

# Ordinance



City Council  
City of Wilmington  
North Carolina

Introduced By: Sterling B. Cheatham, City Manager

Date: 01/06/2009

## Ordinance Amending the Land Development Code (LDC-6-1208)

### LEGISLATIVE INTENT/PURPOSE:

WHEREAS, NCGS Section 160A-385 authorizes local governments to amend ordinances regulating land use within their jurisdiction; and

WHEREAS, the amendment set out below is made in accordance with NCGS Section 160A-364 and Article 3, Section 18-117 of the Land Development Code; and

WHEREAS, the amendment set out below is intended to promote the public health, safety and welfare by amending the Land Development Code to provide flexibility in the R-7 zoning district for cluster subdivision developments.

### THEREFORE, BE IT ORDAINED:

SECTION 1: Section 18-432 *Permitted Uses* of the Wilmington City Code is hereby amended by revising the uses allowed in the R-7 District to read as follows:

"R-7: Single-family residential, duplex  
Single-family residential, triplex  
Single-family detached townhouses  
Single-family attached townhouses (maximum of four (4) units per structure)

(1) The following shall be permitted only on parcels of that certain size described below: dwellings, attached (including townhouses) or multi-family buildings, of up to twelve (12) units per structure. For purposes of this section 18-432(1), the 12 unit allowance per structure shall only be permitted if that parcel upon which the structure is constructed is at least three hundred acres, and parcels of less than three hundred acres cannot be combined after January 1, 2009 to satisfy the three hundred acre requirement."

SECTION 2: Section 18-433(c) *"Dimensional Requirements"* of the Wilmington City Code is hereby amended to read as follows:

CERTIFIED TO BE A TRUE COPY  
Katherine Spivey Sidbury  
City Clerk

"(c) *Dimensional Requirements.* The following alternative dimensional requirements may be followed instead of the standards outlined in each district of Article 5 of this Chapter.

- (1) No minimum lot size.
- (2) No minimum lot width.
- (3) No structures within ten (10) feet of right-of-way. With respect to developments zoned R-7 and utilizing the cluster subdivision regulations, no structures shall be permitted within five (5) feet of the right-of-way excluding fences, site walls, and steps (to dwelling units) not exceeding six (6) feet in width. In instances where a ten (10)-foot non-municipal easement is required, the structure setback from right-of-ways in all districts shall be no less than ten (10) feet.
- (4) Minimum roadway frontage per parcel, thirty (30) feet.
- (5) Minimum ten (10) feet between structures, or as required by the Building Code, whichever is greater.
- (6) Perimeter buffer of twenty-five (25) feet shall be maintained in a natural state except for hand-clearing of underbrush. This buffer shall not count towards open space requirements. Essential site improvements as governed in this Article may encroach in this area. In the R-7 District, the twenty-five (25)-foot perimeter buffer may be waived when the adjoining zoning district is part of (1) the subject development and (2) contains compatible uses as determined by the Technical Review Committee.
- (7) Zero lot-line subdivisions are permitted under this option.
- (8) With respect to developments zoned R-7 and utilizing the cluster subdivision regulations, all attached dwellings or multi-family buildings exceeding four (4) units per structure shall not be located within four-hundred (400) feet from existing residential uses or platted residential lots.
- (9) With respect to developments zoned R-7 and utilizing the cluster subdivision regulations, maximum height may be increased for attached or multi-family buildings, up to forty-five (45) feet, if the side and rear yard setbacks are increased an additional five (5) feet."

SECTION 3: That any person violating the provisions of this ordinance shall be subject to the penalties set forth in Article XIV, Section 18-52 of the Land Development Code.

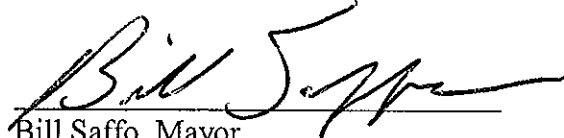
SECTION 4: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 5: That if any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the

remaining portions hereof.


SECTION 6: That this ordinance shall be effective immediately upon its adoption.

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Bill Saffo, Mayor


Adopted at a regular meeting  
on January 6, 2009.

ATTEST:

  
City Clerk

APPROVED AS TO FORM:



  
Attorney

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