

Land Development Code

Article 4, Environmental Regulations Draft

BUILD A BETTER | WILMINGTON

July 20, 2020

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Land Development Code Article 4, Environmental Regulations

"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:

- Stormwater management, floodplain, conservation resources, and exceptionally designed projects

What is Changing:

- **Stormwater Management**
 - Requirements for redevelopment adjusted to be consistent with state laws
 - Projects within 1/2 mile and draining to Bradley Creek subject to SA requirements
 - Stormwater permit renewal and transfer rules added
- **Conservation Resources**
 - Resource types clarified and simplified
 - Resource setback distances same for residential and non-residential
 - Permitted setback encroachments simplified
 - Vegetated buffer standards modified (buffer measurement, encroachments, retention of trees)

Exceptionally Designed Projects

- Two development types (LEED certified and projects with existing impervious surface) exempt from the regulations
- Maximum amount of impervious surface bonus reduced from 50% to 25% per site
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- Scaled criteria reworked

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Create Wilmington Comprehensive Plan Policies

6.1.1 Restoration, protection, enhancement, and maintenance of watersheds should be a priority. Existing programs and partnerships with the University North Carolina at Wilmington and other partners to address water quality should be continued and expanded.

6.6.2 Low-impact development and infill and redevelopment projects should be encouraged based on measurable performance criteria and taking advantage of existing infrastructure. Redevelopment should receive incentives that level the playing field relative to economic advantages of “greenfield” development.

4.2.6 Floodplain property or upland connections for greenways or public open space should be protected through the site development process for residential and non-residential sites.

6.2.1 Environmentally sensitive natural areas should be identified, mapped, protected, enhanced, and maintained.

6.2.2 Opportunities and incentives to mitigate the loss of sensitive areas that occur as part of the development process should be identified. Impact reduction and avoidance measures should be based on criteria that take environmentally sensitive natural areas and habitats into consideration.

6.6.3 The stormwater management program should balance the burden between existing and new development and provide incentives for redevelopment that provides a net improvement to stormwater treatment.

6.5.1 The city should work to minimize impacts to developed and developable land from flooding, increased shoreline erosion, loss of wetlands, and contamination of ground water by saltwater under scenarios of sea level rise and increased flooding. Consideration should be given to long-term sea level rise scenarios in planning, design, and cost determination for infrastructure, such as roads, water and wastewater systems, and electric utilities.

6.2.3 Development proposals should employ practices to avoid or minimize impacts of dredging, public access, marinas, and inlet maintenance projects near or within environmentally sensitive areas. Performance standards should be employed to help achieve an ongoing balance between the interests of individual property owners and the need to protect sensitive natural areas.

Redevelopment Standards



Source: City of Wilmington



Source: City of Wilmington

3. Projects are only required to provide water quality controls for any net increase in total site impervious surface area over existing site conditions.



Source: Google Maps, (May 2016). (Eastwood Services Rd. Wilmington, NC). Google Maps (online), accessed 7 July 2020



Source: City of Wilmington

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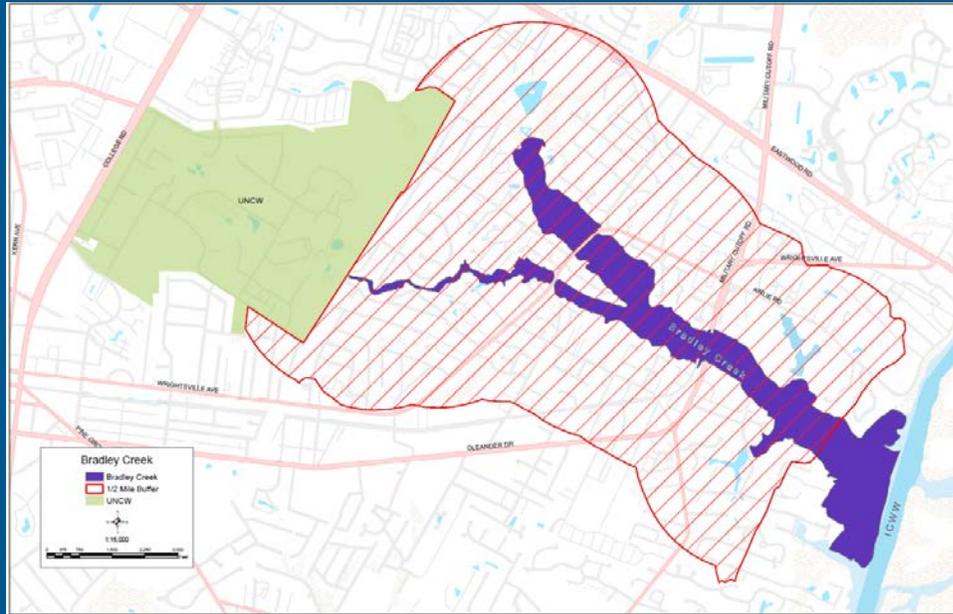
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Bradley Creek



