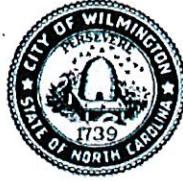


Ordinance



Substitute Ordinance
City Council
City of Wilmington

0-2023-14

Date: 2/7/2023

Introduced By: Anthony N. Caudle, City Manager

Substitute Ordinance Making Amendments to the Land Development Code, Chapter 18, Related to Open Space Standards for Commercial District Mixed Use (CDMU) Projects and the Process Through Which the City's Technical Standards and Specifications Manual is Amended (LDC-4-123)

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

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

WHEREAS, the amendments set out below are made in accordance with NCGS Section 160D-601 and Article 7, Divisions 1 and 2 of the City of Wilmington Land Development Code ("LDC"); and,

WHEREAS, the amendments set out below are intended to correct minor errors, provide clarifications, and correct issues discovered during implementation of the City's most recently adopted LDC.

THEREFORE, BE IT ORDAINED:

SECTION 1: In order to clarify when open space provided for cohesive developments can be counted toward CDMU requirements, Article 3, Division 1, Section 18-131(F) of the LDC is hereby amended by adding a new subsection 18-131(F)(3) to read as follows, and as incorporated and set out specifically in "Attachment A":

- “3. Open space provided as part of a cohesive development project approved prior to December 1, 2021, may be counted toward the open space set aside requirement, even if such open space is not located within the same zoning district as the CDMU, provided all of the following conditions are met:

CITY CLERK
CERTIFIED TO BE A TRUE COPY
Anthony N. Caudle
2/7/2023

The total amount of open space provided in the cohesive development project meets or exceeds the total required for the CDMU and all other residential components of the project, and has no restrictions prohibiting or limiting use of the open space by residents and visitors to the CDMU development.

The open space to be counted toward the CDMU requirement is located within 1,000 feet of the CDMU project, and is connected to the CDMU project via off-street pedestrian walkways or private community roadways.”

SECTION 2: In order to reestablish the process to adopt and modify the City’s technical standards and specifications, Article 7, Division 2 of the LDC hereby adds “Section 18-605: City Technical Standards and Specifications Manual,” to read as follows, and as incorporated and set out specifically in “Attachment A”:

“Section 18-605: City Technical Standards and Specifications Manual

A. Purpose

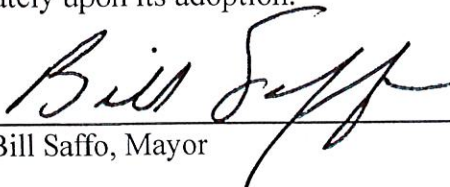
The purpose of the City Technical Standards and Specifications process is to establish the process for adoption and modification of the City’s technical standards and specifications.

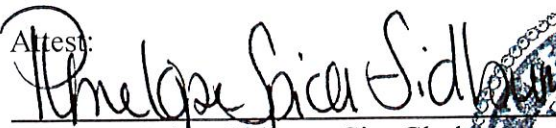
B. Process

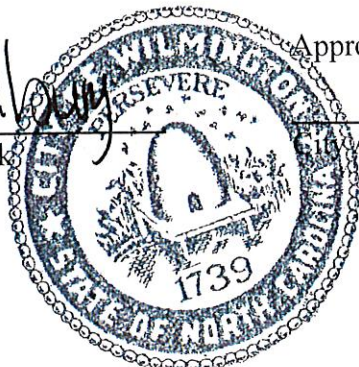
The city council shall adopt, by resolution, technical standards and specifications controlling construction practices and materials and any policies applicable to such practices and materials. The city manager may make amendments to the standards and specifications contained therein, provided that such amendments, in the judgment of the city manager, are of a minor nature and do not alter significantly the intent as originally adopted. The city council, by resolution, shall have the right to repeal or alter any amendment so made by the city manager. Any other amendments to these standards and specifications shall only be made by resolution adopted by the city council following review of the proposed amendment by the design adjustment committee. Such resolution shall set forth the revised standards and specifications or may amend the standards and specifications by incorporating by reference any document or set of standards. Any document or set of standards so adopted by reference shall be in force from and after the date it is filed in the office of the city clerk.”

SECTION 3: This ordinance shall be effective immediately upon its adoption.

Adopted at a regular meeting
on February 7, 2023


Bill Saffo, Mayor

Attest:

Penelope Spicer-Sidbury, City Clerk



Approved As To Form:

Attorney

Section 18-131: Commercial districts mixed use

A. Purpose

The commercial district mixed-use (CDMU) provisions are intended to help provide housing for persons of all income levels, mix housing and compatible nonresidential uses, help reduce traffic congestion, and incentivize creative site design. Such developments support the city's economic success, unique built environment, job creation, and diversity by bringing together medium- to high-density residential and nonresidential uses within a walkable, bicycle friendly, and transit-accessible development framework. A mixed-use center should provide diverse uses, including housing at a variety of price points, offices, retail, service, entertainment, civic, and open space, for residents, employees, and visitors.

B. Optional use

This is an optional development pattern and available when a property owner chooses this use type and development option.

C. Uses

1. Multiple dwellings and townhouse development shall be permitted. Single-dwelling units shall not be permitted.
2. Commercial uses
 - a. Commercial uses shall make up at least 20 percent of the total building square footage of the development.
 - b. If 25 percent or less of the perimeter of the site fronts on an arterial street, the commercial square footage may be reduced to 10 percent of the total building square footage.

