292(e)		This paragraph is cumbersome. Nursing homes, assisted living facilities, congregate care, independent senior living, etc. are, by their nature more dense than traditional multi-family housing. Density limits should be increased.		x	
292(f)		"architecturally compatible with the streetscape": What does this mean? A more descriptive provision re: building materials, scale, roof pitch, height, etc. should be given as examples.		x	
293(a)		"residential use": Consider that some residential uses may be either legal or illegal nonconforming uses within an	x		

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		industrial or commercial district. Should such uses be allowed to dictate the location of this special use?			
294(a)		"two (2) acres": Very small for a PUD.		x	
294(b)(1)		"Siting for solar access": Define			x
294(b)(2)a.		"Streetscaping": Define.			x
292(b)(2)b.		"Pedestrian way treatment": Define.			x
292(b)(4)	Recreational amenities	"recreational uses to be approved by the city manager": Based on what criteria?			x
292(d)		Delete, as unnecessary, if buffer requirements are specified in a Landsc., Screening, Buffer article.			x
292(e)		"affordable detached single-family": Other forms of housing don't qualify? This should be reconsidered.	x		
295	Prescribed conditions within the Main Street Mixed Use zoning district	All of these should have the prohibition for parking fronting the street.	x	x	
		These restrictions should be listed within the MSMU district requirements rather than being separated and put in a special use chapter Or, preferably, they should be deleted altogether and general development standards, applicable to all nonresidential uses in the MSMU should be established, e.g., no front yard parking, maximum floor area, no outdoor storage or activity areas, etc. There doesn't seem to be a defensible rationale why the uses in this section are singled out while other, potentially more objectionable, uses are not regulated.	x		
295(a)(4)		"Off-street parking shall not front any street zoned MSMU": "Not front" should be clearly defined.			x
295(e)	Upholstery and furniture repair	Why is this use singled out from all other possible retail or service uses that might be developed? This suggests that this was written with one specific development in	x		

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		mind. Suggest deleting. See above comments.			
295(e)(2)		"No outdoor storage of materials, goods, or equipment shall be permitted": Already prohibited in the MSMU district regulations. Delete.			x
297(a)		"development standards in the Office and Institutional-1 (O&I-1) district": Why not the standards for the district in which it's located or specify the requirements here to negate the need for the user to go to another place in the ordinance?			x
297(b)		Delete. Should be covered in general lighting article.			x
297(c)		"requirements in Article 8, Division VII": Delete, no need to specify a general requirement applicable to all uses and districts.			x
298(c)(2)		"Signs shall not be internally illuminated": Why? This is pretty common.		x	
298(d)(1)		"Outdoor recreational facilities": Could be considered contrary to RLUPA (Religious Land Use and Institutionalized Persons Act) since parks, golf courses and outdoor recreational facilities are permitted by right in some residential districts.		x	
298(f)		Unnecessary to state all this. The permitted use listing in the district is sufficient.			x
298(h)		Delete; unnecessary.			x
298(i)		Unnecessary repetition. Delete.			x
298(j)		Unnecessary repetition. Delete.			x
300	Schools	Other standards could include: minimum site size, frontage and access on an arterial or collector street, proximity of play areas and athletic fields to adjoining property line, etc.		x	
300(c)		Delete, per prior comments.			x
301	Service stations	These standards are listed elsewhere in the ordinance. One or the other should be removed.			x
301(b)		Unnecessary; delete.			x
301(c) thru (e)		Delete.			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
301(f)		May be too small based on current standards for c-store and gas station. 4,000 to 4,500 more typical.		x	
302	Shipping containers permanent off-chassis and on-site	"as permanent storage buildings": Why allow this to be used permanently? Suggest this be reconsidered	x		
303(g)		A simpler term such as parking and loading area, may be more understandable to the user.			x
303(g)(2)		"minimum four-foot wide landscaped strip": Very narrow to support any meaningful landscaping		x	
304	Skating rink	This is unnecessary. Delete. If there are standards for indoor commercial recreation, those would apply to skating rinks.			x
305	Special uses in the Historic Districts , with the exception of the Historic District-Mixed Use (HD-MU) and the Central Business District-Historic District Overlay (BD-HDO)	This section is superfluous and should be deleted.			x
305(a)		Delete. The list of uses in the districts specifies professional offices. There is no need for a separate special use standard.			x
305(b)		Delete, per prior comments.			x
305(c)		Should be in parking article			x
305(d)		Should be included under "guest lodging," no need to repeat it here.			x
306	Special uses within the CS (CO), Commercial Services Corridor Overlay District, Dawson/Wooster Corridor Overlay	Delete this section and incorporate into the SHOD district provisions related to Dawson/Wooster.			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
307	Special uses within the Wrightsville Avenue Corridor Overlay	Delete this section and incorporate into the SHOD district provisions related to Dawson/Wooster.			x
308	Swimming pools	"shall be located in the side or rear yard": This is unusual. Most communities limit swimming pools to the rear yard		x	
309(b)		Is it possible to meet all district setback requirements on a 3,000 sq. ft. lot?		x	
311	Tour service	This seems like an activity, more than a land use, that would be regulated by a separate city ordinance. Is a license required? Consider moving these (and other) regulations to a licensing ordinance.	x		
313	University administrative uses	Delete. The statement regarding limitations should be within the overlay district, not in a separate part of the ordinance			x
314	Utility stations and plants outside public rights-of-way	Delete and move to Landscaping, Screening Buffering article			x
315(b)		Restate to be consistent with other similar provisions, such as "No outdoor storage or stockpiling of merchandise, parts or goods. " No outside appearance of warehousing could be construed as prohibiting truck docks facing a street or semis lined up along a building, etc.			x
315(c)		"detract from nor otherwise be detrimental": Very subjective. It's permitted in the industrial districts and is an essential part of industry. This restriction should be deleted.		x	
316	Wholesale trade, durable goods	It's permitted in the industrial districts and is an essential part of industry. This restriction should be deleted.		x	
317	Wholesale trade, nondurable goods	"Screening buffer in accordance with Article 8, Division VII of this chapter shall be installed on all property lines abutting a residential use or district, regardless of any intervening rights-of-way": Delete and			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		move to Landscaping, Screening Buffering article			
318	Yard sales	"one (1) day": Is this reasonable? Many are two day events. Are there limitations on off-premise signs?		x	
319(c)	Automobile services and towing services	Consider prohibiting these uses within the CBD	x		
320(a)		Last sentence: This provision should be in a General Provisions article so it doesn't have to be repeated throughout the ordinance whenever separation distances are specified.			x
320(b)		"removed or brought into compliance": Is this enforceable re: the 500 foot separation distance?	x		
320(c)		Move to parking article.			x
321	Assisted living residence	This section should be consolidated with the Nursing Home requirements.			x
322(d)(2)		Last sentence: (a) imposes a maximum of 3,200. This and (2) above should be consistent.			x
322(d)(6)		Delete. This is already required for site plans.			x
322(e)(1)		Delete. This is already required for site plans.			x
324(a)(2)		"compatible": Vague and subject to wide discretion and interpretation. "Materials, architectural details, complementary color", etc. would provide more clarity.			x
324(b)(1)		Unrealistic to expect a car dealer not to have their sales lot in the front yard.		x	
324(c)	Building height exceeding by-right heights	This is inconsistent with several other districts that establish formulas and substantial setbacks for additional height in relation to adjoining properties. There should be consistency one way or the other.		x	
324(d)	Automobile renting and leasing facilities, services and towing services	"towing services": Prior standards for towing services contain several other requirements. Why not here?		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
324(e)(1)		"excessive": Another subjective term. It would be preferable to identify the specific uses that are permitted in the UMX or establish industrial performance standards to determine "excessive".		x	
Division II – Temporary Uses					
340(b)(3)		"eleemosynary": Archaic term, change to "philanthropic"			x
340(c)(8)i.iii.		According to the table above, they are only allowed in the CBD. That restriction should be restated here to avoid the inference that only units located within the CBD are subject to these restrictions but those located elsewhere are not.			X
340(c)(8)i.x.		What about amplified music?			X
340(c)(9)		The organization of this entire section could be improved by keeping all of the general requirements and application procedures together, followed by the requirements applicable to specific uses (8). As written, there is no continuity.			X
340(c)(10)	Approval procedure	"readily identifiable major problem": Vague. It would be preferable to state "if all applicable conditions and requirements of this section cannot be fully satisfied..."			x
		"Appeals": Should be in a separate section.			X
Division III – Conservation Resource Regulations					
341(a)	Purpose	Last sentence: Already stated in the beginning of the ordinance, no need to restate it here or elsewhere.			X
341(c)	Conservation resources	This subsection should come before the prior (b) subsection to define the resources to be protected before identifying the exceptions.			X
341(d)(1)	Protection	"permanently protected": Possible expansion of this sentence would be helpful to note examples of permanent protection: public dedication, conservation easement, other legal instrument, etc.			x
340(d)(5)a.		"twenty-five (25) percent of the buildable area": This should be clarified. What is the			X

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		buildable area of a conservation resource? Is there any buildable area? Is this referring to the buildable area of the property? If so, that percentage could exceed the size of the conservation resource.			
ARTICLE 7 – SUBDIVISION REGULATIONS					
Division I – In General					
General		Article 7 should begin with a clear overview of the various types of subdivisions (exempt, minor, major) and approval authorities (staff, SRB, PC). Each step in the subdivision process should be outlined with the various responsibilities noted, such as: review, recommend and approve.			x
General		Division I should include an intent paragraph. The intent and purpose of the article should be to ensure that subdivisions are consistent with long range plans, are able to be adequately served by public infrastructure, create safe and efficient transportation networks, provide for parks and open space, and efficiently make use of land.			x
348	Variances	"intent of this article": Variance "standards of approval" should be included in this section to ensure consistency in decision-making.		x	
		Second paragraph: Minor subdivision variances may be more appropriate to be considered by the subdivision review board.	x		
349(c)	Replats	Replat is not defined distinctly from plat.			x
351(b)		Prior to acceptance, the subdivider should also provide as-built drawings in a reproducible format showing corrections made in the field.			x
351(b)(1)		The "subdivider," not the "subdivision," shall guarantee materials and workmanship.			x
		Warranty provisions should be expanded upon in this section. Work should be guaranteed against defects for a longer	x		

