Land Development Code

Article 7, Administrative Provisions Draft

June 1 and 15, 2020
Topics Covered:
- General and specific procedures, nonconforming uses, vested rights, boards and commissions, violations and enforcement.

What is Changing:
- Generally Applicable Procedures
  - Summary of Review Authority chart
  - Establish completeness review for all applications
  - Incorporate 1600 changes
  - Required neighborhood meeting prior to application submission
  - Applicants post hearing signs

- Specific Procedures
  - Flow charts for each specific procedure
  - Group all variances together
  - Subdivisions
    - TIEC or DAC
    - Expedited subdivision
    - Performance Guarantee
  - Historic Preservation
    - 90-day stay in demolition removed
    - No expiration of demolition COA

- Boards and Commissions
  - Historic Preservation Commission Composition
  - Design Adjustment Committee

What is NOT Changing:
- Notification requirements for boards and commissions
- Most processes (map amendments, text amendments, SUP, COA, Variance, Appeal)
- Most boards and commissions
Create Wilmington Comprehensive Plan Policies

1.1.1
The Growth Strategies Maps should be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency, urban form, and code changes.

1.1.2
All conditions proposed as part of a land use decision should be consistent with the Comprehensive Plan, including the Growth Strategies Maps.

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.

Wilmington Blueprint Report Recommendations

• Use of flow charts to illustrate the various procedures would improve understanding and clarify the various steps involved.
• A table noting reviews and necessary approvals, along with the individual or group authorized to approve the request, should be included.
• Timeframes, determination of surety amounts, and general procedures for accepting guarantees should be carefully reviewed.
**Notice**

**Process**

**Build A Better | Wilmington**

Land Development Code Article 7, Administrative Provisions

"Foster development that enhances quality of life, minimizes traffic impacts, and creates safe, attractive, inclusive development for all citizens." — Create Wilmington Comprehensive Plan

Topics Covered:
- General and specific procedures, nonconforming uses, vested rights, boards and commissions, violations and enforcement
- Nonconformities and Vested Rights
  - Nonconformities created by public action eliminated
  - Nonconforming signs
  - Terminology changed per 1600D
- Administration, Violations, and Enforcement
  - Each sign is a separate offense

**What is NOT Changing:**
- Notification requirements for boards and commissions
- Most processes (map amendments, text amendments, SUP, COA, Variance, Appeal)
- Most boards and commissions

**What is Changing:**
- Generally Applicable Procedures
  - Summary of Review Authority chart
  - Establish completeness review for all applications
  - Incorporate 1600D changes
  - Required neighborhood meeting prior to application submitted
  - Applicants post hearing signs
- Specific Procedures
  - Flow charts for each specific procedure
  - Group all variances together
  - Subdivisions
  - TRC or DAC
  - Expediting subdivision
  - Performance Guarantees
  - Historic Preservation
  - 90-day stay in demolition removed
  - No expiration of demolition COA
- Boards and Commissions
  - Historic Preservation
  - Design Adjustment Committee

[Image of a meeting with presentation slides and a certificate of appreciation]

**Up Next:**
City of Wilmington Planning Commission
February 5, 2020
### Table 10-xx: Summary of Review Authority

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Development Code Amendment</td>
<td>Sec 18-xx</td>
<td>RR</td>
<td>RR</td>
<td>D-PH</td>
<td>Y*</td>
</tr>
<tr>
<td>Zoning Map Amendment</td>
<td>Sec 18-xx</td>
<td>RR</td>
<td>RR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Survey</td>
<td>Sec 18-xx</td>
<td>RR</td>
<td>RR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conditional</td>
<td>Sec 18-xx</td>
<td>RR</td>
<td>RR</td>
<td>D-PH</td>
<td>Y Y Y Y*</td>
</tr>
<tr>
<td>Special Use Permit</td>
<td>Sec 18-xx</td>
<td>R</td>
<td>R</td>
<td>D-PH</td>
<td>Y Y Y Y*</td>
</tr>
<tr>
<td>Rezoning</td>
<td>Sec 18-xx</td>
<td>RR</td>
<td>RR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rezoning Adjustment</td>
<td>Sec 18-xx</td>
<td>R</td>
<td>A-QH</td>
<td>D</td>
<td>Y Y Y</td>
</tr>
<tr>
<td>Major Varia (Administrative Bypass)</td>
<td>Sec 18-xx</td>
<td>D</td>
<td>A-QH</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor Varia (Administrative Bypass)</td>
<td>Sec 18-xx</td>
<td>D</td>
<td>A-QH</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interim Subdivision Plan</td>
<td>Sec 18-xx</td>
<td>R</td>
<td>R</td>
<td>D-QH</td>
<td>D-PH Y Y Y</td>
</tr>
</tbody>
</table>