- Applies a higher water quality treatment standard
- Establishes same standard as other watersheds draining to ICW
- Does not impact flood control requirements
- Supported by Bradley and Hewletts Creek Restoration Plan

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Resource Types

Primary Nursery Areas

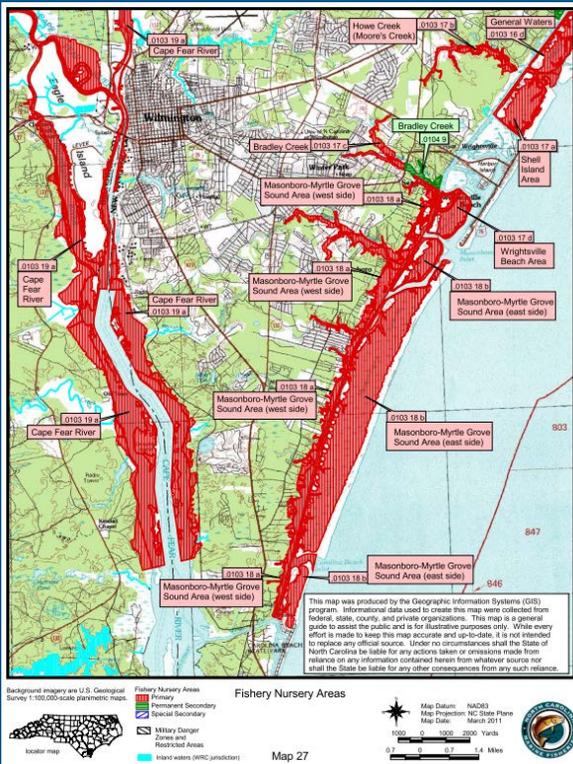


Image source:
http://portal.ncdenr.org/c/document_library/get_file?uuid=32f6ffa9-8c25-49b5-917f-bb80c46e03c4&groupId=38337

404 Wetland



Coastal Wetland



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Resource Setbacks

Current Regulations

CONSERVATION RESOURCE SETBACK TABLE

Conservation Resource	Setback Distance in Feet from Edge of Resource	
	Residential	Nonresidential
Headwater Swamp/Swamp Forest	25	50
Pocosin	25	50
Savannah	25	50
Natural Pond	50	50
Fresh Marsh	50	50
Brackish/Salt Marsh	75	100
Primary Nursery Area	75	100
Animal and Plant (Natural) Areas of Special Significance	75	100

Proposed Regulations

Table 18-xx Conservation Resource Setback Table

Conservation Resource	Setback Distance from Edge of Resource (Feet)
404 USACE wetlands	30
Coastal wetlands	70
Primary Nursery Area	70