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		time period, at least 24 months. Additionally, warranty sureties are typically set in the amount of 15 percent of the engineer's opinion of probable cost or the contract amount. Sureties should expire six (6) months after the expiration of the warranty period.			
Division 2 – Required Improvements					
General		Street tree requirements should also be included in Division II.		x	
364(b)		It may be necessary for a project planner to review certain construction plan sheets against the Minimum Standards of Design in Division III. This may already occur but the section makes no reference to a coordinated review.			x
365(b)	Inspection	A required inspection list should be developed to include scheduled on-site meetings, such as preconstruction, proof rolls, storm drainage, paving, punch list, follow-up and final.		x	
365(c)	Erosion control	The erosion control plan compliance requirement should reference the county erosion control permit and any other applicable city ordinances.			x
365(d)	Existing flora	Methods to protect trees and critical areas, such as installation of temporary fencing, should be indicated on associated plan sheets.			x
365(e)	Construction	The limits of disturbance of a subdivision development should be required to delineated on a preliminary plan.			x
366(a)(2)		This section is inconsistent with Section 18-364 (b), which states that the city engineer issues the construction permit, not the city manager.			x
366(b)	Financial guarantees	"accordance with the following conditions": Details regarding the financial guarantee should be within the Review and Approval division or in an Administration and Enforcement article, governing all performance guarantees.			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
366(b)(1)		The surety should be greater than 100 percent of the construction costs, such as 125 to 150 percent.	x		
366(b)(2)		The surety should be based upon an engineer's estimate of probable cost or an executed contract for the project.			x
366(b)(3)		It is highly unlikely that the subdivider would willingly deposit funds to cover costs that exceed the surety amount. This is one of the primary reasons for an increased surety amount.	x		
366(b)(5)		Civil action is the likely scenario, should costs exceed the surety amount.	x		
366(b)(6)		Retaining interest on deposited funds should be reviewed by the city attorney.	x		
366(b)(7)		Release of a surety should be an administrative function, especially as there is no city council involvement in the subdivision process, aside from acceptance of public land and facilities.	x		
366(c)		Zoning compliance review for structures is appropriate to reference in this section, in conjunction with building permit review and approval.			x
368	Curbs	Low Impact Development (LID) design practices typically allow swales to promote natural stormwater treatment, similar to the intent of this section. Instead of openings, larger segments adjacent to open space or park areas could potentially be considered, subject to design standards.		x	
369(b)	Drainage easements	Easements along watercourses or drainage ways should also be based on the recommendations of the public works department and city engineer.			x
372	Permanent monuments	Reference to G.S. 47-30 Mapping Requirements for Recordable Maps should be included in this section.			x
372(d)	Pedestrian crosswalks	Mid-block crossing requirements are typically included in sections regulating block lengths and perimeters, such as in Section 18-402. It is unclear why this			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		paragraph is included in the permanent monuments section.			
377(b)		Earlier, Section 18-368 allowed curb and gutter with "openings" for natural stormwater treatment. These two sections should be consistent and a clear policy concerning use of curbs and swales should be developed and should include design considerations and conditions for the use of vegetated swales.		x	
378(a)	Responsibility for street and transportation improvements	When connecting to any public or private street, proof of all necessary approvals must be provided to the city.			x
377(i)	Access to adjacent properties	"deemed necessary for public requirements": Alternatively, when a subdivision is proposed adjacent to an existing subdivision with a stub street, it should be designed to connect to the stub street to create through street.		x	
		Last sentence: When a subdivision is proposed adjacent to undeveloped land, stub streets should be planned so that maximum block length/perimeter requirements can be achieved on adjacent land during future development.		x	
377(k)	Street connectivity requirements	The street connectivity requirements are very complicated. An alternative is recommended.		x	
383(b)(1)b.		At minimum, trail access should be required. If passive recreation is required, it should be for the enjoyment of residents. Otherwise, it would simply be an "open space" requirement.	x		
383(b)(12)	Recreational facilities	The standards for requiring recreational facilities are extremely subjective and are not predictable. If the city is to require the construction of facilities and state the specific type of facilities required, a more detailed criteria should be developed.		x	
383(d)	Standards for park, recreation and open space areas	It would be advisable to establish a uniform set of standards for required open space and put those standards			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		within a General Provisions or Conservation Resource Division			
384	Property owner associations	Move this section to Division IV, Specifications for Plats			x
385	Reservation of public sites	A recommendation should not be included in the ordinance. If there is a need for public sites, this could be negotiated prior to, or addressed during, the preapplication meeting.	x		
Division III – Minimum Standards of Design					
397(b)		All waivers should consider the city engineer's review and recommendation.			x
397(c)		Final plat requirements have been previously addressed in this article.			x
401	Bikeways	Are bikeway standards addressed in the Technical Standards and Specifications Manual? Widths, cross section, design, marking, signs, crosswalks, etc.			x
402(b)	Block length	A sliding scale for maximum block perimeter could be considered instead of a set block length. Block perimeters typically vary by the average lot size for the subdivision.		x	
		There may be a number of exceptions to block length maximums, such as if the block includes a pedestrian passageway that connects two parallel streets, when natural or physical features would make a secondary complete block infeasible, or when a civic building or park land interrupts a full block.		x	
402(c)		Single tier lots may also be appropriate when adjacent to open space, parks or other natural obstructions.			x
402(d)		A similar requirement was included earlier in the article. This is the more appropriate location for this topic.			x
403	Emergency services	Many subdivision ordinances require a secondary access to a main road to protect residents in the event of an emergency, or in the event of blockage of an access point, and to promote safer traffic flow. Acknowledging the connectivity and stub street requirements,		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		main access point requirements should be further assessed.			
406(c)	Lot access	Why would townhouse developments be exempted? Is this because they may have vehicular access to alleys? This would also be typical in any TND project.			x
406(e)	Corner lots	"Corner lots are recommended…": Recommendations should not be included in design standards. Lots should be designed to ensure compliant building envelopes.			x
		In a denser TND development, a corner lot would typically be subject to a primary front yard setback and a lesser secondary front yard setback (or street-side setback).		x	
Division IV – Specifications for Required Plats and Related Plans, Certificates, and Statements					
General		This division should be consolidated with the Review and Approval provisions (Article III, Division III) which should be moved here			x
419	Preliminary plan	All plan checklist requirements are recommended to be placed in an appendix of the ordinance.			x
420	Construction plans, profile and detail sheets	All plan checklist requirements are recommended to be placed in an appendix of the ordinance.			x
421	Final plat	All plan checklist requirements are recommended to be placed in an appendix of the ordinance.			x
Division V – Cluster Subdivision					
432	Permitted uses	"R-20, R-15, R-10 and R-7": Cluster subdivision should be noted in these districts as a conditional or special use.			x
	Table	"detached townhouses": By definition, townhouses are attached single family dwellings. If it's detached, it's a single family dwelling. What is a detached townhouse?			x
	Table, footnote (1)	More complications. This entire table is very confusing and should be revised/reformatted to clarify.			x
433(d)	Primary Conservation Areas	This should be consolidated with Article VI Division III, Conservation Resource Areas			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		or simply reference those regulations here.			
433(g)	Open space	Delete and just reference common open space provisions elsewhere in the code			x
ARTICLE 8 – LANDSCAPING AND TREE PRESERVATION					
Article 8	General	Overall, this entire article should be reorganized into a more logical, orderly progression; to eliminate redundant provisions; and to clarify the requirements.			
Division I – General					
447(a)		"potentially incompatible" might be a better choice			x
447(b) & (c)		This seems a bit too specific for the Applicability section. The specific parameters should be in the regulations. Here it would be sufficient to say: landscaping within large parking areas and expanses of pavement; in large scale residential developments; to screen certain site features; etc.			x
448(a)(2)		"shrubs shall be a minimum of twelve (12) inches in height": 24 is more common			x
448(b)(1)		"reviewing agency": Preceding paragraphs reference the city manager. The designated reviewer should be consistent throughout.			x
448(d)		"including trees located in the street yard and bufferyard": Is this in conflict with (b)(6) which does not allow credit for buffer yard trees?			x
448(h)		An earlier provision referenced a plant list. If there is such a list, it should be referenced here or, at least, a list of prohibited species should be referenced.			x
448(i)		Some provisions in this subsection are required, while others appear to be optional. Suggest moving the optional items to a separate paragraph for clarity.			x
448(k)	Table 1	"Credit (required trees, pine plugs or shrubs)": This may require more explanation. Is this saying that the preservation of one-5 inch caliper tree is worth a credit of 1 shrub? If so, the table		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		should be reexamined to be more equitable.			
449(a)		"HD, HD-R, HD-MU and HD-O": Simplify "...within any HD zoning district..."			x
450(a)		"shall be approved by the city manager":			x
450(d)		Redundant. Delete.			x
Division II – Tree Preservation					
457(g)		This was already stated elsewhere and could be deleted.			x
458(f) & (g)		These paragraphs may be more appropriate in an Enforcement and Penalties section.			x
460(b)	Significant trees	"replacement trees": Does the prior standard of minimum 2" caliper apply to replacement trees? It seems like a replacement tree should be larger than 2".	x		
		"multiplying the total DBH of the removed significant trees by two (2) times the percentage for the type of tree in Table IV and dividing by three (3)": This is an unnecessarily complicated formula. A percent could be applied based on the figures in Table IV. For example, mitigating at 100% requires a replacement number equal to 66% of total DBH, at 85% mitigation the number equals 57% of total DBH, etc.			x
460(c)	Regulated trees	Unnecessarily complicated. Simplify.			x
460(e)		Unnecessarily complicated. Simplify.			x
460(g)		Above paragraph says city manager. Reconcile.			x
462	Landscaping plan	"Landscaping plans shall be submitted before or at the time of application for the building permit for all development projects": Reference the site plan article regarding overall site plan requirements.			x
462(a) thru (d)(2)		Not needed here if site plan article is referenced.			x
462(d) (6)		"required landscaping": "and additional proposed" landscaping			x
462(d) (7) thru (9)		Not needed here if site plan article is referenced.			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
462(d)(15)	Triangular sight distance	What does this mean?			x
Division III – Tree Removal					
471	Permits required	"No person, directly or indirectly, shall remove any tree from public or private property": Is this the intent or just "protected" trees?			x
472	Procedures	"established by the city and made available to the public": Delete. Could just say "forms for that purpose" or "applicable form"			x
Division IV – Street Yard Landscaping					
477(b)(2)	Creative standard	"street yards may consist of trees and shrubbery": There is no minimum requirement, other than 50% of the yard must be covered. Could this mean one tree and the rest shrubs? Some minimum number of trees should be specified to ensure some consistency along the street edge.		x	
477(d)		"calculated by multiplying the designated street yard factor in accordance with the zoning designation of the property by the linear street frontage of the subject property minus the width of all approved driveways": Add a graphic to explain.			x
477(f)		"up to one-half (½)": Simplify "...up to, but not more than, one-half (1/2)."			x
481(i)		There is no land in the city zoned NB or O&I. This requirement should be deleted.			x
481(j)		Where is this description? A specific reference should be given.			x
		"707 square feet": Is this at time of planting or at maturity? Specify.			x
482(a)		"eighteen (18) to twenty seven (27) feet": Why is a range given, instead of 1 tree per 20 or 25 feet? On 216 feet of yard, this results in either 8 trees or 12 trees (50% difference from the minimum)			x
		Change "can" to "may."			x
Division VI – Foundation Plantings					
490	Foundation plantings	"adjacent to parking facilities or internal drive isles": What about facing a street?		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
490(a)		"shall be computed and multiplied by a minimum of twelve (12) percent":		x	
Division VII – Buffer Yards					
General		Suggest revising this entire Division to establish buffer requirements between most dissimilar districts. Varying levels of width and screening requirements should be defined. A table should be included to show the level of buffer required under varying conditions. And graphics should be added to illustrate the buffers.	x		
496	Purpose	Suggest revising this statement. Buffers are not only appropriate to separate residential and nonresidential uses. The intensity of the buffer may vary, but they may still be desirable to transition from other uses.		x	
497	Location of buffer yards	"screen any residential use from any nonresidential uses or districts. Buffer yards shall also be required to screen any residential use or district from any attached housing development or mobile home park or high-density development or Planned Development": See prior comments.	x		x
498	Width of buffer yards	"base width equal to at least fifty (50) percent of the required setback. In all cases the base of the buffer yard shall be equal to or greater than twenty (20) feet": Dimensions and intensity of buffer should relate to the uses/districts being buffered.		x	
499	Site constraints	"solid eight (8) to ten (10) foot fence": Why give a range? Since it's at the manager's discretion, establish a maximum height, either 8 feet or 10 feet.			x
500	Allowance for a decreased setback width and increase in buffer width	"setback for structures may be decreased if the base width of the buffer yard as determined by this article is increased by the same amount": This seems to be saying the setback may be reduced but the amount of the reduction has to be added to the width of the buffer. So, the net effect is that the structure would still be the same distance from the property		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		line? If not, this needs to be clarified or deleted.			
501	Uses in the buffer	This section is unnecessarily wordy. It's sufficient to say no structures, except utilities or a permitted fence or wall, may be placed within the buffer.			x
502	Uses in the rear and side yards abutting a residential use	These requirements should be in a "Screening" section (18-504) and not be limited to screening from residential property. Screening from parking lots, adjacent streets, etc. is appropriate. There should also be standards for the screen, either vegetative or material, including height, etc.		x	
503	Types of buffer yards	"one hundred (100) percent opacity": Not necessary in all cases. The type of screen, degree of opacity, width of the buffer, etc. should vary depending on the adjacent uses or districts.		x	
503(b)(1)	Planted buffer yards	"intermittent visual obstructions from the opaque portion to a height of at least twenty (20) feet": An unnecessary requirement. Delete. Trees within the buffer, if on the approved list, will reach that height.			x
		"Shrubs shall be a minimum of three (3) feet high at planting": Earlier section of the ordinance requires 12 inches at time of planting. This illustrates why such requirements should be in one place and just referenced, as needed.			x
		"Clustering and/or random spacing of plants and trees is encouraged to produce a natural appearance": Agreed, but then may not provide the required 100% opacity. The adequacy of the buffer should be determined during site plan review, depending on location of structures, topography, building orientation, etc. It may be more desirable and effective to strategically cluster trees and allow some views in other areas rather than require a uniform 100 % blockage.		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
503(b)(2)		"portion of intermittent visual obstruction should not leave any completely unobstructed openings of more than ten (10) feet wide where it is providing screening of structures": Far too detailed and specific. As noted above, there should be judgement allowed based on existing or future conditions. Such a blanket, one-size-fits-all requirement is not appropriate.		x	
503(c)(1) thru (3)		What is "artificial" fencing? And a range of height limits is not needed. Six feet should be sufficient. A 10 foot wall or fence next to residential is very imposing.		x	
503(c)(4)		Add a graphic to illustrate.			x
503(d)(2)		"shall be six (6) feet or less": Suggest a minimum height of 3 feet, NTE 6.			x
504	Screening for dumpsters and outside storage areas	"minimum of six (6) feet in height along the front or corner side of any lot and eight (8) feet in height along any side or rear property line": This is too generic. An 8 foot screen is typically not needed to screen dumpsters and HVAC units. Suggest minimum 6 feet in all cases, with ability of TRC to require higher under specified conditions.		x	
504(a)		"rear side of a building where that side abuts a street right-of-way": Not needed in all cases. The street side may be designed to present an attractive image but parking is in the interior of the site which is the front entrance of the building. It wouldn't be desirable to have a screen across the street side. This should be revised to allow for such situations where there is no loading or service entrance facing the street.		x	
504(b)		This should be referenced in the special use provisions for vehicle repair and towing facilities.			x
504(c)		Clarify. Does this preclude display lots for construction equipment sales or for equipment on a construction site?			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
Division VIII – Landscaping for Expansions to Existing Principal Structures or Uses					
510	General; Table III: Requirements for Expansion	This entire table is complicated and involves several permutations that may trigger landscaping improvements throughout the site. Suggest simplifying.	x		
		All references to the phrase "whichever is more restrictive": This isn't applicable. Presumably, if the expansion meets any of the 3 thresholds listed, it must comply with the stated requirements.			x
		"4 percent 6 percent": Why is there a range? One or the other should be required.		x	
		"Greater than 50% increase in gross floor area or vehicular use area; or over 20,000 sq. ft.": If an existing building was 110,000 sq. ft. and expanded by 21,000 sq. ft. (19 %), they would be required to bring the entire site into compliance, even though it's a fairly modest expansion proportionately. That seems onerous. Suggest the size limit threshold be removed from the table.	x		
510(a)		Why is this needed? Any expansion of an existing building would be subject to the requirements in the table in any case. And any new development would be required to comply fully with the ordinance.			x
510(c)		"total increase of five hundred (500) square feet in gross floor area": Does this waiver apply to a 400 sq. ft. expansion but with 8 new parking spaces because the use changed?			x
Division IX – Maintenance					
none					
Division X – Authority to Treat or Remove Trees on Private Property					
520	Table IV. Mitigation Chart	This table should be moved to the mitigation section to which it relates.			x
		Rating; Midpoint: It's unclear what these mean. There should be an explanation in the narrative that references the table.			x
ARTICLE 9 – OFF-STREET PARKING AND LOADING					
526(a)	Purpose	This is not a standard. It should be a separate section.			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
526(b)	Parking must be provided	This paragraph is unnecessarily long. It could be edited down to a couple sentences basically requiring all new construction to meet the requirements of this article.			x
526(c)	Vehicle movement	"ingress and egress is by the forward motion of the vehicle": Seems an unnecessary requirement. It would be preferable to state that no parking space shall be accessed directly from a street.			x
526(g)	Safety barriers	This should be moved to a section addressing Parking Area Design			x
526(h)	Combination of parking spaces on a lot	This should be incorporated into Shared Parking provisions that address all requirements related to joint parking facilities.			x
526(i)	Exception to off-street parking standards	This should be a separate section.			x
526(i) (4)	Historic mixed use buildings located in the 1945 corporate limits	This is a heading, not a regulation. If the intent of this paragraph is to exempt historic mixed use buildings within the 1945 boundary that should be stated clearly in a complete sentence.			x
526(i) (5)	Religious institutions located in the 1945 corporate limits	"Off-premises parking shall be encouraged through subsection 18-526(d) of this chapter": This could be reworded to offer it as an alternative, not necessarily the preferred approach.			x
527	Off-street loading	This section is out of place here. It interrupts the parking provisions and should be moved to follow all of the parking-related provisions and precede the section on Driveways.			x
527(b)	Size	"not handling goods in quantity": This is an unusual distinction. Most ordinances require loading spaces that can accommodate semis. Reconsider making this distinction.		x	
527(c)	Surfacing	"Loading spaces associated with parking facilities which are exempted": Loading spaces should be built to a minimum standard that will support the vehicles and		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		should not encroach into off-street parking areas.			
527(g)	Access	Consolidate with paragraph (a).			x
527(h)(1)	Uses handling goods in quantity	"handle large quantities of goods": The quantity of material being delivered or picked up should not be the criterion. It's the size of the truck. In many cases, deliveries are made by semis to retail establishments, restaurants and other uses listed in (2) below. Suggest having a single standard for loading space size and number.		x	
527(h)(2)	Uses not handling goods in quantity	"convention halls": Convention halls regularly receive semis for exhibitions, stage shows, etc. and have multiple receiving docks.			x
527(h)(3)	Other uses	Already addressed in (f) above.			x
528(a)		"provide one (1) space per two (2) employees": This is a low standard that would not provide for most employees driving separately and does not account for shift change when next shift employees are arriving before the current shift is out. In addition, it is very difficult to enforce parking requirements based on employee count. Suggest deleting this.		x	
528(b)		"established by the city manager": It is more common (and realistic) that the zoning administrator determine the parking required, based on the most similar use in the parking schedule.			x
528(b)(2)		"proposed use shall be divided by three (3)": This may not be enough, depending on the specific use. Suggest deleting this.			x
528(c)		"the North Carolina Building Code or General Statutes": ADA should be referenced.			x
528(d)	General maximum allowable parking standards	It is cumbersome to establish a maximum threshold for each use. Suggest a blanket provision that limits parking to 120% of the minimum required (150% is excessive). In view of the city's stormwater concerns, this is a reasonable limit. Authority for		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		allowing more spaces based on evidence of need is already provided in (unnumbered) paragraph under (d).			
		"Parking in excess of essential site improvements": This should be restated to clarify.			
528(e)		"1:15 parking spaces per employee": What does this mean – 1 space per 15 employees? That's completely inadequate. Clarify.		x	
528(g)	Parking studies	"technical review committee": 18-526 (b) requires the city manager to make some parking determinations. This is confusing and should be rectified, designating one entity (preferably the TRC) to deal with such decisions.		x	
528(h) (1)a.	Plan contents	"city manager": "form for that purpose" would be sufficient			x
528(h) (2)	Eligible alternatives	Other options, in addition to the two listed, may be consideration of transit service and likelihood of pedestrian use (within a mixed use development, shopping center, etc.)		x	
528(h) (3)b.	Transportation management activities	"eligible transportation management activities": Corporate vans or shuttles to/from remote parking would be another. Many large hospitals and corporations are doing this.		x	
529(a)	Purpose	Another "purpose" statement is not needed. Much of what's stated here supports landscaping which is included in a different article. Suggest deleting.			x
529(c)	Maneuvering	This has already been stated in a couple different places previously. These should be consolidated.			x
529(c) (4)a.		"eight and one-half (8½)": Has this been an issue? Nine foot spaces are typical.		x	
529(c) (4)b.		"Parking spaces for small vehicles": Also consider allowing spaces/charging stations for electric vehicles, possibly as an incentive.		x	
		"twenty-five (25) percent": Since the minimum is already smaller than typical, 25% seems high.		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
529(c)(4)c.		Unnecessary.			x
529(c)(4)d.		Already stated elsewhere. Delete one or the other.			x
529(c)(4)e.		"deemed appropriate": Should give some examples to guide the applicant and the city.			x
		"city manager": TRC		x	
529(c)(4)h.	Shared parking study	Move to section entitled, "shared parking."			x
530	Driveways	Consider expanding this section to include access management standards (driveway placement, separation distances, alternate access, driveway alignment, etc.)	x		
530(a)(1)		Simplify and shorten this paragraph.			x
		"All driveways shall be paved with either asphalt or concrete, or with alternative paving material": Does this apply to parking lots with less than 25 spaces that prior provisions allow to be a different surface?			x
530(a)(2)		Simplify and shorten this paragraph			x
530(a)(3)		"permanently discontinued": This is difficult to determine. Suggest a time period during which the drive is blocked, the property is vacant or there is other evidence that the use of the drive has been discontinued.			x
530(a)(4)		This seems superfluous since a driveway permit must be obtained from the city or state. Suggest deleting.			x
530(b)(1)		"obtained from the city engineer": or NCDOT?			x
531	Interpretation of parking schedule	This section and the parking schedule should be moved to follow or precede 18-528.			x
531(d)	Retail sales establishments	Parking requirements for many of these uses vary greatly, e.g., grocery stores are high volume uses vs. antique shops or picture frame shops. There should be a much finer breakdown of uses.		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		"shoe repair": Should be in Personal Services			x
532	Table; headings	"Maximum": See earlier comment re: setting a % maximum rather than individual maximums. Suggest deleting this column.		x	
	Table; Residential row	"0-1 bedroom 1.5; 2 bedrooms 2; 3 bedrooms or more 2.25. If the city determines that the parking requirements of the anticipated resident population requires additional parking, the City may require up to 2.5 spaces per unit. Elderly housing may be reduced up to 1 space per 2 units": Using bedroom count is overly complicated and unnecessary. Suggest 2 per dwelling, possibly 2.25 for multi-family. Elderly housing should be listed separately.		x	
	Table; Dormitory, private row, Minimum column	"1 per resident": Excessive.		x	
	Table; Fraternity or sorority houses row, Minimum column	"1 per resident": Excessive.		x	
	Table; Group home residential row (all)	All group home requirements are the same, combine into one line			x
	Table; Quad-unit apartment row (all)	Delete and include in residential above. This should be 2 per unit.			x
	Table; Religious institutions row, Minimum column	1/3 should be the minimum		x	
	Table; Assembly hall row, Minimum column	1/3 seats or 1/3 people allowed as maximum capacity under local fire code		x	
	Table; Automobile and truck dealers heading	Change to vehicle dealerships 1/300 sq. ft. show room space, plus 1/service stall, plus 1 per employee		x	
	Table; Automobile repair shop row, Minimum column	2 per service bay		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
	Table; Automotive services, except repair and towing	This is too broad. BY definition, this includes car washes which should have their own requirement. Suggest eliminating this category and including under "Minor Vehicle Repair" at 2/service bay		x	
	Table; Bowling alleys and pool halls row, Minimum column	8/lane; billiard parlors – 1/3 persons allowed by maximum occupancy per fire code		x	
	Table; Catalog stores	Archaic. Delete			x
	Table; Contractor's equipment and supply dealers and service	Combine the 3 contractor uses since the requirements are all the same			x
	Table; Cultural arts center row, Minimum column	Or 1/3 seats in auditorium or 1/3 persons allowed based on maximum occupancy per code		x	
	Table; Drive-in theater	Archaic. Delete.			x
	Table; Electric motor repair shop	Very specific. This one could be included in a broader category such as Personal Services			x
	Table; Golf course, private or public row, Minimum column	Very low! Suggest 6/hole, plus required for bar/restaurant, meeting rooms and similar ancillary facilities. Private clubs can be less.		x	
	Table; Mini-warehousing row, Minimum column	1/10 door openings, plus parking for other uses such as truck rental		x	
	Table; Motels and hotels row, Minimum column	Suggest same as otherwise required for restaurants, meeting facilities and assembly halls		x	
	Table; Motor freight companies row, Minimum column	1/employee, plus 2 truck spaces per loading dock		x	
	Table; Movie theaters, except drive-in row, Minimum column	1/3 seats		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
	Table; Nightclubs row, Minimum column	If these are excluded, the standard becomes UFA and since there is an option of two standards, it should be stated that the greater shall apply		x	
	Table; Restaurant: standard and fast food carry-out heading	These and drive-in restaurants should have a much higher requirement due to higher turn-over, plus stacking space.		x	
	Table; Restaurant: standard and fast food carry-out row, Minimum column	Same comment as above.		x	
	Table; Retail sales establishment row, Minimum column	Very low. 4/1,000.		x	
	Table; Schools: primary row, Maximum and Minimum columns	Plus requirements for places of assembly (auditorium, gym, etc.)		x	
	Table; Schools: secondary, Maximum and Minimum columns	1/employee, plus 1/10 students, plus places of assembly requirements		x	
	Table; Service stations row, Minimum column	1/employee, plus requirements for ancillary uses (restaurant, c-store, car wash)		x	
	Table; Skating rink, roller or ice row, Minimum column	1/3 persons in maximum allowed occupancy per fire code		x	
	Table; Tire dealers and service row, Minimum column	2/service stall, plus 1/employee		x	
	Table; Wholesale trade, durable goods row	Requirements are the same for all wholesale uses. Combine.			x
533(b)	Trailers	"behind the plane of the front façade": Simply say "side yard"			x
		"two (2) trailers": One is typical		x	
		"between the front and rear facades of the principal building": Awkward wording. Simply say "side yard"			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		"behind the plane of the rear façade": Simply say "rear yard"			x
533(d)(1)		"behind the portion of the principal building closest to the street": Simply say "side or rear yard"			x
533(d)(2)		"not adjacent to a street": Simply say "interior side yard". Does this mean it may be parked within a corner side yard adjacent to a street? Clarify			x
533(d)(3)		Combine with (2).			x
533(d)(4)		"be in such location": Awkward. Change to "...shall not be used for..."			x
533(d)(5)d.		"adjacent primary structure": On the same property or adjoining? Clarify.			x
533(e)	Utility machines or vehicles	Why allow these to be stored outside in a residential district? Reconsider and require that they be stored inside only.		x	
		"two (2) utility machines or vehicles": If they are to be allowed outside, consider limiting to one.		x	
ARTICLE 10 – EXCEPTIONALLY DESIGNED PROJECTS					
541	Purpose	Last two sentences: It would seem that limiting impervious area while increasing density would help to implement the Comprehensive Plan by encouraging compact development and creating "transit-ready" development patterns.	x		x
543	Baseline criteria	It is recommended that existing exemplary projects be "beta-tested" against these standards to see whether or not they could be achieved, and adjust these standards accordingly.		x	x
		During our tour, we visited a project (something like "Blue Luna"?). The comment above is based on the stakeholder meeting with architects, who said the project was well liked and the most environmentally sensitive in Wilmington, but would not meet these standards. This should be verified in any code rewrite or update.		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
543(a)(6)		"incompatibilities": How are "incompatibilities" defined or determined?			x
543(b)	Development plans	"will achieve a net improvement in the functional value of the streams and wetlands and their buffers over that existing on the subject property": Net improvement vs. no net loss—this is a high standard, but useful if the goal is to completely steer (low quality) development away from these locations.			x
543(c)	Low Impact Development (LID) techniques	Light Imprint techniques, which are calibrated according to context, (for example, some LID techniques do not make sense in a CBD) should also be considered.	x		
543(c)(2)d.		"minimal disturbance techniques": Nothing is mentioned about retaining existing trees.			x
544	Scaled criteria	"may qualify": If they meet the criteria, is the density bonus still discretionary?			x
	Table 2. Density Allowances for Exceptional Development Projects; R-20 Residential District row, Max Density column	How can it be less than the base density?		x	
	Table 2. Density Allowances for Exceptional Development Projects; MF-L Multiple-Family Residential District-Low Density row, Max Density column	Why is this multi-family district limited to less density than the R-3 single family or MHP district?		x	
ARTICLE 11 – SITE DESIGN STANDARDS					
551(b)		"as defined in the definition section of this chapter": Extraneous wording. Delete.			x
		"such as in case of apartment buildings or manufactured housing parks": This			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		paragraph is addressing townhouses. Why is this reference here? The whole paragraph should be revised to clarify.			
552	Overhead canopy	This should be moved to 18-301, standards for service stations to simplify.			x
		"Setback distances for overhead canopies are as follows": Seems unnecessary to have varying requirements. Suggest, due to the nature of the structure, there be a single, uniform regulation applicable to all districts where service stations are allowed.		x	
554(a)(1)		Should state "clear vision corner" along with section reference to clarify			x
554(a)(2)a.		Why is this only for nonresidential districts? Fence heights in residential are four feet. Consider a consistent height for all districts.		x	
554(a)(2)b.		"may not extend into a front yard that is screened by a solid fence, wall, or shrubbery screen": Does this mean those activities may occur in the front yard if they're not screened? Why? If a patio or seating area for a restaurant is located in the front, some separation/screen is typically desired. Clarify		x	
554(b)		"barbed wire fence": Does this mean that barbed wire is permitted on fences in any district, if over 6 feet from the ground. Revise and clarify.		x	
554(d)		"residential zoning districts": These paragraphs go back and forth from residential to nonresidential to all districts. The section should be reorganized to specify requirements by category.			x
554(d)(1)		"board of adjustment": This is one of the first references to B oF A. Most other waiver provisions are delegated to the manager or TRC. The role of the B of A should be examined relative to state law and procedural consistency.	x		
		"consider all technical evaluations, all relevant factors, standards": Variances from dimensional requirements by the B	x		

