

## CASE SUMMARY • LAND DEVELOPMENT CODE AMENDMENT

Planning Commission Legislative Hearing • April 1, 2026

**Project Planner** | Grace Lamay | 910.341.0186

### 1. Case Overview and Status

Application to amend Sections 18-198, 18-217, and 18-693 of the Land Development Code (LDC), to allow for semi-permanent structures to be permitted with conditions in the Central Business District (CBD). Joseph Apkarian, Applicant.



The Land Development Code includes detailed design standards intended to guide the character and quality of new development in the Central Business District (CBD). These standards were clearly written with primary buildings in mind. As a result, smaller accessory structures or minor ancillary features are not specifically addressed and are instead held to the same requirements as principal structures. This creates a mismatch between the scale and function of these structures and the level of design regulation applied to them.

Applying full CBD design standards to accessory structures can pose practical implementation challenges. Requirements related to fenestration, materials, and building articulation may be unnecessary or even infeasible for small-scale structures that are semi-permanent and ancillary to primary uses.

The affected code sections are as follows:

- 18-198: Accessory use standards
- 18-217: Reserved (to add conditional use standards)
- 18-693: Use Definitions (new definition for “semi-permanent structures”)

## 2. Executive Summary & Recommendation

### 2.1 Proposal

The proposed amendment would establish “semi-permanent structure” as an accessory use in the LDC and allow it within the central business district, subject to conditions.

A detailed analysis of these changes, including a ~~strike-through~~ underline of the proposed amendment, is provided in Section 3 of this report.

## 2.2 Community Outreach

### 2.2.1 Public Hearing Notices

	<b>Planning Commission 4/1/26 Public Hearing</b>	<b>City Council 5/5/26 Public Hearing</b>
<i>Advertisement Date(s)</i>	3/27/2026	4/24/2026 & 5/1/2026

## 2.2 Staff Recommendation: Approval

### 2.2.1 Criteria for Review and Recommendation

Section 18-587(B)(2)(b) of the Land Development Code (LDC) states that when reviewing and making a recommendation for a proposed amendment, the City Manager shall consider whether the proposal is consistent with any adopted plans and policies, does not conflict with any specific policy or action item of a comprehensive plan, is generally consistent with the stated purpose and intent of the LDC, constitutes a benefit to the city as a whole, and/or impacts significantly the natural or built environment.

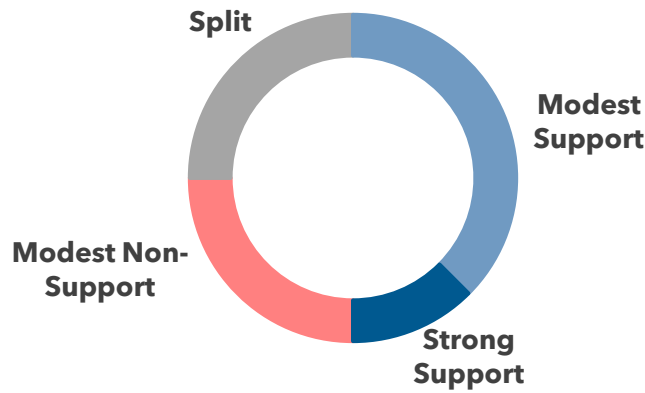
### 2.2.2 Basis for Staff Recommendation

- The Central Business District (CBD) contains specific design standards for new construction and buildings within the district. Various design standards outlined in Article 2 of the City’s Land Development Code address building design, orientation, materials, fenestration, and aesthetic controls to ensure that all new development maintains or enhances the desired character of the CBD.
- The Land Development Code does not contemplate smaller accessory structures in the CBD, but rather categorizes all structures as primary structures and requires compliance with the building design standards required for all new construction.
- The proposal establishes a use-specific classification and design criteria that maintain compliance with general CBD requirements while allowing flexibility for business and property owners when site conditions do not align with the district’s standard design criteria.

The amendment is appropriate because it would introduce a more tailored and proportional approach to regulating semi-permanent structures within the CBD. By distinguishing between primary and semi-permanent structures, the City can maintain its commitment to high-quality design while allowing flexibility for smaller, secondary use-specific features. This ensures that development standards remain effective, predictable, and aligned with real-world conditions, ultimately supporting both the aesthetic goals and functional needs of the Central Business District.

Staff believes the proposed change to the LDC is consistent with the *Create Wilmington Comprehensive Plan*. The proposal is reasonable and in the public interest and staff recommends **approval** of the amendment.