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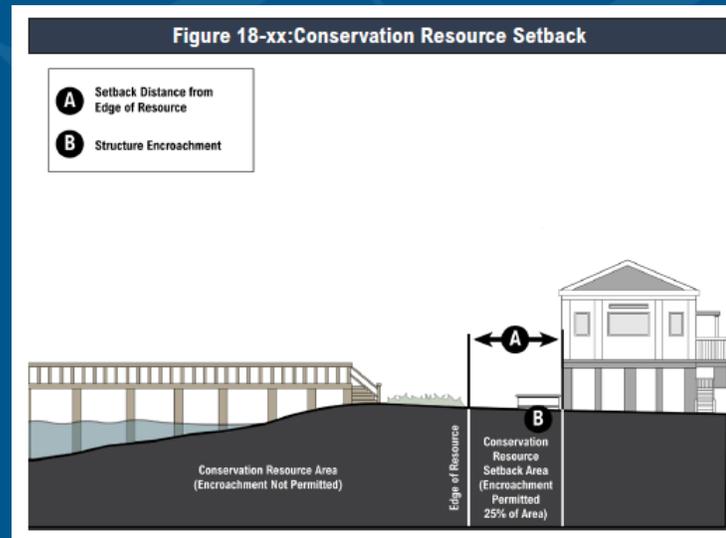
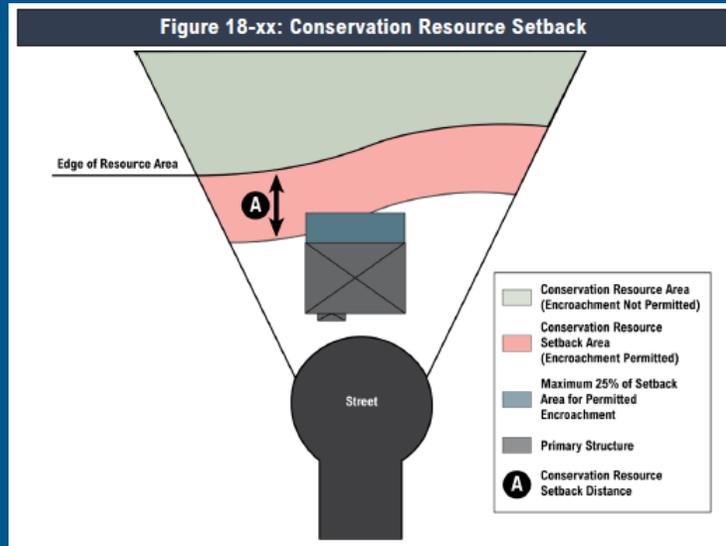
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Resource Setbacks Images



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Vegetated Buffer

Resource Type	Proposed Buffer width	Current Buffer width
USACE 404 wetland	15 feet	N/A
Coastal Wetland	35 feet	35 feet
Primary Nursery Area	35 feet	35 feet



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Exceptional Design

- Exemptions introduced
 - LEED certified
 - Projects \leq existing impervious surface
- Max. amount of impervious surface is reduced



Rain Barrels or Cisterns

These collect and store stormwater runoff to be used for lawn and garden watering, decreasing the need to use water from a public system or private well.

Source: www.lid-stormwater.net



Pervious Pavement

This type of pavement allows stormwater to seep into the ground thereby reducing runoff and allowing for groundwater recharge.

Source: Michael Wolcott \ CC-BY-SA-3.0 \ Wikimedia Commons



Electric Vehicle Charging Stations

Numerous cities throughout North Carolina, including Wilmington, provide designated parking spaces for fuel efficient and electric vehicles as well as ridesharing.

Source: San Francisco Public Utilities Commission

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Scaled Criteria

B. Point System for Sustainable Development

Table 18-xx Point System for Sustainable Development shall be used when calculating points for additional impervious surface. Developers shall use techniques from either category A or B but may not obtain more than 10 points from category A. Every one point awarded shall be the equivalent to one percent of additional impervious surface, up to a maximum of 50% for the entire site.

Table 18-xx Point System for Sustainable Development

Category A	Points Earned
Install only impact (hurricane or wind) resistant windows for Category 4 hurricane or higher	2
Install generators and create operating procedures for how to handle the loss of power for entire development	2
HVAC placed on roof	2
Plant native vegetation	0.5 point for every 5% of land coverage
Provide at least 2 solar electric vehicle (EV) level charging stations, located in a parking structure or off-street parking lot (limit 6)	2
Retain existing natural vegetation, excluding setback requirements	1 point for every 5% of land coverage
Provide open space greater than that required	0.5 point for every 5% of land coverage
Provision of (X) foot additional undisturbed buffers adjacent to/surrounding all wetlands or surface waters	1 point for every additional 1 foot
Inclusion of showering and dressing facilities in non-residential developments for employees using alternative forms of transportation	2
1.5-foot critical root zone protection of every 1 foot DBH	1
Install tree infiltration boxes in parking areas, as designed per manufacture's specifications	1 point per 1% treated