Section	Provision	Comment	Type of Change		
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		of A are supposed to be based on legal standards of practical difficulty or unnecessary hardship. If different standards are to be applied, it may be preferable to delegate this as a waiver to staff (manager or others), as has been done with several other provisions in the ordinance.			
554(d)(2)		"eight (8) feet": This is high for a residential district. Six is the norm.		x	
554(e)		"shall be prohibited in front yards": Clarify. Does this allow such fences in other yards within residential districts? This should be restated to specify where such fences may be used in order to avoid misinterpretation.			x
555	Fuel pump island	Move to standards for service stations.			x
		"Setback distances": Same comment as previously re: canopies. The differences are not significant enough to warrant two sets of requirements. Consolidate into a single setback requirement.		x	
556	Vision clearance	The term "triangular sight distance" is defined and used elsewhere in the ordinance. This section should be revised to reference that term and be consistent.			x
557	Limitations on outdoor display and storage of merchandise	Suggest this be a conditional use and the requirements be moved to Division I of Article VI			x
		"shall meet the following conditions": These conditions seem to relate to display in front of a store. Additional or separate requirements should be established for outdoor sales areas (garden centers, landscaping supplies, lumber and yard goods) found in places like Home Depot, Wal-Mart, etc.		x	
557(g)		"auto and truck dealers, auto renting and leasing, boat dealers, camper equipment, farmer's market, flea market, fruit and vegetable market, heavy equipment rental and leasing, lawn and garden stores, lumber yards, manufactured housing, and			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		outdoor recreation products": In lieu of a long list of exemptions, these and similar uses could be defined as "open air businesses" which would be exempted from the requirements of this section.			
557(h)		"shall be rendered in compliance prior to November 1, 2002": Clarify.			x
ARTICLE 12 – SIGN REGULATIONS					
Division 1 – Purpose and Scope					
566	Purpose	"achieve the following": All statements should be restated in the positive.			x
567	Scope	Should be revised to add that this article does not regulate the content of any sign, other than for obscenity.			x
		"Unless specifically indicated or defined otherwise, the word "sign" refers to an on-premises sign": Unnecessary. Delete.			x
Division II – Regulation of On-Premise Signs by District					
573	Special provisions for selected districts within the 1945 corporate limits	Reformat this section as a table for ease of understanding.			x
573(b)(1)a.		"encroachment agreement": Proof of insurance?		x	
573(e)(1)b.		Aggregate of all incidental signs?			x
573(f)	Revolving signs	May be considered content based regulation. Review.		x	
574	Signs permitted in Historic Separate Use and Historic Overlay Districts	Reformat this section as a table. The above section governs CBD-Historic Overlay District signs. This needs to be reconciled?			x
574(b)		"External illumination": All requirements related to lighting should be in one place rather than scattered throughout the article.			x
574(c)		"real estate or construction sign advertising specific property for sale, rent, lease, development or construction": Content. Should be changed to temporary wire frame or rigid frame signs.		x	
574(c)(1) & (2)		Delete.		x	

