

APPLICATION ACCEPTANCE POLICY

LAND DEVELOPMENT CODE AMENDMENTS

City of Wilmington
Planning and Development

PO Box 1810 | 305 Chestnut St. Wilmington, NC 28402
Telephone 910.254.0900 | Fax 910.341.3264

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.

**LAND DEVELOPMENT
CODE AMENDMENT**



**City of Wilmington
Planning and Development**

P. O. Box 1810, 305 Chestnut St, Wilmington, NC 28402
Telephone: (910) 254-0900 FAX: (910)341-3264

Section A. APPLICANT INFORMATION

Name: Ward and Smith, P.A., c/o Sam Franck

Mailing address: 127 Racine Drive, Wilmington, NC 28403

Phone: (910) 794-4800 Fax: (910) 794-4877

Email: sbf@wardandsmith.com

Applicant signature 

Date of pre-application meeting: November 30, 2023

Section B. SUBMITTAL INFORMATION AND PROCEDURE

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

Figure 18-587: Land development code amendment process

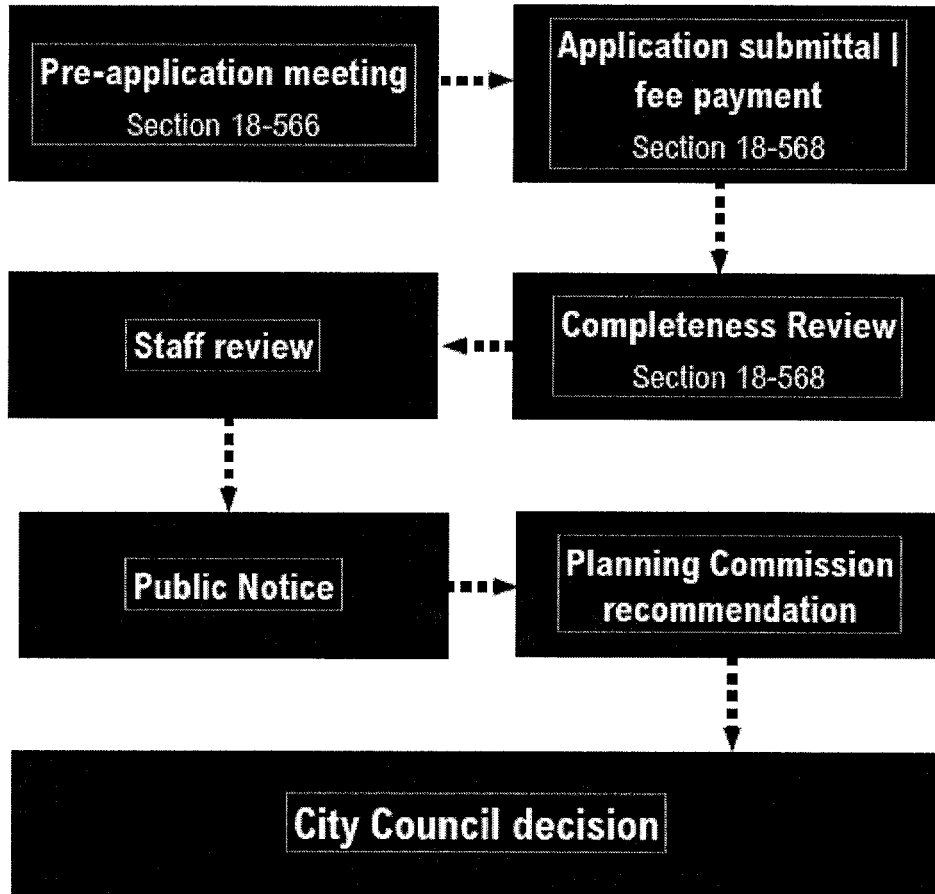


Exhibit A

Land Development Code Amendment Application Oak Landing Homeowners' Association, Inc.

Specific Wording of Proposed Text Amendment:

That Section 18-260(f) of the Code of Ordinances, City of Wilmington, North Carolina, is hereby amended to read as follows (edits shown in track changes):

(f) One (1) boat slip may be allowed per residential unit up to a maximum of ten (10) boat slips per community boating facility; provided that, notwithstanding the foregoing, for any community boating facility serving a community within the R-20 Residential District and in existence prior to the enactment of Ordinance No. O-2008-25 (4-8-08), two (2) boat slips may be allowed per residential unit up to a maximum of twenty (20) boat slips per community boating facility.

Explanation of Impacts on City and Consistency with Adopted Plans and Policies:

The proposed amendment would have limited impacts on the City as a whole as it is applicable only to the legacy R-20 Residential District. Any effects would be even further limited to only those community boating facilities in existence prior to enactment of Ordinance No. O-2008-25 (4-8-08). Additionally, land may not be rezoned to a legacy district such as this one and Section 18-260(h) indicates that a platted subdivision may not be further subdivided to qualify for an increased allowance of boating facilities over that entitled to the original platted subdivision.

