

Ordinance



City Council
City of Wilmington
North Carolina
0-2022-88

CITY CLERK
CERIFIED TO BE A TRUE COPY
Stephanie Silvalmy

Introduced By: Anthony N. Caudle, City Manager

Date: 11/1/2022

Ordinance Amending the Land Development Code, Chapter 18, for Various Amendments Related to Permitted Uses, District-Specific Standards, Use-Specific Standards, Landscaping, Alternative Lot Layouts, Parking Standards, Administrative Provisions, and Measurements and Definitions (LDC-2-1022)

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 N.C.G.S. §§ 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 N.C.G.S. §160D-601, and Article 3, §§18-117 and 18-118 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 current Land Development Code.

THEREFORE, BE IT ORDAINED:

SECTION 1: Chapter 18, Article 2, Section 18-42, "Table 18-42: Use table for mixed-use districts," of the city's Land Development Code, is hereby amended to identify "funeral home and mortuary" as a permitted use by right in the UMX district, and to correct the names of land uses from "Commercial business services" and "Commercial personal services" to "General business services" and "General personal services," as shown in Attachment A.

SECTION 2: Chapter 18, Article 2, Section 18-44(A)(1), "Parking and driveway requirements" of the city's Land Development Code, is hereby removed in its entirety, and that same section is now added, as written, to now be Chapter 18, Article 5, Section 18-340(A)(3), as both the removal and addition are shown in Attachment A.

SECTION 3: Chapter 18, Article 3, Section 18-199(A)(1) of the city's Land Development Code, is hereby amended, as shown in Attachment A, to read as follows:

"A. Site design

1. The maximum number of accessory structures and buildings shall be two. 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."

SECTION 4: Chapter 18, Article 3, Section 18-200(D)(1) of the city's Land Development Code, is hereby amended as shown in Attachment A, to read as follows:

"D. Development standards

1. Maximum dwelling unit size (gross floor area) shall be:
 - a. Internal: 50 percent of the gross floor area of the principal dwelling unit; and
 - b. Attached or detached: 50 percent of the gross floor area of the principal structure or 1,200 square feet, whichever is less."

SECTION 5: Chapter 18, Article 3, Section 18-200(D)(4) of the city's Land Development Code, is hereby amended as shown in Attachment A, to read as follows:

"4. ADU's shall comply with the setbacks outlined in Table 18-199."

SECTION 6: Chapter 18, Article 5, Section 18-316(C)(5)(h) of the city's Land Development Code, is hereby amended as shown in Attachment A, to read as follows:

"h. Credit shall not be granted for trees preserved to meet required landscaping."

SECTION 7: Chapter 18, Article 5, Section 18-316(D) of the city's Land Development Code, is hereby amended to remove "Table 18-316.3: Critical root zone protection area" in its entirety, and to amend Sections 18-316(D)(2) and (D)(3) as shown in Attachment A, to read as follows:

- "2. If the entire critical root zone of a tree cannot be preserved, tree roots must be cleanly pruned, prior to any land disturbance, a distance of 1.25 feet for every inch in diameter.

3. Disturbance within root zone protection area, and only with prior approval by the city manager.”

SECTION 8: Chapter 18, Article 5, Section 18-341 of the city’s Land Development Code, hereby amends “Table 18-341.1: Residential parking ratios,” as shown in Attachment A, in order to replace the reference to “low-income” housing with a reference to “workforce” housing.

SECTION 9: Chapter 18, Article 5, Section 18-435(C)(8)(d) of the city’s Land Development Code, is hereby removed in its’ entirety, and the remainder of Section 18-435(C)(8) is renumbered accordingly, as shown in Attachment A.

SECTION 10: Chapter 18, Article 7, Section 18-567(C)(2)(a) of the city’s Land Development Code, is hereby amended as shown in Attachment A, to read as follows:

“2. Notification

- a. An applicant shall provide notification of the neighborhood meeting a minimum of 10 days, but not more than 25 days, in advance of the meeting, by mail, to all owners within 300 feet of the tract subject to the application and city staff.”

SECTION 11: Chapter 18, Article 7, Section 18-569(C)(3) of the city’s Land Development Code, is hereby amended as shown in Attachment A, in order to change the responsibility for the posting of signs from the applicant to city staff.

SECTION 12: Chapter 18, Article 7, Section 18-572(A) of the city’s Land Development Code, is hereby amended as shown in Attachment A, in order to revise the appeals process for decisions of the design adjustment committee to be consistent with state law.

SECTION 13: Chapter 18, Article 7, Section 18-586(A)(4) of the city’s Land Development Code, hereby adds sub-section 18-586(A)(4)(c) as shown in Attachment A, to read as follows:

- “c. Part of a development that designates 50% of the residential units as workforce housing units, for a period of at least 15 years.”

SECTION 14: Chapter 18, Article 7, Section 18-586(A) of the city’s Land Development Code is hereby amended to add sub-section 18-586(A)(5) as shown in Attachment A, to read as follows:

- “5. A project narrative approval process is acceptable, in lieu of a site plan or masterplan, when a proposal includes 100% workforce housing units, for a period of at least 15 years.”

SECTION 15: Chapter 18, Article 7, Section 18-586(B)(3) of the city’s Land Development Code is hereby amended as shown in Attachment A, in order to expand the use of the master plan approval process, to add a project narrative approval process for projects with dedicated

workforce housing allocations, and to codify the current practice of requiring applicants to obtain approvals needed from quasi-judicial boards (Board of Adjustment, Historic Preservation Commission or Design Adjustment Committee) prior to an associated rezoning application being heard by City Council.

SECTION 16: Chapter 18, Article 7, Section 18-589(C) of the city's Land Development Code, is hereby amended to add sub-section 18-589(C)(4), as shown in Attachment A, to read as follows:

"4. Any special use permit that requires a quasi-judicial decision to be made by the Board of Adjustment, Historic Preservation Commission, or Design Adjustment Committee must attain approval of the request prior to being heard by the City Council."

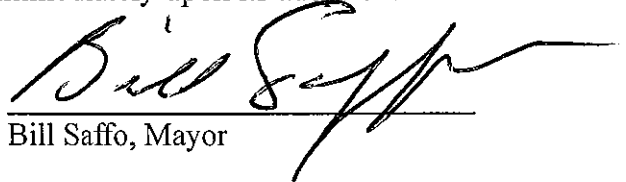
SECTION 17: Chapter 18, Article 7, Section 18-593(F), of the city's Land Development Code, is hereby amended as shown in Attachment A, in order to revise the appeals process for decisions of the design adjustment committee to be consistent with state law.

SECTION 18: Chapter 18, Article 8, Section 18-689, of the city's Land Development Code, is hereby amended as shown in Attachment A, in order to clarify terms and definitions for elderly housing.

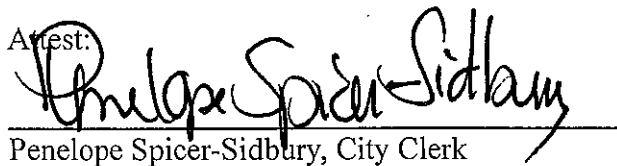
SECTION 19: Chapter 18, Article 8, Section 18-694, of the city's Land Development Code, is hereby amended as shown in Attachment A, in order to clarify terms and definitions for workforce housing.

SECTION 20: That, this ordinance shall be effective immediately upon its adoption.

Adopted at a regular meeting
on November 1, 2022


Bill Saffo, Mayor

Attest:


Penelope Spicer-Sidbury, City Clerk

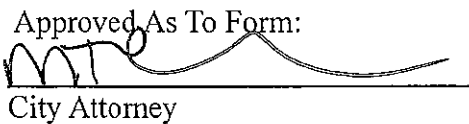
Approved As To Form:

City Attorney



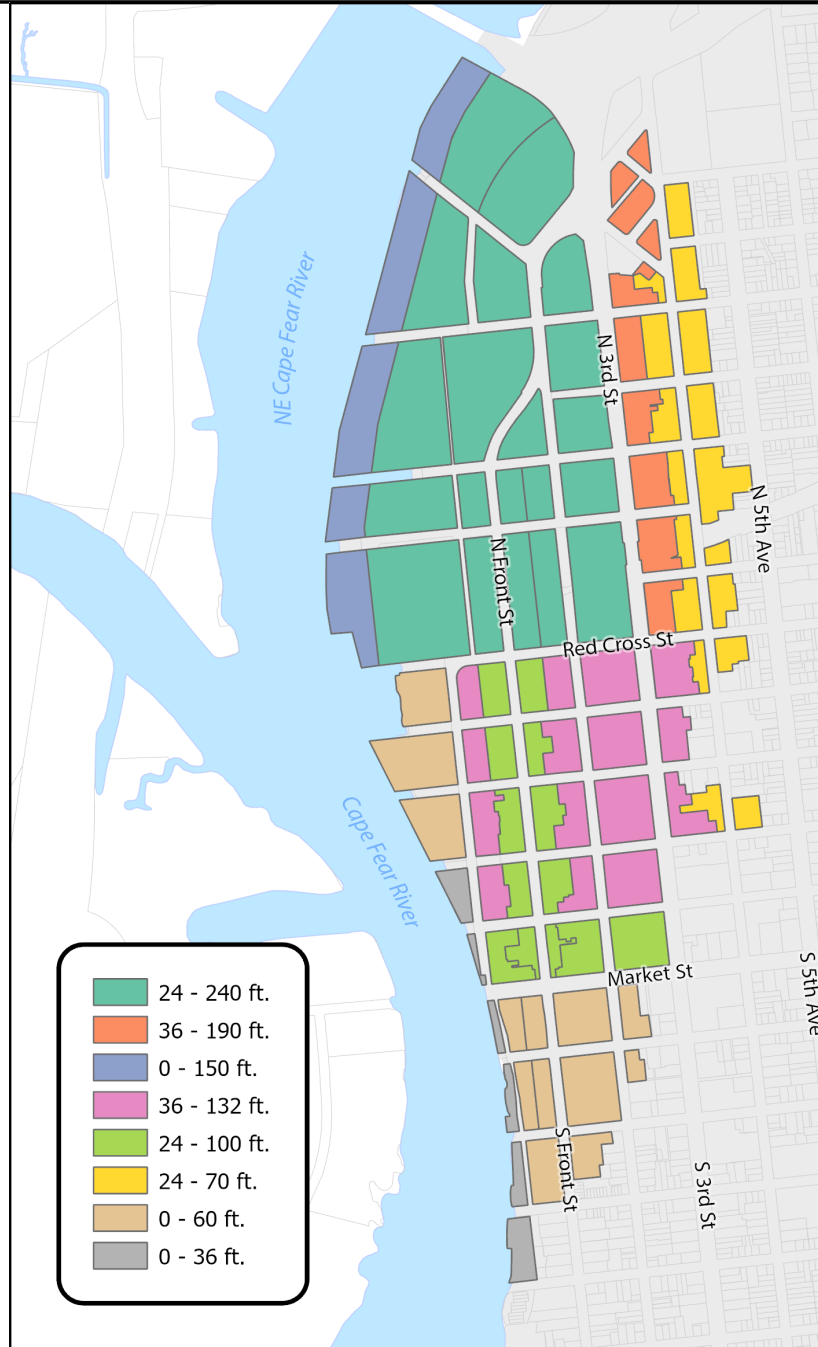
Table 18-42: Use table for mixed-use districts				
Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited				
Principal use	Additional standards	UMX	RO	CBD
Commercial				
Commercial parking	Section 18-132			C
Commercial recreation, indoor				
Drop-in childcare		P		P
Electronic gaming establishment	Section 18-142			C
General, large: building footprint greater than 2,000 sq. ft.		P		P
General, small: building footprint up to and including 2,000 sq. ft.		P		P
Commercial recreation, outdoor				
General, small: building footprint up to and including 5,000 sq. ft.		P		P
Crematory		P		P
Equipment repair	Section 18-143	P		C
Exterminating services		P		
Farmers' market		C		P
Food catering services		P		P
Funeral home and mortuary		P		P

Table 18-42: Use table for mixed-use districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	UMX	RO	CBD
Commercial				
General business services	Section 18-146	C	C	P
General personal services		P	P	P
General retail	Section 18-147			
Large: building footprint 40,001 sq. ft. or larger				P
Medium: building footprint 5,001 sq. ft. - 40,000 sq. ft.		P		P
Small: building footprint up to and including 5,000 sq. ft.		P	C	P
Home maintenance services	Section 18-152	C		
Laboratory				P
Laundry service		P		P
Lodging	Section 18-157			
Bed and breakfast		C		C
Homestay		C	C	C
Hotel/motel		P		P
Whole house		C		C

Figure 18-43.9: CBD height map



Section 18-44: District-specific standards

A. UMX district

The following standards apply to all UMX development. Along certain streets, applicable frontage standards shall also be applied.