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
574(d)(4)		"religious institutions": Should include schools and other nonresidential uses		x	
574(e)(1)		"shall be permitted, but no more than three (3) per building": Should qualify re: façade facing a street or parking lot.		x	
574(e)(4)a.		"one hundred (100) square feet": Very large in relation to other wall signs limited to an aggregate of 50 sq. ft. Suggest reducing, possibly an aggregate of 100 sq. ft.		x	
		"promotion of the parking deck": Content. Revise		x	
574(e)(6)		Including residential?		x	
574(e)(6)e.		"fifteen (15) square feet": Fairly large for a projecting sign. Consider reducing.		x	
		"fifty (50) square feet": Very large		x	
		"shall be for the promotion of the parking deck and shall not include any additional advertising": Content. Revise.		x	
574(f)		This entire subsection is content based. Consider revising to govern home occupation signs.		x	
574(f)(5)	Historic Wilmington Foundation plaques	"with the words 'Bed and Breakfast'": Content. Delete. Historic plaques and markers should be addressed elsewhere as "exempt" signs.		x	
575	Signs permitted in the Central Business District (CBD) and the Main Street Mixed Use (MSMU) District , the Riverfront Mixed Use (RFMU) District, the Mixed Use (MX) District, and the Urban Mixed Use (UMX) District	"Central Business District (CBD) and the Main Street Mixed Use (MSMU) District": 18-573 regulates signs in these districts. This needs to be reconciled			x
		"signs are permitted in the MSMU, RFMU, MX, and UMX districts and in that portion of the CBD that is outside of the CBD-HDO,			x

