ARTICLE 5.
SITE DEVELOPMENT REQUIREMENTS

ARTICLE 5. DIVISION 1.

LANDSCAPING

Section 18-314: General

A. Purpose

The landscaping standards of this division are intended to accomplish the following purposes:

1. Maintain visual character of the community;
2. Screen objectionable views within and between uses;
3. Define functional exterior spaces;
4. Reduce glare into and from a site;
5. Reduce dust and other pollutants suspended in the air;
6. Limit noise and provide acoustic modification into and from a site;
7. Influence wind patterns and their effects upon proposed uses;
8. Contain odors and minimize their passage into and from a site;
9. Control the direction and velocity of surface water runoff;
10. Promote a healthier water cycle, including but not limited to increasing stormwater prevention and uptake, minimize soil erosion, transpire water;
11. Maintain the integrity of the natural heritage and provide wildlife habitat;
12. Maintain indigenous species and species diversity;
13. Moderating the impact of solar radiation through shading;
14. Maintain the aesthetic qualities of property that enhances its value;
15. Mitigate avoidable hazards and minimize liability;
16. Establish minimum standards for the preservation and protection of existing trees;
17. Establish appropriate and professional arboricultural and landscaping practices; and
18. Increase or maintain property values by preserving mature trees.

B. Applicability

This division governs and regulates the following. For lots subject to frontage standards per division 6 of this article, the frontage standards shall apply.

1. All nonresidential and multiple-dwelling residential construction;
2. Parking lots with five or more spaces or 2,500 sq. ft. of area, whichever is less;
3. All single-dwelling subdivisions with five or more lots;
4. Streetscape landscaping; and
5. Perpetual maintenance of open space set aside or similar area within approved developments.

(Ord. No. O-2022-41, §21, 6-7-2022)

Section 18-315: Standards for landscaping

A. Material selection

1. Trees and other landscape materials planted to meet the requirements of this division shall not include any prohibited species listed in the Technical Standards and Specifications Manual.
2. Unless otherwise noted, all plant material used to fulfill the requirements of this division shall meet, at a minimum, the standards of Table 18-315: Plant specifications at time of planting.

Table 18-315: Plant specifications

Plant type	Minimum size at time of planting	Minimum height at time of planting
Canopy	2 inch caliper	
Understory/multi-stemmed		8 feet
Shrubs		18 inches

B. Installation standards

1. Installation of trees and landscape materials shall be in accordance with the standards established by the ANSI Z60 Standard for Nursery Stock.
2. Trees maturing to more than 25 feet in height shall not be planted under utility lines. All trees planted under utility lines shall be approved by the city manager.
3. Newly planted trees shall be set back from any building or structure per the following (see Figure 18-315: Tree setback from building or structure):
   a. Canopy trees: 20 feet; and
   b. Understory trees: 10 feet.
4. If a root barrier is not used, trees shall be not be planted any closer to underground utilities than the following:
   a. Canopy trees: 20 feet; and
   b. Understory trees: 10 feet.
5. A means for delivery of water to ensure the establishment and continued viability shall be required for any trees and landscaped areas. This may include in-ground irrigation, rainwater harvesting, watering bag, or other method approved by the city manager.
6. Plant material within the required vision clearance area shall meet the requirements of Section 18-667: Vision clearance.
7. To reduce irrigation needs, stormwater management systems such as rain gardens, bioretention units, constructed wetlands, and infiltration areas may be integrated into the landscaping system, as combined landscaping and stormwater management features if soil permeability, depth to groundwater, and site encumbrances, such as utilities, allow.

C. Maintenance standards

1. Plant material required to meet the provisions of this division shall be perpetually protected and maintained. All plantings that die, become diseased, or are destroyed shall be replaced within 60 days of the occurrence of that condition or if, in the opinion of the city manager, seasonal conditions (e.g., too hot or too cool) will not permit the timely replacement of the vegetation, this requirement may be administratively waived until a time certain when the replanting would be safe.

2. In addition to requirements for replacement, any person responsible for improper maintenance practices of trees shall be subject to a fine, as prescribed in the current adopted fee schedule. A landscaping professional or company shall be responsible if improper practices are conducted by an employee. Improper maintenance practices for the purpose of this section shall mean any of the following:

   a. Topping a tree;

   b. Cutting upon a tree that destroys its natural pattern of growth;

   c. Pruning that leaves stubs or results in a flush cut or split limbs;

   d. Use of climbing spikes, nails, or hooks, except for the purpose of total tree removal or as specified by ANSI; and

   e. Use of herbicides or the introduction of pests.

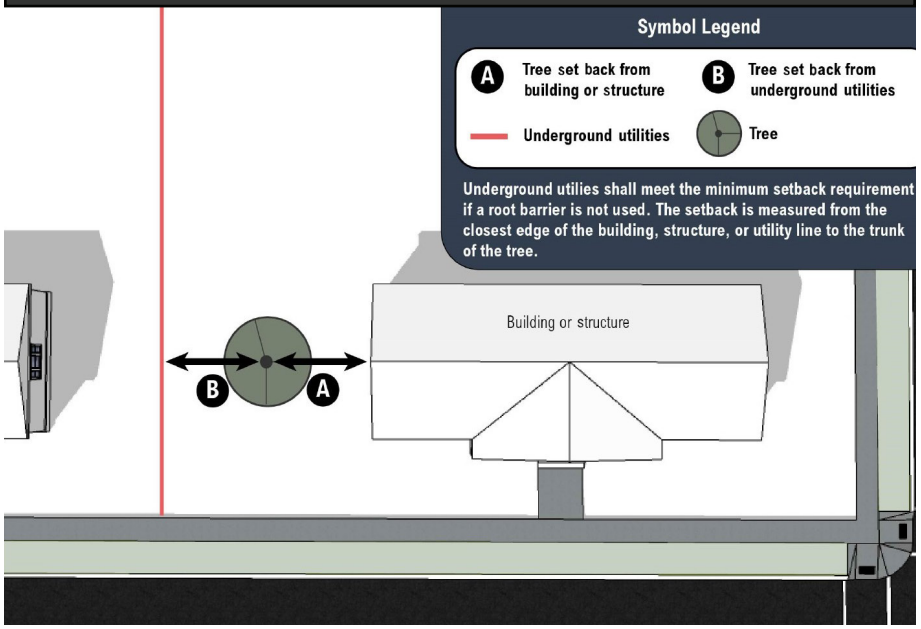
3. The city manager may authorize waivers to the penalties for improper maintenance practices if at least one of the following can be demonstrated:

   a. Improper maintenance is necessary to alleviate a dangerous condition posing an imminent threat to the public or property, as determined by a certified landscape architect or an International Society of Arboricultural (ISA) certified arborist; or

   b. A permit from the city is obtained by a utility, renewable on an annual basis, authorizing tree pruning in a manner that may be defined herein as improper if such pruning is necessary to prevent service interruptions.

4. An application for an administrative waiver from the terms of this section is filed and approved by the city manager prior to any actions for which a waiver is sought.

Figure 18-315: Tree setback from building or structure



5. Nonliving screening buffers shall be maintained by the owner of the property on which the buffer is located. Such buffers shall be kept free of litter.

6. Transitional buffers that lose their screening functionality over time shall be replanted to meet the requirements of this ordinance.

7. Permanently attaching anything to trees, including, but not limited to, lights, signs, and fence rails, shall be prohibited.

D. Exemptions

1. For any property developed with a contributing building or structure as listed individually or collectively on the National Register of Historic Places or where the setting is listed as a contributing feature, an option for alternative landscaping may

be approved by the city manager if adhering to the standards set forth in this division will detract from the historic character of the property.

2. Single-dwelling and multiple dwelling-zoned lots of one acre or less shall be exempt from this division if they are developed with or permitted for a detached single dwelling unit. Lots located within a conservation resource area shall not be exempt from the regulations within Article 4, Division 3. Conservation Resource Regulations.

3. All bona fide agricultural land shall be exempt from this division.

E. Administration and enforcement

1. Before the authorization of the issuance of a building permit for the construction, renovation, or alteration of any building or structure, a landscape plan prepared in conformance with the provisions of this division shall be approved by the city manager.

2. No authorization of a certificate of occupancy for any construction or renovations shall be approved until:

   a. All required landscaping is completed in accordance with the approved plan; or

   b. A performance guarantee has been provided to the city, and in sufficient amount to assure installation of the required landscaping. The amount shall be submitted by the developer and reviewed by the city manager as to acceptability.

3. No performance guarantee or portion thereof, as provided for in this section, shall be released by the city until all landscaping has been installed, inspected, and approved, and until all required certification of such approval has been presented to the city.

4. If any requirements of this division conflict with other requirements of this chapter, the more stringent or higher standard shall apply.

F. Landscape plan

A landscaping plan shall be prepared at a scale of one inch equals 50 feet and shall include the following information. The landscaping plan shall be submitted in conjunction with any required site plan.

1. Date of plan preparation.

2. Project name and description of land use.

3. Project owner and mailing address.

4. The landscaping plan shall be prepared at a scale of one inch equals 50 feet or less showing:

   a. North arrow;

   b. Scale;

   c. Locations, dimensions, and square footage of required streetscape landscaping, buffer, and parking lot landscaping.

   d. Details of proposed landscaping showing species, size, and spacing of planted materials and the use and protection of existing vegetation;

   e. All existing and proposed utilities and, if applicable, associated easements;

   f. Stormwater inlets and pipes;

   g. Existing and proposed street lights;

   h. Location and square footage of buildings, structures and parking areas;

i. Adjacent zoning districts;

j. Approximate locations of all existing trees greater than eight inches diameter at breast height within required streetscape landscaping, buffers, and parking areas and all areas of natural vegetation to be used as part of any buffers;

k. Setbacks of all buildings and structures and specifications for any required screening of buildings, structures, and features, including but not limited to parking areas, mechanical equipment, and trash receptacles;

l. Locations of any conservation resources associated with the lot including any rare and endangered species in accordance with the North Carolina Wildlife Resources Commission;

m. Proposed schedule for landscaping;

n. Approximate location of all existing protected trees, clearly indicating those to be retained and those proposed for removal, and all trees to be planted on site to meet any mitigation requirements; and

o. Location of vegetation impacting vision clearance, as specified in Section 18-667: Vision clearance at all intersections with streets and driveways.

(Ord. No. O-2022-41, §22, 6-7-2022)

Section 18-316: Tree preservation

A. General

Trees existing on a site at the time of development that are required to be retained in accordance with this section shall be inventoried on a tree survey.

1. Inventory and identification shall be performed by a professional arborist, urban forester, or landscape architect.

2. The location of existing trees shall be certified by a registered land surveyor and submitted as part of a site plan application.

3. The inventory shall include the size and species of each protected tree and any trees proposed for mitigation credits.

4. The approximate locations, species, and critical root zones of all protected trees, both on the site and any located within 20 feet of the site on adjacent properties shall be identified. Groves of protected trees that will not be disturbed shall be labeled as such on the plan, stating the approximate number of protected trees and species mix, without specifying data on each individual tree.

5. A note stating that prior to any clearing, grading, or construction activity, tree protection fencing shall be installed around protected trees or groves of trees and that no construction workers, tools, materials, or vehicles shall be permitted within the tree protection fencing shall be included.

6. The inventory shall identify trees to be retained and those for which removal is proposed.

7. The areas that are designated as tree protection areas that will not be disturbed shall be delineated as such and do not require inventorying individual trees.

8. Existing trees within any required transitional buffer or streetscape landscaping shall be preserved, excluding invasive species. The following standards apply as a minimum to all newly planted landscaped areas and additional trees needed to

meet the requirements of this division.

a. Invasive species, as identified by the United States Department of Agriculture (USDA), or included as prohibited within the Technical Standards and Specifications Manual are prohibited from being used to meet the requirements of this division.

b. All plant and tree material shall meet the standards published in the ANSI Z60 Standard for Nursery Stock.

c. Tree and landscape materials selected for planting shall be free from injury, pests, disease, nutritional disorders, and root defects and shall be healthy at time of planting.

d. No more than one-third of any plant species within a plant type shall be used within a required landscaped area.

e. Trees planted within a right-of-way to be dedicated as public may be inspected and shall be approved by the city manager prior to planting.

B. Protected trees

Regulated, significant, and specimen trees shall be considered protected trees. Protected trees existing on a site prior to development or redevelopment that meet the size threshold prescribed in Table 18-316.1: Protected tree species shall be retained on a development or redevelopment site.

1. If regulated, significant, or specimen trees are removed, regardless of location on the site, they shall be mitigated.

a. Mitigation shall be with replacement trees or by use of credits in accordance with this section.

b. If the trees are shown to be dead, dying, or greater than 50 percent damaged or diseased because of natural factors or are otherwise exempted, the mitigation requirements may be waived.

c. The total number of replacement trees shall be subject to the requirements of this section.

Table 18-316.1: Protected tree species

Tree type	Minimum diameter at breast height (DBH)
Regulated trees	
Dogwoods, magnolias, other ornamental flowering trees, and American hollies	4 inches
Hardwood trees, long leaf pine, pocosin (pond) pine, black pine, and non-pine conifer trees	8 inches
Other pine trees not specified	12 inches
Significant trees	
Dogwoods, magnolias, other ornamental flowering trees, and American hollies	8 inches
Hardwood trees, long leaf pine, pocosin (pond) pine, black pine, and non-pine conifer trees	18 inches
Other pine trees, not specified	24 inches
Specimen trees	
Live oak, pond cypress, bald cypress, and long leaf pine	24 inches

2. Removal of specimen trees shall only be authorized by a variance from the board of adjustment. Board of adjustment approval is not required for the removal of specimen trees in the IND district.

3. Invasive tree species shall not be considered protected trees.

4. Any regulated or significant trees within required streetscape landscaping shall be retained and supplemented as necessary to meet the streetscape landscaping planting requirements.

5. Any existing trees or shrubs within required transitional buffers shall be retained and supplemented as necessary with other plantings, fences, or berms to meet the transitional buffer requirements.

C. Retention standards for protected trees

Protected trees may be removed only if essential site improvements cannot be accommodated elsewhere on the site. If any protected trees are to be cleared from a site for essential site improvements, the proposed removal shall be indicated and the reasons for doing so shall be stated on the tree survey. Such factors as cost or removal to accommodate nonessential site improvements shall not be valid reasons for removal of protected trees. Clearing of sites shall be limited to areas approved for construction.

