

City of Wilmington  
Land Development Code

# USER GUIDE

November 2021



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# 1 PART ONE: INTRODUCTION

1.1 Welcome

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## 1.1 Welcome

The user guide helps explain how to use and find information in the Land Development Code (LDC). It also assists property owners, designers, and developers with common planning and application procedures most likely to be encountered when developing property in the city of Wilmington.

The user guide is for informational purposes only. It should not be used to determine official zoning, subdivision regulations, or for any other legal purposes. Please refer to the full LDC and zoning map for more information.





## 1.2 What is the Land Development Code?

The Land Development Code (LDC) is the “rule book” for development, building, and land use in the city of Wilmington. The LDC looks to a sustainable future by enhancing walkable, mixed-use communities. It helps Wilmington’s economy by encouraging robust shopping areas and employment districts that are connected to convenient transit options. Finally, it seeks to provide equitable access to greenspace and outdoor amenities for all to enjoy.

Three important components of the LDC are:

### **Zoning districts**

Zoning regulates land uses. The city is divided into zoning districts with uses aligned with the purpose of a particular zoning district. Uses are classified as being permitted, permitted with conditions, special use permit required, or prohibited.

### **Zoning map**

The [zoning map](#) is a visual representation of zoning designations in the city.

### **Development standards**

Development standards identify where a building may be located on a lot and how tall that building can be. Other elements of site development, such as accessory structures, parking, landscaping, tree preservation, dimensions, and design regulations are also prescribed.

## 1.3 How to use the Land Development Code

The Land Development Code, like other parts of the city’s code, is organized by articles, divisions, and sections. The LDC is organized into eight articles, each one containing information on a specific regulatory category and purpose. Articles are organized as follows:

1

### **Article 1: Purpose and Organization**

Introduces the purpose of the LDC

2

### **Article 2: Zoning Districts**

Defines all zoning districts and the regulations for each

3

### **Article 3: Use Standards**

Includes development standards for specific uses that are permitted with conditions or by special use permit

4

### **Article 4: Environmental Regulations**

Provides standards to protect, maintain, and enhance the environment through stormwater management, floodplain management, and conservation

5

### **Article 5: Site Development Requirements**

Includes standards for landscaping, parking, lighting, infill, redevelopment, signs, frontage standards, and alternative lot layouts

6

### **Article 6: Subdivision Regulations**

Contains standards related to the subdivision of land, including public facility requirements, lot configurations, rights-of-way, and utilities

7

### **Article 7: Administrative Provisions**

Describes the procedures for review and approval of applications for development and introduces administrative bodies and their respective responsibilities

8

### **Article 8: Measurements and Definitions**

Includes rules of measurement and definitions for many terms used throughout the code



## 1.4 Zoning districts

All land within the city is assigned a zoning designation. The zoning of a lot regulates the allowable height and size of buildings and structures, the intensity of land use, areas for open space, and permitted uses.

### **Residential districts**

Residential districts generally allow for communities where people live and limited compatible recreational and civic uses.

### **Mixed-use districts**

Mixed-use districts generally allow residential, commercial, and office together, enabling people to live, work, shop, and play in one area.

### **Historic districts**

Historic districts are groupings of buildings and structures noteworthy for their age, architectural integrity, or aesthetic unity.

### **Commercial districts**

Commercial districts are for business activities like retail stores, offices, and civic uses.

### **Industrial districts**

Industrial districts are designated for uses such as manufacturing facilities, warehouse distribution centers, and shipping terminals.

### **Special districts, legacy districts, and overlays**

These designations are reserved for any districts that do not neatly comply with the standard categories above.

#### *Legacy districts*

These are districts that remain on the zoning map but are no longer available for rezoning.

#### *Overlay districts*

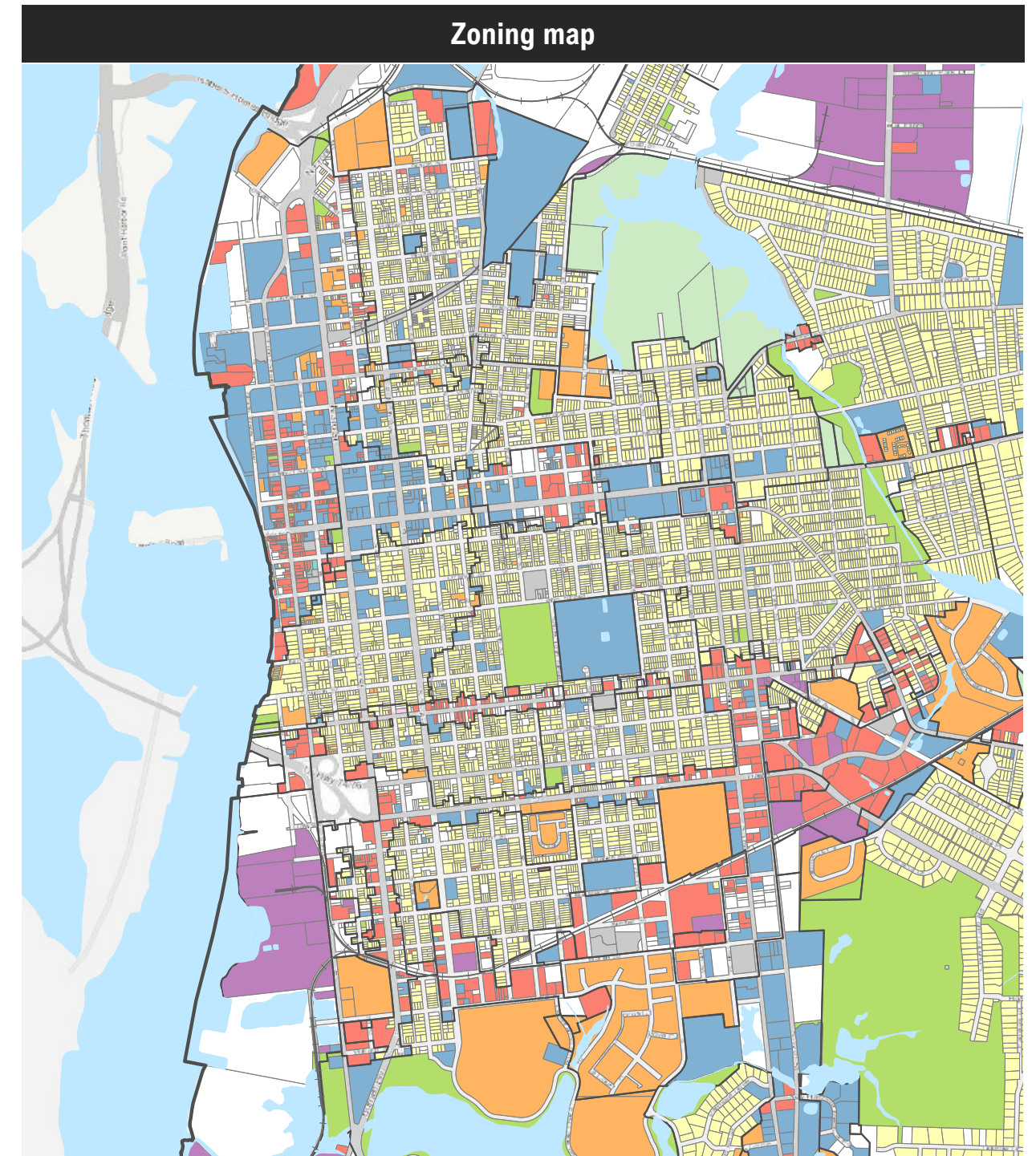
These provide an additional layer of standards on top of the underlying base zoning district.

#### *Special districts*

The cemetery district is used for cemeteries and related uses.

## 1.5 Zoning map

The zoning map illustrates the zoning of all land within the city, including overlays.







# 2 PART TWO: NAVIGATING THE CODE

2.1 How to find a property's zoning

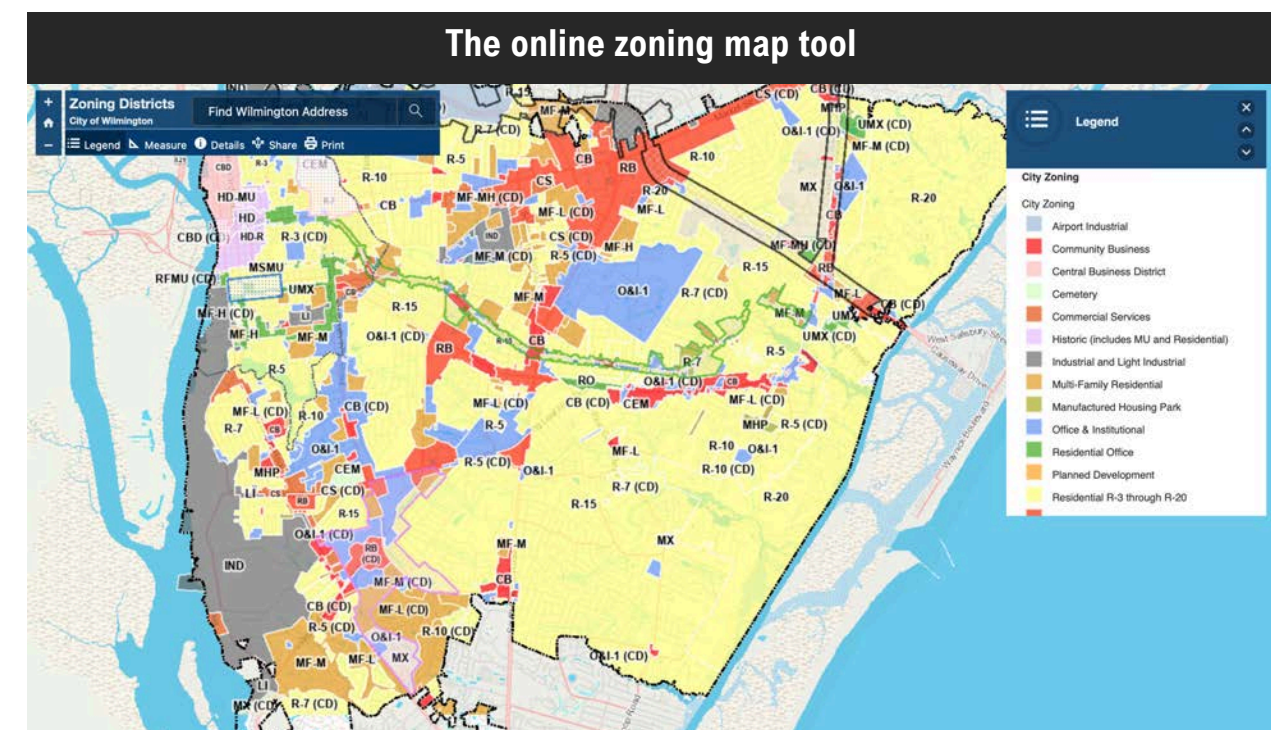
2.2 How to find allowable uses for a property

2.3 Determine standards for development

- A. Street frontage
- B. Dimensional standards
- C. Sign requests
- D. Tree removal permits
- E. Landscape requirements

## 2.1 How to find a property's zoning

The zoning map allows you to look up the zoning of all lots within the city. To determine the zoning of a property, go to the online [zoning districts map](http://wilmingtonnc.gov/zoningmap) (wilmingtonnc.gov/zoningmap) and type in the address in the **Find Wilmington Address** search box in the upper left. If the address is not known, simply locate the property by zooming in to the map.







## Spotlight: Historic districts and landmarks

Historic districts are groups of buildings and structures that are remarkable for their age, architectural integrity, or aesthetic harmony.

### 1. Local historic district

The city preserves its unique historic character with local protections through zoning designations. In addition to regulating the use and development of property, design review by the [historic preservation commission](#) (HPC) is required for exterior alterations to properties located within these local historic districts and historic overlays to ensure compatibility with the character of the district.