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		except sandwich board signs which are allowed in the CBD-HDO": Unnecessarily complicated. This section should be reformatted as a table to facilitate understanding.			
575(a)		"External illumination": Same as earlier comment. Move to general sign provision re: lighting.			x
575(a) (2)		Sounds like it was written for specific buildings. Should consider whether such signs would be appropriate in other locations within the CBD or for other uses (theaters, exhibit halls, museum, library, convention facilities, hotel, etc.)	x		
575(a) (3)		"Electronic changeable copy signs": Other common requirements include a minimum length of time that a message must be displayed, prohibition of movement or special effects, instantaneous message transition, maximum area of an allowed sign occupied by electronic copy.		x	
575(a) (3)b.		"freestanding only": In the CBD, most signs are wall or projecting signs. Freestanding signs are often prohibited or discouraged. It may be preferable to have the electronic copy sign on a wall sign or marquee.	x		
575(b)		"one (1) real estate or construction sign": Content. Revise.		x	
575(b) (1) & (2)		Delete.		x	
575(c)		"Any premises": Including residential?		x	
575(c) (4)		This should reference the requirements.			x
575(d) (1)a.		"28,000) square feet": Other provisions throughout the ordinance use other size thresholds. There should be more consistency.		x	
		"(4) attached signs per building without a restriction on the number allowed per façade": Seems excessive for a single use building		x	
575(d) (2) & (3)		Several provisions are repeated in these individual sections. A table or			x

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		reorganization would eliminate the repetition.			
575(d)(4)		"two hundred (200) square feet in total area": The size should be relative to the building or wall size. Also, this could, apparently, be contained within one sign which would likely be excessive. Revise.	x		
		"MX District": Same as above.	x		
575(e)(5)		See prior comment about size	x		
576	Signs permitted in most districts	(a), (b) and (c) are all temporary signs and should be in a section dealing with that type of sign.			x
576(a), (b), & (c)		Construction signs, political signs, and real estate signs: Content. This well have to be changed to a generic sign type such as temporary wire frame or rigid frame signs.		x	
576(d)		"freestanding directional/information sign": May need to redefine to avoid content neutrality issues		x	
577	Signs permitted in Residential Districts	Again, a table should be used to simplify the requirements			x
		"R-5 and R-7 Districts in the Historic District Overlay": Should just say "within the historic district overlay"			x
577(a)		"most": Need more specificity.			x
577(b)		"thirty-five (35) square feet": This is an odd size. 32 (4x8) is more common			x
577(d)		"one (1) marquee sign": Unusual for institutional uses. Is this needed?		x	
577(f)		"Bed and breakfast": If the ordinance establishes individual requirements for specific uses, consider moving those requirements to the conditional or special use requirements for those uses.			x
578	Signs permitted in the Neighborhood Business (NB) District	Table format			x
578(b)		"thirty-two (32) square feet": Ordinance should be consistent. Most other size limits for monument or freestanding signs			x

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		is 35 sq. ft. As noted, above, 32 is more common.			
579(b)		"two (2) auxiliary signs on each road frontage for each parcel of property": Seems excessive. One freestanding sign per frontage is typical. This provision allows 3 signs on a parcel with 200 feet of frontage. Suggest reconsidering	x		
579(c)		"per occupancy": Is this synonymous with "tenant" or "business"? If so, that is a lot of signs on a building face and would seem to be contrary to some of the purpose statements of this article relative to clutter and distraction. Suggest one attached sign per tenant or business, and limiting the maximum area to 100 sq. ft.	x		
579(e)		There is no context. This added regulation is just dropped into the section. Again, a table format would greatly improve the readability and organization of this entire article.			x
579(f)	On-premises window signs	There are window sign regulations elsewhere. No need to repeat them.			x
579(i)		"Three (3) awning signs per occupancy": Again, if "occupancy" means business or tenant, 3 awning signs is excessive. One per street frontage would be appropriate		x	
579(j)		Review for content neutrality.		x	
579(k)		"department store in the RB Regional Business District": No need for such a single purpose regulation. This allowance could apply in any commercial district for single businesses in buildings of "X" sq. ft. Wall signs should be allowed to be proportionate to the size of the building in any case.	x		
579(k)(1)		Too detailed! Delete.	x		
579(k)(2)		This is way too specific. The ordinance shouldn't dictate sign placement to this extent.	x		
579(l)		"Such signs shall not change or alternate displays (messages, symbols, scenes) more frequently than once every sixty (60)			x

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		seconds": There should be a general sign provision related to changeable copy signs that applies to all such signs and include regulations as noted previously.			
580(b)		Simplify.			x
580(c)(1)		"Individual logos are permitted": Sign content requirements should be avoided.		x	
	Exhibit A: Freestanding Sign Table	This is much more complicated than necessary. This many variables make the regulation and enforcement unwieldy and are unnecessary. One obvious issue is that two properties adjacent to one another but with different street frontage length may have substantially different sized signs. If someone has 300 feet of frontage, why do they need a larger sign than their neighbors when their sign sits by itself, not competing for attention with nearby signs?	x		
	Exhibit A: Freestanding Sign Table; Max. Primary Sign Ht. (Ft.) heading	Consider only allowing monument signs in the Industrial Districts. Pole signs are typically not needed.		x	
	Exhibit A: Freestanding Sign Table; Note 1	"Spring, 1987 Thoroughfare Bond": Is there something more recent?			x
	Exhibit A: Freestanding Sign Table; Note 2	"less than seventy-six (76) percent": What is significant about this percentage? Is it necessary? Sign sizes should be reduced and more consistent from property to property within the districts. Monument signs should be the only type of freestanding sign permitted in these districts.	x		
	Exhibit A: Freestanding Sign Table; Note 3	"ront and/or corner side property line(s)": Simplify: ...from any adjacent street right-of-way line."			x
	Exhibit A: Freestanding Sign Table; Note 4	"HD, CBD and residential districts":This is apparently misplaced. It seems to be addressing permitted and prohibited signs in all districts but is in the midst of Section 18-580, which regulates permitted signs in			x

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		the industrial districts. This should be moved.			
	Exhibit B: Permitted and Prohibited Signs	This is apparently misplaced. It seems to be addressing permitted and prohibited signs in all districts but is in the midst of Section 18-580, which regulates permitted signs in the industrial districts. This should be moved.			x
	Exhibit B: Permitted and Prohibited Signs; Key	"X—Prohibited": This just clutters the table. If it's not permitted, it's prohibited. There is no need for the "X". In the alternative, there could be a list or separate table of prohibited signs.			x
581	Signs permitted in Cemetery Districts	"not exceed four (4) feet in height and seventy-five (75) square feet": Why is the size of the wall regulated? Any limitation on wall/fence height should be in a section dealing with walls and fences, not the sign regulations.			x
582	Signs permitted for mixed-use buildings	This entire first paragraph (unnumbered) should be rewritten and simplified. This is a matrix of regulations related to mixed use buildings, historic mixed use buildings and several different zoning districts apparently within and outside of the 1945 boundary.			x
		"Historic mixed-use buildings are permitted within the 1945 corporate limits for buildings that meet the criteria as stated in section 18-278 of this chapter and located in a CB, CS, O&I, R-3 or R-5 Dstrict": Revise. This is referring to buildings, not signs.			x
582(a)	Directional signs	"which direct on-premises vehicular or pedestrian traffic": This is already part of the definition, no need to repeat here.			x
		"bearing no other identification or advertising matter": Content based regulation		x	
582(b)(3)		This has been stated elsewhere in this article. Suggest placing such standard provisions in a General Sign Provisions section and eliminating the need to repeat throughout the article.			x