1. Evaluation

Prior to site development, applicants shall contact the city to determine whether a meeting is required to evaluate the site and tree retention opportunities. Roadways and building sites shall be planned to minimize the removal of protected trees.

2. Grading limits

Land disturbance, including removal of any trees, shall not be permitted outside of necessary grading limits for essential site improvements.

3. Significant and specimen trees

Significant and specimen trees determined to be healthy by the city manager or a certified arborist shall be preserved or relocated inside the limits of disturbance where possible. Trees requiring removal shall be mitigated pursuant to this section.

4. Accommodation of protected trees

a. The following may be required or permitted by the technical review committee to accommodate protected trees.

i. Sites shall be designed to work with significant topographic features to minimize wholesale clearing, massive regrading, and leveling of a site for drainage and other essential site improvements. Buildings, parking, utilities, stormwater features, and other essential site improvements shall be designed and placed to minimize land disturbance and loss of tree cover.

ii. Modification of parking requirements may be considered to preserve protected trees.

iii. Change in size of required streetscape landscaping, landscape islands, foundation plantings, or setbacks may be permitted for the purpose of retaining trees.

b. A minimum of 15 trees, at least two inches diameter breast height, shall be retained or planted on the site for each acre disturbed by development. To meet this requirement, spading for the purpose of transplanting existing trees greater than four inches diameter breast height is allowed. This requirement shall be in addition to other landscaping

requirements of this article.

5. Credit for non-protected trees

   Credit for trees that are not otherwise classified as protected trees by this division and trees transplanted by spading may be 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 nonprotected trees in accordance with "Table 18-316.2: Credit ratios for non-protected trees." Credit shall be granted for the caliper inches that exceed the minimum size requirements for trees used to satisfy required landscaping.

   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.

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

   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 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 and the disturbed area shall extend no closer to the protected tree trunk(s) than a distance of 1.25 feet for every inch in trunk 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.

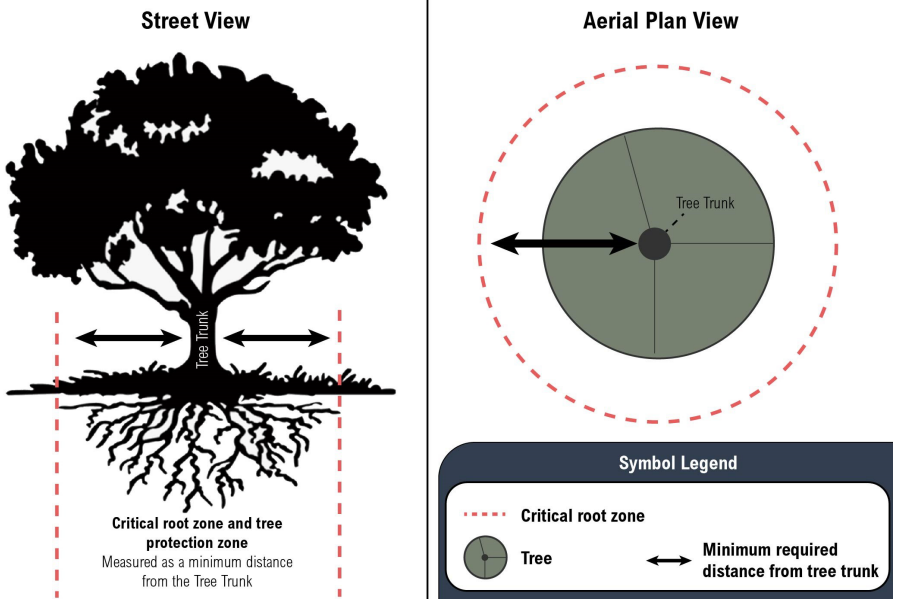
   a. In addition to any other penalty or mitigation required by this division, such violation shall also require the site owner to post an irrevocable letter of credit, or other means of performance guarantee approved by the city manager, for three years.

   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 of dying due to the disturbance, the performance guarantee may be waived.

6. Any person responsible for failing to properly install or maintain protection measures pursuant to this division shall be

Figure 18-316: Critical root zone



subject to a fine consistent with the adopted fee schedule and a stop work order shall be placed on the project. The property owner shall also be a jointly and severally responsible party if the improper practices are conducted by an employee, agent, or other person under the control, employ, or direction of the property owner.

E. Negligence

If a tree required to be protected is destroyed, substantially damaged, or dies because of negligence or failure to comply with the requirements of this section on the part of any property owner or agent of the owner, within three years after completion of construction, replacement trees of a similar species or mature size shall be planted on the site in accordance with this section.

F. Mitigation

1. Removed protected trees shall be mitigated on site using the same or comparable species.

   a. Mitigation for significant and specimen trees shall occur at a rate of 200 percent. For every one inch of trees removed, measured in diameter breast height, two inches of mitigation trees, measured in caliper inches shall be planted. Mitigation shall not be required for invasive and prohibited trees that are removed.

   b. Mitigation for regulated trees shall be as prescribed in Table 18-316.4: Tree replacement by species.

   c. Any tree planted for mitigation shall measure at least two caliper inches at the time of planting.

2. A minimum growing area of pervious surface shall be required around each replacement tree. The growing area shall be measured in soil volume. The depth shall be a maximum of three feet for the volume calculation. The soil volume shall be as follows:

   a. 500 cubic feet for understory trees; and

   b. 1,000 cubic feet canopy trees.

3. In lieu of planting trees required for mitigation, a developer may, if approved by the city manager, pay a fee per caliper inch in an amount set in the adopted fee schedule. Fees in lieu of on-site planting shall be put into the city's tree improvement fund and reserved solely for planting trees on public lands and rights-of-way.

4. Any trees planted as required mitigation for the removal of protected trees shall be planted in addition to any tree plantings required in this division and shall not be counted towards requirements of streetscape landscaping, transitional buffers, or interior parking requirements.

Table 18-316.4: Tree replacement by species

Tree category	Required replacement
Native/naturalized	100%
Non-native	75%
Invasive and prohibited	None

G. Exemptions to mitigation

1. Regulated trees removed within the area of disturbance necessary for essential site improvements, including, but not limited to, underground utility corridors, detention basins, sidewalks, and required driveway placement, shall be exempt from mitigation.

2. Any protected trees removed by spading and planted elsewhere on the site shall be exempt from mitigation.

3. Protected trees removed by spading and accepted by the city for planting on public property shall be exempt from mitigation.

4. Any tree that has been transplanted for the purpose of mitigation that becomes diseased or dies within three years of transplanting shall be replanted by the party requesting the exemption with a tree of the same species and size or mitigated pursuant to this section.

(Ord. No. O-2022-41, §§23, 24, 6-7-2022; Ord. No. O-2022-88, §§ 6, 7(Att. A), 11-1-2022; Ord. No. O-2023-41, §§10, 11, 6-6-2023)

Section 18-317: Tree removal

A. Permits required

1. Removal of any tree four inches diameter breast height or greater shall require a tree removal permit.

   a. A tree removal permit shall be required before any clearing, grading, or other authorizations may be issued, including soil and sedimentation control permits and building permits.

   b. An approved tree removal permit for new or infill construction shall apply to the entire site.

   c. The tree removal permit and approved tree preservation plan shall be posted on the property with other permits for the duration of work on the site.

   d. If a tree is within a conservation resource setback or protective buffer, as defined in article 4, division 3 of this chapter, a tree removal permit shall be required. The application for tree removal may be attached to a submitted site plan and the site plan shall be clearly marked for either approval or denial of tree removal.

2. The city may withhold or withdraw any permits, certificates, and other authorizations, including, but not limited to, building permits and certificates of occupancy, until a required tree removal permit is obtained. Where required, a tree removal permit shall be obtained before a soil and sedimentation control permit or building permit may be issued.

3. A permit is required for any tree removed on public property and in accordance with the city of Wilmington Code of Ordinance. Removal of trees within the right-of-way of any local historic district or historic district overlay shall also require a certificate of appropriateness.

4. A permit and certificate of appropriateness are required for any tree removed from any lot and any right-of-way within a historic district in accordance with the Wilmington Design Standards for Historic Districts and Landmarks.

B. Procedure

The city manager shall review all complete applications for tree removal permits and act to grant or deny the permit in accordance with this section. The application shall be signed by the property owner or party with legal authority to bind the owner, accompanied by a fee, as established in the adopted fee schedule, and a site plan showing the trees proposed for removal and those trees or natural areas proposed to be saved.

C. Waivers, exemptions, and exceptions

1. The city manager, in writing, may waive some or all requirements of this section for a reasonable time due to an emergency such as a hurricane, tornado, windstorm, tropical storm, flood, or other natural disaster.

2. The city manager may authorize removal of a tree without a required permit if it shall be determined to be in a hazardous condition to:

   a. Immediately endanger the public health, safety, or welfare; or

   b. Cause an immediate disruption of public services.

D. Criteria for permit issuance

Tree removal permits shall be approved if the application complies with all applicable standards of this section and if any of the following conditions exist:

1. Essential site improvements cannot be accommodated on the site without the removal of protected trees;

2. A tree is dead, diseased beyond salvation, or injured. If the tree is determined to have died or is significantly damaged as a result of natural disaster, no mitigation shall be required unless the tree is needed to meet minimum planting requirements on the site;

3. A tree is causing disruption of existing utility service, or causing drainage or vehicular/pedestrian obstructions upon the right-of-way;

4. A tree is posing an identifiable threat to pedestrian or vehicular safety;

5. A tree violates state or local safety standards; or

6. Removal of a tree is necessary to enhance or benefit the health or condition of adjacent trees or property.

Table 18-318: Shading area by tree type and location				
Tree location	Shaded area per tree (square feet)			
	Installed Canopy Tree	Preserved Protected Tree	Installed Understory Tree	Preserved Protected Understory Tree
Parkinglotperimeter	354	500	157	250
Corner island	531	700	236	350
Interior island	707	900	314	450
Internal median	1,000	1,200	471	600

Section 18-318: Shading requirements

A. Shading of vehicle use area impervious surface area shall be required. The requirements of this section shall apply to any of the following development activities within multiple dwelling, commercial, mixed-use, and industrial zoning districts:

1. Construction of a new building or structure; and
2. Any increase in vehicular use impervious surface area over 2,500 square feet within a rolling five-year period. Vehicular use areas constructed with pervious materials shall not be included when calculating impervious coverage.

B. For purpose of determining if a landscape plan meets the vehicular use area shading requirements of this section, each canopy tree or understory tree shall be presumed to provide a shading area pursuant to Table 18-318, as further illustrated in Figure 18-318.

C. For existing trees, shading credit shall be given for the canopy overhang existing within the interior of a lot.

D. All plantings shall be in accordance with Section 18-315: Standards for landscaping.

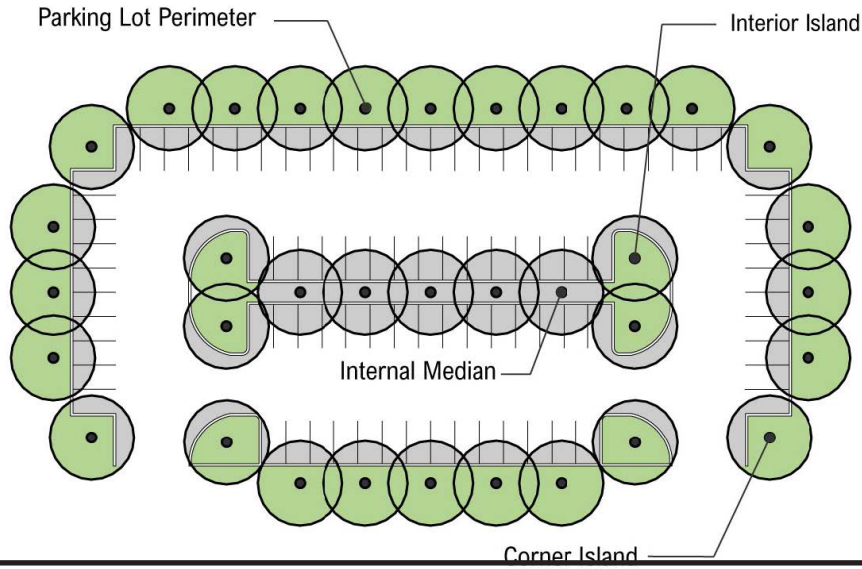
E. Trees shall be planted to shade vehicular use impervious surface areas as follows:

1. Fifteen (15) percent within areas located inside of the 1945 Corporate Limits.
2. Thirty (30) percent within area located outside of the 1945 Corporate Limits.

F. All trees used to satisfy shading requirements must be located within 10 feet of the parking area.

(Ord. No. O-2023-56, §2, 8-15-2023)

Figure 18-318.1: Tree locations and shading areas



Section 18-319: Streetscape landscaping

A. General

1. Streetscape landscaping shall be provided for new construction of principal buildings or structures or for expansions to existing buildings or structures or uses whenever additional off-street parking is installed. No streetscape landscaping improvements shall be required for those portions of street used for driveways constructed in accordance with city or state driveway regulations.

2. Streetscape landscaping shall be installed abutting a street right-of-way as measured from the outside edge of the right-of-way inward.

3. Streetscape landscaping shall be installed along all streets. All streetscape landscaping area not used for driveways, ingress, and egress shall be covered and landscaped with a combination of live vegetation, groundcover, grass, trees, and shrubs. Trees and other living landscape materials planted to meet the requirements of this division shall not include any species from the prohibited plant species list in the Technical Standards and Specifications Manual. Required trees may be grouped or massed within the streetscape landscaping to provide more visual impact or screening effect.

4. Streetscape landscaping dimensions shall be those prescribed in Table 18-319: Streetscape landscaping dimensions (see figures 18-319.1: Streetscape landscaping and 18-319.2: Streetscape landscaping example). For lots subject to frontage standards per division 6 of this article, the frontage standards for streetscaping shall apply.

5. Low impact stormwater management systems may be allowed in required streetscape landscaping areas if the required plantings can be accommodated and the stormwater management systems are integrated into the overall streetscape landscaping. Wetlands, bioretention, and other approved low impact designs shall be accordance with the Technical Standards and Specifications Manual.

