

# Ordinance



City Council  
City of Wilmington  
North Carolina

CITY CLERK  
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Andrea Spina Sidley

**Introduced By:** Anthony N. Caudle, City Manager

**Date:** 5/21/2024

**Ordinance Amending the Land Development Code, Chapter 18 for Various Amendments and Clean-up Items Related to Permitted Uses, Parking Lot Landscaping, Site Design Standards, Electric Vehicle Parking, and Definitions (LDC-7-424)**

**LEGISLATIVE INTENT/PURPOSE:**

WHEREAS, the City of Wilmington desires to have a modern land development code consisting of all of the city's major land development and land use regulations in one unified document; and,

WHEREAS, the city is authorized by the General Statutes of North Carolina, including Chapter 160D, to enact land use ordinances; and,

WHEREAS, local governments are authorized by NCGS Sections 160D-102, 160D-108(d), 160D-603, and 160D-702 to amend ordinances regulating land use within their jurisdiction; and,

WHEREAS, the amendment set out below is made in accordance with NCGS Section 160D-601 and Article 7, Section 18-587 of the Land Development Code; and,

WHEREAS, the amendments set out below are intended to correct minor errors, provide clarifications, and correct issues discovered during implementation of the new Land Development Code.

**THEREFORE, BE IT ORDAINED:**

SECTION 1: Chapter 18, Article 2, Table 18-19.2 is hereby amended to delete offices as a permitted use in the HD-R.

SECTION 2: Chapter 18, Article 2, Section 18-26(E) is hereby amended to read as follows to strike reference to the 1945 Corporate Limits in the purpose statement for the R-3 district:

“E. The R-3 district is intended to accommodate small-lot single dwelling residential uses in or adjoining a mix of residential types, missed-use, and commercial developments in which compact walkable patterns are desired. This district supports the continued viability of neighborhoods where there exists a historic development pattern of small lots with limited

setbacks, limited off-street parking, and a vibrant architectural character. This district is created to support reinvestment in mature parts of the city by allowing a variety of compatible housing forms in a dense development pattern consistent with the established character.”

SECTION 3: Chapter 18, Article 2, Section 18-44(C)(4)(a)(i)(1) is hereby amended as follows to correct the reference to the illustration for multiple frontage lots.

“1. Any street shown as a primary frontage street in Figure 18-44.17: CBD primary and secondary frontage streets shall be designated as a primary frontage street.”

SECTION 4: Chapter 18, Article 3, Sections 18-199(A) is hereby amended as follows to revise regulations related to number and size of accessory structures:

- “1. The maximum number of accessory structures and buildings shall be two, only one of which can be an accessory dwelling unit. Swimming pools shall not be counted toward the maximum number of accessory structures. The gross total square footage of all accessory buildings shall not exceed one hundred (100) percent of the gross floor area of the primary structure. The heated square footage of accessory dwelling units shall not exceed 50% of the gross floor area of the primary structure, or 1,200 square feet, whichever is less.
2. On lots developed with bona fide agricultural uses, the maximum number of accessory structures and buildings shall be four.
3. Placement shall be subject to the requirements found in Table 18-199: Dimensional standards for accessory buildings and structures, unless more specific standards are listed in this article for certain accessory structures and buildings.”

SECTION 5: Chapter 18, Article 3, Table 18-199: Dimensional standards for accessory buildings and structures is hereby amended as shown in Attachment A to revise regulations related to the size of accessory structures.

SECTION 6: Chapter 18, Article 3, Section 18-200 is hereby amended to read as follows to revise regulations related to accessory dwelling units:

- “A. Permitted
  1. ADUs shall only be allowed when constructed as an accessory to a principal single dwelling.
  2. Only one ADU shall be permitted on any lot.
- B. Creation

ADUs may be created through new construction, the conversion of an existing building or structure, or as an addition to an existing building or structure.
- C. Types of ADUs

1. Detached units stand alone from the principal dwelling unit and include detached garage apartments, backyard cottages, and outbuildings.
2. Attached units may be connected to the principal dwelling unit by both a roof and at least one wall or may be an internal unit, wherein a detached single dwelling is partitioned off to become a separate dwelling unit under the same roof as the principal dwelling unit with a separate external entrance into the unit (see Figure 18-200: Accessory dwelling unit types).