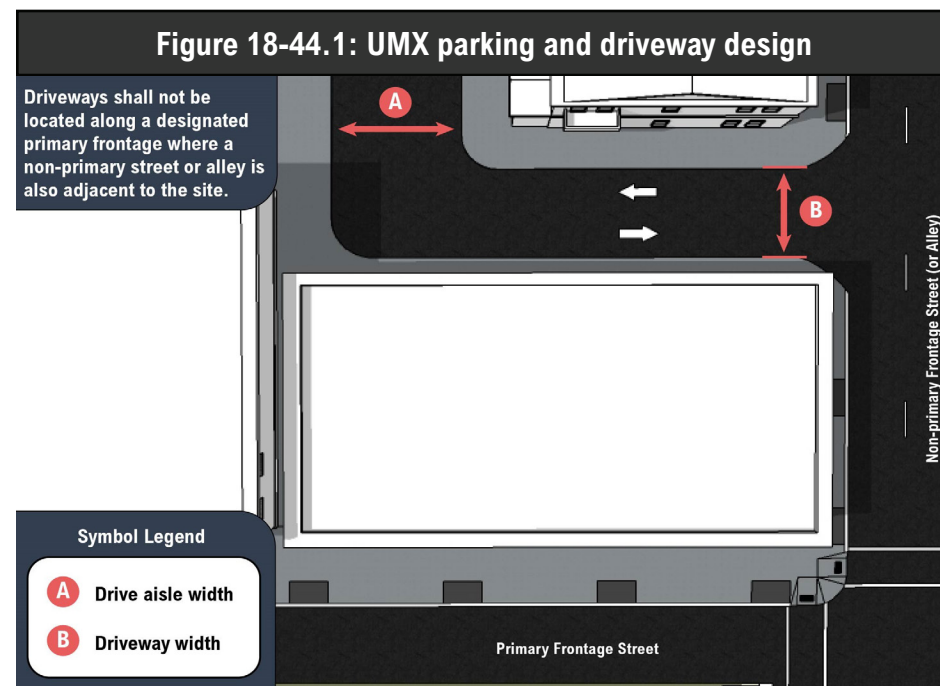
1. Building design

- a. All new construction, excluding detached single-dwelling and duplex dwelling units, shall comply with the following design standards, where applicable.
 1. A recession of the entrance of at least five feet;
 2. Entrance roofs such as awnings, overhangs, canopies, or eaves;
 3. A chamfered corner;
 4. Sidelight, transom, or adjacent windows;
 5. Additional moldings with expression lines; or
 6. A bay of unique width.
- ii. Primary building entrances shall be oriented toward public sidewalks along primary street frontages.

- iii. For buildings on corner lots, the primary entrance(s) shall be located within 10 feet of the corner of intersecting streets (see Figure 18-44.3: Primary entrances distance).
Facade

Building facades along rights-of-way shall incorporate periodic transitions across the facade (see Figure 18-44.4 Building facade transitions).

- i. Along rights-of-way, building facades exceeding 30 feet in width shall be divided into distinct areas utilizing methods including, but not limited to, facade offsets, pilasters, change in materials, or fenestration.
 - ii. Transition elements shall be no farther apart than two-thirds of the height of the facade.
- c. Fenestration
- i. A street-level facade that faces a public street, riverwalk, or sidewalk shall have fenestration for a minimum 50 percent of the facade area (see Figure 18-44.5: Building fenestration).
 - ii. Windows may extend from a sill or base. Any sill or base shall not exceed four feet in height from the adjacent grade.
 - iii. Glass shall be transparent with a maximum 15 percent reflectivity. Window tinting and interior affixed window shades that create a permanently opaque or translucent condition are prohibited. Spandrel or colored glass may be used in transom areas above door headers only.
 - iv. Exterior burglar bars, fixed riot shutters, or similar security devices shall not be visible from the public right-of-way.
- d. Exterior building materials



Unparged concrete block or concrete masonry units shall not be permitted along any street frontage.

2. General site design

a. Multimodal Transportation

- i. Pedestrian circulation shall be defined with paving materials and landscaping and shall connect all uses to one another and to the public sidewalk system.
- ii. Bicycle or pedestrian connectivity to adjacent developments is required.
- iii. Where no sidewalks currently exist, sidewalks shall be installed with the right-of-way between the property line and the back of the curb.

- iv. The minimum width of newly installed sidewalk shall be five feet, except where sidewalks exist on the same side of the block, in which case, the width of newly installed sidewalks shall align with the existing sidewalk width.
 - b. When new streets are installed, the establishment or continuation of a grid street pattern shall be required. Block lengths within the grid pattern shall not exceed 400 feet between intersecting streets.
3. Trash containment screening

All developments within the UMX are exempt from the buffering and screening requirements of article 5 of this chapter and are instead subject to the following screening requirements:

- a. Trash containment areas shall be located within or behind a building.
 - b. If trash containment, including areas for holding recycling, cannot be accommodated within a building, it shall be placed on the rear or side of the building and shall be completely enclosed and screened from view from rights-of-way, excluding alleys, with an opaque fence or wall. The enclosure shall be at least one foot taller than the highest point of the trash receptacle. Chain link fencing and exposed concrete blocks shall be prohibited.
4. Multiple frontage lots

The following standards apply to lots with three or more frontages.

- a. If a lot has frontage along multiple streets, the required primary street shall be that as shown in Figure 18-43.3: UMX primary frontage streets.
 - i. Where a property does not have frontage abutting a primary street, as shown in Figure 18-43.3: UMX primary frontage streets, one of the frontages shall be designated

Figure 18-44.2: Primary building entrance architectural elements

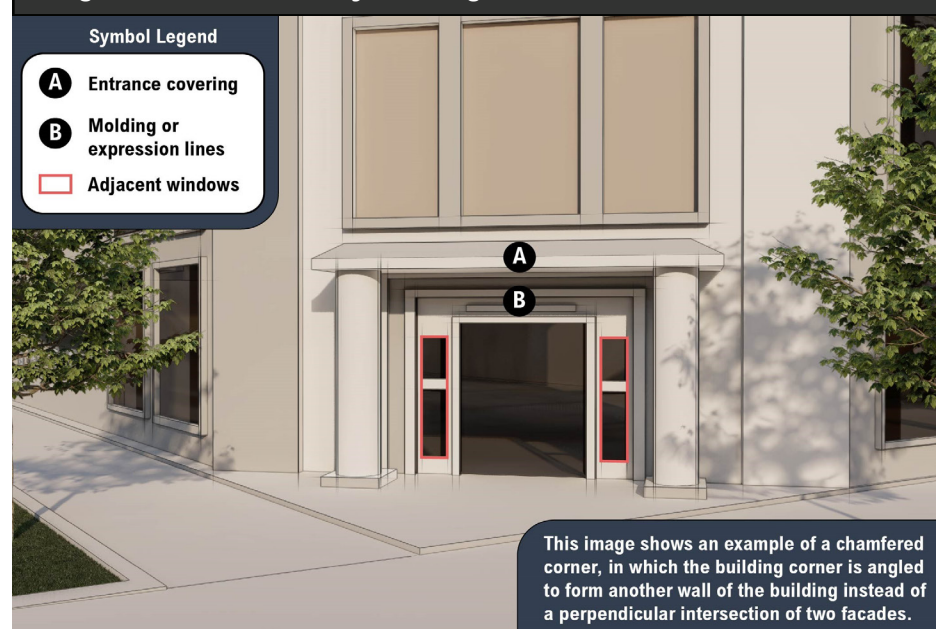


Figure 18-44.3: Primary entrances distance



as the primary frontage along any of the abutting streets.

- ii. Where a property has all frontages abutting a primary street as shown in Figure 18-43.3: UMX primary frontage streets, the primary building orientation shall be along the street with predominant primary frontage treatment on adjacent properties (see Figure 18-43.4: Primary frontage treatment). One frontage may be designated as a secondary frontage.
- iii. Frontages not designated as primary shall be designated as secondary frontages. Utilities and parking shall be located along secondary frontages.

5. Open space

For lots of one acre or more in area, a minimum of 10 percent of total contiguous area shall be set aside as open space.

6. Fences and walls

- a. Open wire fencing, including chain link, hurricane fencing, barbed wire, and exposed or unparged concrete block shall be prohibited.
- b. In front of buildings, fence height shall not exceed four feet.

B. RO district.

The following standards apply to all RO development.

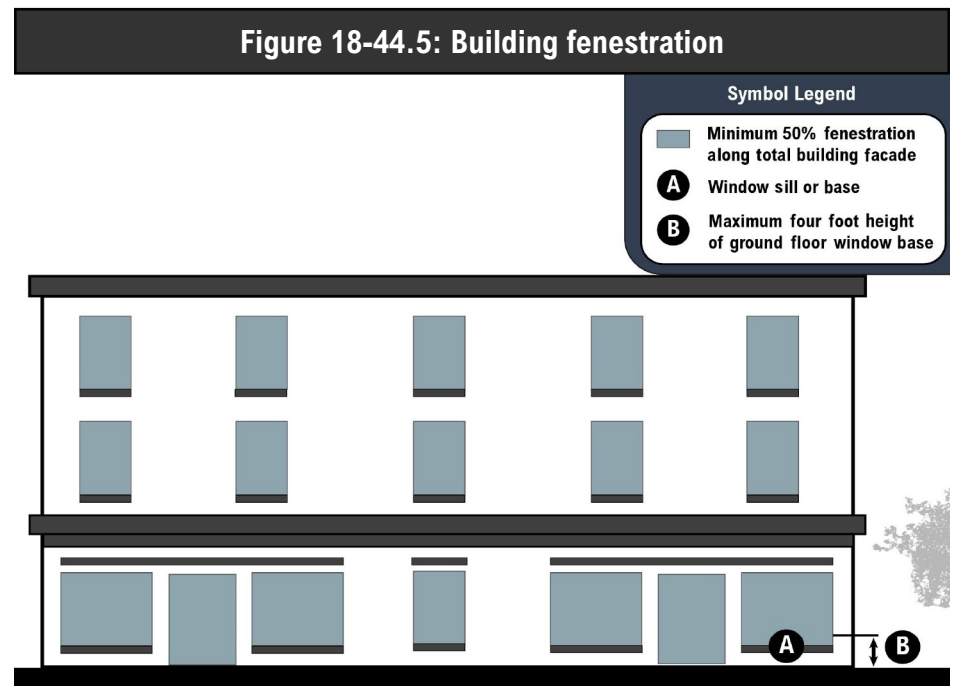
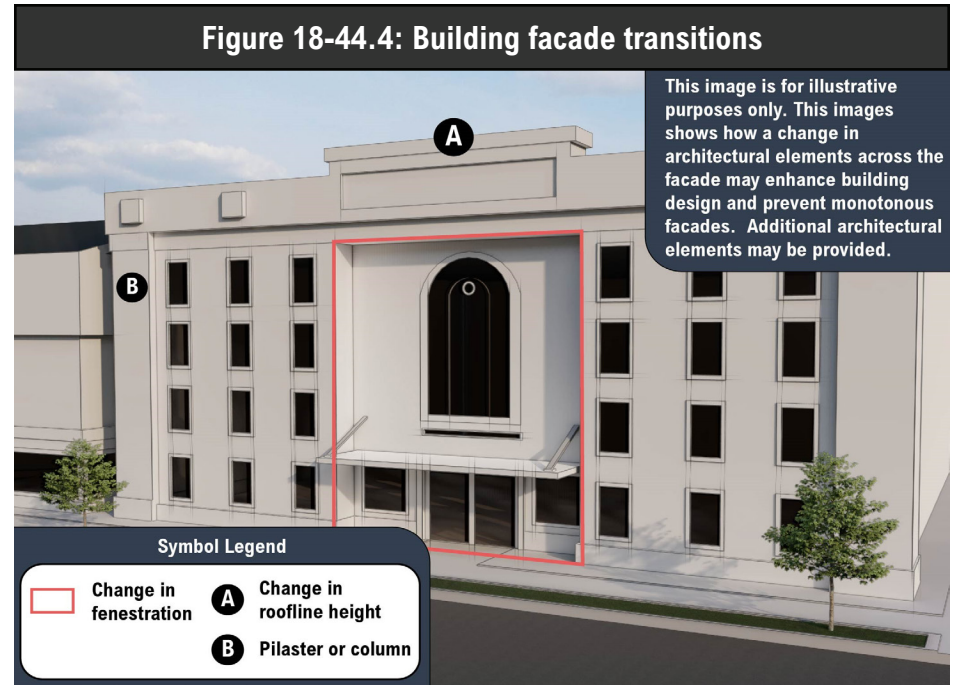
1. Utility and equipment screening

Dumpsters shall be prohibited. Trash shall be stored inside or fully behind a principal building until collection.