6. No building, structures, or parking areas shall be permitted in required streetscape landscape areas.

7. The central business, urban-mixed use district, and all historic districts shall be exempt from this section.

8. One canopy tree may be planted in lieu of eight shrubs and one understory tree may be planted in lieu of five shrubs. This shall not be permitted in the case of required low screening buffers.

9. Ornamental grasses may be used to satisfy the minimum planting requirement for shrubs.

B. Streetscape landscaping requirements for overhead utility lines

1. When planted within 50 feet of an overhead utility line, understory trees shall be substituted for canopy trees at the rate of 2 understory trees for every canopy tree.

2. Distance shall be measured from the utility pole to the nearest line of the tree trunk at the time of planting.

Table 18-319: Streetscape landscaping dimensions

	Inside 1945 Corporate Limits	Outside 1945 Corporate Limits
Minimum depth (feet)	9	15
Maximum depth (feet)	25	40
Maximum impervious surface area (percent)	25	15
Canopy trees required per 100 linear feet	1	1
Understory trees required per 100 linear feet	3	6
Shrubs required per 100 linear feet	6	9

Figure 18-319.1: Streetscape landscaping

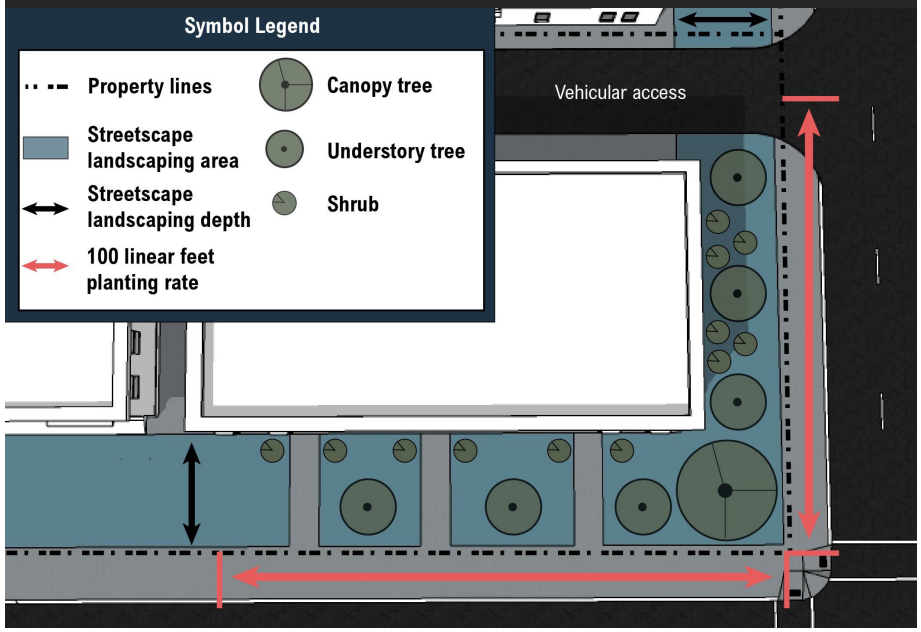
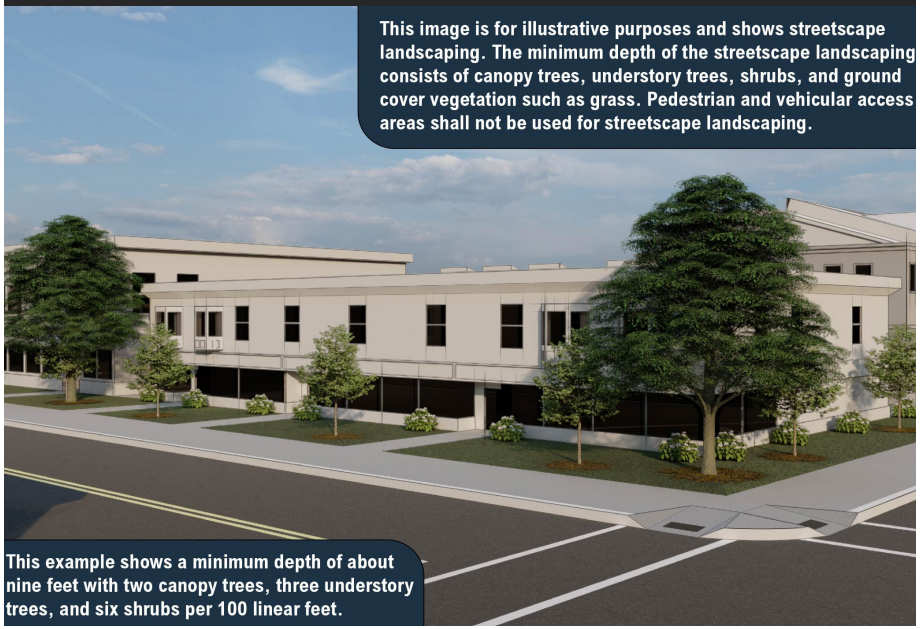


Figure 18-319.2: Streetscape landscaping example



(Ord. No. O-2023-41, §12, 6-6-2023)

Section 18-320: Street trees

Street trees shall be planted in the right-of-way wherever a new street right-of-way is constructed, where new construction occurs along an existing street right-of-way, or where an existing principal building is expanded by 2,500 square feet or more, except for single dwelling detached, duplex, triplex, and quadraplex units. Standards for spacing, tree size, and species shall meet the requirements set forth in the Technical Standards and Specifications Manual (see Figure 18-320: Street trees).

(Ord. No. O-2022-41, §25, 6-7-2022)

Figure 18-320: Street trees



Section 18-321: Parking lot landscaping

A. Interior area landscaping

1. Parking lots shall be shaded with planted or retained vegetation through the use of landscaped islands, medians, or perimeter landscaped strips. The following landscaping requirements shall apply for parking lots.

   a. At least one (1) canopy tree shall be provided for every 12 parking spaces (e.g. 144 parking spaces would require 12 canopy trees). At least seventy-five (75) percent ofthe required trees shall be of a large shade/canopy species.

   b. No parking space shall be located more than seventy (70) feet from a canopy tree located within a landscape island, median, or perimeter landscaped strip. Alternatives to this spacing requirement may be approved by the technical review committee for the preservation of existing trees.

   c. There shall be an island or median at the end of each parking row to separate the last parking space from any adjacent travel way.

   d. Each island shall be planted with at least one tree and vegetative ground cover.

   e. An island or median shall provide a minimum root accessible soil volume of 1,000 cubic feet per canopy tree and 500 cubic feet per understory tree. Soil located under pervious pavement that adjoins the island or median can be credited toward the stated volume requirement; however, in no case shall an island be less than 144 square feet.

   f. If overhead utilities preclude the planting of a canopy tree, two understory trees shall be planted.

g. The maximum depth of a tree planting pit shall be 36 inches. All islands and medians shall have soil suitable for plant growth. This may be accomplished through excavating and amending the existing soil.

h. All islands and medians shall be provided with a water source meeting the standards specified in Section 18-315: Standards for landscaping.

i. All plantings shall be protected from vehicle bumpers with curbing, wheel stops, or other appropriate means of protection.

2. Up to 15 percent of a landscape island or median may be devoted to pedestrian walkways.

3. All plantings shall be evenly distributed throughout the parking facility unless reconfiguration has been allowed to retain existing trees and provided the number of required trees is achieved.

B. Perimeter landscaping

1. A landscaped area at least five feet in width shall be required along any side of a parking lot abutting a separate parking lot or driveway. Where connectivity via vehicle or pedestrian access is provided between two adjoining properties, the landscaped area may be waived (see Figure 18-321.2: Perimeter landscaping). A separate landscaped area shall not be required if a transitional buffer is required along the shared property line.

2. At minimum, plantings shall consist of one tree of the size specified in Table 18-315: Plant specifications, every 18 to 27 feet. The landscaped area may be interrupted by driveway and pedestrian connections between parking lots.

3. Where a double row of parking is shared between adjacent parking lots, the perimeter landscaping requirements may be waived.

4. Perimeter landscaping areas shall be designed with depressed contours and curb openings to receive surface flow directed from parking lot runoff.

5. For redevelopment of nonconforming parking lots with five to 25 parking spaces (inclusive), a perimeter landscape area may be provided in lieu of interior landscaping, subject to the following requirements.

a. The minimum width shall be 10 feet.

b. For every 40 linear feet or fraction thereof, the perimeter landscaping shall include one canopy tree or three understory trees and a continuous row of evergreen shrubs at least 18 inches in height at the time of planting (see figures 18-321.3: Nonconforming parking facility perimeter landscaping dimensions and 18-321.4: Nonconforming parking facility perimeter landscaping example).

c. Where a perimeter landscaping overlaps a required streetscape landscaping or transitional buffer, the more stringent standard shall apply.

C. Parking lot screening

1. When a parking lot is within 50 feet of a right-of-way, a low screen shall be incorporated into the streetscape landscaping.

2. The screen shall consist of shrubbery, a grade change, low wall, or planted berm or any combination that serves to screen the parking lot from the adjacent roadway.

3. The screen shall be a minimum of three feet in height and may be incorporated into streetscape landscaping (see Figure 18-321.5: Parking lot screening).

4. The planting strip shall be at least four feet in depth. Depressions and curb cuts shall be allowed for water quality protection.

5. The city manager may waive the requirements of this section for temporary parking lots upon determining a waiver will not violate the purposes of this section. Any such waiver shall not exceed one year.

Figure 18-321.2: Perimeter landscaping

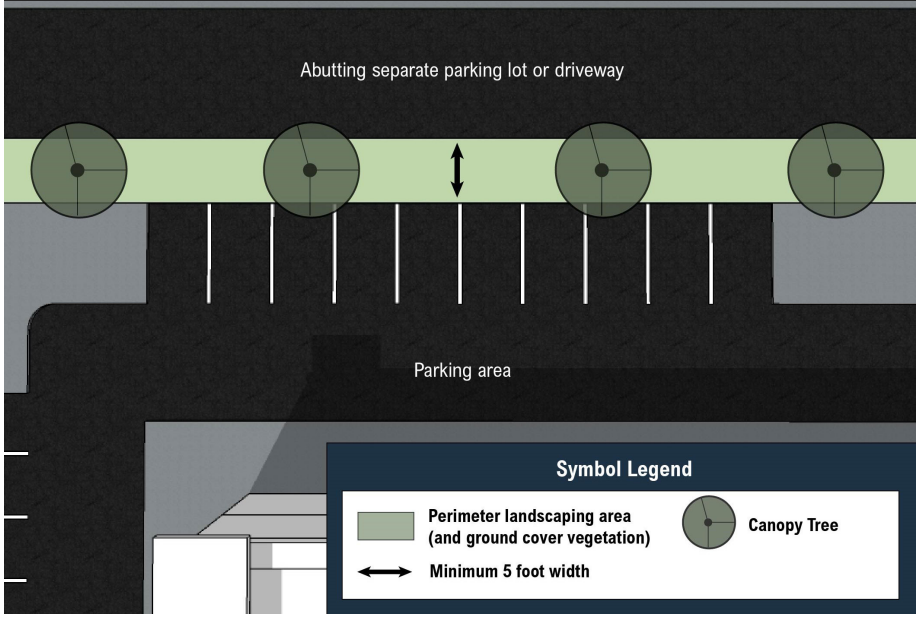


Figure 18-321.3: Nonconforming parking facility perimeter landscaping dimensions

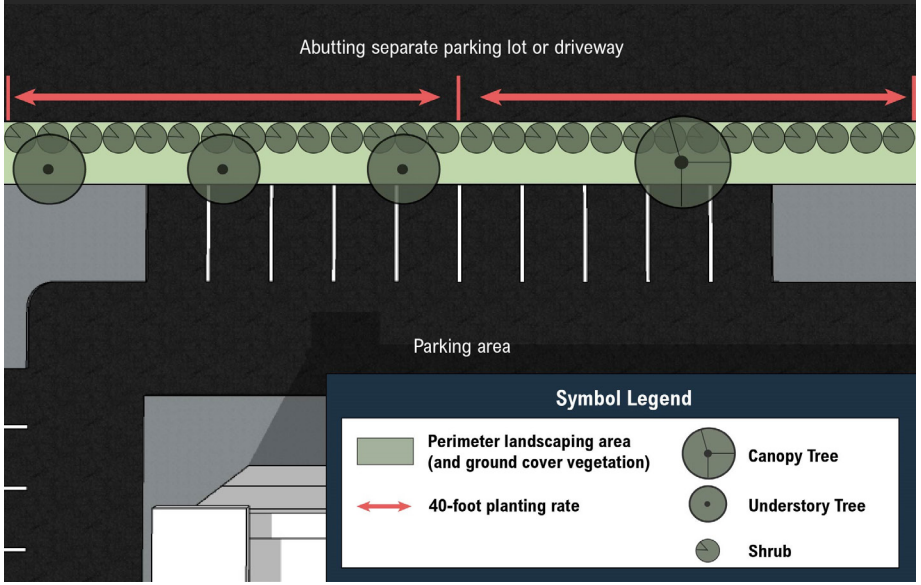


Figure 18-321.4: Nonconforming parking facility perimeter landscaping example



Figure 18-321.5: Parking lot screening



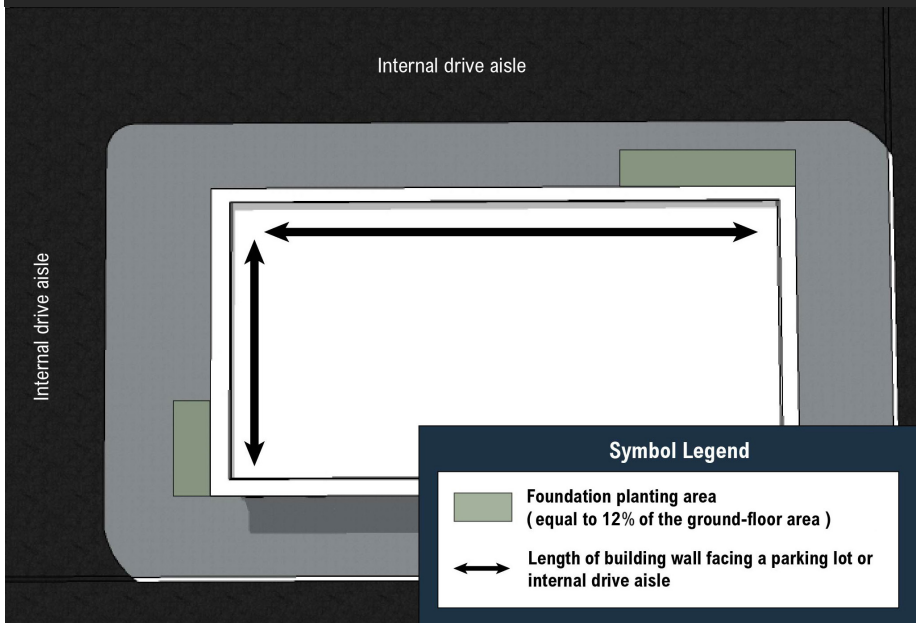
(Ord. No. O-2022-41, §26, 6-7-2022; Ord. No. O-2024-22, §7, 5-21-2024)

Section 18-322: Foundation plantings

For all portions of buildings adjacent to parking lots and internal drive aisles, foundation plantings shall be required between the building wall and the parking or drive aisle curb. The following minimum standards shall apply for foundation plantings.