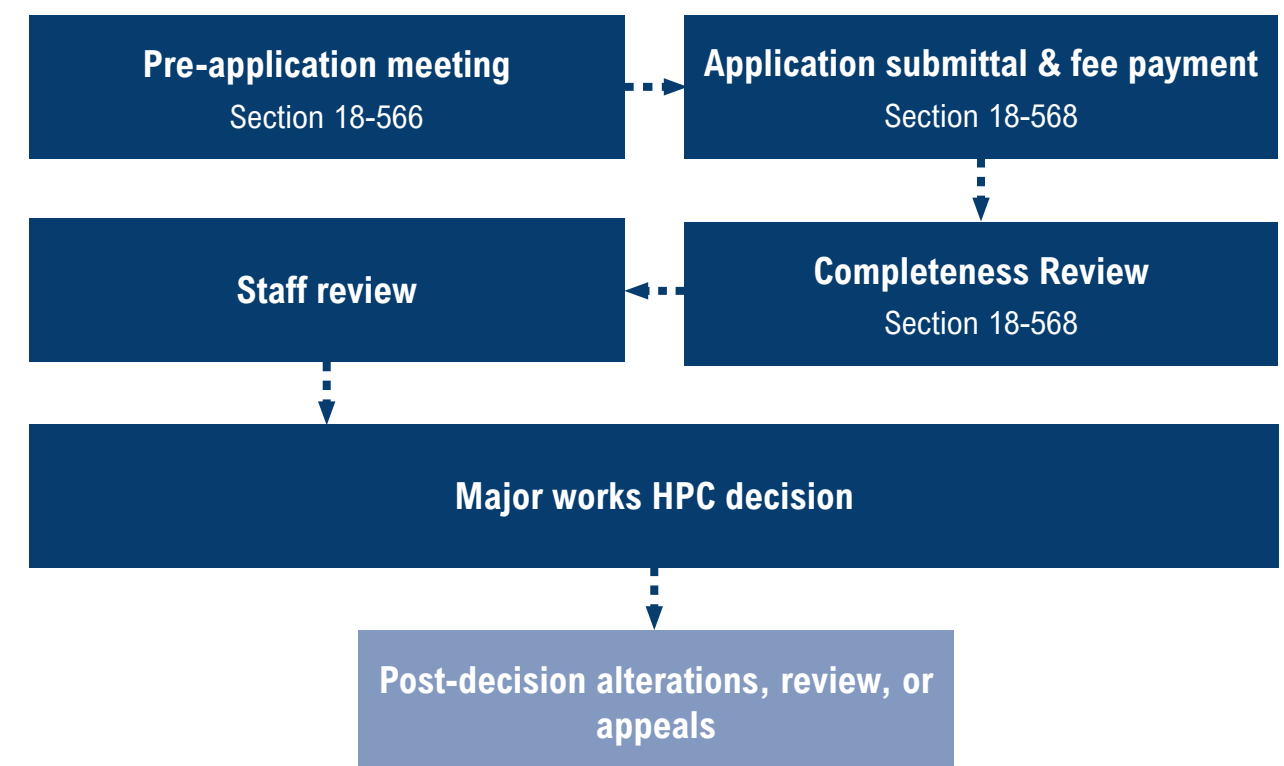
### 2. National Register of Historic Places

This program is administered by the National Park Service in partnership with state and local governments. Information for National Register designation is available at the [State Historic Preservation Office](#) (SHPO). Designation on the National Register does not provide protections; however, it does make property owners eligible for tax credits for rehabilitation of buildings.

### What if I need to do work on my historic property?

A [certificate of appropriateness](#) (COA) is needed for exterior changes to a property. Approval is based on the [Wilmington Design Standards for Historic Districts and Landmarks](#). Major work requires review by the historic preservation commission. Minor work may be approved by staff. Some examples of minor work include, fences, doors, paint color and in-kind roofing materials.

## Certificate of appropriateness - major works process







## 2.2 How to find allowable uses for a property

Each zoning district includes a use table aligned with the district. Land uses and activities are classified in the table either as civic and institutional, commercial, residential, or industrial. Accessory uses are subordinate to the principal use located on the same lot and temporary uses are allowed for a short duration of time. A use table, inclusive of all uses permitted in all districts, is located in **Table 18-19.2: Universal use table**. Each use is identified according to the following:

### **P - Permitted**

A permitted use is allowed as long as the development complies with other applicable standards.

### **C - Permitted with conditions**

These uses are allowed subject to supplemental standards, which are found in article 3, Use standards.

### **S - Special use permit required**

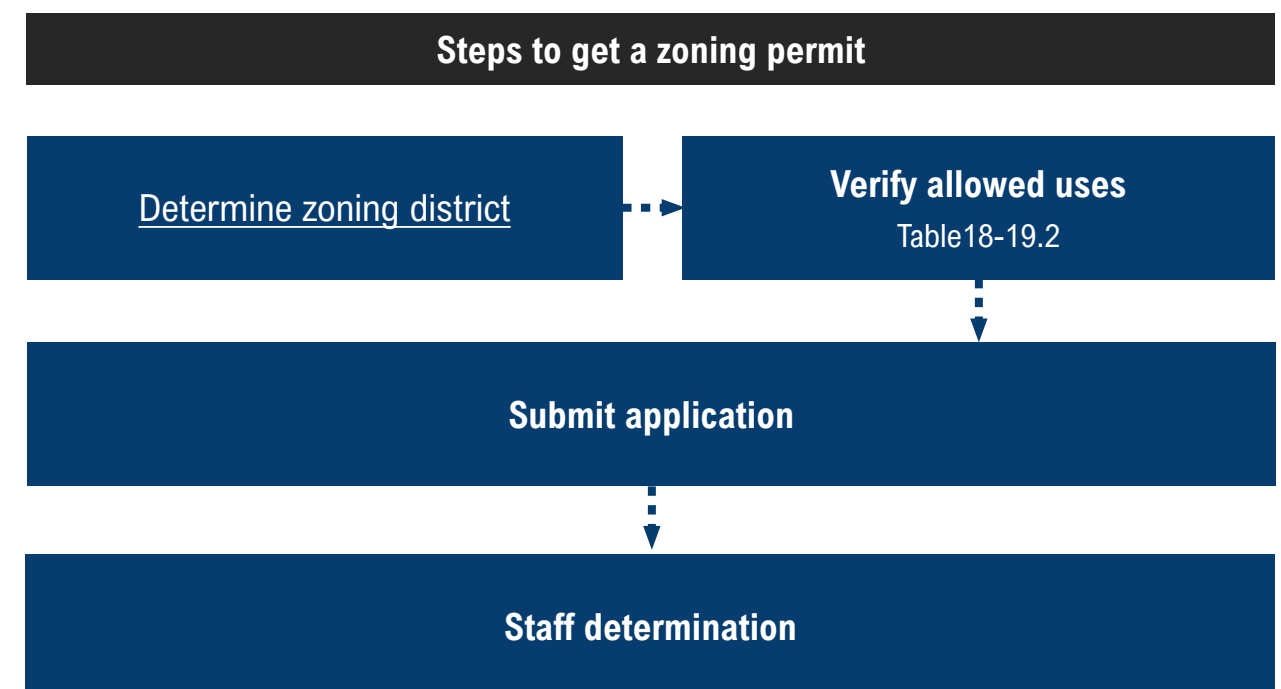
These uses are subject to City Council approval. These are also subject to the conditions in Article 3, Use standards.

### **Blank - Prohibited**

All prohibited uses are left blank, specifically declared as not allowed in the district. The following uses are prohibited throughout the city: concentrated animal feeding operations, slaughterhouses, outdoor shooting ranges, portable storage containers as permanent storage facilities, the use of a travel trailer or RV for business/office purposes, fracking, junkyard or salvage yard, landfill, ordnance manufacturing, pulp and paper product manufacturing, processing or storage of radioactive or infectious waste, solid waste transfer facility, power generating plants, use of a boat, houseboat, or other floating structure as temporary or permanent residence or short-term lodging, and the use of a travel trailer, recreational vehicle, or other such vehicle as a permanent or temporary residence, except as permitted by article 3, division 4 of this chapter.

## When is a zoning permit required?

[Zoning permits](#) are obtained through the planning department. Most development is regulated under two different codes: the zoning code and the building code. Obtaining a zoning permit is typically the first step in development and is required for change of uses and new uses. If a use complies with the applicable standards for that use, that use will be approved. Contact the zoning department for guidance and direction as to what type of development will require a zoning permit.



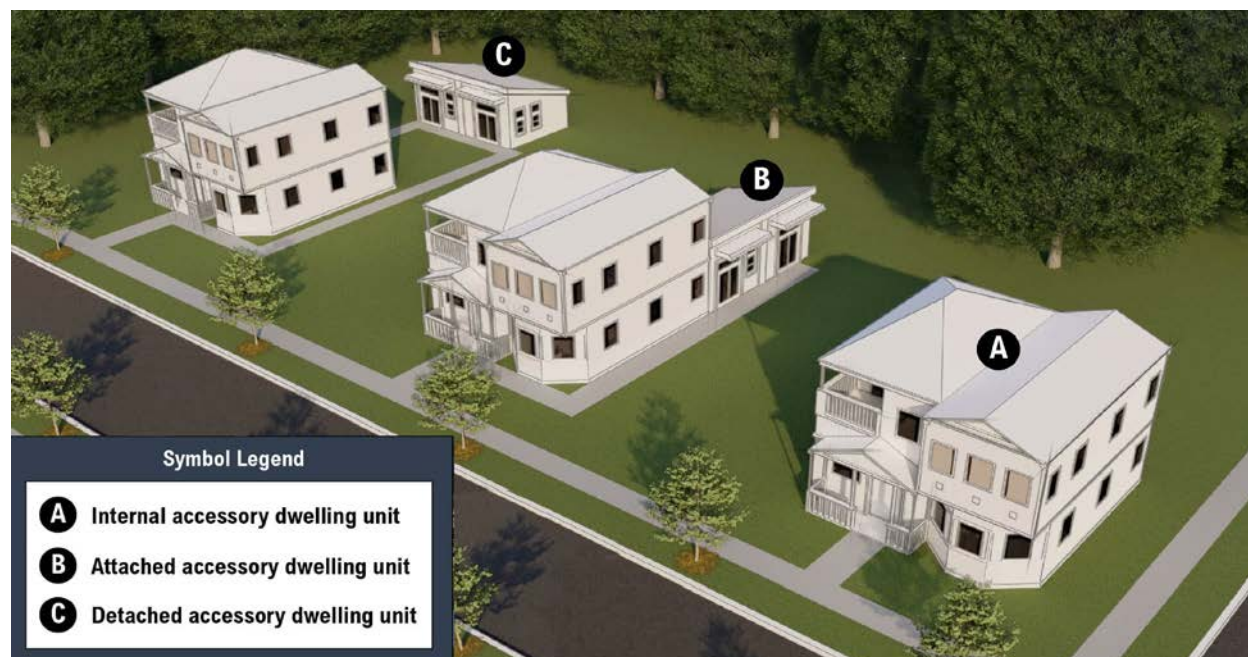




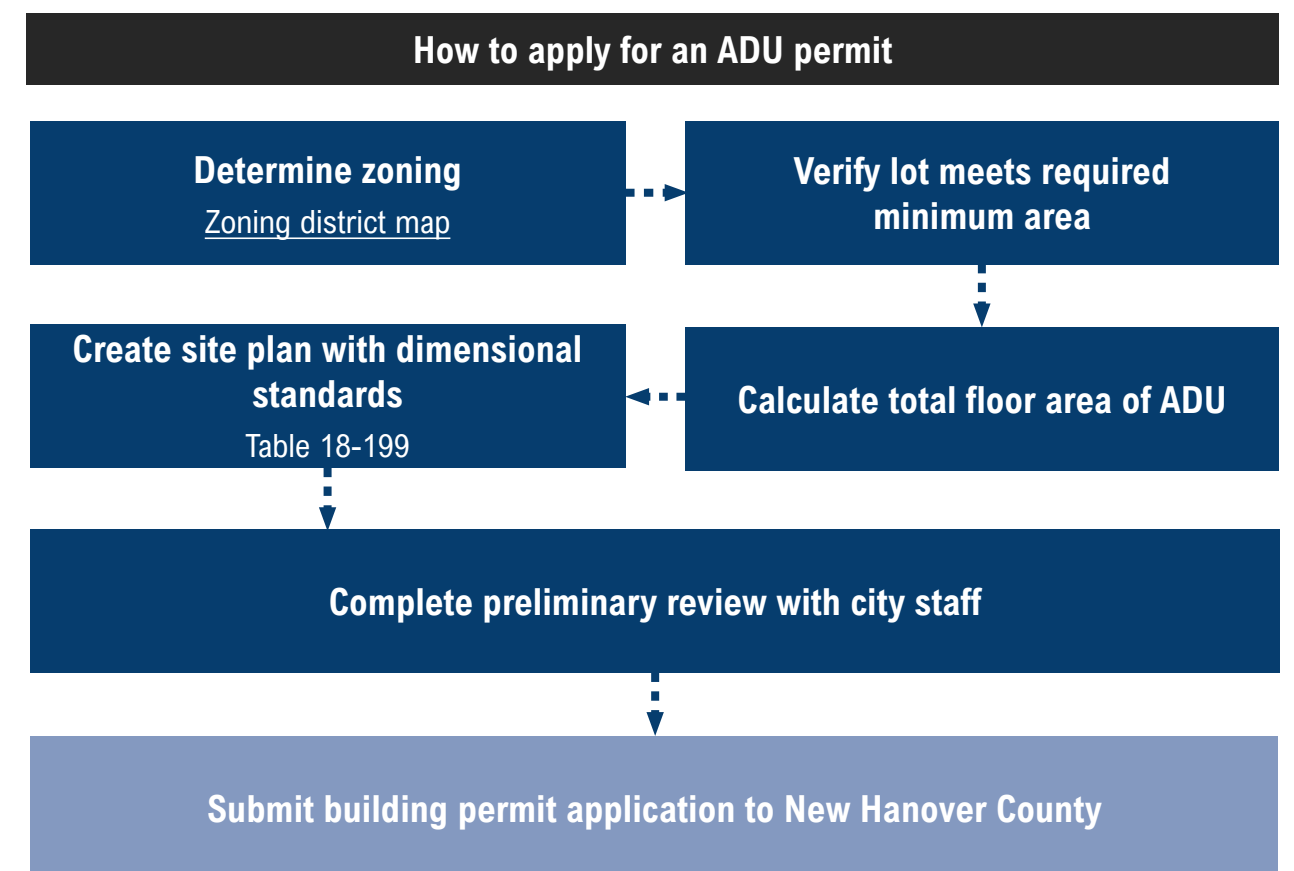
## Spotlight: Accessory dwelling units (ADUs)

Accessory dwelling units or ADUs (**Section 18-200**) are smaller, independent residences constructed as an accessory to a principal single dwelling. ADUs can be:

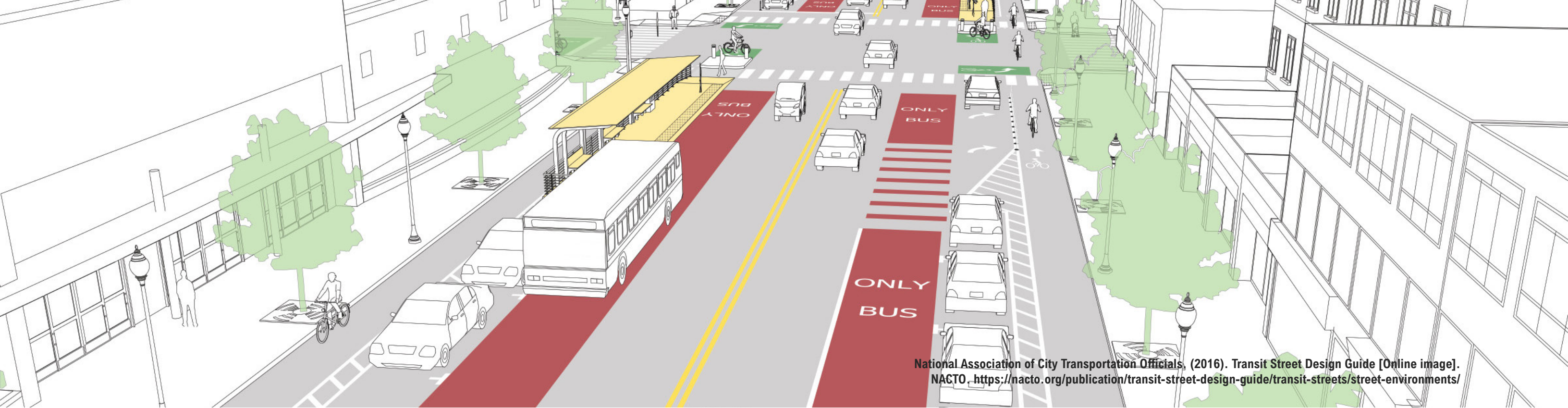
1. Internal portions of existing homes, often called apartments; or
2. Attached additions to homes, sometimes called in-law suites or garage apartments; or
3. Stand-alone detached buildings, otherwise known as garden cottages or guest houses.



Only one ADU is permitted on a lot. The lot must meet the minimum required lot area for the zoning district. Internal ADUs are allowed to be up to 30% of total floor area of the principal dwelling unit. Attached and detached ADUs have a maximum gross floor area of 900 square feet.







National Association of City Transportation Officials, (2016). Transit Street Design Guide [Online image]. NACTO, <https://nacto.org/publication/transit-street-design-guide/transit-streets/street-environments/>

## 2.3 Identify standards for development

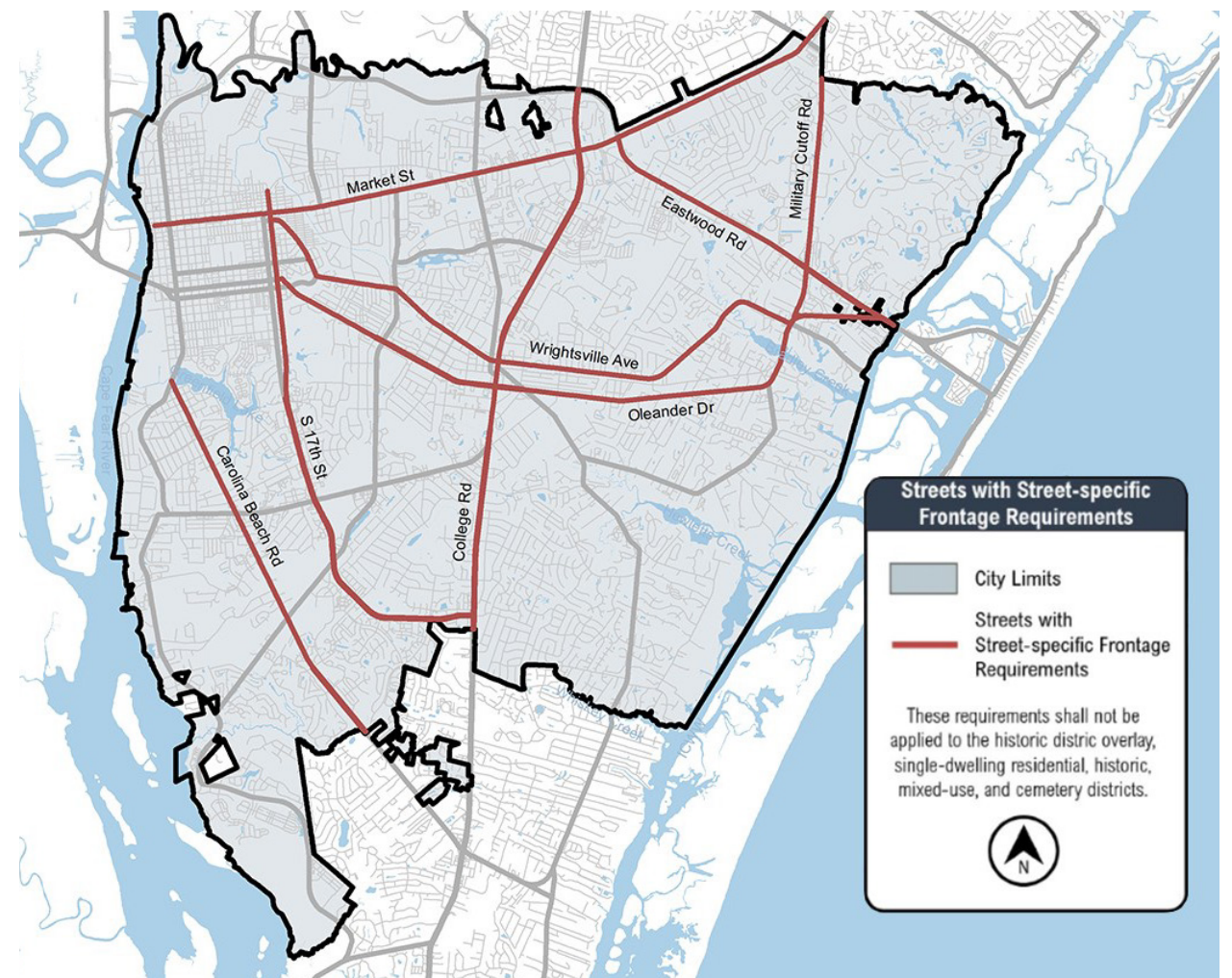
### A. Street frontage

Street frontage standards (**Section 18-408**) are required along key corridors because these streets are visible public spaces and are vital for moving people and goods from place to place. Street frontage standards are intended to reinforce a vibrant public realm, to enhance desired character, and continue to prioritize safe and efficient movement of people and goods through multiple travel modes. All or portions of the following streets have been identified as key corridors due to their unique character and are subject to street frontage requirements.

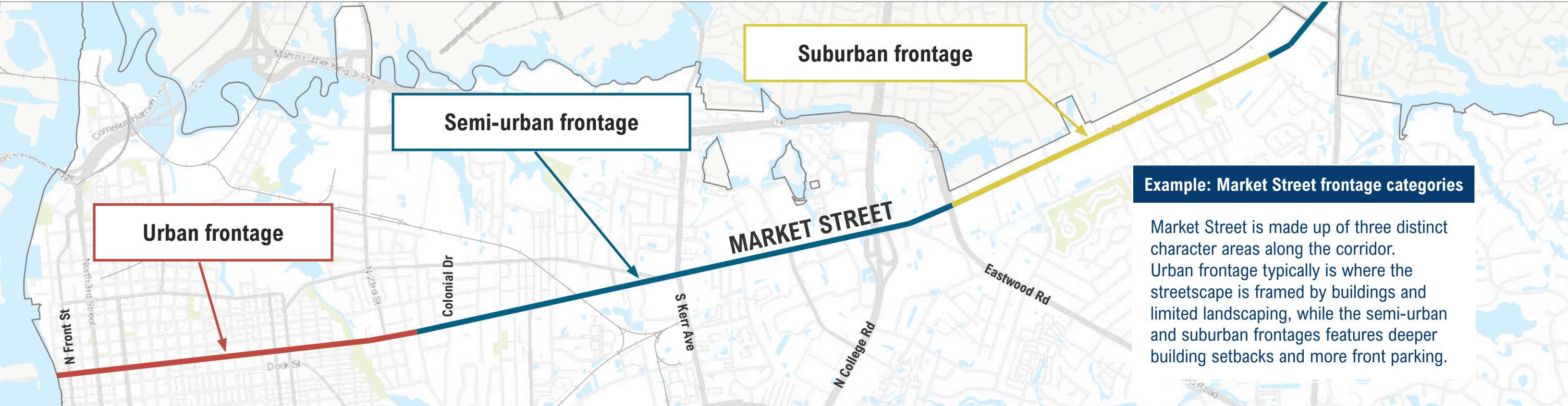
1. Carolina Beach Road
2. Eastwood Road
3. Military Cutoff Road
4. College Road
5. Market Street
6. Oleander Drive
7. 17th Street

### B. Street-specific requirements

Wrightsville Avenue has specific standards for development due to its distinctive character. (**Section 18-408 (E)**)







**Example: Market Street frontage categories**

Market Street is made up of three distinct character areas along the corridor. Urban frontage typically is where the streetscape is framed by buildings and limited landscaping, while the semi-urban and suburban frontages features deeper building setbacks and more front parking.

**Frontage categories**

Each corridor is regulated with specific frontage types that are reflective of the context of different areas along the corridor (**Section 18-407**). This allows each development to contribute to the defining character of a specific portion of the street. Frontage types have been designated as one of three categories with the following hierarchy.

**A. Urban frontage**

Applied in walkable, dense, mixed-use areas where the streetscape is framed by buildings placed close to the street, which helps maximize pedestrian activity and interaction within the public realm

1. *Civic frontage type - primary building entrances and windows are oriented to the street*
2. *Side frontage type - primary building entrances and windows are oriented to the street and a side parking area or open area*

**B. Semi-urban frontage**

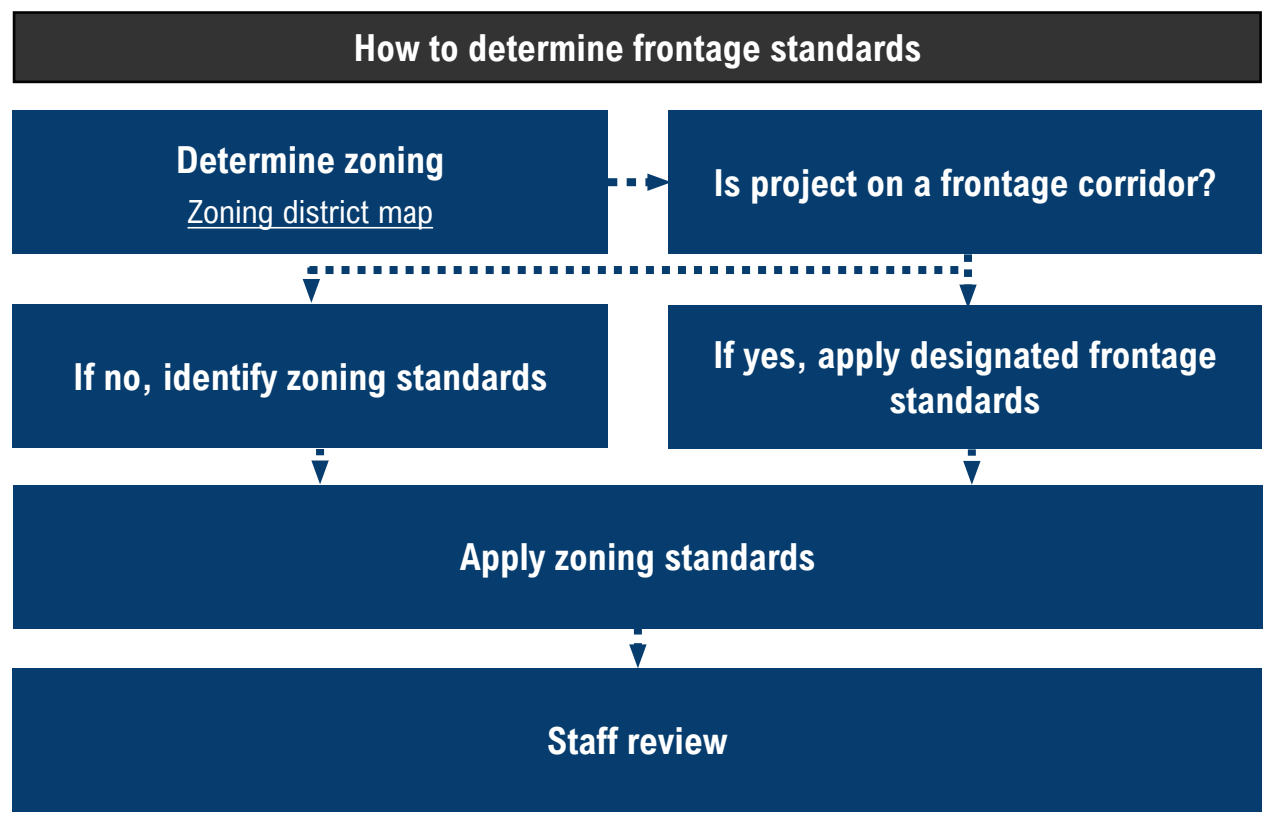
Located along streets where limited building setbacks, limited front parking, and landscaping are appropriate. While semi-urban frontages typically feature deeper setbacks and more front parking than urban frontages, pedestrian access is maintained

1. *Semi-urban frontage type - may have surface parking lots with up to two rows of parking between the building and the street and limited streetscape landscaping*
2. *Semi-urban parkway frontage type - may have deeper front setback areas with streetscape landscaping or civic spaces such as plazas, parks, or greenways*

**C. Suburban frontage**

Located along major corridors that accommodate development with deep front setbacks and most or all automobile parking between the building and the street

*Parkway frontage type - includes streetscape landscaping between any surface parking lot and the street*

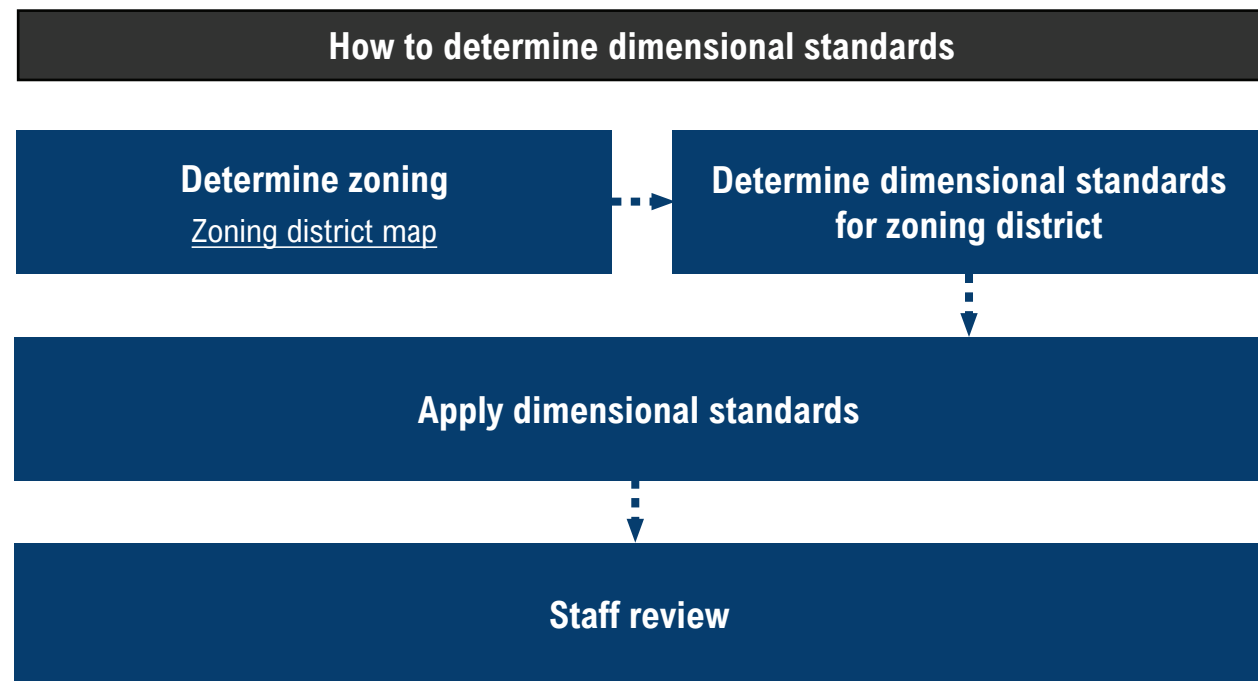






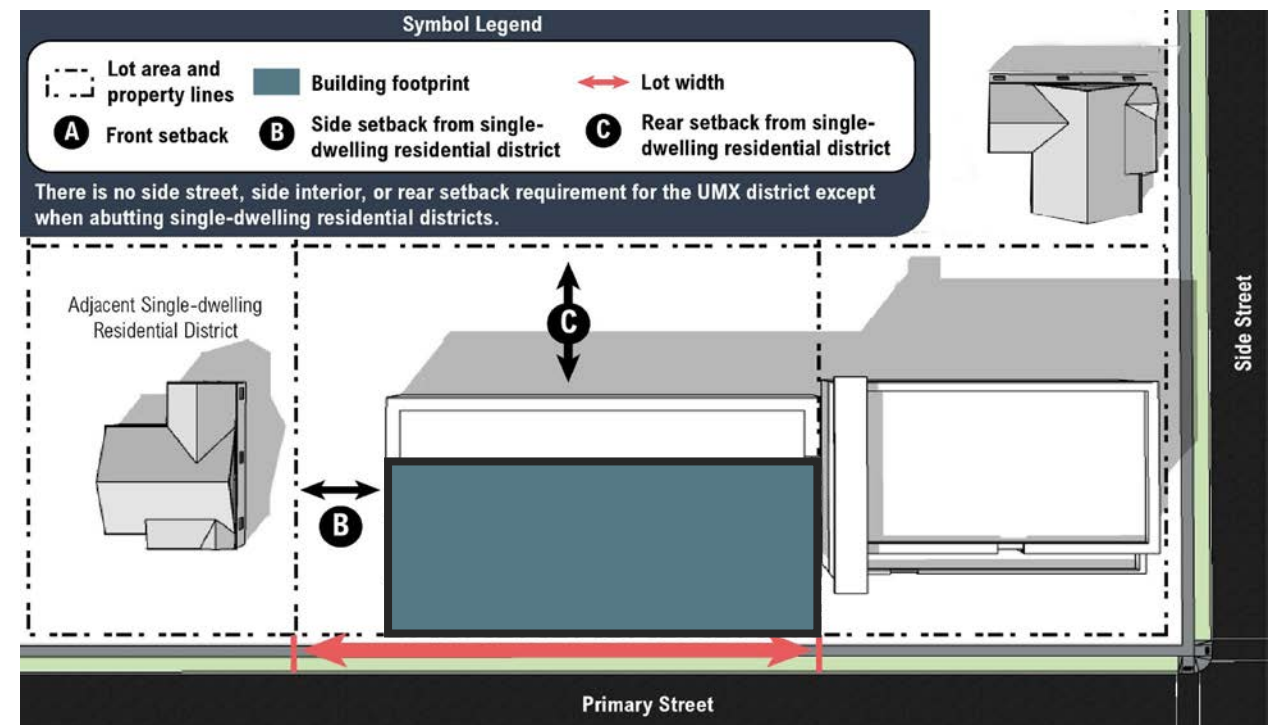
## B. Dimensional standards

Zoning standards help shape the built environment by guiding development to complement the layout and form of cities. The compact, walkable shops of downtown and the soft edges of a residential street are achieved by relative consistency of their built environment. Dimensional standards are specific tools such as lot size, setbacks, and building height, which helps guide this consistency and the manner in which our city develops.



## Spotlight: Urban mixed-use district

Urban mixed use development provides two or more distinct significant uses, such as retail, office, residential, hotel, and civic uses. It also fosters integration, density, and compatibility of land uses, and creates a walkable community with pedestrian and bicycle connections. Development and new lots in the UMX are required to meet the dimensional standards for lot requirements, building placement, and building size.





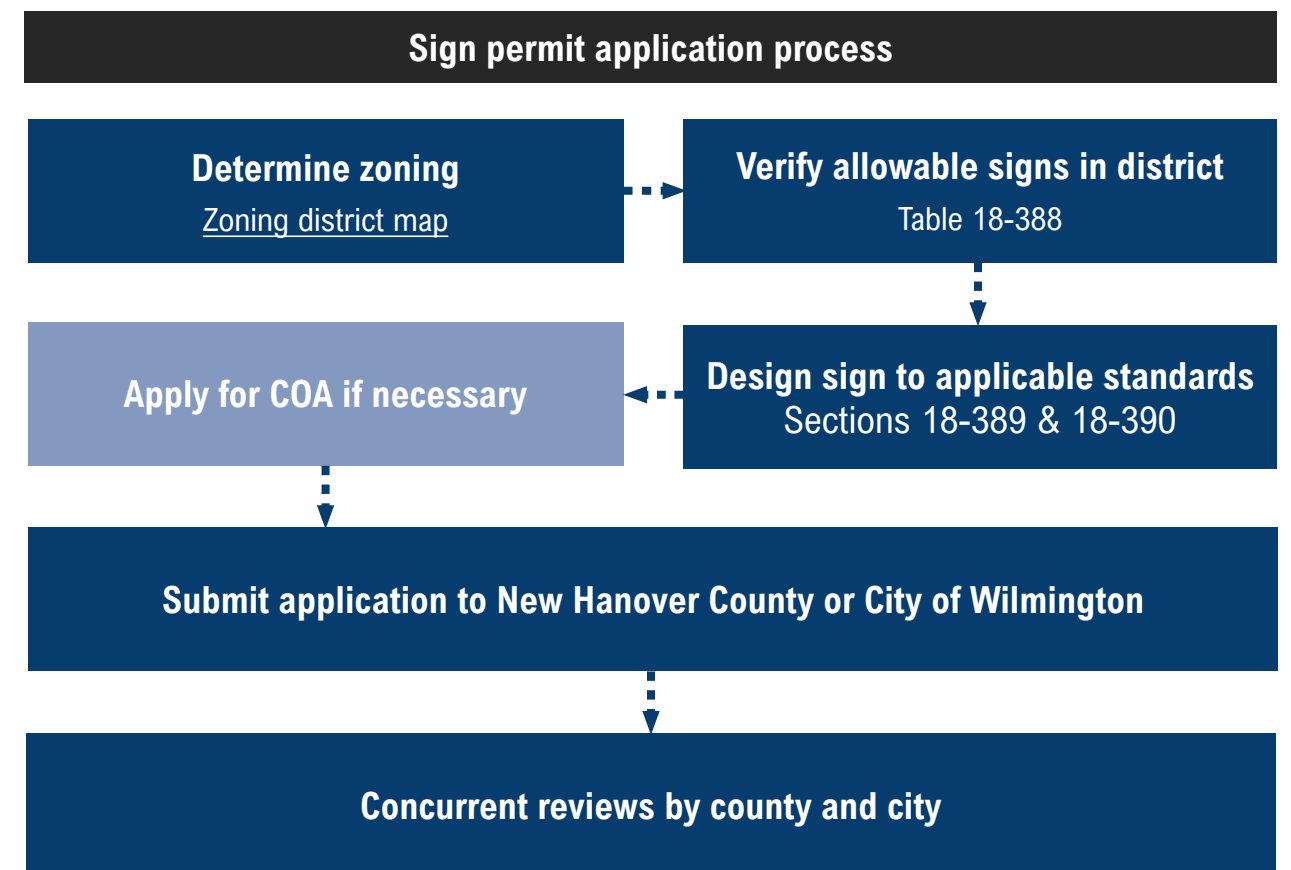


### C. Sign permits

A sign permit is required to be submitted to [New Hanover County](http://buildingsafety.nhcgov.com/permits) (buildingsafety.nhcgov.com/permits) for all signs except non-illuminated wall signs, which are submitted only to the city of [Wilmington](#). Applications for a sign permit should include a site plan with setbacks, sign dimensions, sign location, and specifications of the sign. Information on temporary signs can be found in **Section 18-392**.

#### Signs in historic districts

Signs in the historic districts also require a [certificate of appropriateness](#) (COA) issued by the historic preservation commission based on the [Wilmington Design Standards for Historic Districts and Landmarks](#).





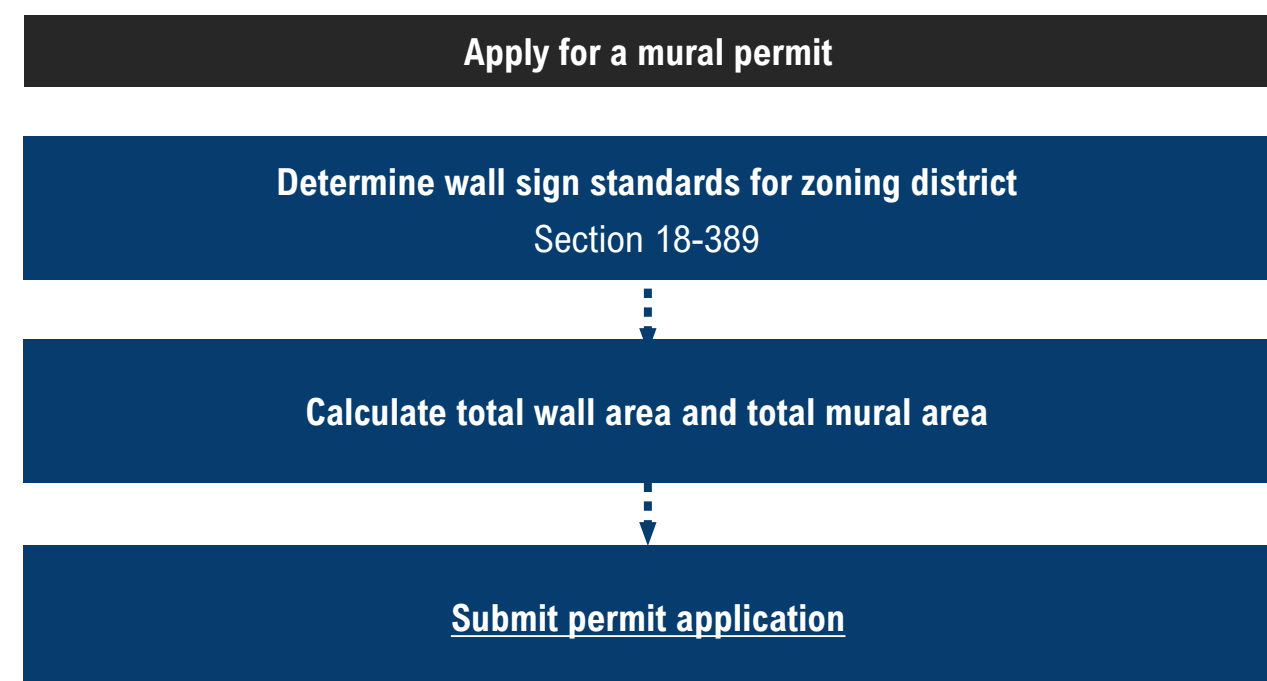
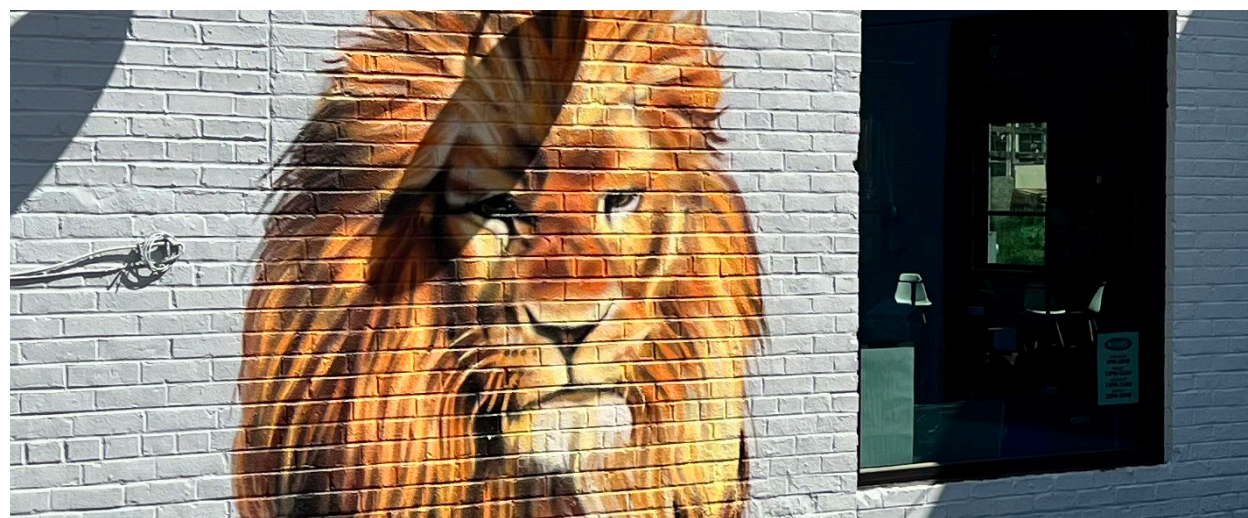


### Murals

Murals are subject to wall sign area allowances for the district in which they are located and are not allowed on the front face of a building, roof, or permanent fence. On lots fronting Castle Street from the Cape Fear River to Wrightsville Avenue and lots fronting North 4th Street from Red Cross Street to Nixon Street, murals are not subject to square footage limitations. [Permit applications](#) for a mural require a plan with measurements of the entire wall and measurements of the proposed mural so that coverage of the wall area can be determined.

### Historic murals

On buildings listed on the National Register of Historic Places, murals at least 50 years of age can be restored, regardless of size or location.







## E. Tree removal permits

Single dwelling and multi-dwelling zoned lots of one acre or less are exempt from tree permit requirements if they are developed with or permitted for a detached single dwelling unit. Lots located within a conservation resource or within a historic district area are not exempt from tree permits. For all other areas, a [tree permit](#) is required for any tree that is four inches in diameter or greater as measured at DBH (diameter breast height). Additionally, a tree removal permit is required before any clearing or grading is allowed. Any tree removal requests for trees in the right-of-way must be approved by the [city arborist's office](#). Please contact the planning office before any tree is removed to find out if a permit is required.

Tree removal permits are also required when essential site improvements cannot be accommodated without the removal of the tree or if the tree is disrupting utility service, drainage, or obstructing the right of way. Any trees in the historic districts or historic overlay require a [certificate of appropriateness](#).

### Tree preservation

Regulated, significant, and specimen trees are considered protected trees. Protected trees existing on a site that meet the size threshold prescribed in **Table 18-316** shall be retained on a development or redevelopment site. If a protected tree is removed, regardless of location on the site, it is required to be replaced. If the trees are shown to be dead, dying, or greater than 50 percent damaged or diseased because of natural factors, the mitigation requirements may be waived. The total number of replacement trees is subject to the requirements of **Section 18-316**. Removal of specimen trees can only be authorized by a variance. Specimen trees are live oak, pond cypress, bald cypress and long leaf pine trees that are a minimum of 24 inches in diameter at breast height (DBH).

## D. Landscaping requirements

Landscape regulations (**article 5. division 1**) address the design, installation, and maintenance of landscape elements that not only improve both the visual appearance and ecological function of a site, but also help ensure adequate buffers between certain uses.

### *Streetscape landscaping (Section 18-319)*

The area of a lot immediately adjacent to a street right-of-way is reserved for planting. Streetscape landscaping is required for new construction of principal buildings or structures, for expansions to existing buildings or structures, or whenever additional off-street parking is installed.

### *Transitional buffers (Section 18-323)*

Buffers protect adjoining land uses from the noise, heat, dust, lights, threats to privacy, and aesthetic impacts from more intense land uses. Transitional buffers are required along all property lines where districts of differing intensity are adjacent.

### *Parking lot landscaping (Section 18-321)*

Landscaping in parking areas provides numerous benefits, including increased integration into the natural environment, stormwater management, and a reduction in the heat island effect.

### *Screening for dumpsters, equipment, and outdoor storage areas (Section 18-324)*

Utilizing landscaping to screen service and equipment areas helps maintain visual appeal of a development while increasing natural benefits to a site.





# 3 PART THREE: SITE DEVELOPMENT & PERMIT APPROVAL

- 3.1 Introduction
- 3.2 General applicant process
- 3.3 Site plan review application process
- 3.4 Zoning map amendment process
- 3.5 Special use permit process
- 3.6 Appeal processes
- 3.7 Subdivision process
- 3.8 Boards, commissions, and committees
- 3.9 Additional information

## 3.1 Introduction

All projects require development approvals. The requirements and procedures identified are common to many of the processes and apply to various applications submitted for development and land use related purposes. The following are common steps in the process.

### ***Pre-application meeting***

Provides an opportunity for an applicant and the city to discuss the development concept prior to application submission

### ***Neighborhood meeting***

Informs neighboring property owners of the details of the proposed development and allow an applicant to receive preliminary public comment

### ***Public notice***

Public notice is required for some development approvals and can take the form of a newspaper advertisement, mailed letter, signs posted, a neighborhood meeting, or all of these actions

### ***Completeness review***

Applications are reviewed by staff to make sure paperwork is complete and sufficiently detailed

### ***Staff review and decision***

Staff reviews completed applications to ensure compliance with standards and determines if a project has met the guidelines for development approval

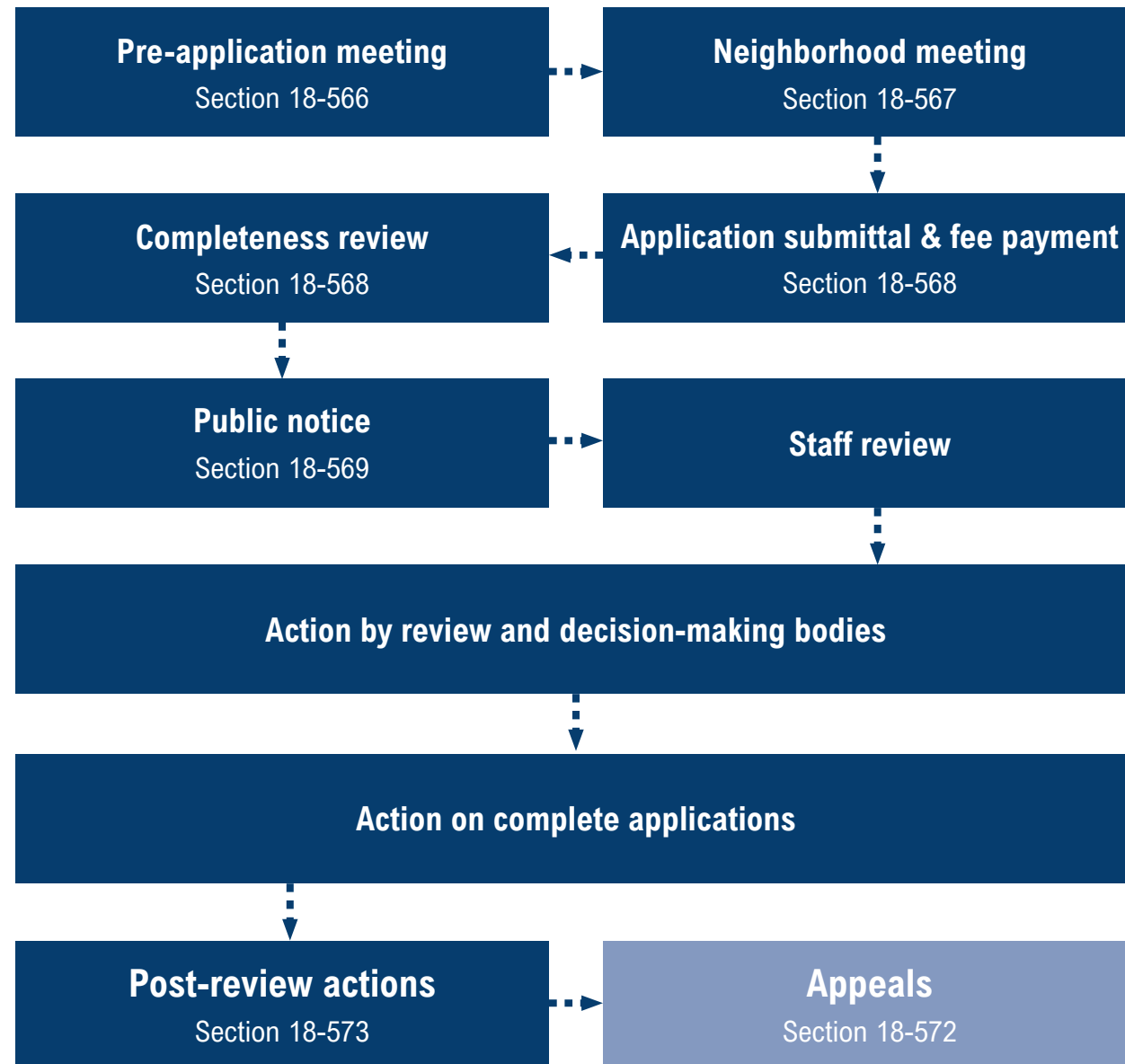
### ***Quasi-judicial hearing***

A quasi-judicial proceeding is similar to a court proceeding. Quasi-judicial hearings are also required for discretionary decisions like special use permits and variances.



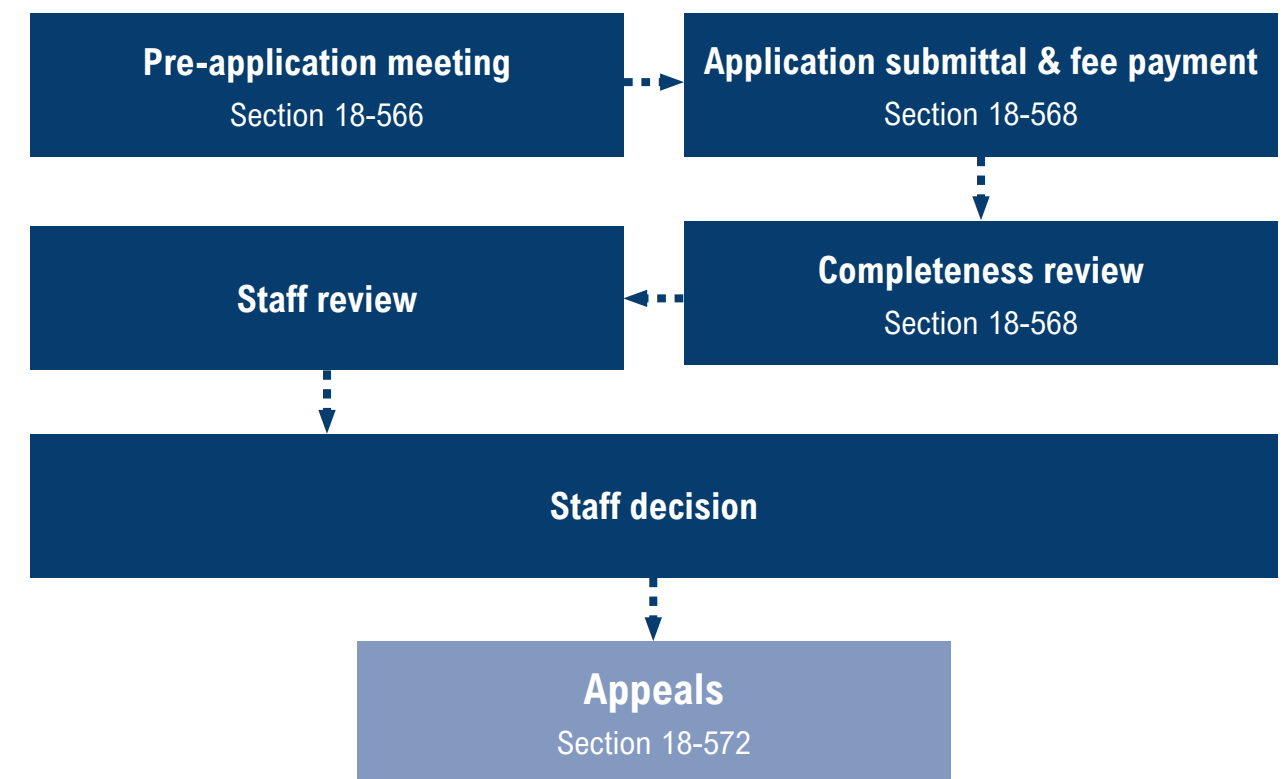
### 3.2 General applicant process

To develop property, build a new building, or expand or make major changes to an existing building, development approvals are required. The requirements and procedures identified are common to many of the processes and apply to various applications submitted for development and land use-related purposes. Applications are typically processed in accordance with the following steps. Neighborhood meetings are only required for special use permits and conditional district map amendments.



### 3.3 Site plan review application process

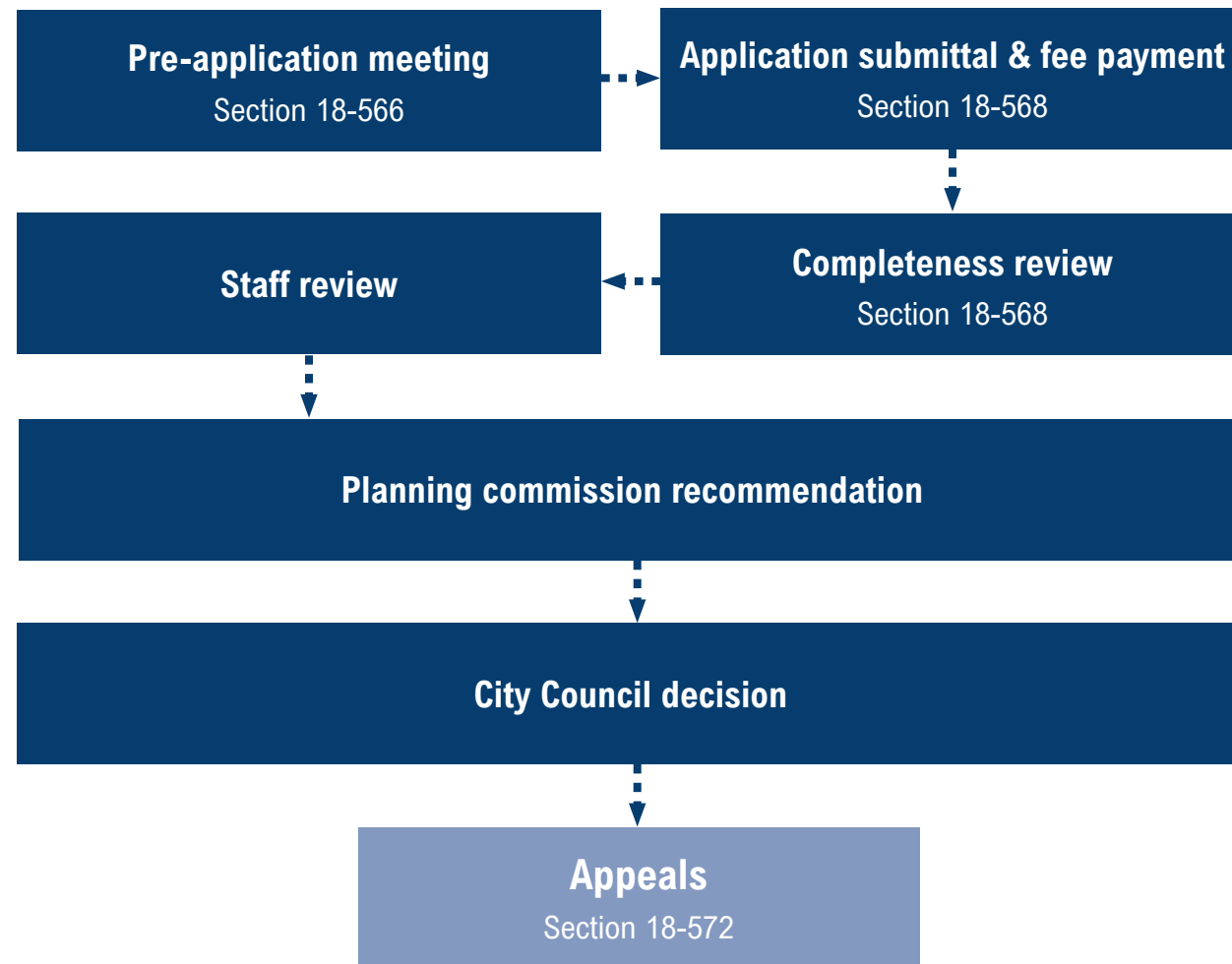
Site plan review (Section 18-588) is required to ensure adequate provision of public services, the wellbeing of citizens, and preservation of environmental quality. Any development that includes a new building or building expansion that exceeds 500 square feet in gross floor area or any parking facility with more than five parking spaces or is greater 2,500 square feet in size that is constructed, reconstructed, revised, or enlarged requires a site plan review. The following chart will help guide you through the development process. Site plans are reviewed by the technical review committee (TRC) in a pre-TRC meeting and then a formal TRC meeting.





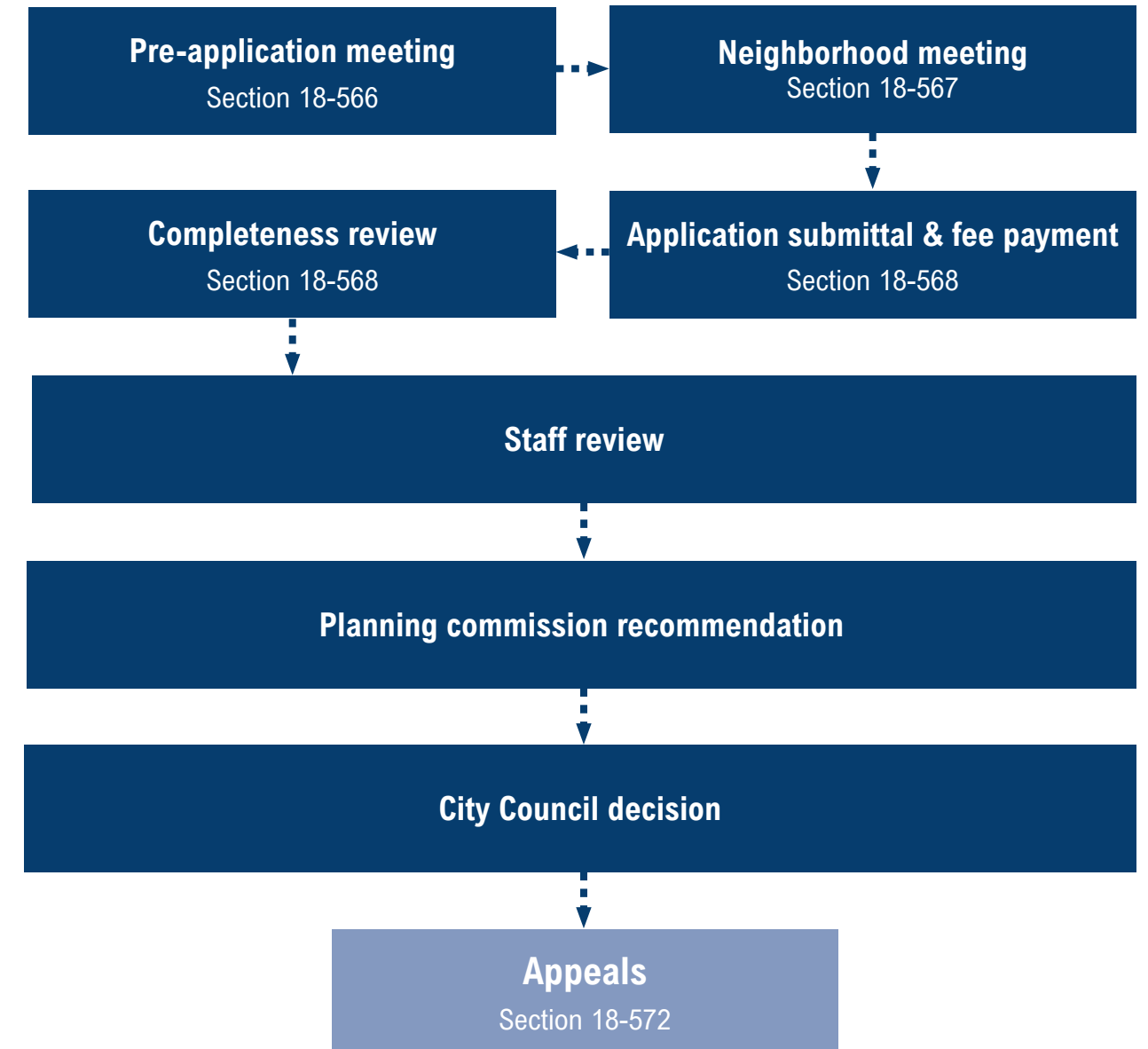
### 3.4a Zoning map amendment process - general

Rezoning a property is most often pursued when the owner of the property wants to use the property for a use that it is not allowed under its current zoning. A general rezoning allows the zoning classification of a lot to be changed. The [general rezoning application](#) is available online.



### 3.4b Zoning map amendment process - conditional

A conditional district rezoning allows the zoning classification of a lot to be changed based on an approved site plan and specific conditions. The [conditional rezoning application](#) is available online. Map amendment decisions are made based on 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.

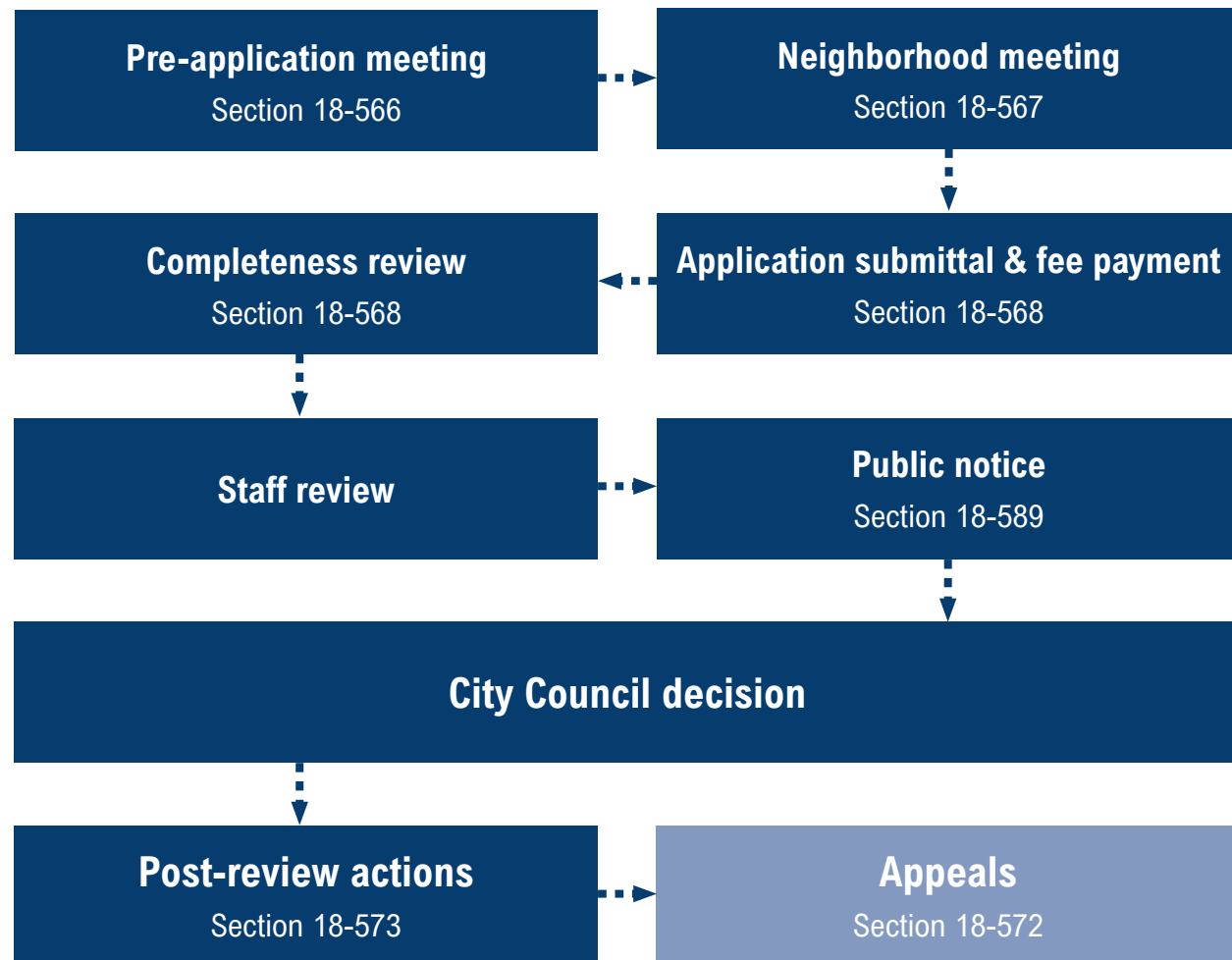




### 3.5 Special use permit process

[Special use permits](#) add flexibility to the LDC. Subject to high standards of planning and design, certain land uses may be allowed in a district where these uses may not otherwise be compatible. Special use permit decisions are quasi-judicial in nature and require a majority vote of city council. Applicants must demonstrate that a proposed SUP meets the use prerequisites of article 3 and the below four findings of fact:

1. That the use will 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 will 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 approved would be in harmony with the area in which it is to be located and in general conformity with the adopted compressive plans, the CAMA plan, and adopted special area plans (e.g., corridor plans, neighborhood plans).

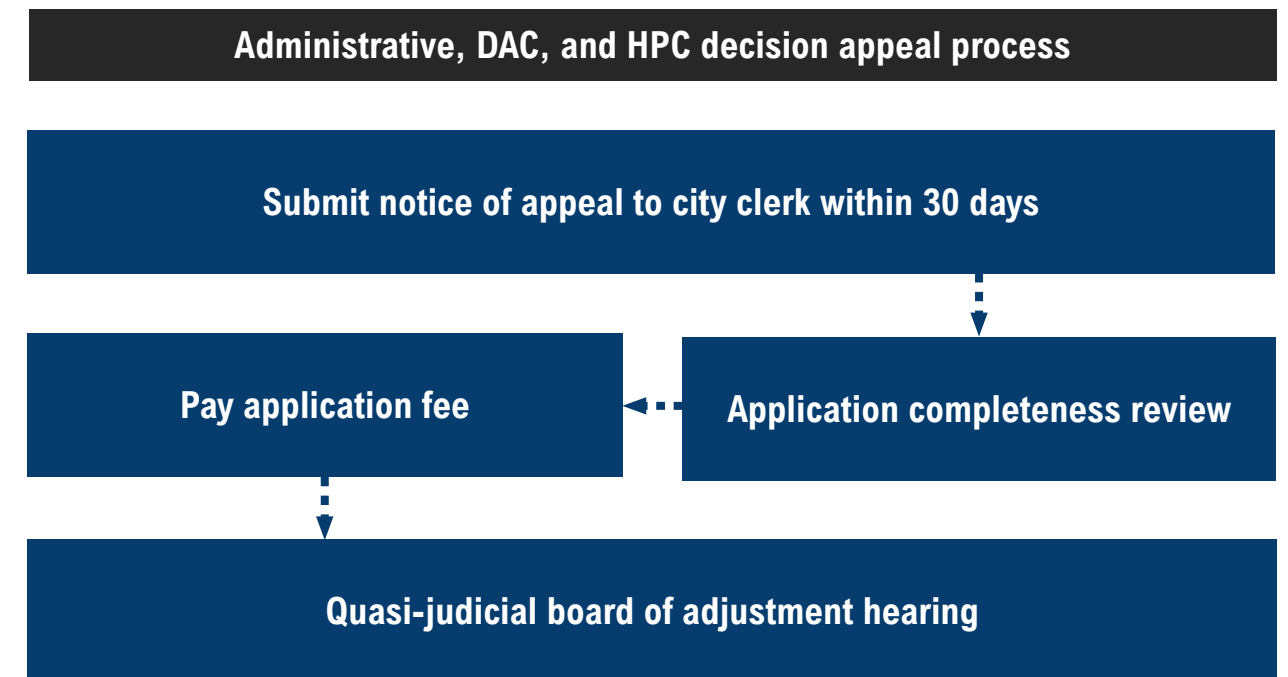


### 3.6 Appeal processes

Appeal procedures depend on the type of application and the appropriate review and decision-making authority (**Section 18-572**). Appeals that are heard by a city decision-making authority are quasi-judicial decisions. Decisions by City Council and the board of adjustment are appealed to a North Carolina court of record.

#### Administrative appeals to the board of adjustment

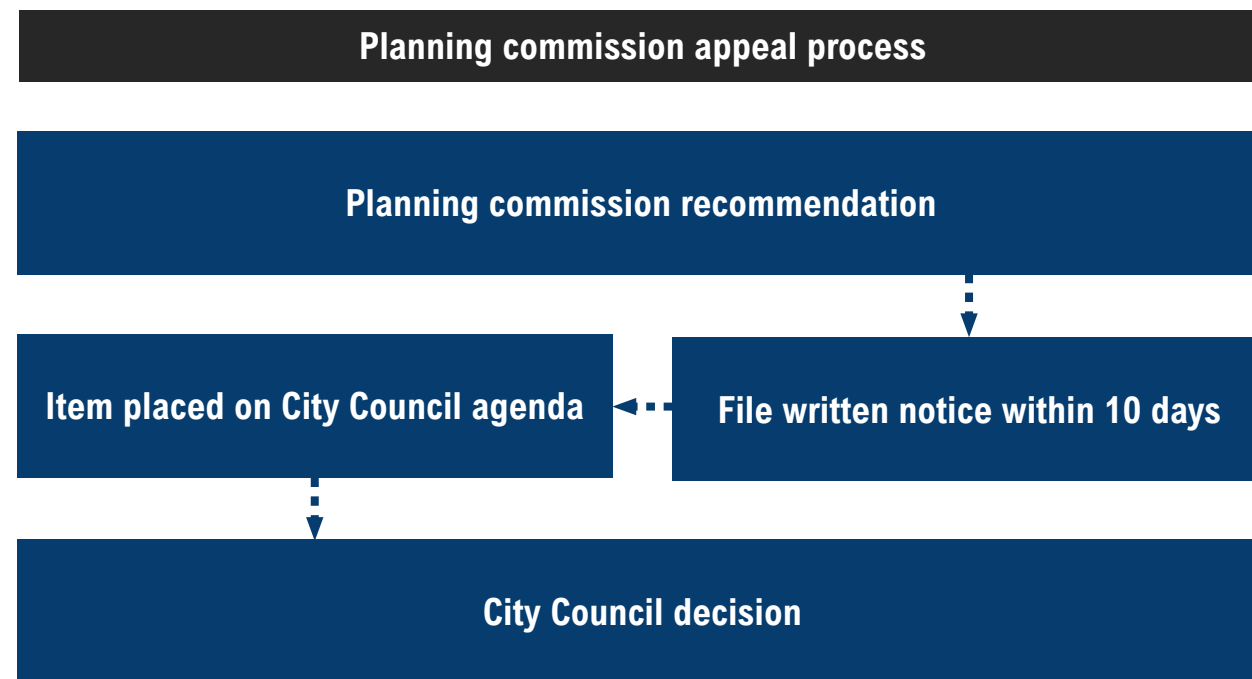
Appeals of administrative determinations, the design adjustment committee (DAC), and the historic preservation commission (HPC) are made to the board of adjustment. Applications and instructions for [appealing to the board of adjustment](#) can be found online.





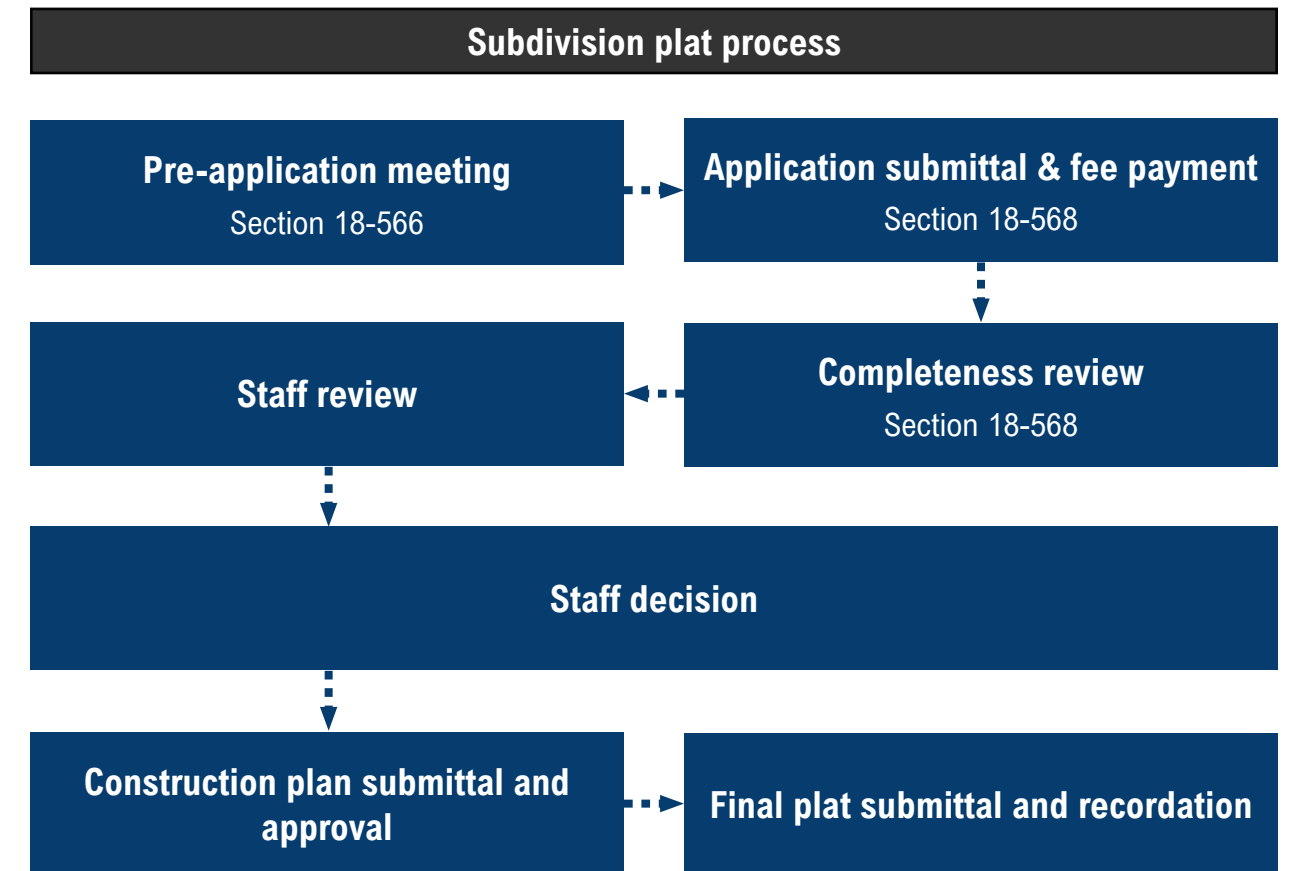
### Planning commission appeals to City Council

Following a legislative hearing, the planning commission issues a recommendation on zoning map and LDC amendments. Unfavorable recommendations by the planning commission may be appealed to City Council. A written notice is required to be filed with the city clerk within 10 days after the rendering of the final recommendation by the planning commission.



### 3.7 Subdivision process

The recombination or division of lots starts with a pre-application meeting with planning staff. This meeting will guide which applications and steps are required for a subdivision request. Some smaller subdivisions with limited impact may be expedited if they meet the criteria of Section 18-594. Variances from subdivision and certain design standards are heard by the design adjustment committee.





## 3.8 BOARDS, COMMISSIONS, AND COMMITTEES

This section briefly describes the governing bodies that provide administrative support, review, and approval for certain application types. More information can be found in **article 7. division 3.**

### Board of adjustment

The board of adjustment (BOA) reviews administrative determination appeals and variances due to hardships brought on by meeting the regulations of the zoning ordinance. A variance is a requested deviation from the set of rules a municipality applies to a zoning ordinance, building code or municipal code. The BOA also hears appeals from the historic preservation commission, design adjustment committee, and the technical review committee.

### Planning commission

The purpose of the planning commission is to prepare planning studies, determine objectives to be sought in the development of the study area; prepare and adopt plans for achieving these objectives; develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner; advise City Council concerning the use and amendment of means for carrying out plans; exercise any functions in the administration and enforcement of various means for carrying out plans that City Council might direct; and perform any other related duties that City Council may direct.

### Historic preservation commission

910.341.3251

The historic preservation commission (HPC) is a seven-member board appointed by the City Council to “promote, enhance and preserve the character of the Wilmington historic districts.” The HPC holds quasi-judicial hearings on requests for certificates of appropriateness in accordance with the adopted *Wilmington Design Standards for Historic Districts and Landmarks*.

Design review by the HPC is required for exterior alterations to properties located within the city’s local historic districts and historic overlays in order to ensure compatibility with the historic character of the district. The design standards do not impose a particular architectural style, but encourage compatible design and congruity, whether traditional or contemporary.

### Technical review committee

The technical review committee (TRC) reviews site plans to ensure development plans and activities meet required development regulations and technical standards.

### Design adjustment committee

The design adjustment committee (DAC) is a quasi-judicial committee that reviews deviations from the city’s *Technical Standards and Specifications Manual*, building design and material standards, and subdivision standards. Contact the planning department for more information.

## 3.9 ADDITIONAL INFORMATION

### City Council

910.341.7815

The city is governed by a non-partisan City Council consisting of a mayor, mayor pro-tem and five council members. Council appoints the city manager, city attorney, and city clerk.

### Development and site plan review

910.254.0900

Prior to submitting plans for technical review, the applicant must meet with a planner for a planning & zoning assessment. As part of this assessment, the planner will confirm that the use is permitted, identify any supplemental standards that may apply (e.g. tree removal, parking, landscaping), and provide general guidance on the applicant’s proposed concept.

### Zoning

910.254.0900

The zoning division manages general customer requests, zoning inspections, plan review submittals, minor permits, flood zone determinations, and zoning verifications.

### Code enforcement

910.341.3266

Code enforcement enforces city ordinances that provide a safe community and vibrant neighborhoods. Code enforcement is responsible for increasing public understanding of the city’s policies and procedures through community events. Code enforcement officers handle requests regarding minimum housing code, public nuisance, and junk vehicles.

### Engineering department

910.341.7807

The engineering department provides plan review, traffic engineering, design, project management, survey, inspection, and right-of-way permit services. Engineering is involved in many of the city’s infrastructure improvements, plus private development and public right-of-way issues. Our mission is to promote public safety, sustainability, and a livable community. Browse our web pages to learn more about us.

### Transportation planning

910.341.3258

The transportation planning team is primarily served by planning and engineering staff of the Wilmington Metropolitan Planning Organization (WMPO). The WMPO is the regional transportation planning agency utilizing specialized knowledge, experience, and funding mechanisms through the North Carolina Department of Transportation to facilitate the planning and prioritization of transportation projects throughout Wilmington and the lower Cape Fear region.