D. Development standards

1. Maximum dwelling unit size (gross floor area) shall be 50 percent of the gross floor area of the principal structure or 1,200 square feet, whichever is less.
2. Attached ADUs are not accessory structures and shall comply with specific setback standards for principal buildings within that zoning district.
3. ADUs shall comply with the setbacks outlined in Table 18-199.”

SECTION 7: Chapter 18, Article 5, Section 18-321(A)(1)(a) is hereby amended to read as follows to correct a typographical error:

“a. At least one (1) canopy tree shall be provided for every 12 parking spaces (e.g. 144 parking spaces would require 12 canopy trees). At least seventy-five (75) percent of the required trees shall be of a large shade/canopy species.”

SECTION 8: Chapter 18, Article 5, Section 18-341(D)(1) is hereby amended to read as follows to add provisions related to electric vehicle parking:

“D. Parking ratios

1. Baseline parking ratios established
  - a. The maximum parking limit shall not be applicable to parking lots of 20 spaces or fewer.
  - b. The following shall not be counted when calculating maximum parking:
    - i. Any parking space provided within the footprint of a building;
    - ii. EVSE-Installed parking spaces; and
    - iii. Parking provided in parking structures, except those spaces on the ground level of the structure.
  - c. Where minimum parking requirements apply:
    - i. Each EVSE-Installed space shall count as two (2) parking spaces
    - ii. Each EV-Capable space shall count as one and one-half (1.5) parking spaces”

SECTION 9: Chapter 18, Article 5, Section 18-344(A)(2) of the city’s Land Development Code is hereby amended to read as follows to revise electric vehicle parking requirements:

“2. Electric vehicle parking

- a. Electrical vehicle (EV) charging stations shall be provided for the following uses in accordance with Table 18-344.1: Required EV charging stations:
  - i. Residential-Attached: multiple
  - ii. Lodging-Hotel/motel
  - iii. General retail-Large (building footprint of 40,001 SF or larger)
  - iv. Commercial Parking
  
- b. Each EVSE-Installed charging station provided in excess of the number required by Table 18-344.1 shall be counted toward the EV-Capable requirement as two (2) EV-Capable stations.
  
- c. Residential developments with governmental financing may provide 4% of total parking spaces as EV-Capable in lieu of providing a combination of EV-Capable and EV-Installed spaces.”

SECTION 10: Chapter 18, Article 5, Section 18-344(A) is hereby amended to add Table 18-344.1: Required EV Charging Stations as shown in Attachment A.

SECTION 11: Chapter 18, Article 7, Section 18-589(G)(1)(f) is hereby amended to read as follows to clarify that increases, not reductions, in the size of public utilities are considered to be a major change to a special use permit:

“f. An increase in size of public utilities;”

SECTION 12: Chapter 18, Article 8, Section 18-688 is hereby amended to add the following definitions of Electric Vehicle Charging Station and Electric Vehicle Supply Equipment (EVSE):

“**Electric Vehicle Charging Station.** Electric vehicle charging stations are defined as follows:

- A. EV-Capable: Reservation of space in the electrical room for a panel to serve the future EV chargers and continuous raceway from the reserved panel space to the future EV parking space.
- B. EVSE-Installed: EV charging stations capable of providing a minimum of 12 amp 1.4 kW.

**Electric Vehicle Supply Equipment (EVSE).** Equipment that supplies electricity to an electric vehicle for the purpose of recharging the vehicle’s batteries. EVSE systems include the electrical conductors, related equipment, software, and communications protocols that deliver energy safely and efficiently to the vehicle. EVSE equipment is classified as Level 1 (120 volts AC), Level 2 (240 volts AC), and DC Fast Charger (480 volts DC and higher). (From the National Electrical Manufacturers Association)”

SECTION 13: That this ordinance shall be effective immediately upon its adoption.

Adopted at a regular meeting  
on May 21, 2024

Bill Saffo  
Bill Saffo, Mayor

Attest:  
Penelope Spicer-Sidbury  
Penelope Spicer-Sidbury, City Clerk

Approved As To Form:  
Michael T. Erhart  
City Attorney