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582(c)	On-premises window signs	Same comment as above. Except for (2), these regulations have been stated previously and should be in a general provisions section.			x
582(e)	Incidental signs	Same comment as above			x
Division III – General Provisions and Regulations					
General		This Division should be at the beginning of the article to provide the "ground rules" at the outset before getting into the more detailed regulations.			x
591	Prohibited signs	It would be appropriate to put a table or list of prohibited signs (per Exhibit B) at the end of this section.			x
592(a)		May not be defensible if exempting these entities from permit requirements for the same sign types for which everyone else must obtain a permit. This is contrary to the purpose of the sign article for which signs are regulated.	x		
594	Abandoned signs	"owner of the sign and/or property owner": Should fix responsibility with one person to avoid disputes.		x	
595	Area computation	Insert graphic illustration.			x
596	Lighting	This should be expanded to address flashing and intermittent lighting, LED lights, sign movement, etc.		x	
598	Freedom of expression for noncommercial messages	Revise. This may not be needed in this form once other changes are made to the sign regulations, per the recent Supreme Court decision (Reed v. GIlbert)			x
600(a)	Banners	This should be reviewed with the city attorney in light of the Reed v. Gilbert decision. It seems to parallel the Supreme Court decision re: treating similar non-commercial signs differently.		x	
600(b)	Flags	"according to the following schedule": This is another example of over complicating the regulations. A much simpler regulation should be used without employing long tables and a matrix of variables.		x	
600(c)	Off-site real estate signs	"generic signs with display content limited to a directional arrow and/or one (1) descriptive phrase of 'open house' or		x	

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		'home for sale,'": Overly specific re: content			
601	Amortization of on-premises signs	Why are wall signs not addressed here?	x		
601(a)(5)	Freestanding signs—10 years	This should be divided into four subparagraphs.			x
Division IV – Regulation of Outdoor Advertising Signs					
608(f)(6)	Structural limitations	"have one (1) face per side": What does this mean? Is this a typo "side" vs. "sign"? If not, it should be clarified.			x
608(f)(9)a.		"forty (40) percent of the total number of qualified sign structures": Another approach to consider, that actually reduces the number of signs, is to authorize one digital billboard in exchange for removing 3 or 4 static billboards	x		
610(b)	Amortization	"conform to these requirements within a five and one-half (5½) year period": This seems at odds with subsection (a) above.			x
Division V – Construction Specifications					
None					
ARTICLE 13 – FLOODPLAIN MANAGEMENT					
Division I – General Provisions					
637	Purpose	All paragraphs in this section should be numbered.			x
Division II – Administration, Enforcement					
646(b)		"local administrator": Who is this? It's not a term that has been used so far in the ordinance.			x
647(d)		"city manager": Floodplain manager?			x
649	Variance procedures	Consider moving this section to the B of A article.			x
Division III – Floodplain Management Standards					
660(e)	Recreational vehicles	Reconcile with or at least reference general requirements elsewhere in the ordinance related to parking and storing RVs.			x
600(f)	Temporary structures	Same comment as above re: temporary structures.			x
600(g)	Accessory structures	Same comment as above re: accessory structures.			x
664(b)		"lesser of fifty (50) lots or five (5) acres in size": It seems that 5 acres will always be			x

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		less. It's highly unlikely that there would be 10 lots per acre.			
Division IV – Miscellaneous Provisions					
None					
ARTICLE 14 – PUBLIC INFRASTRUCTURE					
Division I – Streets and Sidewalks					
Part 1 – In General					
687	Number of buildings	The LDC may not be the proper place for this regulation. Consider removing and making it a general city ordinance.			x
688	Duty of addressing coordinator with regard to street names	The LDC may not be the proper place for this regulation. Consider removing and making it a general city ordinance.			x
Part 2 – Construction Affecting Streets and Sidewalks					
698	Projections over street generally	Move this to a General Provisions under "Projections into Yards" or some similar section			x
		Other projections such as balconies are permitted in the CBD and some other districts.			x
701(e)		"seven (7) feet": All other provisions in the ordinance related to projecting signs and other projections require a 9 foot clearance. Suggest using 9 here to be consistent.			x
702	Permit to use of street during construction	This may be better as a stand alone ordinance rather than part of the LDC.			x
703	Protection of pedestrians by persons constructing or demolishing buildings	This may be better as a stand alone ordinance rather than part of the LDC.			x
704	Creating conditions necessitating special cleaning or repairs	This may be better as a stand alone ordinance rather than part of the LDC.			x
705	Indemnification of city by users of public rights-of-way and property	This may be better as a stand alone ordinance rather than part of the LDC.			x

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Division II – Reserved					
None					
Division III – Comprehensive Stormwater Ordinance					
Part 1 – General Provisions					
733	Findings	Number all paragraphs			x
735(b)(1)a.		This is the provision that seems most objectionable to developers.		x	
735(b)(2)		"sedimentation and erosion control plan": This seems misplaced. All other provisions seem to relate to stormwater control. Move to a section specific to Sedimentation and Erosion Control			x
		"Common plan of development": Move to definitions			x
735(b)(4)		"Whenever an existing developed site is modified to create a total of ten thousand (10,000) square feet or more of newly constructed impervious surface area, irrespective of the condition of the existing surface upon which the new impervious surface is created, the modified portion of the site shall comply with this article": Repeating what's already stated in (a) (1). Consolidate			x
		"entire site shall be required to comply with this article": Consider alternatives and/or incentives (such as a payment-in-lieu option) to achieve city goal without requiring retroactive compliance that may impede redevelopment. Should note exceptions as stated in 18-750 (d).		x	
735(c)(3)		"(one (1) building with two (2) units": Not needed. Term is already defined.			x
735(e)	Area of applicability	Make this (b)(1).			x
737	Design manual	Everything after (a) could be removed and put into the Design Manual.			x
737(b)		Delete. Already stated in the last sentence of (a)			x
Part 2 – Administrative Procedures					
746(a)	Powers and duties	"city manager": City Engineer?			x
747(a)(1)a.		"city manager": City Engineer?			x

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747(b)(2)a.		Are "major" and "minor" defined or examples given?		x	
748	Concept plan	"following minimum information": Could be moved to Site Plan Review article where requirements for other plans should be specified in table format.			x
749	Off-site stormwater management requirement	"Fee = [(0.12) (Land value) + (Construction cost) (Site Acreage)] (% impervious)": Should just reference a "fee as determined by City Council" rather than specifying the fee or formula in the ordinance. Otherwise, any time the fee is changed, it requires an ordinance amendment. The formula could be stated in the Design Manual.			x
754(b)	Time limit/expiration	"upon receiving a written request": Prior to expiration of the initial 18 month period.	x		
Part 3 – Standards					
760(c)	Redevelopment projects that meet the criteria	"meet the criteria laid out below": What about exempted redevelopment projects, as noted previously? A reference should be made to those districts or to that section of the ordinance.			x
		"priority redevelopment areas as identified in the Future Land Use Plan or approved corridor plans": Is this still relevant? Update, if needed.			x
760(d)	Buffers from surface waters	"New development shall have a fifty-foot wide vegetative buffer and redevelopment activities shall have a thirty-foot wide vegetative buffer along all perennial or intermittent surface waters": Is this consistent with the buffer requirements for Conservation Resource Areas? Review		x	
Part 4 – Maintenance					
782(a)	General	All paragraphs should be numbered.			x
ARTICLE 15 – DEFINITIONS					
812	Accessory apartment, attached	"self-contained": Define "self-contained"			x
812	Accessory use	"same lot as the principal use": Add that accessory structures on farms may or may			x

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		not be located on the same lot as the principal use.			
812	Addition (to an existing building)	Remove regulatory language			x
812	Adult cabaret	"general public": Persons over 18 years of age			x
812	Agricultural land	Instead of referring the user to the statute, should just include the definition here to be user friendly.			x
812	Amusement and recreation services, indoor	"Representative uses include arcades with coin operated amusement devices and related amusements": Could include indoor trampoline and inflatable establishments as examples (they are popular now)?			x
812	Area of special flood hazard	"determined": Add "as identified on a community's flood insurance rate map (FIRM) and determined…?			x
812	Automobile care center	Reword: A building that contains 3 or more "automotive service" uses…"			x
812	Automobile care center; (a) thru (h)	Remove and insert these as examples in the "Automotive Services" definition below.			x
812	Automobile care center; second paragraph	"Automobile care center uses do not include major mechanical and body work, straightening of body parts, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in facilities of this type": Delete. This information will be part of the "Automotive Services" definition.			x
812	Automobile care center; second paragraph	"but includes automotive trim shops": Should read "An automobile care center is not a garage for the general repair of automobiles, or a body shop." Delete "but includes automotive trim shops" as that will be included in the "Automotive Services" definition below.			x
812	Automotive services	"detailing": Merge in the examples (a) – (h) above.			x

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812	Automotive services	"type": Add "Automotive services do not include the general repair of automobiles or body shop."			x
812	Awning	"separate": Delete "separate" and insert "permanent."			x
812	Awning	"of": Delete "of" and include "may be a type…" Not all awnings are retractable, can be folded or collapsed.			x
812	Banking	Delete.			x
812	Base flood	Delete "The." Insert "A."			x
812	Base flood elevation	Confusing. Here is FEMA's definition: The computed elevation to which floodwater is anticipated to rise during the base flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles. The BFE is the regulatory requirement for the elevation or floodproofing of structures. The relationship between the BFE and a structure's elevation determines the flood insurance premium. Should we use FEMA's definition?			x
812	Basement	"That": Delete "That" and insert "The"			x
812	Basement	"story": Insert "of a structure"			x
812	Basement	"has its floor subgraded on all sides": Reword to "is below grade on all sides"			x
812	Bed and breakfast	Reword to read: A private home having architectural and historic interest that offers overnight sleeping accommodations and a morning meal and does not offer other meals, facilities, or services. Lodging is of a temporary nature.			x
812	Bikeway	Delete "by" and insert "of."			x
812	Block	I thought that a "block" was only bounded by public rights of way?			x
812	BMP or structural BMP	Shouldn't this just be called "Stormwater BMPs"? Could be reworded to state: Stormwater BMPs: Methods used to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the predevelopment hydrology on a developed site; or to			x