A. The area of the ground-floor of the building face adjacent to the parking area or internal drive shall be multiplied by 12 percent to determine the minimum total area (square footage) that shall be planted as foundation landscaped areas. A variety of height and size of plantings shall be required. Any trees planted shall be meet the setback standards in Section 18-315 (see Figure 18-322: Foundation plantings).

Figure 18-322: Foundation plantings



B. Exemptions from this requirement may be granted by the technical review committee for areas along the rear side of a building when:

1. Less than 10 percent of the total provided parking is located behind the building and there is no public right-of-way adjacent to the rear property line;

1. At least 50 percent of the provided parking is located exclusively within the building footprint; or

2. At least 50 percent of the provided parking is located within a parking structure.

Section 18-323: Transitional buffers

A. Purpose

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

B. Required between zoning districts

1. Required transitional buffers are categorized into three categories, Class A, Class B, and Class C buffers. Each category contains multiple options that may be selected.

2. Requirements for transitional buffers between adjacent sites of different zoning districts are outlined in Table 18-323.1: Required transitional buffer between zoning districts.

3. A buffer category listed in Table 18-323.1: Transitional buffer between zoning districts shall be selected.

4. Plant types specify transitional buffer requirement options to achieve visual compatibility between zoning districts. Plant

types shall be consistent with Table 18-315: Plant specifications.

C. Transitional buffer dimensions

1. The type of transitional buffer required between zoning districts shall be as prescribed in Table 18-323.1: Required transitional buffers between zoning districts.

2. Within the 1945 Corporate Limits

   a. For lots zoned CBD and for lots of record in the HDMU, HD, and nonresidential districts, when, in the determination of the city manager, conditions exist on the lot that prevent the full width of a transitional buffer from being installed, the transitional buffer width requirements may be reduced up to a full exemption. The transitional buffer width may be reduced to accommodate essential site improvements, safe ingress, egress, and circulation. The width shall only be reduced by the minimum amount necessary to accommodate such needs.

   b. In the UMX district, transitional buffer width may be reduced as follows:

      i. The technical review committee may reduce the minimum width of a Class A, Option 1 transitional buffer to the minimum required setback when abutting single-dwelling residential districts (five feet).

      ii. Up to a full exemption of the bufferyard width upon the issuance of a variance from the board of adjustment.

Table 18-323.1: Required transitional buffers between zoning

Key: A = Class A buffer, B = Class B buffer, C = Class C buffer, Blank = None required

Zoning district	R-15, R-10, & R-7	R-5 & R-3	MD-10 & MD-17	MH	HDR	HDMU & HD
Residential						
MD-10	B	A		B	B	A
MD-17	B	A		B	B	A
MH	B	A			A	A
Mixed-use						
UMX	B	A	A	A	A	
RO	B	A		A		
CBD	B	A	A	A	A	
Commercial						
CB	B	B	A	B	B	B
RB	B	B	A	B	B	B
CS	C	C	C	C	C	C
O&I	B	B	A	B	B	B
Industrial						
LI	C	C	C	C	C	C
IND	C	C	C	C	C	C

D. Buffer options

1. Class A

A Class A transitional buffer is for transitional areas where permitted land uses and site design between different zoning districts are comparable in use or scale with minor distinction in intensity, character, and development patterns (see figures 18-323.1: Class A transitional buffer dimensions and 18-323.2: Class A transitional buffer example).

Table 18-323.2: Class A transitional buffer options

	Option 1	Option 2
Rate of planting per 100 linear feet		
Minimum buffer width (feet)	6	10
Canopy tree	0	0
Understory tree or large shrub	4	4
Small shrub	25	25
Minimumfence/wall height (feet)	6	No fence required

Figure 18-323.1: Class A transitional buffer dimensions

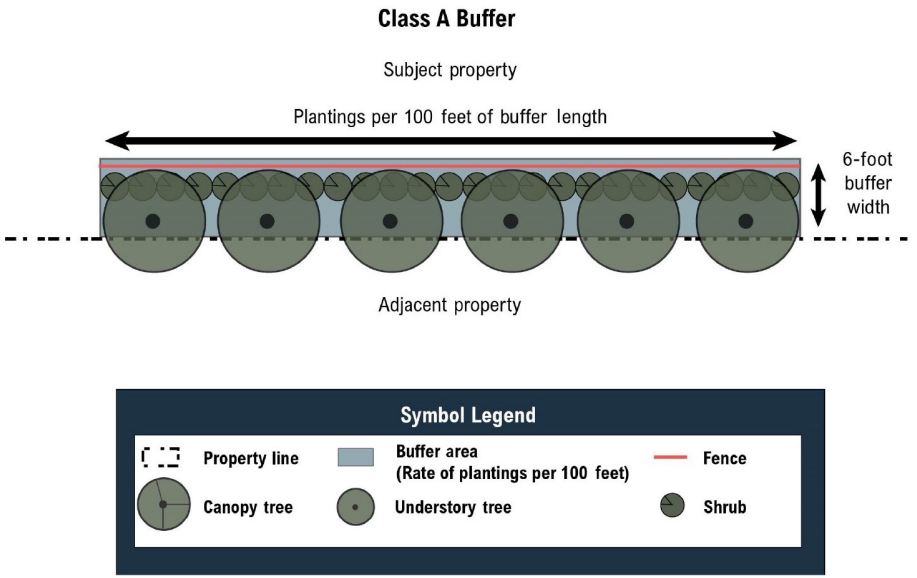


Figure 18-323.2: Class A transitional buffer example



2. Class B

A Class B transitional buffer is for transitional areas where permitted land uses and site design between different zoning districts are distinct in use or scale with moderate difference in intensity, character, and development patterns (see figures 18-323.3: Class B transitional buffer dimensions and 18-323.4: Class B transitional buffer example).

Table 18-323.3: Class B transitional buffer options

	Option 1	Option 2
Rate of planting per 100 linear feet		
Minimum buffer width (feet)	15	20
Canopy tree	2	2
Understory tree or large shrub	2	3
Small shrub	25	25
Minimumfence/wall height (feet)	6	No fence required

Figure 18-323.3: Class B transitional buffer dimensions

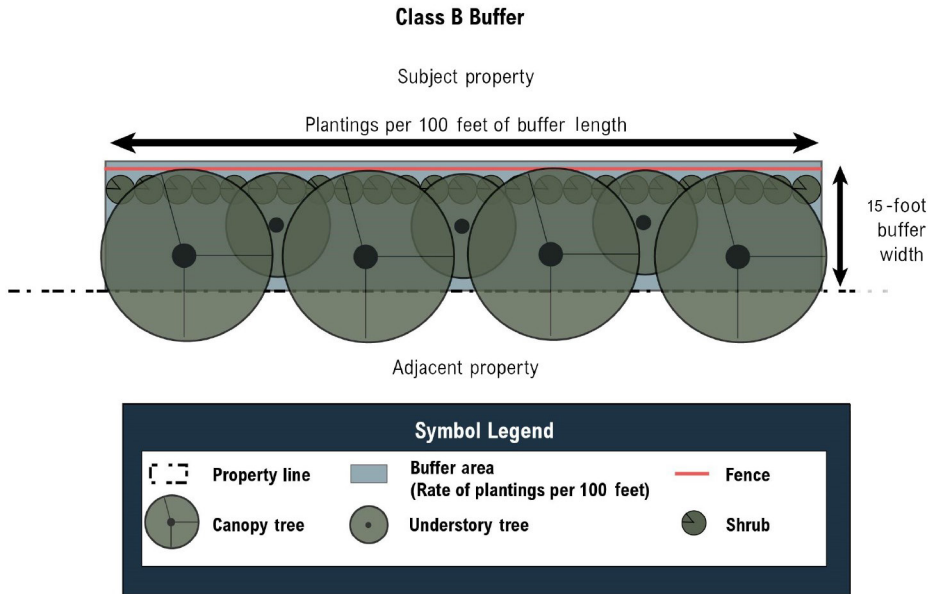


Figure 18-323.4: Class B transitional buffer example



3. Class C

A Class C transitional buffer is for transitional areas where permitted land uses and site design between different zoning districts are significantly distinct in use or scale with major difference in intensity, character, and development patterns. Zoning districts with intensive development that generates considerable noise, light, waste, fumes, impervious surface area, and other potential impacts would require this buffer adjacent to a less intensive zoning district that may be significantly impacted (see figures 18-323.5: Class C transitional buffer dimensions and 18-323.6: Class C transitional buffer example).

Table 18-323.4: Class C transitional buffer options

Rate of planting per 100 linear feet	
Minimum buffer width (feet)	40
Canopy tree	5
Understory tree or large shrub	5
Small shrub	25
Minimum fence/wall height (feet)	6

E. Uses in the transitional buffer

No activities shall occur in the transitional buffer except for maintenance of the buffer and the installation and maintenance of water, sewer, electrical, and other utility systems where the utility lines cannot be installed elsewhere on the lot. Parking, buildings, and structures, other than a permitted fence or wall, shall not be allowed within any required transitional buffer. Pedestrian connections between adjacent uses shall be permitted.

Figure 18-323.5: Class C transitional buffer dimensions

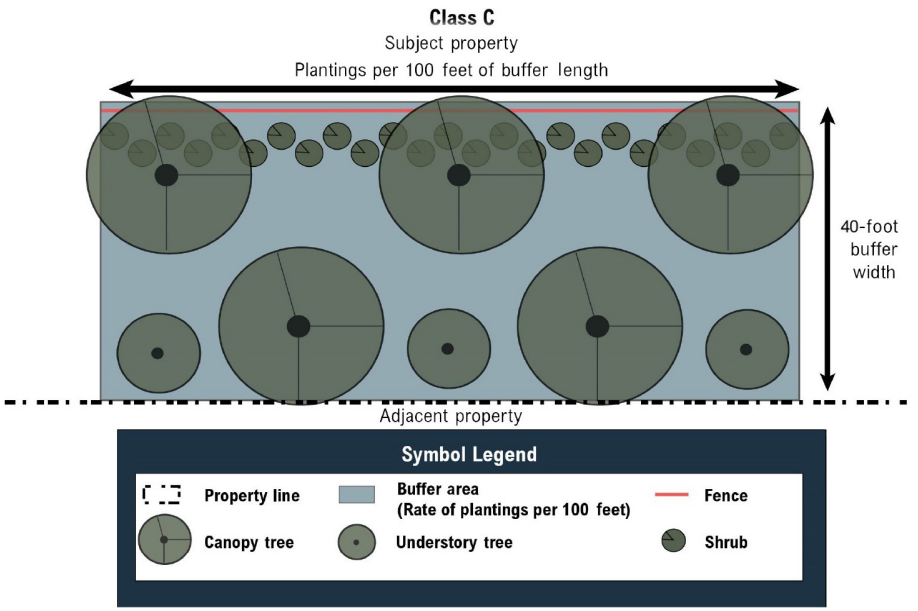


Figure 18-323.6: Class C transitional buffer example



F. Transitional buffer planting standards

1. Plantings

Plantings shall consist of a combination of trees and shrubs, as specified in Table 18-315: Plant specifications. Planted areas shall be located along abutting property lines.

a. Evergreen species that will attain a minimum height of eight feet under normal growing conditions shall be required. The spacing of evergreens shall be such that within three years the plantings can be expected to provide a continuous opaque screen.

b. Existing trees and other vegetation within the transitional buffer area shall be retained and may be counted toward meeting the applicable requirement.

c. Protected trees, as defined in this division, shall be identified and the tree preservation requirements of Section 18-316: Tree preservation shall be met.

2. Fences and walls

a. Fences and walls shall be installed to not to disturb or damage vegetation, existing or planted, to meet the requirements of this division. If a fence or wall is removed, plant material installed to meet the requirements of this section shall be planted to replace the fence or wall. Perimeter fencing or walls for a single development shall be of a uniform style that complies with this section.

b. Fences and walls used to meet transitional buffer requirements shall be solid.

i. A minimum of three horizontal elements and two vertical elements shall be required if the fence/wall is made of wood.

ii. A minimum of two vertical and horizontal elements if the fence/wall is of masonry construction.

iii. A green wall may be used if the vegetation is placed to allow maintenance and full wall coverage by the vegetation is achieved within 24 months after installation.

iv. Vegetation planted to meet transitional buffer requirements shall be installed between the fence and the shared property line.

c. Vacant space between two lots shall not be created by the installation of a fence or wall. If a fence or wall exists on any adjacent properties, a vegetative transitional buffer shall be required, or a new shared fence or wall shall be installed and agreed upon in writing and submitted to the city manager for approval.

3. Berms

a. If incorporated into a transitional buffer, earthen berms shall have a slope of 3:1 and a flat-topped crown at least two feet wide.

b. Plant material shall be placed along the top of the berm and the side slope facing the adjoining property.

c. Berms shall not exceed six feet in height and shall be undulated to provide a more natural appearance.

d. Vegetated swales may be incorporated to assist with stormwater management.

e. Berms shall not encroach into the critical root zone of retained trees.