2. Parking and driveway requirements

a. Driveway access controls

Except for detached single-dwelling and duplex dwelling units,



cross-access and shared driveways are required, according to the following standards.

- i. No more than one driveway access per lot shall be permitted on Oleander Drive.
 - ii. Along Oleander Drive, access shall be shared with all adjacent RO-zoned lots whenever access to Oleander Drive is proposed through the provision of an easement to the adjacent RO-zoned property.
 - iii. When driveway access is available on an abutting property, the proposed use shall utilize this access.
 - iv. When the nearest edge of an existing driveway on and adjacent RO-zoned lot with frontage on Oleander Drive is within 50 feet of the proposed use, the proposed use shall utilize the driveway on the adjacent tract as a shared access, with an easement to be recorded granting access.
 - v. The shared driveway shall be the sole access to the site from Oleander Drive and any existing driveway(s) accessing Oleander Drive shall be eliminated.
 - vi. Shared access shall not be required when all possible interconnections between two abutting lots would cross 20 linear feet or more of wetlands or floodplains.
 - vii. Shared access via new or existing driveway on a property when shared access cannot be provided via an existing driveway consistent with the requirements of this section, a maximum of one driveway to Oleander Drive shall be permitted on the property. This driveway shall be installed to maximize potential shared access in the future.
1. The driveway shall be located to maximize connectivity between lots, as approved by the technical review committee. To accommodate required sight distances or preserve environmental features, the driveway shall

not be set back from the nearest side lot line more than 40 feet. Shared access shall not be required when all possible interconnections between two abutting lots would cross 20 feet or more of wetlands or floodplains.

2. Each use shall provide a linear cross-access easement to this driveway guaranteeing access to all abutting lots zoned RO. An accessway may not be blocked off, parked in, or otherwise obstructed. The access easement shall provide access from the closest adjacent property line to the driveway. The easement between the driveway and the closest adjacent lot shall be in a location best suited for connection to the adjacent lot, shall be located behind the primary building, and shall be a minimum of 12 feet wide. The technical review committee may waive the cross access requirement if it would cause five or more contiguous lots to be interconnected.
3. Existing driveways not meeting the requirement of this section shall be eliminated during the redevelopment/ conversion of the property.
4. The location of the driveway intersection with Oleander Drive and with the easement connection to the adjacent lot shall be subject to approval by the technical review committee based on the potential to minimize the need for future driveways, preserve existing buildings and trees, and maximize the distance from the existing street and driveway intersection, including consideration of safe sight distances.

5. Parking shall not be permitted along shared driveways between Oleander Drive and the rear edge of the easement granting access to the abutting lot.

b. Access to alley

For lots along the north side of Oleander Drive that are redeveloped/converted to nonresidential uses, motor vehicle access to the alley is not permitted.

c. Access easements

Access easements for parking aisles and driveways guaranteeing access and use to all abutting lots within the

RO district shall be required, except for detached single dwelling and duplex units.

d. Parking standards

i. Parking is not permitted between the principal building and Oleander Drive. Where building placement and any required minimum buffer do not allow a minimum of 20 feet in width to provide driveway access to the rear site and a shared driveway is not possible, this requirement may be waived by the technical review committee.

E. Accessory use table

Accessory uses may be permitted as prescribed in Table 18-198: Accessory uses by zoning district, subject to applicable standards.

1. Accessory uses permitted by right

A “P” in a cell indicates the accessory use is permitted by right in the district.

2. Permitted accessory uses subject to accessory use conditions

A “C” in a cell indicates the accessory use is allowed in the district only if it complies with applicable standards.

3. Accessory use not permitted

A blank cell indicates that an accessory use is not permitted in that district.

Table 18-199: Dimensional standards for accessory buildings and structures	
Building/structure placement	
Minimum setbacks	
Front	Shall not be in front of principal building
Side street	Shall not be closer to a side street than the principal building
Side interior	5 feet
Rear	5 feet
Maximum building/structure size	
Height (feet)	Shall not exceed the height of the principal building
Gross floor area	50% of the principal structure gross floor area, or 1200 square feet, whichever is less

Section 18-199: Accessory buildings and structures

A. Site design

1. The maximum number of accessory structures and buildings shall be two. 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.
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.

B. Exceptions

1. In separate use historic districts, setbacks and distance from other buildings and structures shall be reviewed and approved through the certificate of appropriateness process according to Section 18-597: Historic preservation. Accessory uses and structures shall not be otherwise exempt from this section.
2. Within the Masonboro Sound National Register historic district, one accessory building or structure may be allowed in between the principal building and Masonboro Sound Road subject to the following setbacks:
 - a. Front: 200 feet; and
 - b. Side: At least that of the minimum required side setback for the principal building.

Section 18-200: Accessory dwelling unit (ADU)

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. For detached ADUs, the lot must meet the minimum required lot area for the zoning district.

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.

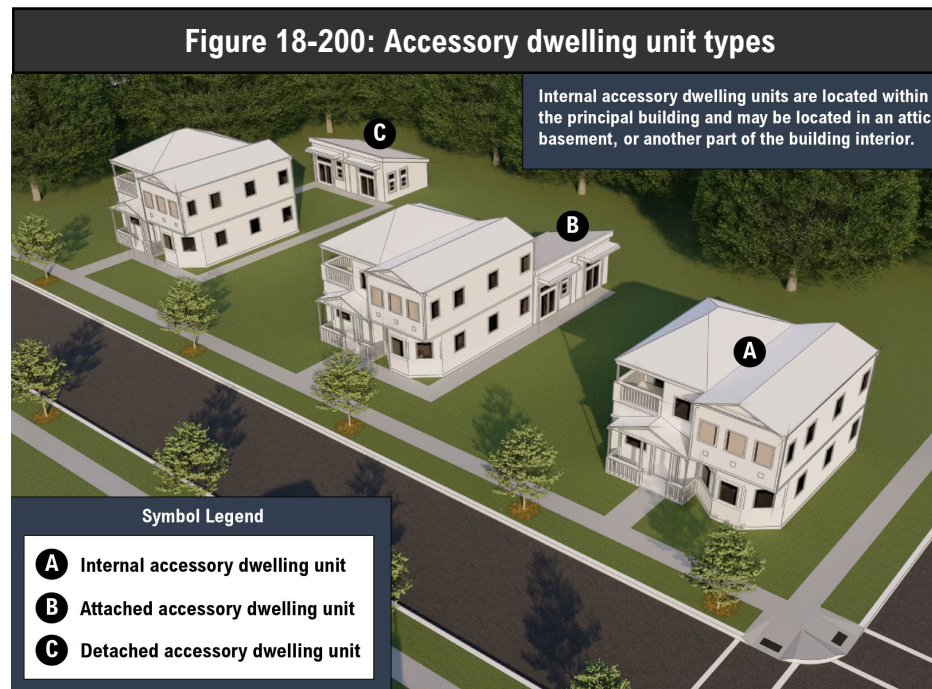
C. Types of ADUs

1. Internal units are created when a portion of a detached single dwelling is partitioned off to become a separate dwelling unit. It is fully within and under the same roof as the principal dwelling unit, though it has an external entrance into the unit.
2. Detached units stand alone from the principal dwelling unit and include detached garage apartments, backyard cottages, and outbuildings.
3. Attached units are connected to the principal dwelling unit, either by both a roof and at least one wall or by a breezeway or other similar architectural feature (see Figure 18-200: Accessory dwelling unit types).

D. Development standards

1. Maximum dwelling unit size (gross floor area) shall be:
 - a. Internal: 50 percent of the gross floor area of the principal dwelling unit; and

Figure 18-200: Accessory dwelling unit types



- b. 50 percent of the gross floor area of the principal structure or 1,200 square feet, whichever is less.
2. Internal ADUs shall meet the following standards:
 - a. The ADU may have an exterior entrance but shall otherwise be fully internal to the principal dwelling unit and shall meet all building height and setback regulations for the principal dwelling unit.
 - b. The ADU shall meet all applicable codes for the level of occupancy.
3. ADUs that are fully attached to the primary building by both a roof and at least one wall shall comply with specific setback standards for principal buildings within that zoning district.
4. ADUs shall comply with the setbacks outlined in Table 18-199.

allowed.

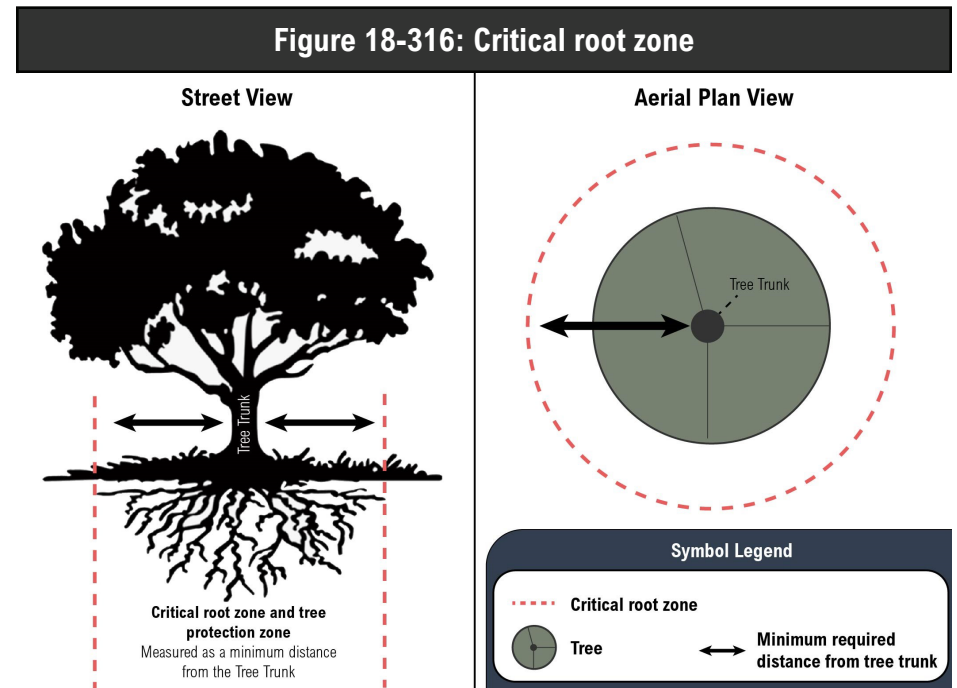
- a. Credit towards landscaping requirements shall be granted by the technical review committee for healthy trees of at least two-inch caliper preserved or transplanted by spading from within the limits of disturbance within the improved area of the project boundaries.
 - b. Credit shall be allowed for the retention of existing non-protected trees in accordance with Table 18-316.2: Credit ratios for non-protected trees.
 - c. To receive credit, existing trees growing in mature native forests or trees growing in stands or natural clusters, as determined by a certified arborist or a North Carolina licensed forester, shall be retained.
 - d. Existing protected trees may be donated to the city to be planted on public property.
 - e. Credit may be used to satisfy streetscape landscaping or parking lot requirements.
 - f. Credit may be used to offset mitigation requirements.
 - g. Credit shall not be granted for single-dwelling development, except for retained trees in common areas.
 - h. Credit shall not be granted for trees preserved to meet required landscaping.
6. Additional provisions
- Trees planted in alternative locations, including rooftops, permanent planters, raised or at grade plazas, over parking decks, or other locations, may be used to meet the requirements

Table 18-316.2: Credit ratios for non-protected trees		
	Credit inches for every 1 inch in DBH retained	
	Specimen tree	Significant trees
Native trees	1	1½
Non-native trees	No credit	1
Native trees growing in stands or natural clusters	1 inch	1½
Non-native trees in stands or natural clusters	No credit	1
Native trees growing in mature native forest	1	1½

of this section if approved by the city manager.

