

Land Development Code

Article 7, Administrative Provisions Draft

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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
 - Historic Preservation
 - 90-day stay in demolition removed
 - No expiration of demolition COA
- **Boards and Commissions**
 - Historic Preservation Commission Composition
 - Design Adjustment Committee

- **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 NOT Changing:

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

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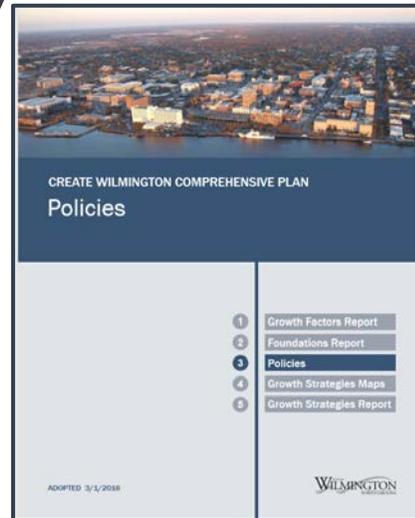
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Create Wilmington Comprehensive Plan Policies

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.

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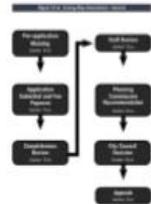
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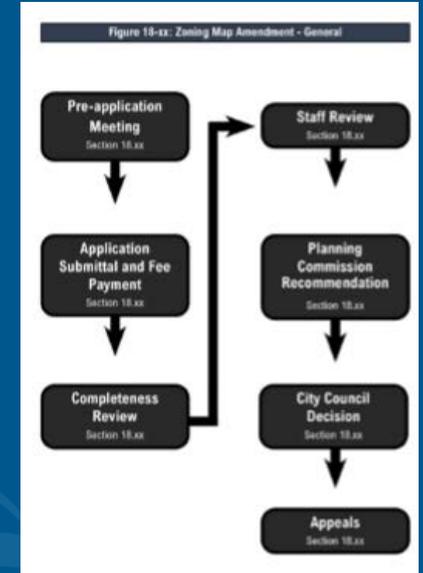
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Notice



Process



Boards



Completeness Review

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

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Permit Choice

S.L. 2019-111

(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

S.L. 2019-111

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:

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Example Flow Chart



LDC Text Amendment



Special Use Permit

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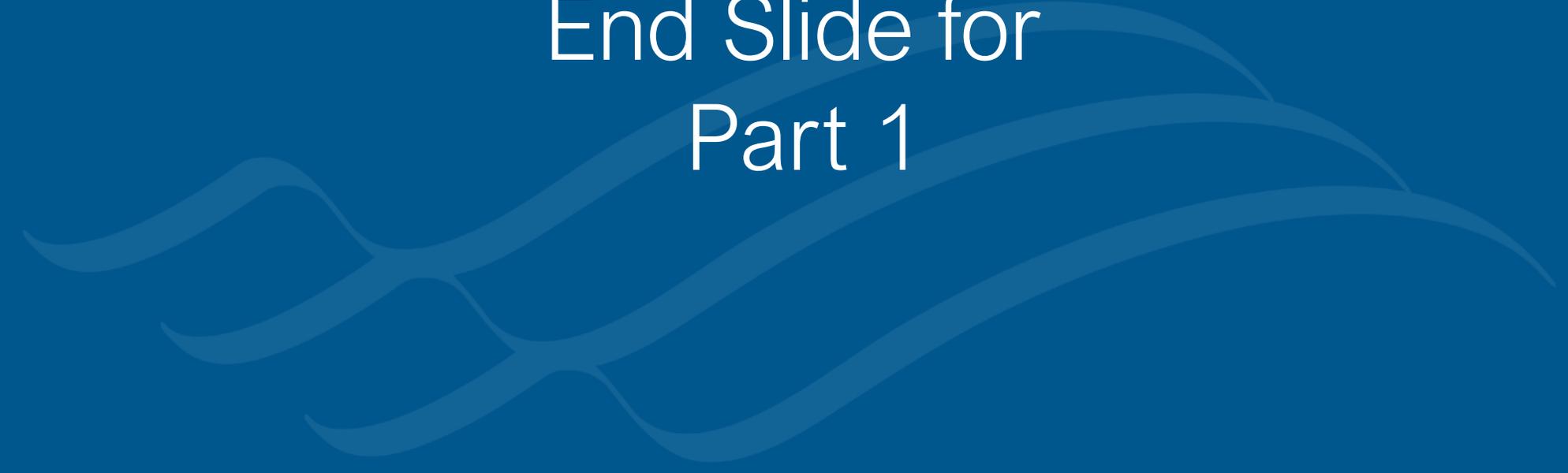
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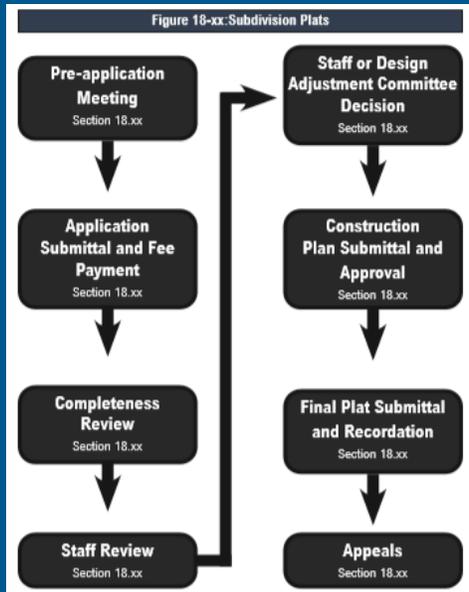
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End Slide for
Part 1

The slide features a solid blue background. In the lower half, there are several overlapping, wavy, light blue lines that create a sense of motion or a stylized wave pattern. The text "End Slide for Part 1" is centered in the upper half of the slide in a white, sans-serif font.



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

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Performance Guarantees



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90-day stay of demolition



624 S. 4th



513 Anderson St

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 of or return from such property by virtue of the delay.

365-day stay of demolition



N. 4th Street



507 S. 5th

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HPC Composition

	Current	Proposed	NCGS
Total Members	9	7	3 minimum
At large	4 shall	3	n/a
Reside in HD, HD-R, or HD-MU	3, at least	3, at least	n/a
Reside in HD-O	1, at least	n/a	n/a
Proprietor or building owner	1, may	1 shall	n/a

In all cases:

- Must be city resident
- Majority shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related field

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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



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wilmingtonnc.gov/departments/planning-development-and-transportation/land-development-code

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LDC Article 3
LDC Article 6
LDC Article 8
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Land Development Code

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What is the Land Development Code?

The Land Development Code (LDC) is a compilation of City regulations that control how land may be developed within Wilmington. The LDC includes:

- **Zoning.** Regulations for development of uses and structures on a lot.
- **Subdivision of land.** Regulations for the division of a parcel into smaller lots.
- **Standards for design.** Regulations for site aspects such as landscaping and parking.
- **Sign regulations.** Regulations for the type, size, and placement of signs on private property.

Why do we need to update our Land Development Code?

Updating our LDC is the next critical step in the implementation of the goals, objectives, and policies in our [Comprehensive Plan](#) that was developed through extensive input from our community. Wilmington's LDC is based on development patterns and building practices that were common in the mid-to-late 1980s. Large parts of the LDC are outdated and difficult to use. The LDC hasn't undergone a full update in 30 or more years.

Like many prosperous, growing communities, Wilmington has experienced a considerable amount new development. 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. Infill and redevelopment are the new normal and land development regulations that have been patched and modified for years will no longer address the City's needs.

Important Links:

- [LDC Article 2, Zoning Districts](#)
- [LDC Article 3, Use Standards](#)
- [LDC Article 6, Subdivisions](#)
- [LDC Article 8, Measurements and Definitions](#)

Email

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Next Steps

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