(Ord. No. O-2023-75, §4, 11-8-2023)

Section 18-324: Screening for dumpsters, equipment, and outdoor storage areas

A. For any of the following areas located within view of any adjacent property or street right-of-way, a visual screen shall be required to shield the use from the view.

1. Any outside storage area for vehicles awaiting repair in connection with any vehicle repair and service or vehicle towing business;

2. Any outside storage area for any equipment used in excavation, building site preparation, or construction. No part of any equipment stored in such area may project above the screen.

3. Any ground-level mechanical equipment such as HVAC, electrical panels, utility meters, and similar mechanical equipment.

B. Trash containment areas

1. Such areas shall be located within a building, behind a building, or screened at the side of a building.

2. Any dumpster or trash receptacle storage area, used in connection with any business establishment, that is located at the rear side of a building, where that side of the building also faces a street right-of-way, shall be screened.

C. Screening standards

1. Screening shall be at least one foot taller than that being screened. Chain link fencing and exposed concrete blocks shall be prohibited.

2. Screening shall consist of living materials, nonliving materials, or both.

a. No screening shall be required along any side or rear property line that is adjacent to any industrial use or when adjacent to any business that operates vehicle repair and service or vehicle towing.

3. HVAC equipment, air conditioning window units, other electrical equipment, and fire escapes shall not be located on street-facing facades.

a. All such equipment shall be placed in interior yards or located on a roof and inset into the roof pitch or located behind a parapet wall.

b. Except in industrial districts, any roof-mounted equipment that may be visible from the right-of-way shall be screened with vegetation at least one foot taller than the equipment being screened.

4. Through-wall mechanical units shall be permitted on any facade if they are incorporated into the design of the building, flush with the facade on which they are located, concealed by a vent cover, and have an internal drip system for condensation.

Section 18-325: Fences, walls, and non-vegetative screens

A. General standards

1. A fence, wall, or non-vegetative screen for the purposes of privacy or security may be installed in any yard if the following standards are met.

    a. The vision clearance requirements of Section 18-667: Vision clearance, are met.

    b. In nonresidential districts, no fence, wall, or screen shall exceed three feet in height in any yard adjacent to a street, unless the fencing above three feet in height is at least 50 percent transparent above three feet.

    c. The fence height standard of Section 18-669: Fence height standard is met.

2. A fence, wall, or screen shall not impede access by emergency services.

3. The structural framework of a fence, wall, or screen shall not be installed facing adjacent properties or rights-of-way.

4. Within historic districts and overlays:

    a. When fences are subject to design review, fence height shall be established by the historic preservation commission.

    b. If fences are not subject to design review in an overlay, fence height shall be subject to the standards of the applicable zoning district.

5. Within residential zoning districts, the following shall apply.

    a. Within any side or rear yard, the maximum height for any fence shall be eight feet.

    b. Within front yards, the height of fences, walls, and screens shall be limited to four feet.

B. Maintenance

1. All fences, walls, and screens shall be maintained in an upright, sturdy, and safe condition, including but not limited to, the replacement of missing, decayed, or broken structural and decorative elements.

2. All fences, walls, and screens shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way.

3. Any deteriorated, damaged, or decayed fence materials shall be repaired, and any fence or wall post or section that leans more than ten degrees from vertical shall be repaired to correct that condition.

C. Prohibited fence options and design

1. In all zoning districts, chain link, woven wire, and electric and barbed wire fences, walls, and screens shall be prohibited in front setbacks, except on bona fide agricultural uses, electric and gas substations, and government facilities.

2. Fences, walls, and screens of exposed concrete block, tires, junk, or other discarded materials shall be prohibited.

3. No open wire fence of a type that could inflict injury from casual contact, such as barbed wire or electric fencing, shall be permitted below a height of six feet. Such fences shall not be permitted within any residential district. Other types of open wire fencing (such as hurricane and chain link fencing) may be erected in any side or rear yard.

D. Exceptions

1. Height limits shall not apply to government facilities or utilities and public facilities.

2. Height limits shall not apply to chain link fences surrounding tennis courts or ball field backstops. Fences for private tennis courts shall be within the required setbacks for accessory uses in that zoning district.

3. A property owner may appeal to the board of adjustment for a variance to allow fence, wall, or screen height up to six feet within front yards adjacent to thoroughfares, as defined in this chapter.

4. The following shall be required for any fence, wall, or screen exceeding four feet in a front yard. These standards may not be waived by the board of adjustment.

   a. The fence, wall, or screen shall be set back a minimum of one-half the distance of the required front yard setback for the district or 15 feet, whichever is greater.

   b. At least 50 percent of the area of the fence, wall, or screen above a height of four feet shall be open along the entire length such that clear vision is possible from one side to the other.

5. In hearing the request for a height variance, the board of adjustment shall consider all technical evaluations, relevant factors, standards specified in this section, and applicable requirements in the Technical Standards and Specifications Manual.

Section 18-326: Landscaping for expansions to existing principal building or uses

A. Required landscaping for expansions to existing principal buildings or uses is prescribed in Table 18-326: Required landscaping for expansions.

B. Landscaping shall be upgraded in the previously developed portions of the site (up to the maximum landscaping requirements of this division).

C. Construction of any new building, use, or parking on a site shall require compliance with the full landscaping requirements of this division for the newly developed portions of the site.

D. For the purpose of this division, an increase of five percent or more in floor area or an increase of five or more parking spaces shall be considered an expansion.

E. When subdivision of previously developed property occurs and a building permit for new construction is issued for any newly created lot within two years of the date of final subdivision plat approval, all lots of the original tract shall be subject to the provisions for expansions to existing structures or uses.

F. For consecutive expansions occurring within any rolling two-year period, the total floor area or number of parking spaces shall be summed and the maximum landscaping requirements for the total extent of the expansions shall be required per Table 18-326: Required landscaping for expansion. Expansions to existing buildings or uses totaling not more than 500 square feet in gross floor area within any rolling two-year period shall be exempt from the meeting the streetscape landscaping and parking lot landscaping requirements.

Table 18-326: Required landscaping for expansions

Expansion (whichever is more restrictive)	Trees	Streetscape	Parking lot landscaping	Transitional buffer
10-25% increase in gross floor area or 5-10 new parking spaces	15 per disturbed acre	Half of the requirement for new construction	Half of the requirement for new construction	Half of the requirement for new construction
26-50% increase in gross floor area or 21-50 new parking spaces	15 per disturbed acre	Three-fourths of the requirement for new construction	Three-fourths of the requirement for new construction	A fence and half the requirement for new construction
51% or more increase in gross floor area, more than 20,000 square foot increase in gross floor area, or more than 50 new parking spaces	15 per disturbed acre	Full requirement for new construction	Full requirement for new construction	Full requirement for new construction

Section 18-327: Authority to treat or remove trees on private property

A. The city manager may cause or order removal of any tree or part thereof on public or private property that is in an unsafe condition, or damaging to sewers or other public facilities.

B. The city manager may cause or order necessary treatment for any tree on public or private property which is infested by any injurious fungus, disease, insect, or other pest when it is determined that such action is necessary to prevent the spread of any such injurious condition or pest and to prevent danger to persons or property or to vegetation planted on adjacent property.

C. Before exercising the authority conferred by this section, the city manager shall order the owner or occupant of the property to take corrective action. The order shall be in writing and shall state that the action specified shall be taken within 10 calendar days after the order is mailed. If the condition has not been corrected within 10 days, the city manager may enter upon the property, perform the work necessary to correct the condition, and bill the owner or occupant of the property for the actual costs incurred. The costs of such work, if not paid, shall constitute a lien against the property.

D. No foliage shall be allowed to extend from public or private property into any portion of a street right-of-way below a height of eight feet above the grade of the sidewalk at the property line or, if no sidewalk grade has been established, the height shall be measured vertically above the center of the roadway. The city manager may cause or order corrective action to prevent any such condition from existing.

Sections 18-328 - 18-338: Reserved.

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 for new development within the UMX and CBD zoning districts shall comply with the following provisions:

   a. Except for bicycle parking in the UMX zone, 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 lots 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.

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 Figure18-44.1: 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.

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 Workforce and elderly housing (as defined in article 8) may be reduced to 0.5 space per unit	2.75
Attached: townhouse		
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	
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	

(Ord. No. O-2022-88, §8(Att. A), 11-1-2022; Ord. No. O-2023-75, §5, 11-8-2023; Ord. No. O-2024-13, §10, 3-19-2024)

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. EVSE-Installed parking spaces; and

iii. Parking provided in parking structures, except those spaces on the ground level of the structure.

c. Where minimum parking requirements apply:

i. Each EVSE-Installed space shall count as two (2) parking spaces.

ii. Each EV-Capable space shall count as one and one-half (1.5) parking spaces.

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 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.

6. Shared and common parking

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 committee, after review by the city attorney.

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

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

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 adssembly 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

(Ord. No. O-2024-22, §8, 5-21-2024)

Section 18-342: Bicycle parking

A. Applicability

1. Bicycle parking shall be provided with each new multiple-dwelling, mixed-use, commercial, institutional, or office development and any redevelopment with 15 or more vehicle parking spaces per the requirements in Table 18-342: Bicycle parking requirements.

2. No bicycle parking spaces shall be required beyond 30 spaces; however, additional spaces may be installed.

3. When there is more than one principal use on a site, the required bicycle parking for the site shall be the sum of the required parking for the individual principal uses.

4. Developments in the CBD shall be exempt from required bicycle parking; however, bicycle parking spaces may be installed.

5. In the UMX district, designated on-street public bicycle parking spaces, located within 325 feet of the use, may be counted toward the minimum requirements in Table 18-342 if approved by the technical review committee.

Table 18-342: Bicycle parking requirements

Use	Minimum requirement	Maximum percentage of spaces in rights-of-way in the UMX district
Schools, primary and secondary	1 space per 5 classrooms, 2 spaces minimum, except high schools shall provide 1 space per 10 classrooms	None
Public parks, playgrounds, and boat ramps	0.2 per acre of open space (excluding greenways), minimum of 4	100
Assembly, religious or civic	2 spaces or 1 per 5,000 square feet of GFA, whichever is greater	100
Dwelling: multiple and townhouse	1 space per 5 dwelling units	100
Group home	1 space per 2 beds	50
Office	4 spaces or 1 per 10,000 square feet of GFA, whichever is greater	50
Commercial/retail uses; restaurants	5 spaces or 1 per 5,000 square feet of GFA, whichever is greater	50
Lodging	1 per 20 rentable rooms	25
Industrial	4 spaces or 1 per 40,000 square feet of GFA whichever is greater	25

B. Design and installation requirements

1. Bicycle parking facilities shall allow for cyclists to secure their vehicle against theft.

2. Required bicycle parking facilities shall be within 100 feet of the primary entrance(s) to the principal uses, including on-street facilities, where permitted and installed in accordance with the Technical Standards and Specifications Manual. In the event of multiple entrances, bicycle parking facilities shall be dispersed for easy access to entrances.

3. Bicycle parking areas shall be installed on hard surfaces. This may include pavement or pervious pavers. If bicycle lockers are used, they shall be located within 325 feet of building entrances. Hanging spaces may be incorporated into structured parking.

4. Bicycle parking areas and pathways connecting them to the buildings they serve shall be lighted in accordance with division 9 of this article.

Section 18-343: Parking location and access

A. Detached single dwelling and duplex dwelling units

1. Off-street parking provided for detached single dwelling and duplex dwelling units shall be located on the same lot or plot of ground as the dwelling unit that it serves. The parking area shall consist of a driveway, parking strip, or parking apron.

2. Parking and driveways shall be designed to be compliant with applicable provisions of the city of Wilmington Code of Ordinances and the Technical Standards and Specifications Manual.

B. All other uses

1. Where minimum parking standards are required, off-street parking for all uses shall be located on the same lot with the use that it serves or on a lot within two city blocks or 650 feet (whichever is greater) of the principal use. Such distance shall be measured from the nearest point of the parking facility to the nearest public entrance of the building(s) or use(s) served.

3. If parking is not on the same lot with the use it serves, the parking area shall be held in fee simple by the owner of the use served, or in another manner that assures continued availability for required parking, provided the form of tenure shall be approved by the city attorney before such use is issued a certificate of occupancy.

C. Access

1. Access through residential districts

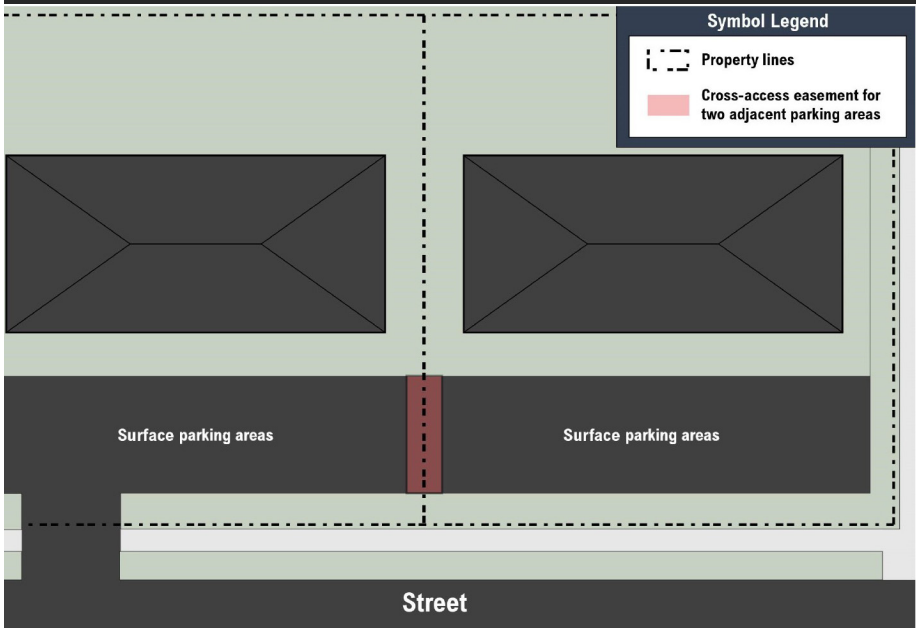
   Ingress and egress to a parking facility in a nonresidential zoning district shall not be permitted to cross any residentially-zoned property, not including public streets or alleys.

2. Parking facility access

   a. Where alleyways that can accommodate automobile access to and from a site exist or are created, parking shall be accessed only via those alleyways.

   b. Where alleyways are not provided, parking facility access shall be from a public or private street. For lots with multiple street frontages, parking facility access shall be from the street with a lower classification unless that access is directly across from a single-dwelling residential district.

Figure 18-343: Parking lot connectivity



c. Parking lot access in the mixed-use districts shall meet the standards specified in the district.

d. Off-street parking facilities shall not be accessed via unaccepted or unimproved rights-of-way.

3. Cross-access required

a. Purpose and Intent.

Cross-access provides direct access between adjacent parcels to improve connectivity, thereby reducing the need for motorists to reenter arterial streets to gain access to adjacent sites and reducing vehicular conflicts along arterial streets. Reduced traffic conflicts result in fewer accidents and improved traffic flow. The intent of this section is to provide for cross-access between adjacent commercial parcels to reduce the number of vehicular trips on arterial streets and improve multi-modal mobility and safety.

b. Applicability

i. Commercially-zoned parcels with shared frontage along a commercial corridor, as identified in Figure 18-408.1: Street-specific frontages (excluding Wrightsville Avenue), shall provide cross-access between the parcels when the following conditions occur:

1. Construction of a new principal structure; or

2. Expansion of existing structure(s) resulting in an increase in gross floor area of fifty percent (50%) or more on site.

ii. If an abutting parcel is undeveloped or does not currently have cross-access, a cross-access stub connection shall be constructed to provide for a future cross-access connection.

iii. Cross-access requirements may be modified or eliminated by the Planning Director and the City Engineer when it is determined that one or more of the following situations exist:

1. A substantial obstruction exists due to a significant natural feature or existing infrastructure.

2. Significant topographical differences between abutting parcels prevents potential cross-access connections.

3. Existing site conditions make cross-access infeasible and/or present other safety and security factors that give little functional value to cross-access.

4. All on-site parking is located within a parking structure and all vehicular access leads directly to the parking structure.

5. Adjacent parcels have shared access to a secondary street or alley that provides an alternative means of cross-access between sites.

c. Easements

i. A cross-access easement shall be shown on the final plat for property involving a subdivision or recorded by separate instrument when no plat is proposed. The cross-access easement must be recorded prior to final zoning approval.

ii. Property owners subject to cross-access requirements are responsible for maintaining safe and usable cross-access conditions for vehicles on their site.

iii. Cross-access connections shall not be blocked or obstructed in such a way as to prevent intended vehicular traffic.

iv. Applicants are not required to seek cooperation or permission from the adjacent property owner(s).

(Ord. No. O-2023-56, §1, 8-15-2023)

Section 18-344: Parking facilities design

A. Specific types of parking spaces

In parking facilities where 25 or more parking spaces are provided, including expansions of an existing parking facility, the following shall apply.

1. Motorcycle and moped parking

a. Motorcycle and moped parking spaces may be used to satisfy minimum parking requirements for up to a maximum of five standard parking spaces, where two motorcycle and moped parking spaces are the equivalent of one standard parking space.

b. Motorcycle and moped parking spaces shall not count towards maximum parking limits.

c. Motorcycle and moped parking spaces shall be installed in accordance with the Technical Standards and Specifications Manual.

2. Electric vehicle parking

a. Electrical vehicle (EV) charging stations shall be provided for the following uses in accordance with Table 18-344.1: Required EV charging stations:

i. Residential-Attached: multiple

ii. Lodging-Hotel/motel

iii. General retail-Large (building footprint of 40,001 SF or larger)

iv. Commercial Parking

b. Each EVSE-Installed charging station provided in excess of the number required by Table 18-344.1 shall be counted toward the EV-Capable requirement as two (2) EV-Capable stations.

c. Residential developments with governmental financing may provide 4% of total parking spaces as EV-Capable in lieu of providing a combination of EV-Capable and EV-Installed spaces.

Table 18-344.1: Required EV Charging Stations

Total Number of Provided Off-Street Parking Spaces	EV-Capable Spaces	EVSE-Installed Spaces
0-24 spaces	0	0
25-74 spaces	1	1
More than 74 spaces	2% of spaces	2% of spaces

B. Parking facilities design and development

1. The construction of new or reuse of existing parking facilities, including the reconstruction, alteration, or expansion of any existing parking facility, shall require approval of site plan, in accordance with Section 18-588: Site plan.

2. Existing parking facilities to be re-used shall meet minimum dimensional, circulation, and ingress/egress requirements of the Technical Standards and Specifications Manual and this division.

3. The construction of new facilities, including reconstruction, expansion, and alteration of parking facilities shall comply with the requirements of this article.

4. Pavement

   a. Parking on unimproved portions of a site shall be prohibited.

   b. All new and expanded parking facilities with 25 or more spaces or 10,000 square feet or more of drivable parking surface shall be paved with asphalt, concrete, pervious concrete, permeable pavers, or paved surface of equal durability and shall be graded and drained to manage surface water that might accumulate.

      i. Within historic districts, other materials specified in the Wilmington Design Standards for Historic Districts and Landmarks may be considered.

      ii. To minimize excessive pavement that would rarely be used, gravel or alternate material such as plastic turf reinforcement, asphalt millings, or similar material that would provide equivalent durability may be permitted in infrequently used areas (such as special event parking). If parking would occur in the normal day-to-day operation of the use by customers, visitors, or employees, the parking facility shall be paved.

   c. Parking lots with fewer than 25 spaces may be gravel if approved and installed per the Technical Standards and Specification Manual. The following exceptions may be considered in lieu of gravel for such parking lots, as applicable.

5. Dimensions

   Parking space and aisle dimensions shall meet the requirements as specified in the Technical Standards and Specifications Manual.

6. Drop-off/pickup, stacking spaces and lanes

   a. Any development that involves a drive-through facility or drop-off/pickup area shall also include stacking spaces in accordance with this section (see Figure 18-344.1: Drop-off/pickup, stacking spaces and lanes).

   b. Stacking spaces shall be at least nine feet wide.

   c. At least three stacking spaces, each a minimum depth of 18 feet, measured from the window, ATM, or entrance of washing bay, shall be provided for each stacking lane. In the case of a drive-through restaurant, at least five such stacking spaces shall be provided for each stacking lane.

   d. Stacking spaces or lanes shall not block off-street parking spaces or cause queued vehicles to encroach upon or interfere with the use of the adjacent public right-of-way.

e. Where a single stacking lane provides for five or more vehicles, an escape/by-pass lane shall be provided to allow vehicles to exit the waiting lane.

f. Drop-off/pickup areas shall be required for daycare centers, schools, and other similar uses. Such areas shall be located outside the public right-of-way and be designed to provide maneuvering and turnaround area for vehicles without requiring vehicle movements within the travel lanes of any street.

g. Drop-off/pickup areas shall not be used for off-street parking unless the approved design clearly indicates off-street parking spaces. The design shall be reviewed in accordance with the Technical Standards and Specifications Manual, with final design approved by the technical review committee.

7. Parking location and design

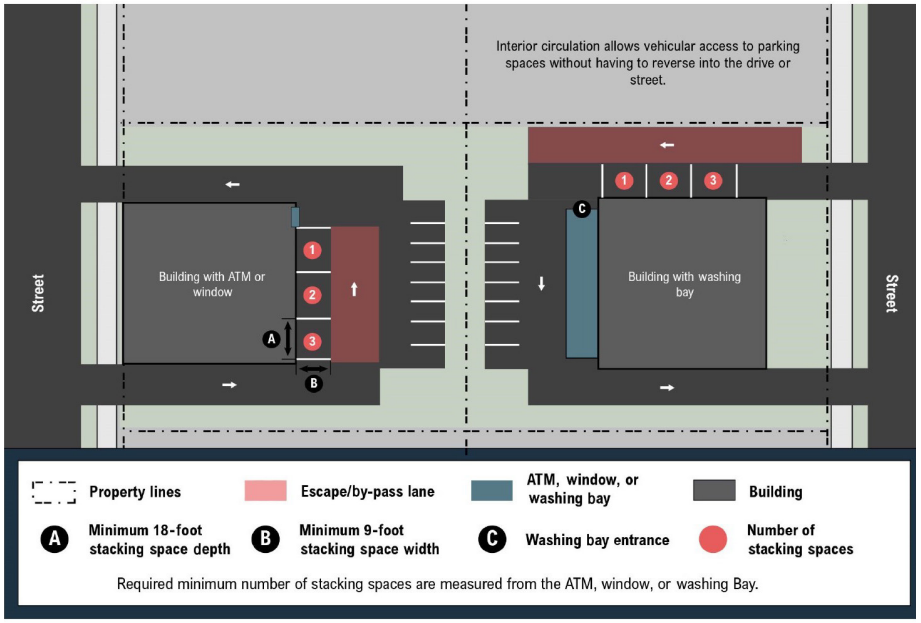
a. Adequate vehicular ingress and egress to a parking facility shall be provided by means of clearly identified and defined drives (see Figure 18-344.2: Parking lot ingress and egress).

b. All off-street parking facilities except those serving a detached single dwelling or duplex dwelling unit shall be designed so that ingress and egress is by the forward motion of the vehicle, unless approved by the design adjustment committee.

c. Interior access and circulation aisles for all parking spaces shall be provided.

d. The use of adjacent streets for maneuvering into or out of

Figure 18-344.1: Drop-off/pick-up, stacking spaces and lanes



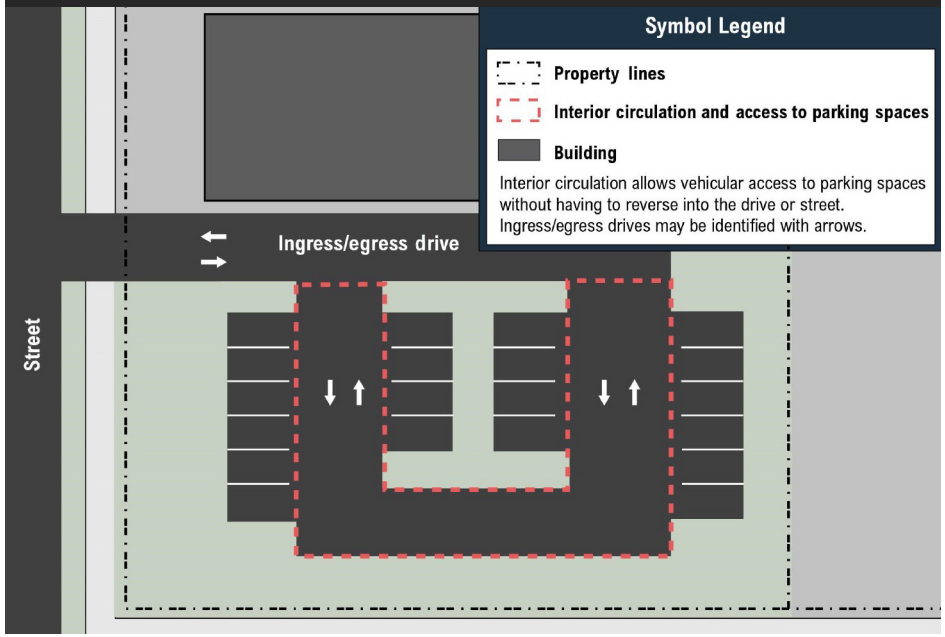
off-street parking spaces shall be prohibited. The design adjustment committee may allow exceptions where it is determined that the size or configuration of an existing lot or location of an existing building is such that insufficient space is available on the property to permit vehicle maneuvering and circulation and that allowing the use of an adjacent street would not create an unsafe condition due to traffic speeds, volumes, or sight lines.

8. Curbing

Each parking space located at the perimeter of a parking lot, including for the display or sales of vehicles, shall be equipped with a curb, wheel stop, or similar device to prevent vehicle encroachment beyond property lines into rights-of-way, pedestrian ways, or traffic aisles.

9. Pedestrian connectivity

Figure 18-344.2: Parking lot ingress and egress



a. Pedestrian connections to the site and internal pedestrian circulation shall be incorporated into the design of any parking facility. Access to building entrances shall be provided in accordance with Section 18-495: Sidewalks, walkways, and bikeways.

b. Pathways or crosswalks shall be distinguished from asphalt driving surfaces using durable, low-maintenance surface materials such as pavers, bricks, or scored, stamped, or colored concrete to enhance pedestrian safety and comfort as well as the attractiveness of the parking area.

10. Maintenance

All parking facilities shall be maintained free of trash and debris. Surface, curbing, light fixtures, and signage shall be maintained and in proper working order.

(Ord. No. O-2024-22, §§ 9, 10(Att. A), 5-21-2024; Ord. No. O-2024-22, §9, 5-21-2024; Ord. No. O-2024-51, §C.1, 10-1-2024)

Section 18-345: Limitations on use of parking facilities

A. Prohibited uses

1. Except when land is used as approved storage space in connection with vehicle repair, major or minor, vehicle towing, or vehicle sales and leasing establishment, use of parking areas or open land shall not be permitted for the storage or parking of wrecked or junked cars or for creating a junk yard or nuisance.

2. Display and sale of any merchandise shall not be permitted in parking areas except as may be approved as an accessory or temporary use in accordance with Article 3. Use Standards.

3. Loading spaces and parking spaces shall be considered separate and distinct requirements and shall be provided as individual components on a site. In no case shall one component be construed as meeting the requirements of the other.

4. Parking facilities and loading areas shall not be used for the long-term storage of trucks or trailers, except where such outdoor storage is specifically permitted in the zoning district. Overnight parking or storage of commercial vehicles shall be prohibited, except for uses and locations approved for vehicle storage. This shall not be construed to prohibit the parking overnight of commercial fleet vehicles or the short-term parking of trailers in loading bays or staging areas related to commercial or industrial uses.

5. It shall be unlawful to use a parking lot or open area to store or park any vehicle for the purpose of displaying vehicles for sale, except in an approved vehicle sales and leasing establishment.