D. Tree protection during construction

1. The critical root zone shall be protected during construction by tree protection fencing (see Figure 18-316: Critical root zone).
 - a. Tree protection fencing shall be shown on site plans and grading plans around each tree, cluster of trees, perimeter of tree-save areas, required streetscape landscaping and transitional buffers, and limits of disturbance.
 - b. No construction equipment shall be allowed on the site until all tree protection fencing and silt fencing have been installed and approved.
 - c. Tree fencing shall be a minimum of four feet in height.
 - d. Tree protective fencing shall remain in place through completion of construction activities.
2. If the entire critical root zone of a tree cannot be preserved, tree roots must be cleanly pruned prior to any land disturbance a distance of 1.25 feet for every inch in diameter
3. Disturbance within the critical root zone shall not exceed 20 percent of the critical root zone protection area and only with prior approval by the city manager.



4. Prior to grading, tree roots shall be pruned along all grade cut lines, including excavations and trenches.
5. Disturbance other than that approved, including incorrectly placed tree protection fencing or improper root pruning, shall be a violation of this section.
 - a. In addition to any other penalty or mitigation required by this division, such violation shall also require the site owner to post an irrevocable letter of credit, or other means of performance guarantee approved by the city manager, for three years.
 - b. The performance guarantee shall be in an amount sufficient to provide for mitigation of the tree.
 - c. If the city manager determines that the tree(s) are not at risk

ARTICLE 5. DIVISION 2.

PARKING STANDARDS

Section 18-339: Purpose

The purpose of this division is to contribute to public health, safety, and general welfare by:

- A. Establishing regulations for on- and off-street parking and loading;
 - B. Ensuring that adequate parking and access are provided in a safe and convenient manner;
 - C. Affording reasonable protection to adjacent land uses from light, noise, air and water pollution, and other effects of parking activities;
 - D. Encouraging shared parking and reducing impervious surface coverage;
 - E. Discouraging overparking and associated adverse environmental and aesthetic impacts;
 - F. Controlling stormwater drainage and soil erosion; and
 - G. Creating a more aesthetically pleasing living environment.
-

Section 18-340: Applicability

If no parking locations are prescribed by the zoning district, use standards, or applicable frontage standards, off-street parking shall meet the location, design, and use requirements of this division.

A. New development

1. Off-street parking shall be provided for all new residential buildings and uses pursuant to Table 18-341.1: Residential parking ratios.
2. There shall be no minimum off-street parking requirement for nonresidential buildings or uses. Maximum off-street parking is established in Table 18-341.2: Nonresidential baseline parking ratios by use.
3. Parking and driveway requirements
 - a. Except for bicycle parking, there are no minimum parking requirements. Parking shall not exceed the maximum parking requirements established for any use in article 5 of this chapter.
 - b. Parking facilities shall not occupy the corner of a block for a distance of at least 35 feet away from the corner, nor within 20 feet of a right-of-way. This requirement may be waived by the technical review committee when a site is already developed with a building that will be adaptively reused.
 - c. Pervious pavement materials, vegetated bio-infiltration parking lot islands, or infiltration systems shall be used to minimize pollutant run-off from surface parking areas to the extent that soil permeability, depth to ground water, or site constraints allow.
 - d. Driveway and parking lot design may be exempt from the requirements of the Technical Standards and Specifications Manual, as approved by the technical review committee.
 - e. Driveways shall not be located along a designated primary frontage if the site also has non-primary street or alley access.

Table 18-341.1: Residential parking ratios

Use	Minimum number of parking spaces	Maximum number of parking spaces
Residential uses outside 1945 Corporate Limits		
Dwelling unit		
Detached	No minimum	No maximum
Attached: duplex, triplex, quadraplex	2 spaces per unit	2.5 spaces per unit
Attached multiple	1.5 spaces per 0-1 bedroom unit 2 spaces per 2 bedroom unit 2.25 spaces per 3+ bedroom unit	2.75
Attached: townhouse	Workforce and elderly housing (as defined in article 8) may be reduced to 0.5 space per unit	
Manufactured home	2 spaces per unit	2.5 spaces per unit
Group living		
Family care home	1 per 4 beds or occupants and 1 space per staff member on the largest shift	1.5 per 1 bed or occupants and 1.5 space per staff member on the largest shifts
Group home	2, plus 1 per 4 residents	3, plus 1.5 per 4 residents
Continuum of care community	1 per 2 units If units revert to general occupancy, requirements for multiple dwelling shall apply	1.5 per 2 units If units revert to general occupancy, requirements for multiple dwelling shall apply

Table 18-341.1: Residential parking ratios

Use	Minimum number of parking spaces	Maximum number of parking spaces
Nonresidential uses in residential zoning district		
Assembly		
Civic club or lodge, private	1 per 400 square feet of GFA, plus requirements for any accessory uses such as auditoriums, classrooms, or similar assembly rooms	
Community center		
Entertainment and trade		
Museum/cultural arts center		
Religious	1 per 4 seats	
Community gardens	None	
Daycare, adult or child	1 per employee on the largest shift	
Domestic violence center	2, plus 1 per 4 resident	
Dormitory, fraternity, or sorority house	0.75 of a space per resident	
Library	1 per 400 square feet of GFA, plus requirements for any accessory uses such as auditoriums, classrooms, or similar assembly rooms	

Table 18-341.1: Residential parking ratios

Use	Minimum number of parking spaces	Maximum number of parking spaces
Nonresidential uses in residential zoning district		
Lodging		
Bed and breakfast	None	
Campground	1 per every camping space	
Homestay	None	See Section 18-157
Whole-house	1 per bedroom	See Section 18-157
Public parks, playgrounds, boat ramps	None	
Recreation facility, neighborhood	1 per 500 square feet GFA	
Recreation facility, private	1 per 400 square feet GFA	
Schools, primary and secondary	1 per teacher and staff person	
Utilities and public facilities, minor	None	
Wireless telecommunication facilities and towers	None	

- f. Driveway widths along primary frontages shall not exceed 24 feet and may be reduced to 18 feet. Strict adherence to this may be waived only if conflicting requirements are imposed by the North Carolina Department of Transportation.
- g. Drive aisle width shall not exceed 24 feet (see Figure 18-44.1: UMX parking and driveway design).

B. Parking required for change of residential use or increased density

The following standards shall apply to a change to residential use or increase in residential density outside of the 1945 Corporate Limits.

- 1. Whenever use of a building or lot is changed to a classification of use that requires minimum parking, off-street parking shall be provided per Table 18-341.1: Residential parking ratios.
- 2. If the intensity of a residential use listed within any building or lot is increased by adding more units, additional off-street parking shall be provided to meet the required parking for the new density.

C. Loading

- 1. Off-street loading shall not be required in mixed-use districts nor for properties fronting on non-collector or non-arterial streets within the 1945 Corporate Limits.
- 2. Off-street loading in all districts shall meet the requirements of this division.

Section 18-341: Quantity of parking

A. Parking standards

- 1. The maximum number of spaces for nonresidential uses shall be limited based on the ratios in Table 18-341.2: Nonresidential baseline parking ratios by use. An increase in parking over this ratio may be permitted subject to a parking analysis, per the standards of this section.
- 2. Outside of the 1945 Corporate Limits, minimum off-street parking shall be applicable to residential dwelling units, group living uses, and nonresidential uses located in residential zoning districts.
- 3. There shall be no minimum parking requirements except that for nonresidential uses within 650 feet of a single-dwelling residential district that include less than 40 percent of the maximum number of parking spaces for that use, a parking analysis, per the standards of this section, shall be required to demonstrate that adequate parking would be provided.

B. Off-street parking in residential districts

- 1. The minimum and maximum number of spaces outside of the 1945 Corporate Limits shall conform to the parking ratios listed in Table 18-341.1: Residential parking ratios.
- 2. If not included in Table 18-341.1: Residential parking ratios, the maximum number of spaces allowed for nonresidential uses in residential zoning districts outside of the 1945 Corporate Limits shall conform to the maximum number allowed in Table 18-341.2: Nonresidential baseline parking ratios by use, except with a parking analysis per the standards of this section.

C. Residential parking exceptions

Minimum parking requirements for multiple dwelling, townhouse, group homes, and dormitory, fraternity, sorority house units may be reduced by up to 15 percent from the prescribed parking ratios when the use is located within one-quarter of a mile radius of a transit stop.

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; and
 - ii. Parking provided in parking structures, except those spaces on the ground level of the structure.

2. Parking analysis

- a. To increase the number of off-street parking spaces beyond the baseline parking ratio or to demonstrate the provision of adequate parking, a parking analysis prepared and sealed by a registered professional engineer in the state of North Carolina may be submitted. The data shall be obtained from relevant studies published in refereed journals such as the Institute of Traffic Engineers Parking Generation Manual or other sources of comparable authority or from primary studies of no fewer than three comparable developments within the regional

market. The regional market shall be the boundaries of the Wilmington Area Metropolitan Planning Organization. At a minimum, the parking analysis shall include:

- i. The size and type of the proposed use(s);
 - ii. The number of employees on the premises at any one time;
 - iii. Hours of operation;
 - iv. The anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses on the site;
 - v. The typical number of customers, clients, vendors, attendees, and other users during normal and peak times;
 - vi. Available on-street and shared parking opportunities within 650 feet of the subject property;
 - vii. Parking data from other comparable uses; and
 - viii. Other information as may be required by the technical review committee.
- b. The technical review committee shall decide, based on the parking study, whether the requested additional parking is needed for the proposed use based on the following:
 - i. Documented evidence of typical parking need from other uses of the same nature;
 - ii. Documented evidence of lack of generally available on-street or shared parking alternatives within 650 feet;

- iii. Whether required transitional buffer or screening requirements will be met; and
 - iv. Proposed methods for managing additional stormwater runoff generated by parking spaces beyond the baseline parking ratio.
- c. Allowed parking above the baseline parking ratio shall be constructed with pervious paving materials that meet the *Stormwater Design Manual* published by the North Carolina Department of Environmental Quality. If soils are not suitable per a soils investigation from a licensed professional qualified

to perform such investigation, runoff from additional parking spaces shall be treated per Section 18-255: Standards and discharged to an appropriate outfall.

- d. If it can not be demonstrated that adequate parking is provided, the use shall not be permitted.

3. Nonresidential baseline parking ratios

Where possible, the uses listed in Table 18-341.2: Nonresidential baseline parking ratios are the same as the

Table 18-341.2: Nonresidential baseline parking ratios by use	
Use	Baseline parking spaces
Civic and institutional	
Assembly	
Civic club or lodge, private	1 per 300 square feet of GFA, plus requirements for any accessory uses such as auditoriums, classrooms, or similar assembly rooms
Community center	
Entertainment and trade	
Museum/cultural arts center	
Religious	1 per 3 seats or 1 per 3 persons allowed based on maximum occupancy in the main place of assembly, as established by fire and building codes
Chemical dependency treatment facility	1 per 2 beds, plus 1 per employee present on a typical shift
Community garden	N/A
Correctional facility	1 per employee on the largest shift, plus 1 per 10 inmates
Daycare, adult or child	1.25 per employee present on the largest shift
Domestic violence center	3, plus 1.5 per 4 overnight occupants (based on maximum capacity)
Dormitory, fraternity, or sorority house	1.25 per resident plus 1 per supervisor and staff person

uses listed in Article 2. Zoning Districts. In some instances, the uses listed in Table 18-341.2 have been further specified as they have different parking demands, and this table is intended to be used for parking purposes only.