Provide shade or solar-reflective paving of roads, sidewalks, and parking areas, in addition to Article X requirements	0.5 point for every 10% of coverage (can be a mix of shading and paving)
Construct an impact resistant roof, must be the entire roof area of all buildings on site and submit documentation	5
Install cistern(s) for irrigation (75% of irrigation must come from rainwater captured)	3
Install a pollinator garden to support the City of Wilmington's Bee City USA status	2
Category B	Points Earned
Use pervious or grass paving systems on at least 50 percent of driveways and parking areas	5
Install a green or blue roof	1 point for every 1%
(x) amount of points for each additional foot of freeboard	3 points for 1 foot of freeboard added (up to 2 feet)
Installation of all commercial and multifamily parking under building	10
Constructed Wetlands	1 point for every 1% constructed
Provide rain gardens and/or bioretention areas that meet the Minimum Design Criteria of NCDEQ to capture and treat or infiltrate site-generated stormwater	1 point per 1% treated



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Stormwater Management



Source: City of Wilmington

Floodplain Management



Image Source:
<https://fris.nc.gov/fris/index.aspx?FIPS=1298&ST=NC&user=General%20Public>

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Conservation Resource – Water Dependent Structures

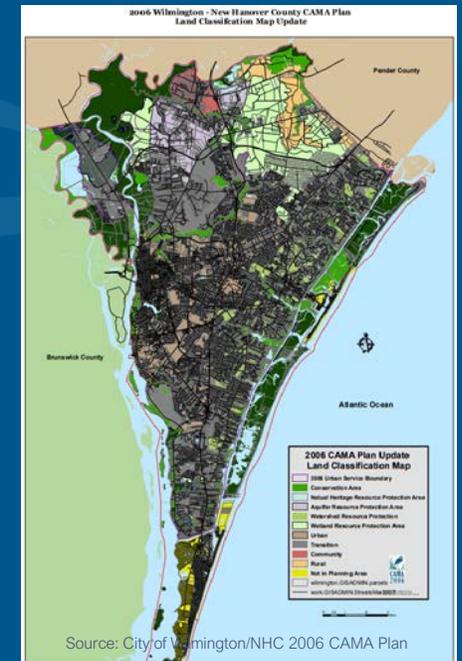
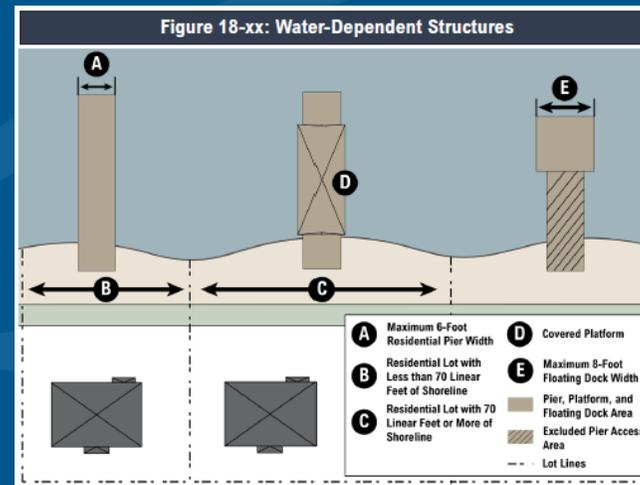


Source: City of Wilmington

Exceptionally Designed Project Application



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 - LDC Article 2
 - LDC Article 3
 - LDC Article 6
 - LDC Article 7
 - 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:

- [Annotated table of contents for the new LDC draft](#)
- [LDC Article 2, Zoning Districts](#)
- [LDC Article 3, Use Standards](#)
- [LDC Article 6, Subdivisions](#)
- [LDC Article 7, Administrative Provisions](#)
- [LDC Article 8, Measurements and Definitions](#)

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Next Steps

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Environmental Regulations are tentatively scheduled to be reviewed at a Planning Commission work session in September