### What is Changing:

- **Generally Applicable Procedures**
  - Summary of Review Authority chart

### What is NOT Changing:

- Notification requirements for boards and commissions
- Most processes (map amendments, text amendments, SUP, COA, Variance, Appeal)
- Most boards and commissions

---

**BUILD A BETTER | WILMINGTON**

“Foster development that enhances quality of life, minimizes traffic impacts, and creates safe, attractive, inclusive development for all citizens.”

-- Create Wilmington Comprehensive Plan

**Topics Covered:**
- General and specific procedures,
  - Nonconforming uses, vested rights, boards and commissions, violations and enforcement

**Specific Procedures:**
- Flow charts for each specific procedure
- Group all variances together
- Subdivisions
- T&J or DAC
- Expedited subdivision
- Performance Guarantees
- Historic Preservation
- 90-day stay in demolition removed
- No expiration of demolition COA

**Boards and Commissions**
- Historic Preservation Commission Composition
- Design Adjustment Committee

[www.wilmingtonnc.gov/LDC]
<table>
<thead>
<tr>
<th>Approval Process</th>
<th>Administration</th>
<th>Review Bodies</th>
<th>Public Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Gilv Official</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Planning Commission</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Board of Adjustment</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Historic Preservation Commission</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Technical Review Committee</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Decision Adjustment Committee</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Gilv Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Neighborhood Hearing</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Summons Hearing</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mail Notice</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Published Notice</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land Development Code Amendment</th>
<th>Sec. 18-xx</th>
<th>RR</th>
<th>RR</th>
<th>D-PH</th>
<th>Y</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Map Amendment</td>
<td>Sec. 18-xx</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General</td>
<td>Sec. 18-xx</td>
<td>RR</td>
<td>RR</td>
<td>D-PH</td>
<td>Y</td>
</tr>
<tr>
<td>Conditional</td>
<td>Sec. 18-xx</td>
<td>RR</td>
<td>RR</td>
<td>D-PH</td>
<td>Y</td>
</tr>
<tr>
<td>Special Use Permit</td>
<td>Sec. 18-xx</td>
<td>R</td>
<td></td>
<td>D-GH</td>
<td>Y</td>
</tr>
<tr>
<td>Variance</td>
<td>Sec. 18-xx</td>
<td>R</td>
<td></td>
<td>D-GH</td>
<td>Y</td>
</tr>
<tr>
<td>Site Plan Review</td>
<td>Sec. 18-xx</td>
<td>R</td>
<td></td>
<td>A-GH</td>
<td>D</td>
</tr>
<tr>
<td>Design Adjustment</td>
<td>Sec. 18-xx</td>
<td>R</td>
<td></td>
<td>A-GH</td>
<td>D</td>
</tr>
<tr>
<td>Major</td>
<td>R</td>
<td>A-GH</td>
<td>R</td>
<td>D-GH</td>
<td>Y</td>
</tr>
<tr>
<td>Minor</td>
<td>D</td>
<td>A-GH</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preliminary Subdivision Plan</td>
<td>Sec. 18-xx</td>
<td>R</td>
<td></td>
<td>D</td>
<td>A-GH</td>
</tr>
<tr>
<td>Subdivision Waiver or Design Adjustment</td>
<td>Sec. 18-xx</td>
<td>R</td>
<td>A-GH</td>
<td>R</td>
<td>D-GH</td>
</tr>
<tr>
<td>Appeal of Administrative Determination</td>
<td>Sec. 18-xx</td>
<td>R</td>
<td></td>
<td>D-GH</td>
<td>Y</td>
</tr>
<tr>
<td>Certification Appropriateness</td>
<td>Sec. 18-xx</td>
<td>R</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor Works (Administrative Bypass)</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor Works</td>
<td>R</td>
<td>A-GH</td>
<td>D-GH</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Vested Rights</td>
<td>Sec. 18-xx</td>
<td>R</td>
<td></td>
<td>D-PH</td>
<td>Y</td>
</tr>
<tr>
<td>Minor Modification (CD, SLF, CGA, etc.)</td>
<td>Sec. 18-xx</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Completeness Review