Any expected impacts, however, would further enhance the amenities available to citizens within existing residential developments consistent with the Create Wilmington Comprehensive Plan. The proposed amendment is consistent with a number of themes found throughout the Comprehensive Plan. First, the proposed amendment is consistent with the theme of Creating a Place for Everyone. As described in further detail below, this amendment promotes inclusivity by allowing more people the opportunity the use a boat slip and by tangentially recognizing there may be living arrangements beyond that of the nuclear family. Additionally, the amendment increases the diversity of recreational amenities available to owners of properties within established subdivisions in the R-20 district.

Moreover, the proposed amendment is consistent with the theme of Getting Around by allowing for additional access to water transportation, thereby diversifying the modes of transportation available in the community. This amendment allows for an increase in the number of boat slips that may be constructed within a community boating facility in older subdivisions within the R-20 district, thereby allowing more people the opportunity to use a boat slip and allowing more boat slips to be available per residential unit.

Furthermore, the amendment is consistent with the theme of Unique Places, Captivating Spaces. The proposed amendment will provide citizens with more access to the natural resources and captivating environment Wilmington has to offer. Access to the City's adjacent water bodies is a very valuable amenity that increases property values and likely works to draw residents to the area when considering where to live. As noted in the Comprehensive Plan, one of the requests by citizens when creating that document was more access to the City's water features. Section 4.5 of the Comprehensive Plan notes that "[b]ecause water access is a recreation resource in great demand throughout Wilmington and the region, planning for water access is a priority."

Likewise, as indicated in Policy 9.1 of the Comprehensive Plan, the form and character of suburban neighborhoods distinguish them as unique Wilmington neighborhoods. This proposal would enhance the uniqueness of suburban neighborhoods in the R-20 district by allowing additional amenities and access to the waterways.

Justification for Amending Land Development Code:

The proposed amendment would allow for a more appropriate, but still reasonable, number of boat slips in a community boating facility within older communities in the R-20 District that were established prior to the adoption of the current limitations on numbers of slips. A maximum of ten (10) slips per community boating facility greatly limits access to a boat slip where there are more than ten (10) units in a subdivision. If a residential community has, for instance, fifteen (15) units, then the maximum of ten (10) slips total means that some residents are treated differently and don't have access to a boat slip. It is completely reasonable, and not uncommon, to have more than ten (10) units in a subdivision. This amendment would allow those slightly larger communities to offer a more equitable distribution of boat slips to the residents. Specifically in connection with the older communities within the R-20 District, the amendment would recognize that some older communities may have more than ten (10) residential units or otherwise may not easily comply with the stringent requirement of one (1) boat slip per residential unit up to a maximum of ten (10) slips total.

Additionally, this amendment recognizes that there may be situations where one (1) residential unit would like to use more than one (1) boat slip. As many avid boaters might agree, boats can come in a variety of different shapes and sizes and be used for a variety of purposes. For example, homeowners may have the use for both a larger boat and a smaller boat. Or, recognizing that some boats are intended to be used for specific purposes, a homeowner may have one boat to use as a pleasure craft and one for fishing.

The amendment also aims to recognize that there are often different living situations than just a typical nuclear family who may all use the same boat. There may be multiple extended family members who also live in a residential unit, or two or more people who live together but are not necessarily related to one another. In either case, it is reasonable that multiple residents in one household would like the opportunity to use their own individual boat slip.

This change will allow for greater flexibility for the restoration and renovation of community boating facilities that pre-date the current ten (10) slip limit, and will allow for a more efficient mechanism to store boats utilized by members of a residential community.

AUTHORITY FOR APPOINTMENT OF PERSON
TO ACT ON MY BEHALF

The undersigned owner, Oak Landing Homeowners' Association, Inc., does hereby appoint Ward and Smith, P.A. to act on my behalf for the purpose of petitioning the City of Wilmington for: a) an amendment to the text regulations; b) a change to the zoning map; c) approval of a special use permit; d) approval of a special use district; and/or, e) street closing, as applicable to the property described in the attached petition.

The owner does hereby covenant and agree with the City of Wilmington that said person has the authority to do the following acts for and on behalf of the owner:

- (1) To submit a proper petition and the required supplemental materials:
- (2) To appear at public meetings to give testimony and make commitments on behalf of the owner; and
- (3) In the case of a special use permit, to accept conditions or recommendations made for the issuance of the special use permit on the owner's property.
- (4) To act on the owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition.

This appointment agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Date: March 4, 2024

Appointee's Name, Address & Telephone:

Ward and Smith, P.A., c/o Sam Franck

127 Racine Drive, Wilmington, NC 28403

(910) 794-4800

Signature of Owner: Oak Landing Homeowners' Association, Inc.



Name: Douglas A. Suriano

Title: Chair, Marina Project Committee