4. Parking calculation

- a. Where parking requirements are based upon maximum seating or occupancy capacity, the capacity shall be as determined by the North Carolina State Building Code.

- b. Unless otherwise indicated, floor area shall be gross floor area (GFA).

5. New uses

The maximum number of spaces permitted for a use not specifically included in Table 18-341.2: Nonresidential baseline parking ratios by use shall be as specified for the most similar use listed or based on a parking study submitted by the applicant and utilizing industry standards. The parking study shall be as prescribed in this section.

Table 18-341.2: Nonresidential baseline parking ratios by use	
Use	Baseline parking spaces
Civic and institutional	
Government facility excluding rights-of-way	1 per 200 square feet of GFA used by public plus 1 per 400 square feet not used by public
Hospital	1 per bed, plus 1 per employee on a typical shift
Library	1 per 300 square feet of GFA, plus requirements for any accessory uses such as auditoriums, classrooms, or similar
Nursing home	1.5 per 4 beds or occupants and 1.5 per staff member or employee on the largest shift
Public parks, playgrounds, boat ramps	N/A
Rehabilitation facility	1 per 300 square feet of GFA or 1.25 per bed, whichever is greater
Schools	
College or university	1 per classroom and 1 per 2 students based on the maximum number of students attending classes at any one time
Trade, business, technical, and vocational	
Primary	1 per teacher, employee, and administrator or the requirements for places of assembly such as auditorium, gymnasium, or stadium, whichever is greater
Secondary	1 per teacher, employee, and administrator, plus 1 per 3 students, or the requirements for places of assembly such as auditorium, gymnasium, or stadium, whichever is greater

6. Shared and common parking

committee, after review by the city attorney.

- a. Two or more uses may share a common parking facility. The number of parking spaces available shall not exceed the maximum permitted for all uses computed separately. Continued availability of parking, either shared or by other means, shall be made a condition of any plan approval, as provided by this chapter.
- b. If a privately-owned parking facility is to serve two or more separate properties, a shared parking agreement shall be reviewed and approved by the technical review

Table 18-341.2: Nonresidential baseline parking ratios by use	
Use	Baseline parking spaces
Commercial	
Alternative financial services	1 per 300 square feet of GFA
Animal hospital, veterinary clinic	1 per 200 square feet of waiting area, plus 1 per exam room
Art gallery	1 per 400 square feet of GFA
Artisan food and beverage production	1 per 65 square feet of GFA, excluding restroom and kitchen facilities, plus 1 per 1,000 square feet of manufacturing
Auction house	1 per 300 square feet of GFA
Banks and financial institutions	1 per 300 square feet of GFA
Cemetery	1.5 per employee on shift of largest shift
Commercial recreation, indoor	
Bowling alleys and billiards parlors	2 per bowling lane or pool table, plus 50 percent of the specific requirements for each individual accessory use such as bars and restaurants
Drop-in childcare	1 per 400 square feet of GFA
Electronic gaming establishment	

Table 18-341.2: Nonresidential baseline parking ratios by use

Use	Baseline parking spaces
Commercial	
Commercial recreation, indoor	
General, large and small	1 per 400 square feet of GFA
Movie theater	1 per 3 seats
Commercial recreation, outdoor	Unless otherwise noted, 1 per 200 square feet of gross floor area
General	1 per 200 square feet of GFA of buildings and structures, plus 1 per 1,000 square feet of outdoor use area
Golf course	4 per golf hole, plus 50 percent of the specific requirements for each individual accessory use such as club house, bars, and restaurants
Golf driving range	2 per tee
Zoo	1 per 2,000 square feet of land area
Outdoor sports or entertainment facility, outdoor theater, stadium, sports field (ball diamonds, soccer fields, etc.) or similar places of outdoor assembly	1 per 3 seats or seating equivalent or 3 per 6 feet of bench; for fields without spectator seating, there shall be a maximum of 30 spaces per field
Crematory	1 per 400 square feet of GFA
Equipment repair	1 per 300 square feet of GFA

Table 18-341.2: Nonresidential baseline parking ratios by use

Use	Baseline parking spaces
Commercial	
Exterminating services	1 per 300 square feet of GFA
Farmers' market	1 per 200 square feet of GFA
Food catering services	1 per 400 square feet of GFA
Funeral home and mortuary	1 per 50 square feet of assembly room or parlor floor space
General business services	1 per 300 square feet of GFA, plus 1 for each service vehicle
General personal services	1 per 300 square feet of GFA
General retail	1 per 300 square feet of GFA
Furniture and appliance store	1 per 500 square feet of GFA
Heavy equipment sales, rentals, services	1 per 300 square feet of GFA
Home maintenance services	1 per 300 square feet of GFA
Kennel, commercial	1 per 400 square feet of waiting area, retail space, and other areas open to the public

Table 18-341.2: Nonresidential baseline parking ratios by use

Use	Baseline parking spaces
Commercial	
Laboratory	1 per 400 square feet of GFA
Laundry service	1 per 300 square feet of GFA
Lodging	
Bed and breakfast	1 per room available for rental
Campground	1.25 per every camping space
Hotel/motel	1.25 per guest unit, plus 75 percent of the specific requirements for each accessory use such as restaurants, bars, and assembly halls
Whole house	1.5 per bedroom rented
Marina	1.5 per 4 dry slips, plus 1.5 per 2 wet slips
Nightclub	1 per 65 square feet of GFA, exclusive of kitchen and restroom facilities or 1 per 2 persons allowed within the maximum occupancy, whichever is greater

Table 18-341.2: Nonresidential baseline parking ratios by use

Use	Baseline parking spaces
Commercial	
Office	
Business and professional	1 per 250 square feet of GFA
Medical and clinic	1 per 200 square feet of GFA
Recreation facility, neighborhood	1 per 300 square feet of GFA
Recreation facility, private	1 per 200 square feet of GFA
Restaurant	1 per 2.5 seats or 1 per 65 square feet of GFA, excluding kitchens and bathrooms, plus stacking spaces per drive-through facility as prescribed in Section 18-344: Parking facility design
Sexually oriented business	1 per 65 square feet of GFA, exclusive of kitchen and restroom facilities or 1 per 2 persons allowed within the maximum occupancy, whichever is greater
Spa and health club	1 per 300 square feet of GFA
Studio, performing art, fine art, dance, martial arts	1 per 3 seats or 1 per 3 persons allowed based on maximum capacity in the main place of assembly, as established by the city fire and building codes
Truck stop	1 per 300 square feet of GFA, plus spaces for truck/trailer parking
Vehicle repair and service, major and minor	1 per 400 square feet of GFA, one per service stall, plus one per employee on a typical shift

Table 18-341.2: Nonresidential baseline parking ratios by use

Use	Baseline parking spaces
Commercial	
Vehicle sales/leasing/renting	1 per 300 square feet of showroom floor space, plus 1 per 3 automobile service stalls, plus 1 per employee on a typical shift
Vehicle towing	1 per 400 square feet of GFA
Vehicle wash	2, plus 1 per employee on a typical shift and 10 stacking spaces per washing stall or line; vacuum spaces count as 0.5 of a space
Water transportation	1 per 1,000 square feet of GFA
Industrial	
Airport	1 space per 200 SF of waiting floor area, plus 1 per 2 employees on a typical shift
Heliport/helipad	1 space per 200 SF of waiting floor area, plus 1 per 2 employees on a typical shift
Boat building and repair	1 per employee on the largest shift or 1 per 1,000 square feet of GFA, whichever is greater
Brewery or distillery	1 per 65 square feet of GFA, excluding restroom and kitchen facilities, plus 1 per 1,000 square feet of manufacturing space, plus 1 per 300 square feet of retail area
Building materials or product sales	1 per 250 square feet of GFA
Bus and taxi services	1 space per 200 SF of waiting floor area, plus 1 per 2 employees on a typical shift

Table 18-341.2: Nonresidential baseline parking ratios by use

Use	Baseline parking spaces
Industrial	
Contractors' storage yard	1 per 1,000 square feet GFA of the building and outdoor storage
Distribution facilities	1 per employee on the largest shift or 1 per 1,000 square feet of GFA, whichever is greater
Dry cleaning	1 per 300 square feet GFA
Express and parcel delivery services	1 per employee on the largest shift
Freight and intermodal terminals	1 per employee on the largest shift or 1 per 1,000 square feet of GFA, whichever is greater
Fuel storage facility	1 per employee on the largest shift or 1 per 1,000 square feet of GFA, whichever is greater
Heavy manufacturing, general	1 per employee on the largest shift or 1 per 1,000 square feet of GFA, whichever is greater
Laundry services, industrial	1 per employee on the largest shift or 1 per 1,000 square feet of GFA, whichever is greater
Light manufacturing, general	1 per employee on the largest shift or 1 per 1,000 square feet of GFA, whichever is greater
Manufactured home sales	1.5 per 100 square feet of GFA
Metal coating, engraving and allied services	1 per employee on the largest shift or 1 per 1,000 square feet of GFA, whichever is greater

Table 18-341.2: Nonresidential baseline parking ratios by use

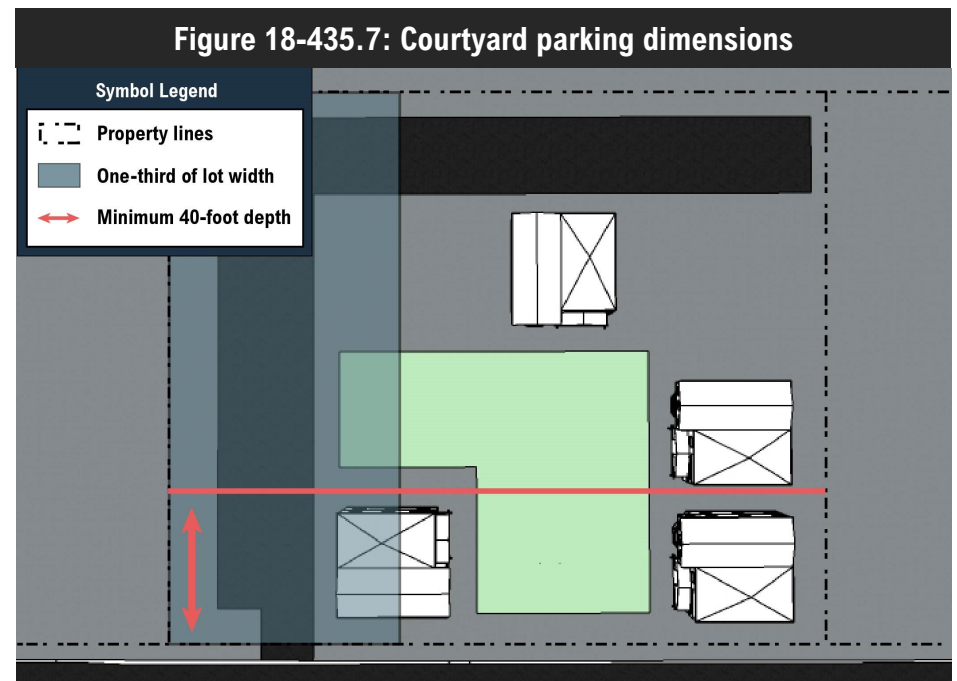
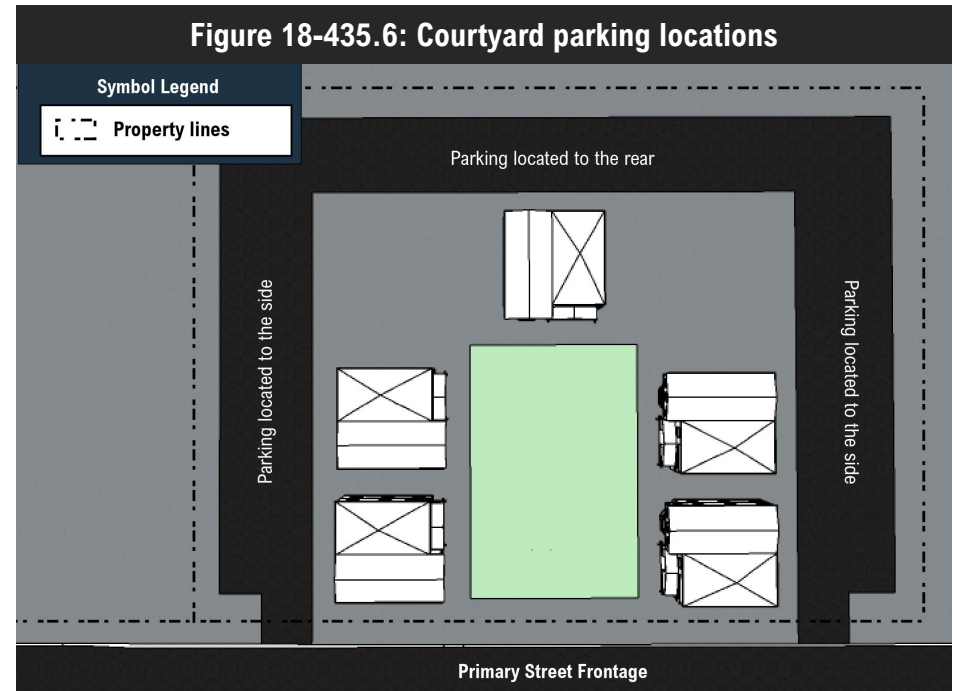
Use	Baseline parking spaces
Industrial	
Mills, sawing or planing	1 per employee on the largest shift or 1 per 1,000 square feet of GFA, whichever is greater
Moving companies	1.5 per 1,000 square feet GFA
Nurseries and greenhouses	
Including retail sales	1 per 1,000 square feet GFA of retail space
Not including retail sales	1 per employee on the largest shift or 1 per 1,000 square feet of GFA, whichever is greater
Petroleum and natural gas related industries	1 per employee on the largest shift or 1 per 1,000 square feet of GFA, whichever is greater
Railroad facilities	
Freight	1 per employee on the largest shift or 1 per 1,000 square feet of GFA, whichever is greater
Passenger	1 space per 200 GFA of waiting floor area, plus 1 per 2 employees on a typical shift
Self-storage facilities, indoor and outdoor	1.5 per 400 SF of office space and 1.5 per 5,000 GFA of additional indoor areas; single-story facilities may include drive aisles adjacent to units with exterior access
Shipping container storage and sales	1.5 per 1,000 square feet of GFA

Table 18-341.2: Nonresidential baseline parking ratios by use

Use	Baseline parking spaces
Industrial	
Solar farm	N/A
Utility and public facility	1 per 1,000 square feet GFA
Major	
Minor	
Warehouse and distribution center	1 per employee on the largest shift
Welding repair	1 per 250 square feet GFA
Wholesale business	1 per 300 square feet GFA
Wind energy conversion system	N/A
Wireless telecommunication facility	2 spaces

8. Parking

- a. For the purposes of courtyard development, parking areas are where two or more off-street parking spaces are adjacent.
- b. Off-street parking shall be located to the side or rear of dwelling units and shall not be located between dwelling units and the primary street frontage (see figures 18-435.6: Courtyard parking locations and 18-435.7: Courtyard parking dimensions).
- c. Any portion of the central courtyard open space within 35 feet of a parking area shall not be counted towards the minimum courtyard space requirement.
- d. Parking lot landscaping shall be installed to provide one canopy tree per two parking spaces to provide shade (in addition to the trees and landscaping requirements above). This requirement may be satisfied with existing trees or new trees.
- e. For a depth of 40 feet from the street frontage of the parent lot, driveways and parking spaces shall occupy more than one-third of the total lot width.
- f. No more than half of the total number of dwelling units may be served by a private driveway or engaged garage. For example, if there are eight units in a development, no more than four of the dwelling units may have a private driveway or engaged garage.



Section 18-567: Neighborhood meetings

A. Purpose

The purposes of a neighborhood meeting are to:

1. Inform neighboring property owners of details of a proposed development;
2. Identify how the developer intends to meet the standards of this chapter; and
3. Allow an applicant to receive preliminary public comment on a proposal.

B. Applicability

1. Special use permits and zoning map amendments
Before an application will be accepted as complete for a special use permit or a zoning map amendment to a conditional zoning district, the applicant shall conduct a neighborhood meeting.
2. City manager
Where not otherwise required, the city manager shall request a neighborhood meeting where it appears that the potential uses, size, scale, traffic impacts, or operating impacts of the proposed activity or development may materially affect the residents in the surrounding area.

C. Notice

If a neighborhood meeting is held by an applicant, it shall be held at the applicant's expense and comply with the following procedures:

1. Time and place
A neighborhood meeting shall be held at a place that is convenient and generally accessible to neighbors that reside in proximity to the land subject to the application. The meeting shall be held at a time and day when the maximum number of neighbors may attend.

2. Notification

- a. An applicant shall provide notification of the neighborhood meeting a minimum of 10 days, but not more than 25 days, in advance of the meeting, by mail, to all owners within 300 feet of the tract subject to the application and city staff.
- b. The notification shall state the time and place of the meeting, include a vicinity map and short description of the project, a proposed site plan for the proposed project, and state the purpose of the meeting.
- c. At least one sign shall be placed by the applicant, at least 10 days in advance of the meeting, so that it may be seen from an abutting street. If the property has two streets frontages, a sign shall be posted on both frontages. The sign shall state the time, place, and purpose of the meeting.

3. Information provided

The applicant shall provide the following information to these attending the meeting:

- a. The purpose of the neighborhood meeting;
- b. A description of the proposed development;
- c. The development review procedure(s) the application would follow;
- d. The potential for changes in the development proposal as it proceeds through the review process;
- e. Sources of further information about the development review process; and
- f. Any additional information that would promote understanding of the development proposal.

2. If the hearing is deferred or continued at the applicant's request, the applicant shall be responsible for paying any additional fees for the purposes of re-notifying property owners.
 3. A copy of the mailed notice shall be maintained by the city for public inspection during normal business hours.
3. Posted notice

When the North Carolina General Statutes require that public notice be posted on site, the city shall provide the required public notice signs to the applicant in accordance with the following provisions.

- a. Number and location of signs
 - i. Signs shall be posted, without visual obstruction, on the property for which a request has been made.
 - ii. On large tracts, interior lots, or lots that are difficult to see from the exterior boundary lines, additional signs, as may be necessary to reasonably ensure that notice is provided around the property, may be required.
 - iii. At least one sign shall be placed so that it may be seen from an abutting street. If the property has more than one street frontage, a sign shall be posted on each frontage.
- b. Time of posting
 - i. Notification signs shall be posted as required by the time frames established in Table 18-565: Summary of review authority.

- ii. If the signs are not posted in accordance with the preceding requirements, the decision-making body shall delay action on the petition.
 - c. Reposting

If the decision-making body continues a meeting or hearing at which the application is being considered to a later date, or if the decision-making body decides to consider the application at any time other than that specified on the notification signs, the subject property shall be required to repost new signs with the new dates.
 - d. Sign removal

Signs shall be removed within five days after the posted hearing date and properly disposed of or returned to the city.
4. Electronic notice
- a. The city may, as a courtesy, send electronic notice to any persons or organization , or to any governmental, public, or quasi-public organization regarding any matter related an application that may affect the interests of that person or organization, or on any matter on which any such person or organization has requested notice.
 - b. Failure to send such notice or failure of any resident or property owner to receive such notice shall not affect the validity of any action with respect to an application or permit.
5. Constructive notice
- a. Minor defects in any notice shall not impair the notice or

2. The request shall be in writing, either by mail or email, and the request must be received by the city prior to date of publication of the notice of hearing.
3. If the request is received by after the date of publication of the notice of public hearing, the applicant must request of the decision-making body that the application be continued to a future scheduled hearing date.

D. Application termination

1. If the city manager determines an applicant is not taking affirmative steps to advance a postponed application for a final determination, the application may be declared terminated.
2. Any re-submittal of a terminated application shall be treated as a new application for purposes of review, scheduling, and payment of application fees.

Section 18-572: Appeals

A. Procedures

Appeal procedures depend on the type of application and the appropriate review and decision-making authority. This section refers only to appeals to be heard by a city decision-making authority. Nothing in this section prohibits applicants to appeal pursuant to state law. Appeals of quasi-judicial decisions shall also be subject to the standards of Section 18-602: Appeals of quasi-judicial decisions.

1. Board of adjustment
Appeals of administrative determinations and the historic preservation commission shall be made to the board of adjustment.
2. City council
Unfavorable recommendations by the planning commission on zoning map amendments and land development code amendments may be appealed by the applicant to the city council

by filing a written notice of appeal with the city clerk within 10 days after the rendering of the final recommendation by the planning commission. Upon filing of a written notice of appeal, the matter shall be placed on the agenda of the next regularly scheduled meeting of the city council, no later than 30 days after the notice of appeal has been filed. The city council, at its discretion, may hear the appeal at its regular meeting or set a special hearing date.

3. Court

A decision by the city council, or Board of Adjustment, and the Design Adjustment Committee may be appealed to a North Carolina court of record as permitted by North Carolina General Statutes.

B. Effect

1. The appeal of any decision or administrative action stays all proceedings in furtherance of the decision or administrative action.
2. Where a stay of proceedings would cause imminent peril to life or property, the official from whom the appeal is taken or the city manager may certify in writing to the decision maker(s) hearing the appeal that the stay would cause such harm. The stay shall be lifted pending hearing on the appeal. In such case, the action may be stayed only by a restraining order granted by a decision-making body or court of record if due cause is shown, following notice to the official or city manager.

Section 18-573: Post-review actions

A. Resubmission of a denied petition

1. Once a petition for a zoning map amendment has been denied, no resubmission of a petition for the same request may be filed within six months of the denial.
2. Once a petition for an application subject to a quasi-judicial decision has been denied, an application for the same request shall be denied by the decision-making body. The decision-making body may hear an amended application, or an application may be resubmitted if there has been substantial change in the ordinance standards, evidence, or conditions.

B. Amendments

1. All changes, modifications, removal, or release of the provisions of an approved plan or plat that do not qualify as minor modifications shall be considered major amendments. Amendments shall include, but are not limited to, changes in use, access, layout, any condition of approval, any change resulting in significant increased off-site impacts, and similar changes as determined by the city manager.
2. For purposes of review and scheduling, proposed amendments shall be treated as new applications subject to the applicable procedures and review criteria set forth in this article unless otherwise noted in the specific review procedures.

C. Modification of approvals

1. If the owner of land with an existing development approval desires to modify the terms of that approval or the conditions attached to that approval, the owner shall submit a written application requesting such revision.
2. Review and determination of major or minor modification status. Applications for modification shall be reviewed to determine whether the proposed modifications constitute a major or minor revision to the existing approval. Qualifications for major and minor modifications are prescribed in Section 18-589: Special use permit, subsection G.
3. Effect of modification
If approved, the modification shall supersede the previous approval, and subsequent development on the property shall be in accordance with such approved revised plan.

D. Termination of approval

Approvals granted under this article terminate if unused by the applicant after a reasonable period.

1. Expiration
Except as otherwise specified in a specific procedure in division 2 of this article, an approval shall lapse and shall become void one year following the date of final approval unless, prior to the expiration date, a building permit based upon such approval is issued, construction is commenced, and substantial progress is made toward completion.

2. Extension

- a. Unless otherwise prescribed in this article, an approval may be extended by up to one year by the body that issued the original approval. In requesting an extension of more than one year, an applicant shall show good cause for the need for extension.
- b. All requests for extensions shall be submitted in writing at least 30 days prior to the expiration of approval.
 - i. An extension request shall include payment of required fees and written description of the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood and any changes to applicable adopted plans or this chapter that have occurred since approval of the permit/plan as these changes relate the permit/plan, and the anticipated time schedule for completing the review project or the specific project.
 - ii. Additional review of the permit/plan may result in additional conditions.
- c. If the extension is denied, the applicant may re-submit a new application, subject to the fees and regulations in effect at the time of re-submittal, for the same project.