Figure 18-345.1: Off-street parking of trailers

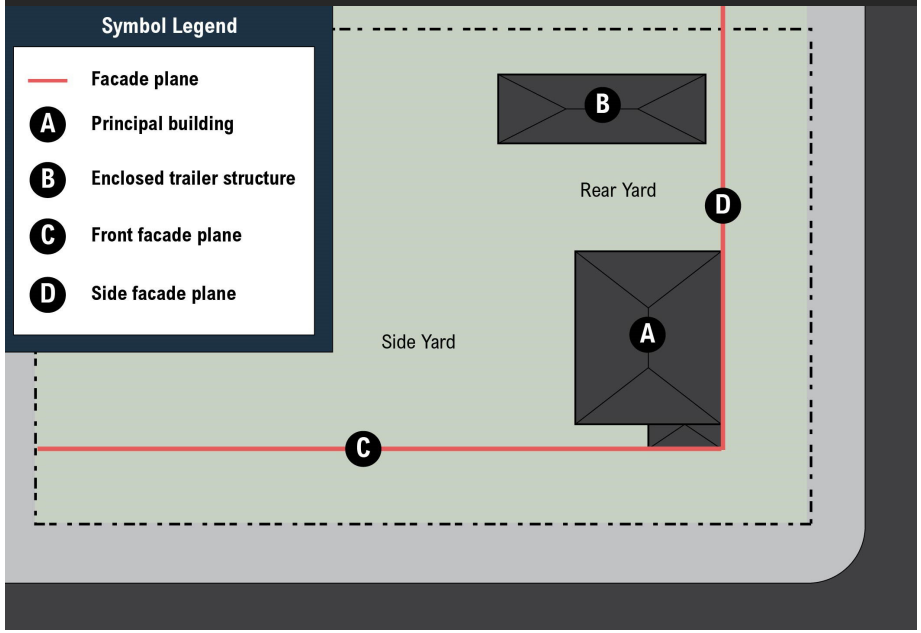
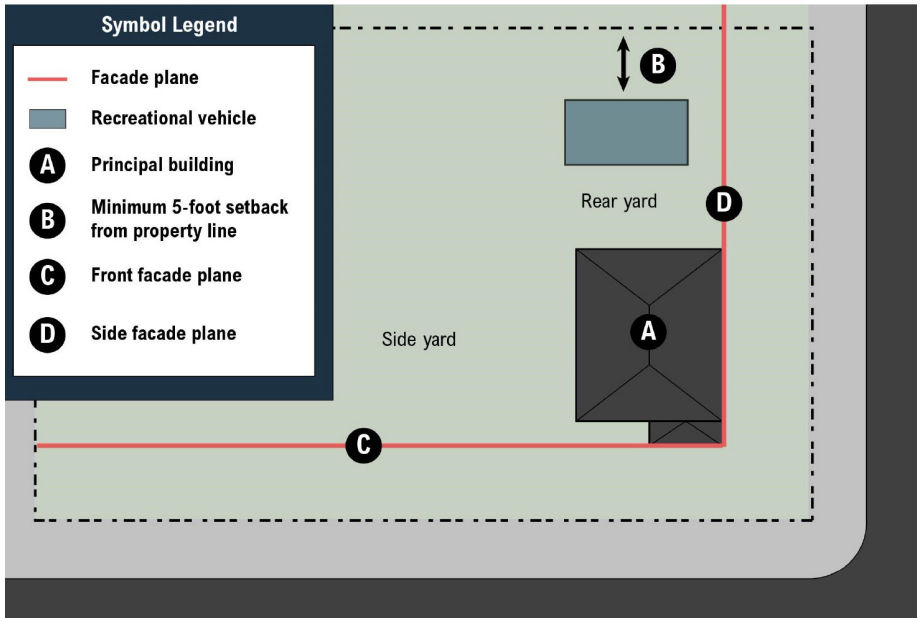


Figure 18-345.2: Off-street parking of recreational vehicles



B. Off-street parking and storage of certain vehicles

1. Manufactured housing

The off-street parking or storage of any manufactured home shall be prohibited in any district except:

a. The MH, Manufactured housing district; or

b. An establishment for sales, servicing, maintenance, or manufacturing of manufactured homes.

2. Trailers

a. Any trailer over 25 feet in length shall not be parked or stored in any residential, O&I, CB, or RB district except in an enclosed building (see Figure 18-345.1: Off-street parking of trailers).

b. Trailers less than 25 feet in length shall only be parked behind the plane of the front facade of the principal building on any residential lot.

i. A maximum of two trailers shall be permitted on any such lot, only one of which may be parked within the side yard.

ii. If the trailer and any equipment loaded on the trailer exceeds six feet in height, it shall only be parked in the rear yard or within an enclosed building.

c. This regulation shall not be interpreted to prohibit the loading and unloading of commercial trailers in any such district.

3. Commercial vehicles

   a. One commercial vehicle with a gross vehicle weight rating (GVWR) of not more than 10,000 pounds may be parked on any residential lot developed with a principal building. Such vehicles shall be parked off the street, in a delineated parking area (e.g., a driveway or a garage), and used by a resident of the premises.

   b. In all other cases, the parking of commercial vehicles in any residential district is prohibited.

   c. This regulation shall not be interpreted to prohibit commercial vehicles being used for an on-going construction project at the premises where parked or from loading or unloading in any residential district.

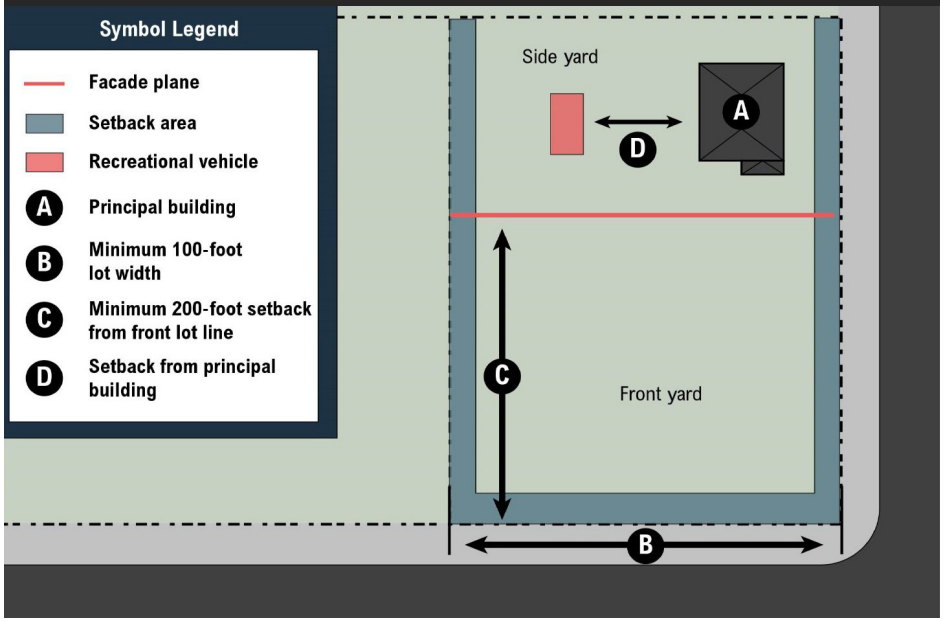
4. Recreational vehicles

   Parking or storage of recreational vehicles shall be permitted as accessory to a principal residential use only in accordance with the following conditions.

   a. Unless stored in a garage, carport, or accessory building, recreational vehicles shall only be parked or stored in an interior side or rear yard and no less than five feet from any adjacent property line. Parking shall be permitted anywhere on the lot or on an adjacent street (if otherwise lawful), for up to 24 hours (see Figure 18-345.2: Off-street parking of recreational vehicles).

   b. In any side yard not adjacent to a street, no recreational vehicle shall be parked or stored if it exceeds six feet in height above the ground. Masts, antennas, vent stacks, windshields, T-tops, or other minor accessories may exceed this height limit.

Figure 18-345.3: Conditional off-street parking of recreational vehicles



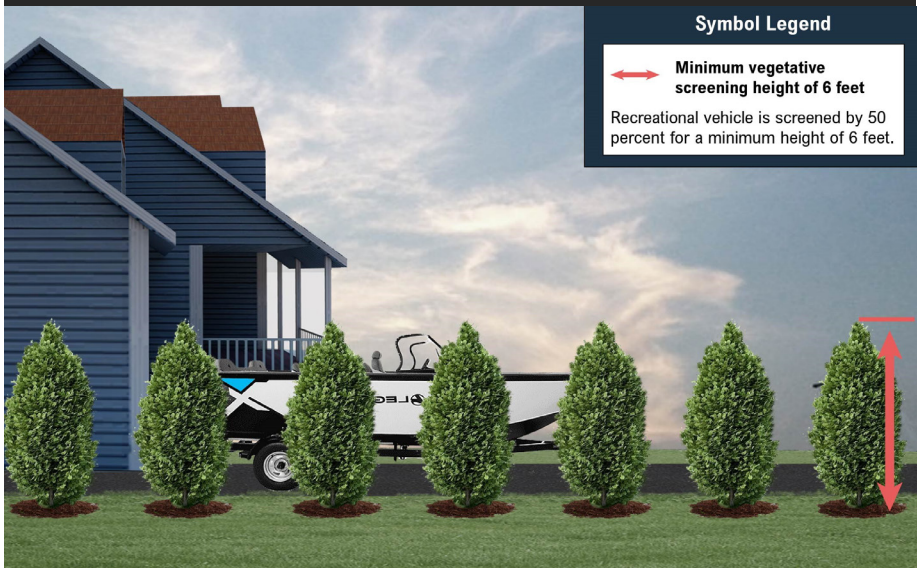
   c. No recreational vehicles parked or stored on a lot shall be used for living, sleeping, housekeeping, or business purposes.

   d. Recreational vehicles shall not be parked or stored on vacant lots.

   e. The city manager may conditionally allow front yard or side yard storage of recreational vehicles if all the following conditions are satisfied (see Figure 18-345.3: Conditional off-street parking of recreational vehicles).

      i. The subject property has a width at the front setback line of at least 100 feet.

Figure 18-345.4: Vegetative screening for recreational vehicle parking



ii. The front or side yard in which the vehicle would be stored shall be of such dimension that the vehicle would not be located within the required setback area; however, no such vehicle shall be permitted within 200 feet from the front lot line.

iii. Sufficient vegetation or screening exists to screen the recreational vehicle from adjacent property. Sufficient vegetation or screening is defined as 50 percent opacity to a minimum height of six feet. If vegetative screening is utilized, 50 percent opacity shall be achieved within two years from the issuance of a permit (see Figure 18-345.4: Vegetative screening for recreational vehicle parking).

iv. The recreational vehicle shall not be located within 30 feet of any adjacent principal building.

5. Utility machines or vehicles

a. A total of two utility machines or vehicles, not exceeding seven feet in height, may be parked or stored on a residentially-zoned lot. Such machines or vehicles shall be parked or stored in the rear yard and shall not be used in conjunction with a commercial purpose or business on that property unless such commercial use is a home occupation.

b. Those utility machines or vehicles stored or parked on trailers shall adhere to the regulations for trailer parking.

c. The maximum number of utility machines or vehicles be permitted on residentially-zoned lots shall be two.

Section 18-346: Loading

A. Applicability

1. On-street loading

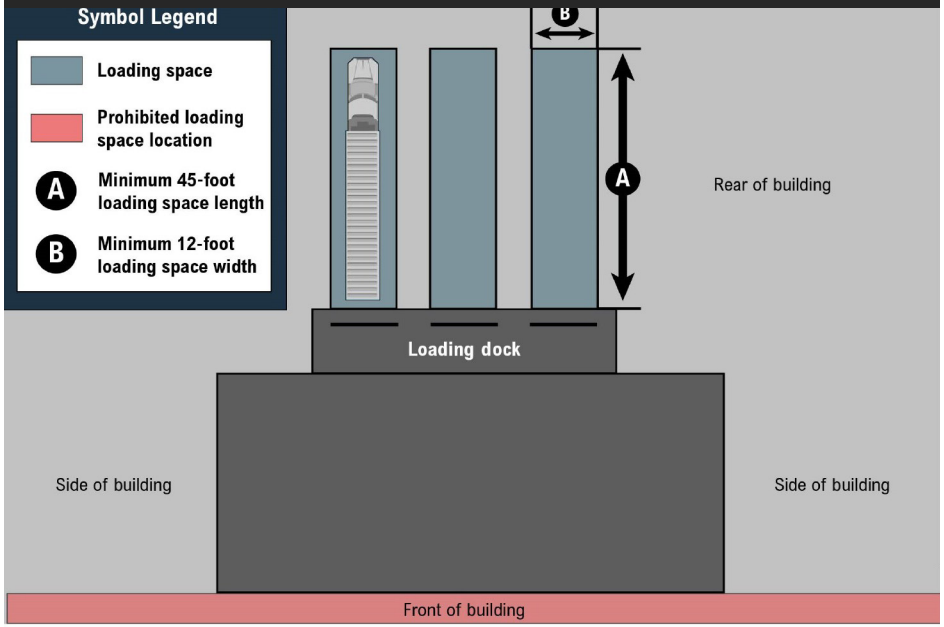
a. On-street loading shall be permitted inside the 1945 Corporate Limits on streets that are not major thoroughfares.

b. On-street loading shall not be permitted outside of the 1945 Corporate Limits.

2. Off-street loading

a. Off-street loading shall not be required in mixed-use districts. Where off-street loading is provided, it shall meet

Figure 18-346: Loading space location



any applicable design standards of the district, prescribed conditions, or frontage standards.

b. Off-street loading shall not be required inside the 1945 Corporate Limits except along major thoroughfares.

c. Where off-street loading is provided, it shall be provided on the side or rear of the building. Unless prescribed as a use-specific standard, the design adjustment committee may approve a loading facility in front of the building where the applicant can demonstrate site constraints prohibit loading to the side or rear of the building.

d. Off-street loading facilities shall be constructed so that all maneuvering will take place entirely within the property lines of the facility and in a forward movement.

e. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities, except emergency repair service necessary to relocate a vehicle to a normal repair facility.

f. Loading and unloading spaces shall be paved and, unless otherwise adequately provided for, shall be a minimum of 12 feet by 45 feet, with a 15-foot height clearance.

B. Orientation of overhead doors

Overhead doors for truck loading areas shall not face a public street and shall be screened to not be visible from a public street or an adjacent residential district.

