

Ordinance



City Council
City of Wilmington
North Carolina

Introduced By: Sterling B. Cheatham, City Manager

Date: 06/02/2009

Ordinance Amending the Land Development Code (LDC-7-509)

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 eliminate the minimum lot area requirement in the R-3, Central City Residential district for single-family structures.

THEREFORE, BE IT ORDAINED:

SECTION 1: Subsection (f) of Sec. 18-182. R-3, Central City Residential District of the Wilmington City Code is hereby amended to read as follows:

"(f) Development Standards. All uses and structures permitted in the R-3 district shall meet the applicable development standards established in this section and all other applicable requirements of these regulations:

- (1) Dimensional Requirements.
 - (a) Min. lot area (square feet): (a)(c)
 - Detached: 0
 - Duplex: 4,500
 - Triplex: 7,500
 - Quadraplex: 10,500
 - (b) Reserved
 - (c) Min. lot width (feet): 33
 - (d) Max. lot coverage (%): 50
 - (e) Min. front setback (feet): 15
 - (f) Min. rear setback (feet): 15

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Kendrea Spicard Sidbury

- (g) Min. interior side setback (feet): 5 (b)
- (h) Min. corner side setback (feet): 5
- (i) Max. height (feet): 35

Notes:

(a) Minimum lot area per housing unit. The minimum lot area required to construct an "accessory apartment, detached" on a parcel containing one single family detached structure shall be four thousand, five hundred (4,500) square feet.

(b) For properties that are located within the city's 1945 corporate limits, the minimum interior side yard requirement shall be equal to ten (10) percent of the average width of the lot, or the otherwise noted minimum interior side yard required, whichever is less (also see Section 18-174(a)(6)).

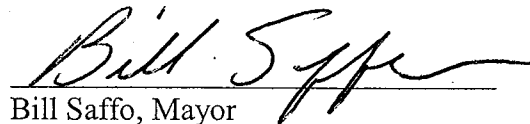
(c) New construction must meet minimum lot area requirements. Conversion of a structure existing at the adoption of this chapter is allowed without additional land area required per unit, except when needed to comply with off-street parking requirements."

SECTION 2: 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.

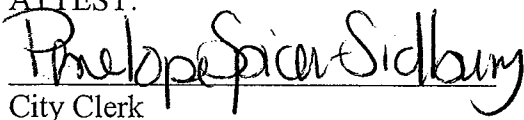
SECTION 3: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

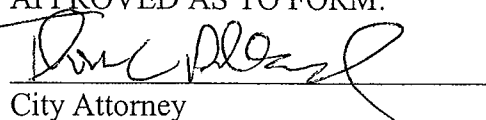
SECTION 4: That if any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5: That this ordinance shall be effective immediately upon its adoption.


Bill Saffo, Mayor

Adopted at a regular meeting
on July 7, 2009.

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney