

# APPLICATION ACCEPTANCE POLICY

## LAND DEVELOPMENT CODE AMENDMENTS

---

City of Wilmington  
Planning and Development

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

---

The policies outlined below will enable planning staff to move an application along in a way that ensures that each application receives the attention it deserves. Staff desires to complete review of projects in an accurate and timely manner. Due to the volume of applications and public hearing schedules, working with incomplete materials detracts from the timely review of applications.

1. Applications will be reviewed for completeness by staff prior to being officially accepted for review.
2. Checklists for each type of request are provided with each application package. If the application does not include all required items on the checklist, it will be considered incomplete and shall not be accepted.
3. Upon determination by staff that an application is complete, it will be officially accepted by the department. Staff will complete an acceptance form and both staff and the applicant must sign the form. The application is not considered officially accepted until this form is signed by both the planner and the applicant. A copy of the signed form will be given to the applicant and a copy will be placed in the project file at the time of acceptance. Staff will not hold materials for incomplete applications.
4. Application fees must be paid at the time an application is submitted for acceptance.
5. To allow time to process fees, applications will not be accepted after 4:00 PM each day. On the deadline day, applications will not be accepted after 1:00 PM.
6. All applications require a pre-application meeting. To schedule an appointment with staff, please call 910-254-0900. Please allow sufficient time to review the application package with staff.
7. A flowchart of the land development amendment process is included on the last page.

Staff looks forward to working with you during the application process.  
If you have questions or need further assistance, please call 254-0900.

LAND DEVELOPMENT  
CODE AMENDMENT



City of Wilmington  
Planning and Development

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

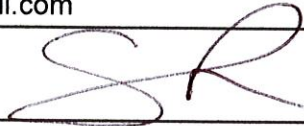
**Section A. APPLICANT INFORMATION**

Name: Steven Gibbs

Mailing address: 600 S. 17th Street  
Wilmington, NC 28401

Phone: 910.620-2047, 910.821.0362 Fax: \_\_\_\_\_

Email: fermentalist@gmail.com

Applicant signature 

Date of pre-application meeting: \_\_\_\_\_

Action Requested

Article, Division, and Section of land development code proposed to be amended (include all applicable articles and sections): \_\_\_\_\_

Article 3

Division 1

Section 18-161

B

Specific wording of proposed text amendment (attach additional sheets as necessary):

There are four options/changes for this section of code that I feel should be adopted for UMX zoning conditions\*.

1. Outdoor amplified sound shall be fully complicit with the City Of Wilmington Noise Ordinance set in Chapter 6, Article 2 , Sec. 6-33

2. Outdoor amplified sound shall be prohibited within 150 feet of a residential district.

3. Outdoor amplified sound shall be prohibited between 10pm - 7am

4. All three combined: Outdoor amplified sound shall be prohibited between 10pm - 7am and within 150 feet of a residential district.

Any amplified sound during 7am - 10pm, shall be fully complicit with the City Of Wilmington Noise Ordinance set in Chapter 6, Article 2

\*Or simply permitting nightclubs in the UMX district without conditions, as similar in CBD, CS, RB

This would align UMX with other commercial districts and with the current city council approved Noise Ordinance.

This would be the simplest and most practical method of amendment and/or change in code.

Explanation of impacts on the city as a whole and consistency with adopted plans and policies (comprehensive plan, corridor plans, etc.) attach additional sheets as necessary:

---

Outdoor amplified sound at Nightclubs is currently permitted without conditions in the CBD, CS, and RB districts: all similar commercial districts.

---

Any amplified sounds in these these districts are currently and successfully regulated by the city-wide noise ordinance adopted by city council.

---

As a comparable district, UMX commercial zoning should adopt the same code standards for Nightclubs as CBD, CS, and RB.

---

---

If this amendment is adopted, it would hold consistency with these other commercial districts, allowing new businesses to fairly compete with established nearby businesses as well as vested businesses in the same zoning district

---

---

This would also benefit the local arts community, by offering additional spaces for performances: music, film, literature, etc.

---

---

---

Justification for amending the Land Development Code as proposed (attach additional sheets as necessary):

---

Current municipal code allows Nightclubs without conditions in CBD, CS, and RB.

---

All of these districts adjoin, connect, and sometimes are contained within residentially zoned districts.

---

As a similar commercial district in the city, UMX should follow the same regulations within municipal code.

---

---

The current language used in Article 3, Division 1, Section 18-161 B is written in a way that you cannot have a small radio outside with music for customers, but you could have a full marching band, a drum ensemble, a brass instrument orchestra, or other similarly audible non-amplified sounds.

---

---

This shows there is an inconsistency in the current code and that it needs amended and aligned with other comparable commercial districts in the city of Wilmington.

---

---

---

---

## **Section B. SUBMITTAL INFORMATION AND PROCEDURE**

---

### **PROCEDURES AND INSTRUCTIONS FOR COMPLETING THIS APPLICATION**

**Incomplete applications cannot be accepted.**

Requests to amend the land development code are accepted quarterly. A complete application adhering to the requirement Land Development Code, Section 18-587 must be received by city staff by 1:00 pm on the first Monday of the month indicated.

Application Due	Planning Commission Meeting
January	April
April	July
July	October
October	January

Planning staff will review applications and provide a written recommendation that will be presented at a legislative hearing of the Wilmington planning commission. The staff report will be sent to the applicant and the planning commission prior to the hearing. If the planning commission issues a favorable recommendation, the report and recommendation will be forwarded to the city council, which will then hold a legislative hearing before rendering a final decision on the request. Should the planning commission issue a denial recommendation, an appeal will be required for the request to proceed to City Council.

The city will place legal notice in the *Star-News* approximately five days prior to the planning commission meeting. The applicant and citizens will have an opportunity to speak at the hearing. The applicant or their representative should attend all public hearings.

**All information is required to be provided at the time of submittal as part of this application.** The application will be reviewed for completeness prior to acceptance and scheduling for planning commission review. **Incomplete applications will not be accepted.**

A non-refundable filing fee of \$200 must accompany this application.  
A flowchart of the land development code amendment process is included on the last page.

#### **Checklist**

Please include all of the following information with the application. Incomplete applications will not be accepted.

- Completed application form, including justification
- Application fee

City of Wilmington, NC  
FINANCE  
PO Box 1810  
Wilmington, NC 28402-1810  
(910)341-7822  
Welcome

12/22/2023 01:46PM Kaity B.  
005546-0007

MISCELLANEOUS

3 - ZONING / SUBDIVISION

FEES (100003)

2024 Item: 100003

1 @ 200.00

3 - ZONING /

SUBDIVISION FEES

(100003)

200.00

-----  
200.00

Subtotal

200.00

Total

200.00

CHECK

200.00

Check Number 017633

Change due

-----  
0.00

Paid by: FERMENTAL

Comments: FERMENTAL

600 S 17TH ST

LDC

AMENDMENT

KB

Thank you for your payment

CUSTOMER COPY