**Policy support/Non-Support.** The chart below identifies the breakdown of consistency between applicable policies and the proposed text amendment.



### 2.3 Planning Commission Recommendation: Pending

The Planning Commission will review this item on April 1, 2026.

## 3. Proposed Amendment

### 3.1 Amendment 1 | Article 3 • Section 18-198 • Accessory use standards

#### Description/Purpose of Proposed Amendments

The proposed amendment would add semi-permanent structure to Table 18-198 as an accessory use permitted with prescribed conditions in the CBD district.

#### Proposed Amendments (Strike-through/Underline)

*Chapter 18, Article 3, Division 3, Section 18-198 of the city’s Land Development Code is hereby amended to add “Semi-permanent structure” to the accessory use table as follows:*

Table 18-198: Accessory uses by zoning district							
Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited							
Accessory use	Additional Standards	R-15, R-10, R-7, R-5, R-3	MD-10, MD-17	MH	UMX	RO	CBD
<u>Semi-permanent structure</u>	<u>Section 18-217</u>						<u>C</u>

### 3.2 Amendment 2 | Article 3 • Section 18-217 • Reserved

#### Description/Purpose of Proposed Amendments

The proposed amendment would add supplemental use standards for semi-permanent structures where permitted.

**Proposed Amendments (Strike-through/Underline)**

*Chapter 18, Article 3, Division 3, of the city's Land Development Code is hereby amended to add a new section 18-217 with conditions for semi-permanent structures as follows:*

**Section 18-217: Semi-Permanent Structures**

A. Use

1. Semi-permanent structures shall be used as retail booths or to serve food or beverages as an accessory use to the following primary uses:
  - a. restaurants
  - b. nightclubs
2. Semi-permanent structures shall not be permitted as a principal building.
3. Semi-permanent structures shall only be allowed as an accessory to a principal building existing as of May 5, 2026.

B. Quantity

1. A maximum of one semi-permanent structure shall be permitted per lot.

C. Dimensions and appearance

1. Semi-permanent structures shall not exceed 20 feet in length, 8 feet in width, and 10 feet in height
2. Semi-permanent structures shall be maintained in good condition free from structural damage or deterioration, and painted.
3. Semi-permanent structures shall be painted to match or complement the appearance of the principal structure.
4. Semi-permanent structures do not require screening.
5. Semi-permanent structures are not required to conform to the district-specific standards outlined in Article 2 and shall be approved administratively based on the design criteria in this Section.
6. The structure shall be subject to all signage requirements of the district.

D. Location

1. Semi-permanent Structures shall meet all building setback requirements within the district excluding maximum front setbacks.
2. Semi-permanent Structures may be located in front of the principal structure.

**3.3 Amendment 3 | Article 8 • Section 18-693 • S/T/U Definitions**

**Description/Purpose of Proposed Amendments**

The proposed amendment would add a new definition for semi-permanent structure.

**Proposed Amendments (Strike-through/Underline)**

*Chapter 18, Article 8, Section 18-693 of the city's Land Development Code is hereby amended to add a definition for semi-permanent structure, in alphabetical order as follows:*

Semi-permanent structure

A structure that is not permanently affixed to the ground but is not readily movable and is not attached to sewer or water services. Semi-Permanent Structures explicitly include shipping containers as defined in Section 18-693, but do not include recreational vehicles, mobile kitchens, food trucks, or mobile homes.

## **4. Consistency with Create Wilmington Comprehensive Plan**

The Comprehensive Plan identifies the following principles for Development Regulation.

1. Reinforce and codify the principles expressed in this plan and help implement the priorities identified by the community.
2. Shift focus from separation of uses to more form-based principles, supporting a mix of uses, integrated pedestrian and bicycle amenities, and recreation and open spaces.
3. Reinforce the urban form and encourage placemaking and flexibility to suit different contexts. Foster development that enhances quality of life, minimizes traffic impacts, and creates safe, attractive, inclusive development for all citizens.
4. Consider the aesthetics of both public and private developments and the larger community. Elements such as landscaping, location of parking and services, building design, and public spaces should be maximized to enhance the built environment.
5. Foster a diversity of housing options for people of all incomes and at all stages of life.
6. Integrate transportation systems to lessen dependence on individual vehicle trips, reduce the need for expansive amounts of surface parking lots, enhance options for choice riders of the transit system, and facilitate mobility for people of all ages and abilities. Employ land development regulations and technical standards to balance pedestrian and bicycle transportation with automobile transportation.
7. Relieve development pressures on outlying rural areas and protect coastal resources by prioritizing compact, urban development within the city. Use development regulations and coordinate with other agencies to limit very low density, sprawling development patterns. Develop regulations with a focus on balancing the build and natural environments.
8. Employ land development regulations to maximize efficient use of services and infrastructure, resulting in cost savings to citizens.

Analysis of policies that are applicable to the proposed amendment is provided below. Not all policies carry equal weight; their applicability and priority may depend on the specifics of the proposal.

The policy analysis uses the following symbology:

Strong Support



Modest Support



Split (Modest Support & Modest Non-Support)



Modest Non-Support



Strong Non-Support



#### 4.1.1 Is the Proposal consistent with the policies contained in the Comprehensive Plan?

<b>1 Urban Design and Placemaking</b>	
<b>Compatibility</b>	
1.4.2	New commercial development should be properly managed through the use of development regulations, the development review process, and other tools. The intent is to avoid unreasonable impacts, such as traffic, parking, litter, shadow, light, view obstruction, odor, noise, and/or vibration impacts on nearby residential areas.
<b>5 Economic Development</b>	
<b>Business Development</b>	
5.3.5	In collaboration with businesses and neighborhoods, issues and conflicts that inhibit economic growth and neighborhood development should be addressed in order to help grow and expand job opportunities and provide a healthy economic base.
5.3.8	The needs of budding niche industries should be supported and the space and infrastructure necessary to support these growing businesses should be proactively provided.
<b>9 Urban Design and Placemaking</b>	
<b>Unique Wilmington</b>	
9.1.3	The established façade lines and rhythm of buildings along city streets should be maintained by aligning the front walls of new construction with the prevailing facades of adjacent buildings. Where expansive parking lots adjoin public rights-of-way, consideration should be given to locating buildings appropriately to the street, with most parking located to the side and rear of buildings.
9.1.8	New development should reflect the context within which it is constructed, both in terms of architectural style and urban form. The adaptive reuse of unique buildings and landscape elements should be encouraged.
<b>Pedestrian-oriented Placemaking</b>	
9.3.2	Comfortable, safe, and convenient pedestrian places should be promoted through buildings that face the street, avoidance of deep front setbacks, and providing direct pedestrian connections and entries along the public space network.
<b>Neighborhoods</b>	
9.5.3	Architectural continuity and design integrity should be preserved and strengthened in historic districts and other areas of strong architectural character and cohesion. New development in these areas should not replicate existing buildings, but should be complementary in form, height, and materials.
<b>10 Downtown Wilmington</b>	
<b>Land Use</b>	

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10.1.3 Development of a scale and intensity necessary to strengthen downtown's capacity to support a vibrant retail and office environment and increasing residential population should be encouraged and should be compatible with historic and residential areas.

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## 5. Attachments

1. LDC Amendment Application (dated 1/5/2026)
2. Growth Strategies Map (dated 3/20/2026)

LAND DEVELOPMENT  
CODE AMENDMENT



City of Wilmington  
Planning and Development

PO Box 1810 | 929 N. Front St., Wilmington, NC 28402  
Telephone: (910) 254-0900 | FAX: (910) 341-3264

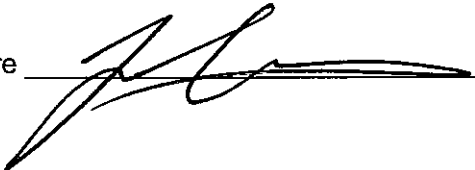
**Section A. APPLICANT INFORMATION**

Name: Joseph Apkarian

Mailing address: 420 N 3rd St  
Wilmington NC 28401

Phone: 910-386-6884 Fax: \_\_\_\_\_

Email: joe@theeaglesdare.com

Applicant signature 

Date of pre-application meeting: Nov 25th

**RECEIVED**  
By ZS at 11:04 am, Jan 05, 2026

# APPLICATION ACCEPTANCE POLICY

## LAND DEVELOPMENT CODE AMENDMENTS

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City of Wilmington  
Planning and Development

PO Box 1810 | 929 N. Front St. Wilmington, NC 28402  
Telephone 910.254.0900 | Fax 910.341.3264

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The policies outlined below will enable planning staff to move an application along in a way that ensures that each application receives the attention it deserves. Staff desires to complete review of projects in an accurate and timely manner. Due to the volume of applications and public hearing schedules, working with incomplete materials detracts from the timely review of applications.

1. Applications will be reviewed for completeness by staff prior to being officially accepted for review.
2. Checklists for each type of request are provided with each application package. If the application does not include all required items on the checklist, it will be considered incomplete and shall not be accepted.
3. Upon determination by staff that an application is complete, it will be officially accepted by the department. Staff will complete an acceptance form and both staff and the applicant must sign the form. The application is not considered officially accepted until this form is signed by both the planner and the applicant. A copy of the signed form will be given to the applicant and a copy will be placed in the project file at the time of acceptance. Staff will not hold materials for incomplete applications.
4. Application fees must be paid at the time an application is submitted for acceptance.
5. To allow time to process fees, applications will not be accepted after 4:00 PM each day. On the deadline day, applications will not be accepted after 1:00 PM.
6. All applications require a pre-application meeting. To schedule an appointment with staff, please call 910-254-0900. Please allow sufficient time to review the application package with staff.
7. A flowchart of the land development amendment process is included on the last page.

Staff looks forward to working with you during the application process.  
If you have questions or need further assistance, please call 254-0900.

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## **Section B. SUBMITTAL INFORMATION AND PROCEDURE**

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### **PROCEDURES AND INSTRUCTIONS FOR COMPLETING THIS APPLICATION**

**Incomplete applications cannot be accepted.**

Requests to amend the land development code are accepted quarterly. A complete application adhering to the requirement Land Development Code, Section 18-587 must be received by city staff by 1:00 pm on the first Monday of the month indicated.

Application Due	Planning Commission Meeting
January	April
April	July
July	October
October	January

Planning staff will review applications and provide a written recommendation that will be presented at a legislative hearing of the Wilmington planning commission. The staff report will be sent to the applicant and the planning commission prior to the hearing. If the planning commission issues a favorable recommendation, the report and recommendation will be forwarded to the city council, which will then hold a legislative hearing before rendering a final decision on the request. Should the planning commission issue a denial recommendation, an appeal will be required for the request to proceed to City Council.

The city will place legal notice in the *Star-News* approximately five days prior to the planning commission meeting. The applicant and citizens will have an opportunity to speak at the hearing. The applicant or their representative should attend all public hearings.

**All information is required to be provided at the time of submittal as part of this application.** The application will be reviewed for completeness prior to acceptance and scheduling for planning commission review. **Incomplete applications will not be accepted.**

A non-refundable filing fee of \$200 must accompany this application.

A flowchart of the land development code amendment process is included on the last page.

#### **Checklist**

Please include all of the following information with the application. Incomplete applications will not be accepted.

- Completed application form, including justification
- Application fee

Action Requested

Article, Division, and Section of land development code proposed to be amended (include all applicable articles and sections):

Land Development Code: 18-43  
18-44(c)

Specific wording of proposed text amendment (attach additional sheets as necessary):

18-43: C: Central business district

Add 3. Historical parcels already outside these standards requiring/requesting further development shall be approved on a case by case basis.

18-44 3. Building height

Add G: If the building is a shipping container, single or stacked, a waiver may be granted.

18-44 9. Building design

ii Fenestration: Add 5. Shipping containers may be granted a waiver based on design and use of the structure.

18-44 9. Building design

g. Exterior building materials

add vi: Shipping containers and their metal frames are permitted as long as container is maintained and meets design standards of the CBD.

Explanation of impacts on the city as a whole and consistency with adopted plans and policies (comprehensive plan, corridor plans, etc.) attach additional sheets as necessary:

The impact to the city is that it has been clearly proven there needs to be some additional code to address shipping container architecture. Currently all development of properties wishing to utilize shipping containers are forced to adhere to code for new buildings and do not take into account this new construction trend.

By addressing and creating specific code will streamline the process of development and limit the amount of variance requests the BOA sees.