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		achieve any combination of these goals. Such practices include constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. "Stormwater BMP" is synonymous with "structural BMPs", "structural practice," "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," "structural stormwater treatment systems," and similar terms used in this ordinance.			
812	Brewery	Last sentence: What are the size limitations for "Breweries"? How is a "small regional brewery" defined? This is also regulatory language.			x
812	Building line	"law": Could add that the line is established by application of the building setback requirement for the zoning district?			x
812	Business services	"Establishments or places of business": Delete and insert "Businesses"			x
812	Caliper, (a)	"nonregulated": Should one assume that all trees outside of those defined as "Regulated" are nonregulated? May want to define "nonregulated."			x
812	Caliper, (b)	"Regulated Trees" is defined in Sec. 18-456(a) but not included in the Definition section.			x
812	Certificate of Appropriateness	Reword as follows: A permit issued by the historic preservation commission, and signed by the chairman and secretary of the commission stating that the proposed exterior or landscape alteration, restoration, reconstruction, construction, relocation or demolition or otherwise changes are consistent with the historic character or characteristics of a Historic District or a Historic District-Overlay in which the structure is located.			x

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812	Certificate of Appropriateness	Last sentence: Delete.			x
812	Certificate of Appropriateness, (a) & (b)	These definitions should be generally applicable and should be generally included in the Definitions section.			x
812	Character	Aren't non letters and numerals, such as an asterisk or a parentheses, be considered a character?			x
812	Code Enforcement Officer	Reword: The city appointed official responsible for the enforcement of and compliance with the provisions of this Code and any other assigned codes or local laws.			x
812	Common open space	"which": Include "owned by the neighborhood association"			x
812	Community boating facility	Last sentence: Regulatory language.			x
812	Contractor, general or special trade	This is not the definition of a "Contractor, general or special trade."			x
812	Convenience food store	Last sentence: Delete; not needed.			x
812	Conversions	Delete "conversion is."			x
812	Coverage	"footage": Reword: "The square footage of an area occupied by a structure or natural feature"			x
812	Double frontage lot	This definition should be grouped with Lots as "Lot, double frontage."			x
812	Driveway, private	Confusing definition.			x
812	Driveway, public	Confusing definition.			x
812	Elderly household	Delete. This term is not used within the zoning ordinance.			x
812	Electronic gaming establishment	First sentence: Lengthy. Reword as follows: Any business where persons utilize electronic machines, including, but not limited to, computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed.			x
812	Electronic gaming establishment	"whether as a principal or an accessory use": Not needed in definition. Delete.			x

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812	Elevated building	This is defined in Sec. 18-660(c). Do we need to define here?			x
812	Encroachment	This term is used throughout the document for both floodplain and non-floodplain purposes. We should also include a non-floodplain definition here.			x
812	Essential site improvements	"(not to exceed the midpoint between the minimum and maximum parking standards)": Not needed. Delete.			x
812	Essential site improvements	"which cannot be accommodated on the site without removal of the protected trees": Not needed. Delete.			x
812	Expansion of site	Term is not used within the ordinance. However, "expansion" is used. Delete "of site."			x
812	Expansion	We could combine this definition with my suggestion above to create one definition for "Expansion."			x
812	Facility	Should be renamed "Stormwater Facility."			x
812	Family child care home	"within the fourth degree of kinship": Unusual requirement.			x
812	Family child care home	Last sentence: regulatory language.			x
812	Farmers market	Today's Farmers Markets include the sale of such items as homemade or locally made honey, flowers, salsas, some arts and crafts, etc. May want to think about changing this.			x
812	Floodplain development permit	"activity": Any type of permit that is required in conformance with the provisions of this chapter, prior to the commencement of any development activity…[add in the floodplain]?			x
812	Floodplain management violation	Last sentence: regulatory language.			x
812	Functionally dependent facility	This term is not used within the ordinance.			x
812	Future conditions flood	"hydrology": Is this the same as a 100-year flood?			x
812	Future conditions flood elevation	"areas": Again, this is describing the 100-year flood elevation.			x
812	Future conditions flood hazard area	"chapter": See comments above.			x

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812	Garage, private	This term is not used within the ordinance.			x
812	Garage, public	This term is not used within the ordinance.			x
812	Government uses outside of public rights-of-way, excluding offices	Not sure what government offices would be located in the ROW?			x
812	Gross vehicle weight rating (GVWR)	This is referred to once in the ordinance and I'm not sure that it needs to be defined.			x
812	Group day facility	"care": Is there a licensing requirement for group day facilities?			x
812	Group home residential	"accommodations": Permanent or temporary accommodations? Licensing requirement? Is there an occupancy size restriction? This definition states what is NOT included within the definition, but we can't tell what IS included, i.e. boarding houses, half-way houses, etc. I am assuming that the "Group home supportive large, medium and small" fall under the general category of "Group home residential." If that is the case, then they should reflect that, i.e. by changing their name to "Group home residential supportive, large."			x
812	Guest lodging	"with or without board": Not sure of examples of guest lodging without board included?			x
812	Historic mixed-use building	Defined in Sec. 18-278. No residential/commercial allowed?			x
812	Historic mixed-use building	State or locally designated historic mixed use buildings are not included in this definition? See definition of "historic structure."			x
812	Historic mixed-use building	"nonresidential or mixed-use purposes": Inconsistent with the definition of "Mixed-use buildings" which states Mixed-use buildings: Buildings that combine residential uses and limited nonresidential uses in the same structure.			x
812	Historic structure	Move indention to the left to match style.			x
812	Home occupation	"residence": Add "and which is secondary to the principal residential use and does			x