Sections 18-574 - 18-584: Reserved.

ARTICLE 7. DIVISION 2.

SPECIFIC ADMINISTRATIVE PROCEDURES

Section 18-585: Zoning map amendment - general

A. Purpose

The purpose of this section is to provide a uniform means for reviewing and deciding general amendments to the official zoning map, sometimes known as rezoning.

B. Authority

1. The city council may, on its own motion or petition, after public notice and hearing as provided by law, amend, supplement or change, modify, or repeal the boundaries or regulations of the official zoning map.
2. Any amendment for the reclassification of property to a conditional zoning district shall be subject to Section 18-586: Zoning map amendment—conditional.



C. Process

A zoning map amendment application shall be processed as described in Figure 18-585: Zoning map amendment – general procedure.

1. Applicants shall be required to attend a pre-application meeting pursuant to Section 18-556: Pre-application meeting.
2. Application submission and staff review
 - a. Proposed zoning map amendments may be initiated as authorized in and shall be submitted in compliance with Section 18-568: Applications, submissions, contents, fees.
 - b. The city manager may make a recommendation on a map amendment application.
3. Decision making
 - a. Planning commission review
 - i. The planning commission shall consider and make recommendations to the city council at a regularly scheduled meeting. In lieu of separate consideration, the planning commission may review a rezoning application in a joint meeting with the city council at a public hearing held in conformity with the requirements of Section 18-570: Legislative and evidentiary hearings.
 - ii. Applications for amendments that receive a favorable recommendation from the planning commission, or for which the planning commission fails to take any action within 30 days after the planning commission's meeting, shall be scheduled for public hearing before the city council.
 - b. City council decision making
 - i. Before acting, the city council shall consider the application, relevant support materials, any staff report, the recommendation of the planning commission, and public comments. After conclusion of the legislative hearing, the city council shall decide in accordance with its rules of procedure.
 - ii. The city council may change the existing zoning classification of the area covered by an application, or any part(s) thereof, to the classification requested or to a lower classification(s) without the necessity of withdrawal or modification of the application. Notices of hearings shall inform the public that such action may be taken.
 - iii. In making its decision, the city council shall approve a written statement of consistency and a statement of reasonableness in accordance with NCGS 160D-605.
 - iv. Applications filed as either a general zoning map amendment or conditional district map amendment may not be converted to the other form of map amendment application during the review process and shall instead be withdrawn and resubmitted as a new application.
 - c. Post-decision actions - appeals

A cause of action as to the validity of this chapter, or an amendment thereto, shall be brought within 60 days, as provided in NCGS 160D-1405.

Section 18-586: Zoning map amendment - conditional

A. Purpose

1. Conditional zoning districts are zoning districts in which the development and use of property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. Parallel conditional zoning districts, as defined in article 8, are the only permissible conditional zoning.
2. Some land uses are of such a nature that they have significant impacts on both the immediately surrounding area and on the entire community that cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations, adopted land use plans, adopted area plans, and other long-range plans. The review process established in this section provides for the accommodation of such uses by a reclassification of the property into a conditional zoning district, subject to specific conditions that ensure compatibility of the use with the use and enjoyment of neighboring properties.
3. A conditional zoning district is generally not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved district or area plan or when it can be demonstrated that public infrastructure needed to serve the development would be made available within a reasonable time.

4. A separate master plan approval process as described in this section may be utilized only when a proposal is:
 - a. Part of a development project that is the subject of a development agreement between the city and a developer pursuant to NCGS 160D-1001; or
 - b. Located within an area identified as being suitable for such in an adopted comprehensive or small-area plan.
5. A project narrative approval process is acceptable, in lieu of a site plan or masterplan, when a proposal includes 100% workforce housing units, for a period of at least fifteen years.

B. Process

A conditional district rezoning is processed as described in Figure 18-586: Zoning map amendment—conditional procedure.

1. Applicants shall be required to attend a pre-application meeting pursuant to Section 18-566: Pre-application meeting.
2. Applicants shall be required to hold a neighborhood meeting pursuant to Section 18-567: Neighborhood meeting.
3. Application submission and staff review
 - a. An application for a conditional zoning map amendment shall be submitted in compliance with the requirements of Section 18-568: Applications, submissions, contents, fees.
 - b. Site plan
Land may be rezoned to a conditional zoning district only in response to and consistent with an application submitted by the owners of all the property to be included in the district.

Figure 18-586: Zoning map amendment—conditional procedure



- i. When a conditional district map amendment requires a site plan, it shall be drawn to scale, and supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to all predetermined ordinance requirements, will govern the development and use of the property.
- ii. The following information shall be included in a site plan:
 1. Boundary survey of the property and vicinity map showing the total acreage, existing zoning classification(s), general location in relation to major streets, railroads, and waterways, the date, and north arrow;
 2. Easements, reservations, and rights-of-way, existing and proposed;
 3. Approximate location on the site of proposed buildings, structures, and other improvements;
 4. Approximate dimensions, including height, of proposed buildings and structures;
 5. Proposed use of all land and structures, including the number of residential units, and the total square footage of any nonresidential development;
 6. All required and proposed yards, buffers, screening, and landscaping;
 7. All existing and proposed points of access to public streets;
 8. Delineation of areas within the regulatory floodplain as shown on the official flood hazard boundary maps for the city;
 9. Proposed phasing, if any;

10. The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development;
 11. Approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways;
 12. Generalized traffic, parking, and circulation plans;
 13. Tree survey; and
 14. Traffic impact analysis, if required.
- c. Master plan
When a conditional district rezoning application requires a master plan, the proposed master plan shall include:
- i. A property boundary survey and vicinity map showing the total acreage, existing zoning classification(s), the general location in relation to major streets, railroads, and waterways, the date, and north arrow;
 - ii. A conceptual land area plan showing the location of all major land use types and the proposed maximum square footage for each use;
 - iii. Maximum building heights;
 - iv. All external access points;
 - v. Conceptual internal traffic circulation plan;
 - vi. Proposed buffers;
 - vii. Generalize open space areas and stormwater facilities;
 - viii. A text narrative indicating how the proposed plan conforms to an adopted plan; and
 - ix. A traffic impact analysis, if required. If a traffic impact analysis is not required a trip generation report that is based on the generalized land uses proposed, including the establishment of maximum trip generation.
- d. Project Narrative
When a conditional district rezoning application requires a project narrative, the proposed narrative shall include:
- i. Access plan;
 - ii. Identification of all proposed land uses;
 - iii. Maximum density; and
 - iv. Maximum building heights; and
 - v. Proposed buffers
- e. Any zoning map amendment that requires a quasi-judicial decision to be made by the Board of Adjustment, Historic Preservation Commission, or Design Adjustment Committee must attain approval of the request prior to being heard by the City Council.
- f. Staff recommendation
The city may make a recommendation on a proposed conditional zoning map amendment.
4. Changes to submission requirements
The city manager, planning commission, or city council may request additional information from an applicant. This information may include the following:
- a. Proposed screening, buffers, and landscaping over and above that required by this chapter, as well as any proposed treatment of any existing natural features;
 - b. Existing and general proposed topography, at four-foot contour intervals or less;
 - c. The location of significant trees on the property;
 - d. Scale of buildings relative to abutting property;

- e. Proposed building elevations and exterior features;
- f. Any other information needed to demonstrate compliance with this chapter; and
- g. Proposed location and number of signs.

C. Decision making

1. Review criteria and conditions of approval
Conditional map amendment decisions shall be made in consideration of identified relevant adopted land use plans for the area, including comprehensive, strategic, district, area, neighborhood, corridor plans, and other land use policy documents.
2. Planning commission consideration
 - a. The planning commission shall consider and make recommendations to the city council concerning each proposed conditional map amendment application at a regularly scheduled meeting. In lieu of separate consideration, the planning commission may review a conditional map amendment application in a joint meeting with the city council at a legislative hearing held in conformity with the requirements of Section 18-570: Legislative and evidentiary hearings.
 - b. Petitions for amendments that receive a favorable recommendation from the planning commission or for which the planning commission fails to take any action within 30 days after the planning commission's meeting shall be scheduled for hearing before the city council.
3. City council decision making
 - a. Before taking such lawful action as it may deem advisable, the city council shall consider the planning commission's recommendation on each proposed zoning map amendment.
 - b. In making its decision, the city council shall approve a written

statement of consistency and a statement of reasonableness in accordance with NCGS 160D-605.

4. Effect of approval
 - a. If an application for a conditional map amendment is approved, the development and use of the subject property shall be governed by the predetermined ordinance requirements applicable to the district's classification, the approved site plan or master plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and the zoning map.
 - b. If an application is approved, only those uses, buildings, and structure indicated on the approved application and site plan or land use area indicated on the master plan shall be allowed on the subject property. A change of location of buildings may be authorized pursuant to this section. An increase in the number of buildings shall be considered a major modification and subject to review in accordance with this section
 - c. Following the approval of an application for a conditional map amendment, the subject property shall be identified on the official zoning map by the appropriate district designation. A parallel conditional zoning shall be identified by the same designation as the underlying general district followed by the letters CD (e.g., RB(CD)).
 - d. No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved application and site plan or master plan for the conditional district.
 - e. Any violation of the approved site or master plan or any rules,

regulation, and conditions for the district shall be treated the same as any other violation of this chapter and shall be subject to the same remedies and penalties as any such violation.

D. Post-decision actions

1. Alterations to approval

- a. Major amendments: except as provided in this section, changes to approved conditions or site plans shall be treated the same as amendments to these regulations or to the official zoning map and shall be processed in accordance with the procedures in this article. Any changes that would be considered major changes under Section 18-589: Special use permit, subsection G shall be subject to this section.
- b. Administrative amendments: The city manager shall have the delegated authority to approve an administrative amendment to an approved site plan. The city manager shall have no authority to amend the conditions of approval. The standard for approving or denying a change shall be that the change does not have a significant impact upon abutting properties. Any decision shall be in writing, stating the grounds for approval or denial.
 - i. The city manager shall have the discretion to decline to exercise the delegated authority when:
 1. The city manager is uncertain about approval of the change; or
 2. A map amendment application for public hearing and city council consideration is deemed appropriate under the circumstances.
 - ii. If the city manager declines to exercise this authority, the applicant may file a map amendment application for public hearing and city council consideration of requested changes.

- iii. Any request for an administrative amendment shall be pursuant to a written letter, signed by the property owner, detailing the requested change(s). Upon request, the applicant shall provide additional information.

2. Review of approval of a conditional map amendment

Property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. No sooner than three years after the date of approval of the conditional map amendment, the planning commission may examine the property in accordance with the approved site or master plan and conditions. If the planning commission determines that progress has not been made in accordance with the approval, the planning commission shall forward to the city council a report, which may recommend that the property be rezoned to its previous zoning classification or to another district.

3. Appeals

A cause of action as to the validity of this chapter, or amendment thereto, shall be brought within 60 days, as provided in NCGS 160D-1405.

Section 18-587: Land development code amendment

A. Purpose

The purpose of this section is to provide a uniform means for reviewing and deciding amendments to the text of this chapter.