Justification for amending the Land Development Code as proposed (attach additional sheets as necessary):

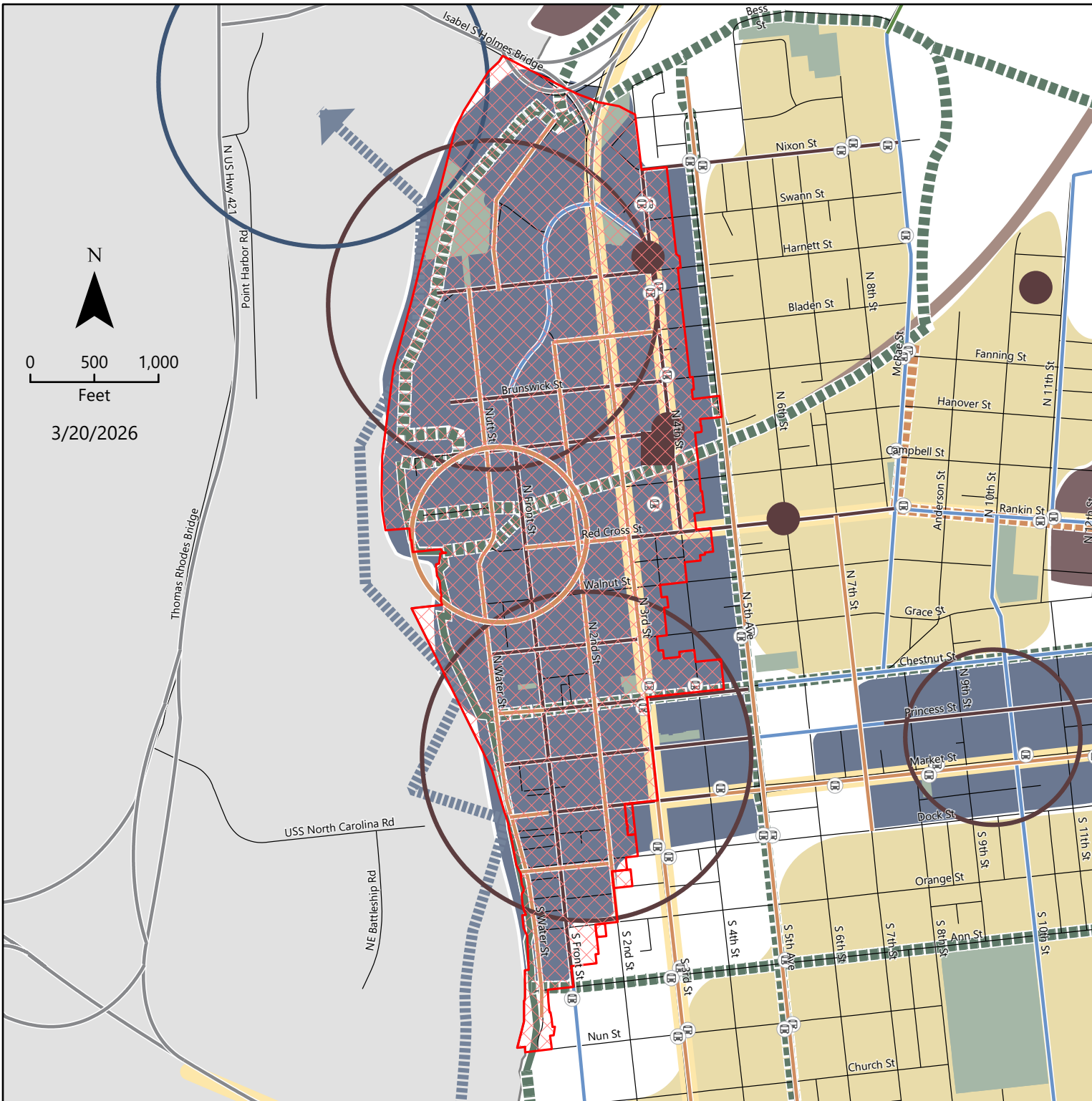
Refer to attached documents.

By creating specific code to address shipping containers and their use in new development we will ~~create~~ provide clear guidance in their use. We will also stop the significant increase of variance applications to the BOA.

# LDC-5-426

## Attachment 2 Growth Strategies

### Central Business District



Central Business District

Wave Transit Stops

Parks

Transit Hubs

#### Mixed-use Centers

Urban Neighborhood Nodes

Urban Mixed-use Center

Mixed-use Place

Employment/Academic Center

#### Corridors & Complete Streets

Major Corridor/Regional Parkway

Community Connector

Main Street

Special Character Street

Community Parkway/Loop Road

#### Green Connections

Existing

Planned

Conceptual

#### Transit Routes

High-capacity Transit Routes

Passenger Rail

Water-based

Outside City Limits

#### Areas of Opportunity

High-density Transitions

Postindustrial & Inner-city Revitalization

Neighborhood-scale Infill Development

N

0 500 1,000  
Feet

3/20/2026