✓ Applies to all applications
✓ Code outlines requirements
✓ Confirms fee is required
✓ Follows any required pre-application meeting
✓ Establishes criteria for incomplete applications
Permit Choice

(b1) If a permit application is placed on hold at the request of the applicant for a period of six consecutive months or more, or the applicant fails to respond to comments or provide additional information reasonably requested by the local or state government for a period of six consecutive months or more, the application review shall be discontinued and the development regulations in effect at the time permit processing is resumed shall be applied to the application.

(c) Repealed by Session Laws 2015 246, s. 5(a), effective September 23, 2015.

Downzoning

No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor shall it be enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the city. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:
BUILD A BETTER | WILMINGTON

Land Development Code Article 7, Administrative Provisions

"Foster development that enhances quality of life, minimizes traffic impacts, and creates safe, attractive, inclusive development for all citizens." -- Create Wilmington Comprehensive Plan

Topics Covered:
- General and specific procedures, nonconforming uses, vested rights, boards and commissions, violations and enforcement
- Nonconformities and Vested Rights
- Nonconformities created by public action eliminated
- Nonconforming signs
- Terminology changed per 160D
- Administration, Violations, and Enforcement
- Each sign is a separate offense

What is Changing:
- Generally Applicable Procedures
  - Summary of Review Authority chart
  - Establish completeness review for all applications
  - Incorporate 160D changes
  - Required neighborhood meeting prior to application submitted
  - Applicants post hearing signs
- Specific Procedures
  - Flow charts for each specific procedure
  - Group all variances together
  - Subdivisions
  - BEC or DAC
  - Expedited subdivision
  - Performance Guarantees
  - Historic Preservation
  - 90-day stay in demolition removed
  - No expiration of demolition COA
- Boards and Commissions
  - Historic Preservation Commission Composition
  - Design Adjustment Committee

What is NOT Changing:
- Notification requirements for boards and commissions
- Most processes (map amendments, text amendments, SUP, COA, Variance, Appeal)
- Most boards and commissions

www.wilmingtonnc.gov/LDC
End Slide for Part 1
**Preliminary Plan Approval Process**

1. If complies with standards, the TRC approves
2. If waivers, Design Adjustment Committee review is required

**Expedited Subdivision**

1. Introduced as part of SL 2017-10, effective 4/27/2017
2. Establishes a review process for these subdivisions
3. City can only require a plat for recording for these subdivisions
Performance Guarantees

BUILD A BETTER | WILMINGTON

Land Development Code Article 7, Administrative Provisions

“Foster development that enhances quality of life, minimizes traffic impacts, and creates safe, attractive, inclusive development for all citizens.” —Create Wilmington Comprehensive Plan

Topics Covered:
- General and specific procedures, nonconforming uses, vested rights, boards and commissions, violations and enforcement

What is Changing:
- Generally Applicable Procedures
  - Summary of Review Authority chart
  - Establish completeness review for all applications
  - Incorporate 1600 changes
  - Required neighborhood meeting prior to application submittal
  - Applicants post hearing signs
- Specific Procedures
  - Flow charts for each specific procedure
  - New all offices number
  - Subdivisions
    - TRC or DAC
    - Expedited subdivision
    - Performance Guarantee
  - Historic Preservation
    - 90-day stay in demolition removed
    - No expiration of demolition COA
- Boards and Commissions
  - Historic Preservation Commission Composition
  - Design Adjustment Committee

What is NOT Changing:
- Notification requirements for boards and commissions
- Most processes (map amendments, text amendments, SUP, COA, Variance, Appeals)
- Most boards and commissions

Example/Flow Chart

www.wilmingtonnc.gov/LDC
90-day stay of demolition

365-day stay of demolition

160D-949

(a) An application for a certificate of appropriateness authorizing the relocation, demolition, or destruction of a designated landmark or a building, structure, or site within the district may not be denied, except as provided in subsection (c) of this section. However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the preservation commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of the delay.