- c. Sites within ¼-mile of a full-service grocery store entrance may reduce the commercial square footage requirements to five percent of the total building square footage if a paved pedestrian or multiuse path is provided on and from the site to the grocery store.
 - d. In the O&I district, in addition to the uses permitted within the district, retail may be permitted, not to exceed 3,250 square feet per storefront, nor to exceed a gross total square footage of 6,500 square feet within the development.
 - e. Development amenities that are commercial in nature and open to the public (e.g., spas and health clubs) may count towards the minimum commercial square footage.
 - f. In no case shall leasing offices or amenities for the exclusive use of residents and not open to the general public be counted towards the commercial use requirements.
3. Residential uses shall not cause any increased setbacks or transitional buffers on adjacent lots.
 4. Any accessory uses, including outdoor seating, if permitted in the district, shall meet the applicable accessory use standards.

D. Building and site design

1. A conceptual elevation indicating proposed architectural style shall be provided.
2. All CDMU projects shall be subject to the site design standards of the multiple-dwelling districts found in Section 18-29: District specific standards.

ATTACHMENT A

E. Density

1. The maximum residential density shall be 17 units per acre.
2. The cap on density may be eliminated if 10 percent of the total number of residential units is designated for workforce housing, as defined in this chapter, for a period of at least 15 years.
3. For projects with multiple buildings, workforce housing units must be dispersed throughout the development and not concentrated in one building.

F. Open space set aside

1. All developments shall meet the open space set-aside requirements of the multiple dwelling districts and the open space set-aside standards prescribed in Article 8.
2. If a development includes at least 51 percent of the total building square footage is in commercial use, the open space set aside may be eliminated.
3. Open space provided as part of a cohesive development project approved prior to December 1, 2021, may be counted toward the open space set aside requirement even if such open space is not located within the same zoning district as the CDMU provided all of the following conditions are met:
 - a. The total amount of open space provided in the cohesive development project meets or exceeds the total required for the CDMU and all other residential components of the project and has no restrictions prohibiting or limiting use of the open space by residents and visitors to the CDMU development.
 - b. The open space to be counted toward the CDMU requirement is located within 1,000 feet of the CDMU project and is connected to the CDMU project via off-street pedestrian walkways or private community roadways.

G. Parking

1. Shared parking between residential and commercial uses shall be permitted.
2. Within the 1945 Corporate Limits, there shall be no parking requirements.
3. Outside of the 1945 Corporate Limits.
 - a. Parking shall be dedicated for residential uses and provided according to Table 18-131: Dedicated residential parking for CDMU developments.
 - b. Parking for commercial uses shall be provided in accordance with article 5, division 2 of this chapter.

Table 18-131: Dedicated residential parking for CDMU developments	
Percentage of total building square footage dedicated to residential use	Parking ratio
1 - 49%	1 space per one-bedroom unit
	1½ spaces per two-bedroom unit
	2 spaces per three-bedroom unit
50 - 75%	1¼ spaces per one-bedroom unit
	1¾ spaces per two-bedroom unit
	2¼ spaces per three-bedroom unit
76% or more	1½ spaces per one-bedroom unit
	2 spaces per two-bedroom unit
	2½ spaces per three-bedroom unit

D. Process

An administrative adjustment shall be processed as described in Figure 18-604: Administrative adjustment process.

E. Decision

The decision on and administrative adjustment shall be made by the city engineer based on the criteria established in this section.

F. Administrative adjustment review standards

An administrative adjustment may be approved if the applicant demonstrates all the following:

1. The adjustment would be consistent with the type and thresholds for an administrative adjustment established in this section.
2. The administrative adjustment:
 - a. Would be required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
 - b. Would support an objective or goal from the purpose statement of the zoning district in which the subject property is located; or
 - c. Would be necessary to allow for proper functioning of on-site private infrastructure;
 - d. Would save healthy existing trees; or
 - e. Would preserve environmentally sensitive lands.
3. Impacts resulting from an administrative adjustment would be fully mitigated; and
4. The development standard requested for adjustment is not the subject of a previously approved adjustment or condition of approval on the same site.

G. Appeal

Appeal of a decision on an administrative adjustment shall be reviewed and decided by the board of adjustment.

Section 18-605: City Technical Standards and Specifications Manual

A. Purpose

The purpose of the City Technical Standards and Specifications process is to establish the process for adoption and modification of the City's technical standards and specifications.

B. Process

The city council shall adopt, by resolution, technical standards and specifications controlling construction practices and materials and any policies applicable to such practices and materials. The city manager may make amendments to the standards and specifications contained therein, provided that such amendments, in the judgment of the city manager, are of a minor nature and do not alter significantly the intent as originally adopted. The city council, by resolution, shall have the right to repeal or alter any amendment so made by the city manager. Any other amendments to these standards and specifications shall only be made by resolution adopted by the city council following review of the proposed amendment by the design adjustment committee. Such resolution shall set forth the revised standards and specifications or may amend the standards and specifications by incorporating by reference any document or set of standards. Any document or set of standards so adopted by reference shall be in force from and after the date it is filed in the office of the city clerk.

Sections 18-606 - 18-614: Reserved.

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