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		not change the nature of the principal residential use."			
812	Hotel/motel	Second sentence: Reword: "May include such accessory uses as dining rooms, restaurants or cafes within the same building or buildings."			x
812	Hotel/motel	Remove last sentence. This is more appropriate in the parking regulations.			x
812	Housing types	Move indentation to the left of page.			x
812	Housing types, (b)	This is awkward here. How is this enforced?			x
812	Housing types, (f)	Insert: "Attaching one unit to another unit…"			x
812	Housing types, (g)	Low income and elderly are not synonymous. The definition should be "Affordable housing."			x
812	Housing types, (g) (1)	Add "based on family size" as determined by the U.S. Department of Housing and Urban Development.			x
812	Impervious	"and all areas covered by the footprint of buildings or structures including roofs, unslatted decks, driveways, patios, retaining walls, sidewalks, parking areas, tennis courts, streets": Not sure that this wording is necessary.			x
812	Industrial	Not sure why this is stated as the definition for "Industrial". This information should be located in the Parking regulations section. Need to add an accurate definition for Industrial.			x
812	Kennel, commercial boarders and breeders	"domesticated animals": Need to include a definition of "domesticated animals."			x
812	Large-scale retail developments	Last sentence: Regulatory language.			x
812	Larger common plan of development or sale	This terminology is not used anywhere else in the ordinance.			x
812	Larger common plan of development or sale	"A plan": Remove from this definition and give "plan" its own spot within the Definitions.			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
812	Lot coverage	Reword: The lot area, stated as a percentage of the total, covered by all buildings, areas under roof, drives and driveways, parking lots, patios, decks and other impervious surfaces.			x
812	Lot depth	The average distance between the front and rear lot lines.			x
812	Lot line	Should be categorized as Front Lot Line; Rear Lot Line, and Side Lot Line.			x
812	Lot of record	"part of a subdivision": Not necessarily.			x
812	Lot types, (a)	Last sentence: Unclear			x
812	Lot width	Again, confusing. However, this definition includes a definition of "foremost points", which should also be included in the definitions for Lot Depth and Corner Lot.	x		x
812	Maintenance	This term is used throughout the ordinance and should be defined generally to state "The cleaning, painting, repair, or replacement of defective parts in a manner that does not alter the object."			x
812	Manufactured housing, doublewide	The term "doublewide" is not used within the ordinance.			x
812	Manufactured housing or home	A factory-built, single family structure that is manufactured under the National Manufactured Home Construction and Safety Standards Act, and not complying with the North Carolina State Uniform Residential Building Code. It is transportable in one or more sections, built on a permanent chassis or foundation and used as a dwelling. It is not constructed with a permanent hitch or other device allowing its transport, other than for its delivery to a permanent site and does not have wheels or axles permanently attached to its body or frame.			x
812	More intensive use	This term is not used anywhere else.			x
812	National Register Historic District	"The area shown on that map of the National Register Historic District adopted": Reword: "The area designated			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		on the National Register Historic District map adopted…"			
812	Natural feature	"on": Add "that is commonly found in nature and is located on the site…"			x
812	New construction	"subdivision including houses constructed in such subdivision prior to the recording of a final subdivision plat": What does this have to do with its status as "new construction?"			x
812	New construction	Reword: "The erection or construction of a single-family house, multifamily or nonresidential structure, parking or sales lot for which a building permit or construction permit is issued or upon which construction actually began on or after the effective date of this chapter?			x
812	New construction	"or upon which construction actually begins on or after the effective date of this chapter": Unsure as to what this has to do with the definition of "new construction?"			x
812	Nonconforming building or structure (dimensional nonconformity)	A structure or building lawfully constructed that does not conform to the requirements of the area in which it is situated and existed prior to the effective date of this ordinance.			x
812	Nonconforming building or structure (dimensional nonconformity)	"situation": Change to building or structure.			x
812	Nonconforming lot	"cannot": Change to "does not."			x
812	Nonconforming situation	This definition should be broken up and the statements that apply to lots should be moved to the definition for nonconforming lot and those that pertain to structures should be moved to the nonconforming structure definition. These are simply types of nonconformities.			x
812	Nonconforming use	"Any building or land": A structure, building, parcel, premise or land.			x
812	Nursing home	Proposed definition: Establishments licensed pursuant to G.S. Ch. 131E, Art. 6 . A privately operated establishment where			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
		maintenance and personal or nursing care are provided for persons (as the aged or the chronically ill) who are unable to care for themselves properly but who, however, are not sick enough to require general hospital care. These establishments have at least one (1) shift with a licensed or registered nurse to provide routine health care and observation. Included are rest homes, convalescent homes, and other institutions where health care is a major element.			
812	Office, medical	Delete "personnel" and insert "medically licensed professionals."			x
812	Office, medical	Last sentence: Not needed here.			x
812	Office, professional	All of these examples are unnecessary. Definition should be reworded.			x
812	Off-site facility	Should be titled "Off-site stormwater facility" in case the ordinance ever needs to reference other types of off-site facilities.			x
812	On-site facility	See comment above.			x
812	Overhead canopy	The term "canopy" is already included in the definitions. This is repetitive.			x
812	Parking facility	Too broad. Should break this terminology down into more specific categories, i.e. "parking area", "parking lot", "parking ramp."			x
812	Parking lot	Last sentence: A "parking lot" is not synonymous with "parking area", which encompasses any place where you can park a car, i.e. a driveway, a parking ramp.			x
812	Parking space, off-street	Insert "outside of the ROW" at the end of the definition.			x
812	Perimeter landscape strip	This term is not used in the ordinance.			x
812	Permit	Include language "issued by a governmental entity" after "chapter."			x
812	Person	Delete and merge in with the definition for "Owner."			x
812	Personal property	This term is used in connection with "Yard Sales" and should be merged into that definition.			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
812	Above Plat, final	"The word "plat" shall include the terms "map," "plot," "plan," "plat," "replat" or "replot": A "plat" is not synonymous with "map", "plot", "plan"...			x
812	Post-flood insurance rate map	This term is not used in the ordinance.			x
812	Predevelopment state	This term is used exclusively in Sec. 18-761 and should be merged into that section.			x
812	Preflood insurance rate map	This term is not used in the ordinance.			x
812	Premises	Not sure if this needs to be defined. If so, the current definition may need to be reworked.			x
812	Primary conservation area	The definition is in Sec. 18-433. Possibly not needed here.			x
812	Principal use	"lot": Add "or structure."			x
812	Private access easement	After "easement": Add "that is on file at the Recorder of Deeds and which is used as the primary method of ingress and egress from one lot over another and constructed to meet the minimum standards of design established in the City of Wilmington Technical Standards and Specifications Manual."			x
812	Private access easement	"providing access to a maximum of four (4) residential units": This regulatory requirement should be in the ordinance.			x
812	Private facility	Term is not used in the ordinance.			x
812	Property-restricted real estate sales office	Needs a better name, such as "residential subdivision sales office."			x
812	Proprietor	No definition needed. Refer to the common definition.			x
812	Public facility	A "public facility" could include any publicly owned and operated facility, i.e. sewer lines, water lines, etc. Should be renamed to "public stormwater facility."			x
812	Public parking lot	Redundant. Same as "parking lot."			x
812	Public transportation system	Definition unnecessary.			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
812	Quad-unit apartment	Same as quadraplex, which is already defined.			x
812	Redevelopment	"areas": Add "or previously developed areas"			x
812	Religious institution	"A church, mosque, synagogue, temple or other place of religious worship": Could just say "any place of religious worship…"?			x
812	Remove (including removing and removal)	Should be "Tree removal"			x
812	Residential hotel	"suites designed in such a fashion that reflects the intended use for transient lodgers": Delete and insert "separate units."			x
812	Residential hotel	"Suites may have one (1) or more rooms in addition to bathrooms, water closet compartment, laundry, pantry, foyer, communicating corridor, closets or any dining alcove. Kitchen area separate from the living or sleeping areas shall be provided and cooking may be done only in the kitchen area. The definition of residential hotels shall not include housing units as defined in this section": Not needed. Delete.			x
812	Residential hotel	Replace "but" with "and."			x
812	Restaurant	"frozen desserts": Reword: "An establishment primarily engaged in the sale of foods, beverages and/or desserts to a customer in a ready-to-consume state, and whose design and principal method of operation determines its classification as follows:"			x
812	Restaurant	"classification": Insert: for regulating parking as follows"			x
812	Restaurant, (a)	Sit-down or Dine-in?			x
812	Restaurant, (a)(1)	"Customers": Reword as "Customers are seated at tables, are provided with a menu, and are serviced by an employee"			x
812	Restaurant, (a)(2)	"beverages": Insert "beverages are chosen at a front counter or buffet line by the customer who then sits at a table to eat"			x
812	Restaurant, (b)(1)	"edible containers": ???			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
812	Restaurant, (c)	Reword as follows: "a restaurant whose business is the sale of rapidly prepared, pre- prepared or take-out food directly to customers without table service and which may include drive-up order and delivery systems."			x
812	Retail sales establishment	Reword as follows: "Commercial establishments engaged in the sale and/or rental of goods and merchandise."			x
812	Retirement center and life care community	Instead of "life care community", maybe "retirement community."			x
812	Sales office, off-premises (branch)	"In addition to maintaining inventories of goods; physically assembling, sorting, and grading goods in large lots; breaking bulk; delivery; and various types of promotion, such as advertising": Unnecessary verbage?			x
812	Sales office, off-premises (branch)	Last sentence: regulatory language.			x
812	Service station	New definition: An establishment where motor vehicle fuel is sold and minor vehicle repair services may be offered; including the sale of related products and accessories, which may also be installed on the premises and convenience retail items. Convenience retail sales include such things as snacks, food and beverages and/or fast food where food is prepared and ordered either indoors, or via a drive-through and consumed on or off the site.			x
812	Sign, (h), (p), (ff), & (qq)	Not content neutral.			x
812	Site specific development	Same as a "site plan"			x
812	Street, (a)(1) Private Street	Second sentence: regulatory language.			x
812	Subdivision, (a)	Run on sentence. Too long.			x
812	Substantial progress	Regulatory.			x
812	Substantially improved existing manufactured	This should be merged into the definition for "substantial improvement" above.			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
	home park or subdivision				
812	Swimming pool	Last sentence: Regulatory.			x
812	Temporary family health care structure	"that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one (1) occupant who shall be the mentally or physically impaired person, (iii) has no more than three hundred (300) gross square feet of floor area, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted": Regulatory.			x
812	Townhouse	Second sentence (including subsections (a), (b), and (c)): Regulatory.			x
812	Vehicular use area	Not sure how this is different from "parking area?"			x
812	Yard	"rovided however, that fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture may be permitted in any yard": Regulatory and should be in the ordinance.			x
812	Yard, (a)(1) Through Lots	Regulatory			x
812	Yard, (a)(2) Corner lots	Regulatory			x
812	Yard, (c)(1) Corner lots	Regulatory			x
812	Yard, (d)	Regulatory			x

Technical Standards and Specifications Manual Technical Audit

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
CHAPTER I – INTRODUCTION					
C	Variance for Modification	It appears that non-subdivision specification and standards variances are subject to the variance and modification review processed for subdivisions. A separate process should be developed for projects that do not involve the subdivision of land.		x	
CHAPTER II – GENERAL REQUIREMENTS					
B.6.e	Tree Removal	This paragraph requires reasonable effort to save regulated trees. Zoning and subdivision review standards should consider overall design plans to save trees. However, this carry-over will allow the City Engineer final authority during detailed construction plan review.			x
B.6.e	Tree Removal	In addition to regulated trees, significant trees should be mentioned in this section. Section 18-456 should be referenced, as hardwood trees and certain pines twenty-four (24) inches DBH and all other pines at least thirty-two (32) inches DBH, and ornamental flowering trees at least eight (8) inches DBH, anywhere on the site shall be considered significant and protected, and shall be preserved.			x
Details	General Driveway Notes	There should be a direct reference to driveway placement within the subdivision design requirements, especially as it relates to spacing from intersections and driveway width as it relates its maximum proportion of road frontage for a lot.			x
CHAPTER III – STORM WATER MANAGEMENT					
D.3.e	Alternative Solutions	It is unclear why alternative solutions may be approved by City engineering staff for open channel design as it appears to be inconsistent with the procedures for alternatives outlined in Chapter I, Section C.			x
D.3.f	Rights-of-way and Easements	Rights-of-way and easements should be shown on all site plans and subdivision plats and approved by the subdivision review board or other review authority.			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
D.4.g	Landscaping	Specific landscape requirements should be addressed in the Land Development Code.			x
D.4.i	Fencing	Fencing should comply with all zoning requirements concerning placement, height and type.			x
	Checklist	The checklist for storm water standards should also be included in a consolidated appendix of checklists for multiple City review processes.			x
Chapter IV – Sanitary Sewer					
		No comments			
Chapter V – Stormwater Management					
		No comments			
Chapter VI – Landscaping					
A	General	The correct reference for Landscaping and Tree Preservation is Article 8 of Chapter 18, not Article XV of Article 19.			x
B	Streetyard/ Parking Facility Landscaping and Residential Street Trees	The correct reference for Street Yard Landscaping is Division IV of Chapter 18 and Division V of Chapter 18 for Parking Lot Landscaping, not Article XV of Article 19 (Sections 19-174 and 19-175).			x
B	Streetyard/ Parking Facility Trees	The acceptable tree, shrub and ground cover lists may be more appropriate in the Appendix of the Land Development Code instead of the Technical Standards Manual.			x
C	Bufferyard	The bufferyard landscaping reference is incorrect and is covered in the Land Development Code.			x
C	Bufferyard	The acceptable tree and shrub lists may be more appropriate in the Appendix of the Land Development Code instead of the Technical Standards Manual.			x
	Landscaping Standard Details	Tree protection requirements should be included in the Land Development Code and should reference the specifics requirements of the Technical Standards Manual.			x
	Residential Street Tree Standards	Residential street tree requirements should be included in the Land Development Code.			x
Chapter VII – Traffic Engineering					

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
General		In general, this section includes a number of access management requirements and standards that are typically included in Land Development Codes, instead of Technical Standards Manuals. Specific access management standards may be more appropriately transferred to the new Land Development Code during the update.		x	
A	Definitions	Definitions for the following terms are inconsistent with Section 18-812: driveway, private; driveway, public; parking space, off-street; street; thoroughfare, major; thoroughfare, minor.			
	General Standards	Many of the general standards for streets should be included in the Land Development Code, such as street parking, trees, easements, general design considerations, dwellings served, etc. The Technical Standards Manual should focus on specific construction standards and requirements.			x
C	Driveways	The checklist for driveways should also be included in a consolidated appendix of checklists for multiple City review processes.			
Table 5, note 8	Minimum Distance	The correct reference for vision clearance is Section 18-556, Section 19-70.			
Table 5, note 8, 2.h	Interconnectivity of Parking Lots	Interconnectivity between parking lots should be required, instead of strongly encouraged. Site plans should be reviewed and approved, contingent upon interconnectivity. Only under certain conditions should interconnectivity be waived, such as for incompatible uses.		x	
D	Parking- On-Street	On-street parking requirements, such as dimensions, should be included in the subdivision regulations in the Land Development Code.			x
E	Parking- Off Street	Off-street parking requirements are already included in Article 9 of the Land Development Code. Duplication is not recommended.			x

Section	Provision	Comment	Type of Change		
			Policy	Signifi-cant	House-keeping
Table 6	Parking Stall Dimensions	Dimensional requirements for parking spaces, including dimensions, should be consolidated in Article 9 of the Land Development Code.			x
M	Traffic Impact Studies	This entire section should be included in the Land Development Code.			x
Chapter VIII – Public Transportation					
		No comments			
Chapter IX – Sanitation					
		No comments			