BUILD A BETTER | WILMINGTON

Land Development Code Article 7, Administrative Provisions

"Foster development that enhances quality of life, minimizes traffic impacts, and creates safe, attractive, inclusive development for all citizens." -- Create Wilmington Comprehensive Plan

Topics Covered:
- General and specific procedures, nonconforming uses, vested rights, boards and commissions, violations and enforcement

What is Changing:
- Generally Applicable Procedures
  - Summary of Review Authority chart
  - Establish completeness review for all applications
  - Incorporate 160D changes
  - Required neighborhood meeting prior to application submittal
  - Applicants post hearing signs

Specific Procedures
- Flow charts for each specific procedure
- Group all variances together
- Subdivisions
- TRC or DAC
- Expedited subdivision
- Performance Guarantees

What is NOT Changing:
- Notification requirements for boards and commissions
- Most processes (map amendments, text amendments, SUP, COA, Variance, Appeal)
- Most boards and commissions

Historic Preservation
- 90-day stay in demolition removed
- No expiration of demolition COA

Wilmington ANCS

www.wilmingtonnc.gov/LDC
### HPC Composition

<table>
<thead>
<tr>
<th>Role</th>
<th>Current</th>
<th>Proposed</th>
<th>NCGS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Members</td>
<td>9</td>
<td>7</td>
<td>3 minimum</td>
</tr>
<tr>
<td>At large</td>
<td>4 shall</td>
<td>3</td>
<td>n/a</td>
</tr>
<tr>
<td>Reside in HD, HD-R, or HD-MU</td>
<td>3, at least</td>
<td>3, at least</td>
<td>n/a</td>
</tr>
<tr>
<td>Reside in HD-O</td>
<td>1, at least</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Proprietor or building owner</td>
<td>1, may</td>
<td>1 shall</td>
<td>n/a</td>
</tr>
</tbody>
</table>

In all cases:
- Must be city resident
- Majority shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related field
Design Adjustment Committee (DAC)

- Replaces the SRB
- Quasi-judicial board
- Review major deviations from the technical standards, building design/materials, subdivisions
- Members from Planning, Engineering, Traffic, Fire, and CFPUA
Amortization of Nonconforming Signs

Public Action Nonconformity
BUILD A BETTER | WILMINGTON

Land Development Code Article 7, Administrative Provisions

*Foster development that enhances quality of life, minimizes traffic impacts, and creates safe, attractive, inclusive development for all citizens.* — Create Wilmington Comprehensive Plan

**Topics Covered:**
- General and specific procedures, nonconforming uses, vested rights, boards and commissions, violations and enforcement
- Nonconformities and Vested Rights
  - Nonconformities created by public action eliminated
  - Nonconforming signs
  - Terminology changed per 160D
  - Administration, Violations, and Enforcement
    - Each sign is a separate offense

**What is Changing:**
- Generally Applicable Procedures
  - Summary of Review Authority chart
  - Establish completeness review for all applications
  - Incorporate 160D changes
  - Require neighborhood meeting prior to application submitted
  - Applicants per hearing signs
- Specific Procedures
  - Flow charts for each specific procedure
  - Group all variances together
  - Subdivisions
    - TRC or DAC
    - Expedited subdivision
    - Performance Guarantees
    - Historic Preservation
    - 90-day stay in demolition removed
    - No expiration of demolition COA
- Boards and Commissions
  - Historic Preservation Commission Composition
  - Design Adjudication Committee

www.wilmingtonnc.gov/LDC
Next Steps

www.wilmingtonnc.gov/LDC

Administrative Provisions are tentatively scheduled to be reviewed at a Planning Commission work session in August.