B. Process

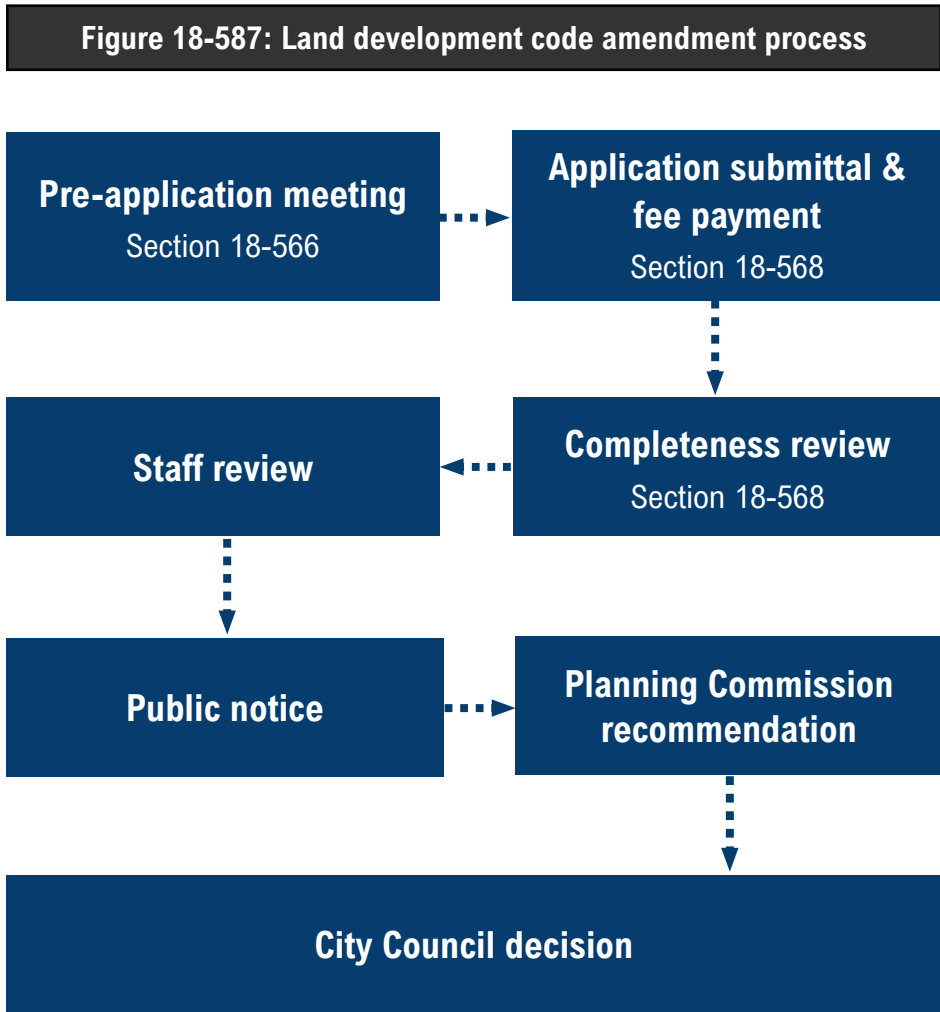
A land development code amendment shall be processed as described in Figure 18-587: Land development code amendment process. The individual process steps are described in this section.

1. Applicants shall be required to attend a pre-application meeting pursuant to Section 18-566: Pre-application meeting.
2. Application submission and staff review
 - a. An application for an amendment shall be submitted in compliance with the requirements of Section 18-568: Application submission, contents, fees.
 - b. When reviewing and making a recommendation, the city manager may consider whether a proposed amendment:
 - i. Corrects an error or meets the challenge of some changing condition, trend, or fact;
 - ii. Responds to changes in state law;
 - iii. Is consistent with any adopted plans and policies;
 - iv. Does not conflict with any specific policy or action item of a comprehensive plan;
 - v. Is generally consistent with the stated purpose and intent of this chapter;
 - vi. Constitutes a benefit to the city as a whole and is not solely for the benefit of a particular landowner at a point in time;
 - vii. Impacts significantly the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation; and
 - viii. Impacts significantly existing conforming development patterns, standards, or zoning regulations.
2. Planning commission consideration
 - a. Upon acceptance of an amendment application, the planning commission shall hold a legislative hearing to discuss the proposed amendment.
 - b. Within 90 days of hearing an application for amendment, the planning commission shall make its recommendation to the city council. If no recommendation is made within 90 days, and if no extension is granted, the city council may act on the application without further involvement of the planning commission.
 - c. A recommendation by the planning commission shall include the adoption of a statement describing how the planning commission considers the action recommended to be consistent with the comprehensive plan and other applicable adopted plans and policies.
 - d. The planning commission shall make its recommendation to the city council in writing and shall recommend that an application be approved, approved as revised, denied, or request further study.
3. City council action
 - a. Following the recommendation of the planning commission, or expiration of the planning commission review period without a recommendation, the city council shall conduct a legislative hearing.
 - b. Before taking final action on an amendment, the city council may consider the recommendations of the city manager, planning commission, and comments made at the public hearing.
 - c. The city council shall approve, approved as revised, deny, or send a proposed amendment back to the planning commission for additional consideration.

C. Decision making

1. Public notice
Public notice shall be provided as required in Section 18-569: Public notice.

- d. In making its decision, the city council shall approve a written statement of consistency and a state of reasonableness in accordance with NCGS 160D-605.
- 4. Post-decision actions - appeals
A cause of action as to the validity of this chapter, or an amendment thereto, shall be brought within 60 days, as provided in NCGS 160D-1405.



Section 18-588: Site plan review

A. Purpose

Site plan review is required to ensure adequate provision of public services, the wellbeing of citizens, and preservation of environmental quality.

B. Applicability

1. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.
2. Each application for a building permit for a development project shall be accompanied by a site plan as required in this section. No building permit shall be issued until a site plan of the development has been reviewed and approved in accordance with the procedures and standards of this chapter.

C. Process

1. Site plans shall be processed as describe in Figure 18-588: Site plan review process. The individual process steps are described in this section.
2. Applicant shall be required to attend a pre-application meeting pursuant to Section 18-566: Pre-application meeting.
3. Application submission and staff review
 - a. An application for site plan review shall be submitted in compliance with the requirements of Section 18-568: Applications, submissions, contents, fees.
 - b. Site plan shall include the required information, whether improvements exist or are proposed. When applicable,

1. Applicants shall be required to attend a pre-application meeting pursuant to Section 18-566: Pre-application meeting.
2. Applicants shall be required to hold a neighborhood meeting pursuant to Section 18-567: Neighborhood meetings.
3. A special use permit application shall be submitted in compliance with the requirements of Section 18-568: Applications, submissions, contents, fees.
4. Any special use permit that requires a quasi-judicial decision to be made by the Board of Adjustment, Historic Preservation Commission, or Design Adjustment Committee must attain approval of the request prior to being heard by the City Council.

D. Decision making

1. Public notice shall be provided as required in Section 18-569: Public notice.
2. Action by board
 - a. Review factors
 - i. The appropriate board, in granting a special use permit, must find that all four of the following factors exist:
 1. That the use would not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the special use permit;
 2. That the use meets all required conditions and specifications;
 3. That the use would not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 4. That the location and character of the use, if developed according to the plan as submitted and



- b. A final plat shall depict the entire subdivision or that portion of the subdivision a developer proposes to record at the time of submittal. A final plat shall be certified by a land surveyor licensed and registered to practice in the State of North Carolina. A final plat shall substantially conform to the preliminary plan, as it was approved. The final plat shall conform to the provisions of Section 18-553: Requirements for the final plat and NCGS 47-30.
- c. All final plats may be reviewed and approved after certification by the city engineer that the final plat substantially conforms to the approved layout of the preliminary plan as it was approved, and that the improvements, if any, have been installed in accordance with all applicable requirements and specifications.
- d. Approval of a final plat shall not constitute acceptance by the city the dedication of any street or other ground, public utility line, or public facility shown on the plat. Acceptance of such dedications shall require approval by the city council in the form of a resolution and shall be requested by the developer only after recordation of the final plat with the New Hanover County Register of Deeds has been completed.

E. Plat recordation

Upon approval of a final plat a developer shall, within 30 days of the approval date, record the original plat in the New Hanover County Register.

F. Appeals

- 1. Appeals of decisions of the technical review committee shall be to the board of adjustment. Written notice of the appeal shall be filed with the city clerk no more than 30 days after the date of written notice of the determination of the decision of the technical review committee.
- 2. The decision of the Design Adjustment Committee or Board

of Adjustment shall be subject to review by the superior court of New Hanover County. The final decision of the board of adjustment shall not be stayed pending review except by order granted by the superior court.

G. Nonconventional subdivision plats

Nonconventional subdivision plats shall be reviewed and approved in accordance with the procedures outlined in this section, prior to recordation.

- 1. Any nonconventional subdivision proposal shall be initiated with a pre-application conference as provided in Section 18-566: Pre-application meeting.
- 2. All cemetery plats shall conform to the final plat standards of this section.
- 3. Replats
Unless exempted by definition, all replats shall conform to the final plat standards found in this section, article 6 of this chapter, and all of the following standards.
 - a. If any individuals owning lots within the subdivision do not wish to participate in re-platting of the subdivision, the developer may only propose the re-platting of those remaining lots in the developer's ownership.
 - b. No public street, right-of-way or easement, or existing lot access not in the ownership of the developer shall be changed, altered, or adversely impacted by re-platting.
 - c. If one or both above provisions cannot be met by the proposed re-platting, the proposal shall be reclassified as a subdivision and shall be processed in accordance with the procedures established for that classification.

rehabilitation of injured, disable, or sick persons. The term includes all facilities licensed pursuant to NCGS 131E-77, except long-term care hospitals. For the purposes of use classification, this shall also include ambulatory surgical centers and stand-alone emergency facilities.

Hotel/motel

An establishment providing lodging for pay, available on a daily basis, to transient guests and travelers.

Household income

Income as defined and used by the U.S. Census long form.

Housing, elderly

Housing provided solely for the residential use of persons who are 62 years of age or older.

Housing, workforce

Housing unit provided solely for the residential use of a household with income at or below 80 percent of the Wilmington area median income (AMI) as determined annually by the U.S. Department of Housing and Urban Development, adjusted for household size. For the purpose of increasing density in certain districts with the provision of workforce housing, HUD's high HOME rents at 65% AMI shall be used.

Housekeeping group

Any group, whose members are non-transient, jointly living and cooking together as a single household in a dwelling unit as the functional equivalent of a family. All members of a housekeeping unit have joint access to and use of all common areas, including living, kitchen and eating area, and share household activities and responsibilities, such as meals, chores, expenses, and maintenance. All members of a housekeeping unit also meet the definition of principal resident, as described in this chapter. This shall not include groups occupying dwelling units on a temporary or transient basis (e.g., a school

semester), nor shall it include those guests in a dwelling unit as homestay or whole-house lodging.

Impervious surface

Any surface which, in whole or in part, restricts or prevents the natural absorption of water into the ground. Impervious surface areas shall include, but are not limited to, concrete, asphalt, compacted crushed stone and gravel surfaces or other paving material, unless specifically engineered to allow penetration of water through the paved medium and infiltrate into the ground, and all areas covered by the footprint of buildings or structures including roofs, unslatted decks, driveways, patios, retaining walls, sidewalks, parking areas, tennis courts, and streets. Impervious does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material.

Impervious surface, newly constructed

The amount of impervious surface placed or constructed by development activity, irrespective of the condition of the existing surface upon which the surface is placed. Maintenance of existing impervious surfaces is not considered newly constructed. Examples of maintenance include, but are not limited to, mill and overlay of existing asphalt, reconstruction of existing sidewalk (within the same or similar footprint) to comply with ADA requirements, roof replacement or repair, and addition additional gravel to existing graveled areas.

Imperviousness

The degree to which a site is impervious.

Improved landscape

Gardens, parks, parking lots or any other proposed outside improvements including any planned vegetation, public street furniture,

provider to provide communications service.

G. Equipment compound

An area surrounding or near the base of a wireless support structure within which a wireless facility is located.

H. Fall zone

The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

I. Micro wireless facility

A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has no exterior antenna longer than 11 inches.

J. Small wireless facility

A wireless facility that meets the following qualifications:

1. Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet.
2. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. The following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

K. Unipole

A type of monopole design where all antennae and related equipment are housed inside the pole tower rather than attached to the exterior of the pole; also called a slick stick.

L. Wireless support structure, stealth

A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole is not a wireless support structure.

M. Wireless support structure, stealth

A tower or monopole designed to camouflage or conceal the presence of telecommunication antennas, where the structure is outfitted with material to give the appearance of a tree, such as a monopine or monopalm.

Xeriscape

A landscaping method that utilizes water-conserving techniques, including drought-tolerant plants, mulch, and efficient irrigation.

Yard

The area between a lot line and a building, whether required or by design.

Yard sale

All general sales open to the public, conducted from or on a residential premises in any residential district for the purpose of disposing of personal property. The term "yard sale" shall include all such herein described sales, whether or not they are garage, lawn, attic, porch, room, backyard, patio, or rummage sale.