(Ord. No. O-2021-75, §5, 11-3-2021)

Section 18-347: Driveways

A. General

1. Motor vehicle access to and from any property upon which a building has been constructed, reconstructed, or physically altered shall be limited to driveways designed, approved, constructed, and surfaced in accordance with the provisions of this division. All driveways shall be paved with either asphalt or concrete, or with alternative paving material (e.g., concrete pavers, brick, or similar material) determined to exhibit equivalent wear resistance and load bearing characteristics as asphalt or concrete, according to the standards of the Technical Standards and Specifications Manual for parking facilities. Driveways in historic districts and overlays may be surfaced materials consistent with the standards of the Wilmington Design Standards for Historic Districts and Landmarks.

2. Before a building permit is issued for the construction, reconstruction, or change in use of any building or land used

for purposes other than a detached single-dwelling or duplex dwelling unit, all driveways shall be reviewed and approved by the city engineer.

3. Any driveway connection shall be constructed in accordance with the Technical Standards and Specifications Manual. Medians, acceleration and deceleration lanes, and traffic storage lanes shall be dedicated to the city when the city engineer determines that the improvements will serve the traffic of the proposed driveway and the anticipated volume of traffic using the proposed driveway may significantly interfere with the flow of traffic on abutting or surrounding public streets.

4. When the use of any driveway has been permanently discontinued, the property owner of that driveway shall, at his expense, replace all necessary curbs, gutters, aprons, sidewalks, and appurtenances thereto, within 60 days of receipt of a written notice from the city engineer.

5. No driveway shall conflict with any municipal facility, including, but not limited to traffic signal standards, catch basins, fire hydrants, crosswalks, loading zones, bus stops, utility poles, fire-alarm supports, meter boxes and sewer cleanouts, and other necessary structures, except with the express approval of the city engineer. Any adjustments to municipal facilities to avoid such conflicts shall be at the expense of the driveway applicant.

B. Permit requirements

1. A permit shall be required prior to the removal, alteration, or construction of any curb, driveway, gutter, or pavement and prior to the performance of any other work in any public or private street.

   a. A continuing indemnity bond with sufficient surety acceptable to the city may be required of the party performing the work. All work shall be done in conformity with the standards established herein.

   b. The city shall be indemnified for any damages it might sustain due to any breach of condition above. Damages payable to the city shall be the amount required to make such improvement conform to city standards.

2. A fee in accordance with the adopted fee schedule shall be paid at the time an application for a driveway permit is made.

C. Submissions of driveway plans

1. Two copies of plans showing the location and dimensions of all proposed improvements shall be submitted with an application prior to the issuance of a driveway permit.

2. Design and construction of driveways shall conform to the requirements of the Technical Standards and Specifications Manual, except for those driveways within a historic district or overlay, which shall conform to the Wilmington Design Standards for Historic Districts and Landmarks.

D. Driveway permit inspection

After issuance of a driveway permit, it shall be available for on-site inspection by the city. The inspector or other authorized representative of the city shall have the authority to require the immediate stoppage of work if driveway installation is not performed in accordance with approved plans or the requirements of this division. The inspector may order that any nonconforming installations be corrected or blocked.

E. Brick driveways

1. In the historic districts, historic overlays, and central business district, brick driveways consisting of smooth, hard-burned clay bricks with an appropriate concrete base conforming to the design standards of the city engineer shall be allowed.

2. In the event repairs are required after brick driveways are installed due to utility replacement or other construction work, the driveway applicant shall pay that portion of the repair cost that exceeds the cost of repair using standard concrete six inches in thickness. Normal maintenance and replacement will be the responsibility of the driveway owner.

Sections 18-348 - 18-358: Reserved.

ARTICLE 5. DIVISION 3.

CHANGES IN USE

Section 18-359: Changes in use

Changes from one use designation or occupancy type to a different allowable use or occupancy within a zoning district or uses proposed for sites that have been vacant for more than 180 days shall require site improvements per Table 18-326: Required landscaping for expansions.

A. Changes in use with no expansion

Change from one nonresidential use to another nonresidential use that does not include a building or structure expansion or more than five additional parking spaces above what is already provided shall require:

1. Installation or repair of sidewalk, including associated curb ramps compliant with the Americans with Disabilities Act (ADA), along all adjacent streets and pedestrian connections to all entrances;

2. Screening of existing and expanded parking with a low buffer at least three feet in height; and

3. Closure or modification of any nonconforming driveways.

B. Changes in use with expansion

In addition to the requirements for changes in use with no expansion, changes from one nonresidential use to another nonresidential use that include a building or structure expansion greater than five percent in area, or more than five additional parking spaces shall require:

1. Compliance with the requirements of Table 18-326: Required landscaping for expansions; and

2. Bicycle parking as required based on the square footage of the building expansion or at a 1:5 ratio for new parking spaces (whichever is greater).

C. Changes from residential to nonresidential use

In addition to the requirements of subsections A. and B., any change from a residential use to a nonresidential use shall require:

1. Bicycle parking based on the square footage of the entire building; and

2. Full compliance with divisions 1 and 6 of this article.

Sections 18-360 - 18-370: Reserved.

ARTICLE 5. DIVISION 4.

PUBLIC INFRASTRUCTURE

Section 18-371: Plans controlling street lines

The boundary lines of streets and rights-of-way shall conform to the official map of the city and recorded subdivisions that may be added.

Section 18-372: Numbering of buildings

A. Duty of owner

It shall be the duty of the owner, agent, or occupant of any building to properly display a number that has been assigned by the city manager. The number shall be displayed in a conspicuous place so that it may be plainly seen and observed from the street.

B. Addressing duties

The city manager shall prepare and maintain street address numbering maps of the city and, when a new building is built, or for any reason a number is required, issue such number upon the request of the owner. The city manager shall also review street number assignments, resolve conflicts in numbers, reassign numbers, or propose any changes are necessary.

C. Maps generally

In preparation of maps and in assignment of numbers, the city manager shall follow the general system of numbering as set forth in this section and consistent with the addressing standards contained in the Technical Standards and Specifications Manual.

D. Annexations

Upon the annexation of any land into the city, the city manager, within seven days of the annexation, shall prepare street address numbering maps for the new areas and submit such maps to city council for their approval. Upon approval, it shall be the duty of the city manager to assign approved numbers to the owner and tenant of each building within the new areas.

E. Renumbering

When, due to conflicts, change in character, or change in occupancy of any block, it becomes necessary to assign and reassign numbers within that block, the city manager shall prepare a map for the proposed renumbering of such area and submit this map to city council for approval. Upon approval, the city manager shall assign approved numbers to the owners and tenants of each affected building.

F. Buildings officially numbered

All buildings shall be considered officially numbered when numbered in strict accordance and compliance with the terms of this section, in accordance with the plans and maps prepared by the city manager prescribing the method of numbering buildings, and after adoption by the council.

G. Base lines

The Cape Fear River and Market Street shall be the base lines for the purpose of numbering buildings under the provisions of this section.

H. Method as to east-west streets

Each street running east and west, or substantially in that course, shall, for the purpose of numbering, have its beginning at the east line of the Cape Fear River, the numbering to begin at this initial point with the number one and ending with the number 100 at the west line of Front Street, then beginning with the east line of Front Street with the number 101, and increasing eastwardly, in like manner, to the corporate limits of the city as they exist at the time of numbering.

I. Method as to north-south streets

Each street running north and south, or substantially in that course, shall, for the purpose of numbering under this section, begin at the north and south sides of Market Street, as the case may be, with number one and ending with the number 100 at the south line of Princess Street moving north and Dock Street moving south, then beginning with the number 101, and increasing northwardly or southwardly from such initial point to the corporate limits of the city, as they exist at the time of numbering.

J. Location of odd and even numbers

Even numbers shall be placed on the right-hand side of the street and odd numbers on the left-hand side of the street, going from the base lines named in subsection G of this section.

Section 18-373: Street names

Regarding street naming, the city manager shall:

A. Maintain maps or listings of the official names of all streets as they now exist or may be extended or renamed by city council;

B. Review official street names and recommend to city council any changes in names justified to permit clarity of street designation;

C. Review street names submitted for new subdivisions or multi-unit developments to ensure that new street names are not duplicates of names already used; and

D. Issue listings of official street names.

Section 18-374: Construction impacting streets and sidewalks

A. Prerequisite to laying foundation or erecting fence, wall, or screen

1. Any building or structure foundation, fence, wall, screen, or fixture laid immediately abutting any street shall require application to the city engineer prior to construction or installation. The front line or boundary of such street shall be staked by a professional land surveyor licensed in the state of North Carolina prior to any installation of such foundation, fence, wall, screen, or fixture.

2. Any building, structure, fence, wall, screen, or fixture installed in a manner that encroaches on public street right-of-way without necessary encroachment approvals or aerial easements shall be demolished by the property owner within 30 days of written notification from the city engineer.

   a. Any such encroachment or obstruction not removed by the owner within 30 days after written notification shall be removed at the charge and expense of the property owner.

   b. The cost of such removal shall become a lien upon the property.

B. Encroachment by building, fence, wall, screen, or structure

1. No building, fence, wall, screen, or structure, fixture, signs, or outward door swings shall encroach upon, project over, below, or use any part of the public rights-of-way unless approved as described in this section. This shall not apply to encroachments necessary for governmental agencies as specifically authorized by city council.

2. This section is not intended to limit the authority of the city council to grant easements and encroachments pursuant to NCGS 160A-273, or to limit the authority of the city manager, city engineer, or other city officials to issue permits for activities in public streets or sidewalks as authorized in the city of Wilmington Code of Ordinances.

3. Encroachments into rights-of-way, easements, or city-owned properties may be granted for the installation and maintenance of privately-owned improvements and facilities deemed to be in the best interest of the city and the general public in any area upon the recommendation of the city manager. Such encroachment may not be approved if it would substantially impair or hinder the use of city property.

4. Encroachments shall be classified as either major, minor, or de minimis, as defined in article 8 of this chapter.

   a. De minimis encroachments may be approved by the city engineer.

   b. Minor encroachments may be approved by the city manager.

   c. Major encroachments may be approved by the city council.

   d. The city manager or city engineer shall have the discretion to decline to exercise the delegated authority and may determine that the nature of the encroachment requires approval by the city council.

5. Aerial encroachments such as balconies or other permanent building or structure elements not meeting the definition of de minimis shall not be permitted as encroachments but shall be purchased or granted as air rights or an aerial easement.

6. All major and minor encroachments granted shall be subject to a properly executed encroachment agreement. The encroachment agreement must be approved prior to construction release or issuance of a building permit and fully executed prior to the issuance of a certificate of occupancy or use of the permitted facility.

7. Application for any encroachment shall be made to the city engineer. All encroachments granted shall be constructed to standards approved by the city engineer.

8. For any encroachment granted, the grantee shall pay the city the fee established in the adopted fee schedule or as directed by the city council.

9. For any encroachment granted pursuant to this section, the grantee shall indemnify and hold harmless the city, its officers, and employees from any loss, liability, or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person resulting from any approved encroachment.

10. Any permit or authorization issued shall be subject to inspection or termination at any time by the city for any reason, unless prohibited by state law

Sections 18-375 - 18-385: Reserved.

ARTICLE 5. DIVISION 5.

SIGNS

Section 18-386: Purpose and scope

A. Purpose

The regulation of signage on public and private property is a legitimate objective to enhance the built environment, reinforce the identity of districts, and balance aesthetics with economic and safety needs. The purpose of this article is to coordinate the type, placement, and physical dimensions of signs such that they do not create unnecessary distraction, visual clutter, sight obstructions, or safety hazards.

B. Applicability

1. This division regulates signs oriented towards and visible from vehicular rights-of-way and signs visible from exterior areas intended for public use. Unless specifically indicated or defined otherwise, the word sign shall refer to an on-premises sign. No sign may be installed, erected, altered, placed, replaced, converted, changed, or otherwise modified except in accordance with the requirements of this division.

2. This division shall not regulate building design, official traffic signs, local government signage on city- or county-owned properties, gravestones, scoreboards on athletic fields, or any display or construction not defined as a sign.

(Ord. No. O-2022-90, §1(Att.A), 11-15-2022; Ord. No. O-2024-13, §11, 3-19-2024; Ord. No. O-2024-51, §A.3, 10-1-2024)

Section 18-387: General provisions and regulations applicable to all districts

A. Prohibited signs

1. In all zoning districts, the erection, construction, location, and use of any sign as enumerated below is prohibited, subject to the regulations of this division. Such signs, if deemed to create a public safety hazard by the city manager, may be summarily removed by the city. Prohibited signs shall otherwise be removed within 48 hours of notice of violation. All signs that are located within any public right-of-way shall be summarily removed and disposed of by the city without notice.

2. No sign shall:

a. Contain statements, words, or pictures that are obscene, as defined by NCGS 14-190.1.

b. Be permitted on or protrude into a public right-of-way, street, or passageway except as provided specifically in Section 18-375: Construction impacting streets and sidewalks;

c. Be attached to, hung, or painted on any public infrastructure, including but not limited to, any curb stone, hydrant, lamppost, barricade, temporary walk, utility pole, fence, or on a police call fixture or fire alarm within any public right-of-way, except for signs installed by or with the approval of any appropriate governmental agencies;

d. Be permitted whereby its location, nature, or type constitutes or tends to constitute a hazard to the safe and efficient operation of vehicles or pedestrian passage upon any public right-of-way, street, or passageway;

e. Be permitted, as specified in NCGS 136-32.1 or 136-32.2 that would obstruct or resemble traffic signs or signals or would tend to be confused with a flashing light of an emergency vehicle;

f. Prevent the free ingress and egress from any door, window, fire escape, or other opening used as a means of egress;

g. Be attached in any form, manner, or shape that interferes with any opening required for ventilation, except that signs may be erected in front of any may cover transom windows when not in violation of the provisions of the city of Wilmington Code of Ordinances;

h. Be erected or maintained in whole or in part upon or over the roof of a building, except as specifically provided in this division;

i. Contain or consist of banners, posters, pennants, ribbons, balloons, streamers, wind devices, or other similarly moving devices or ornamentation, except as specifically provided in this article;

j. Utilize revolving rotating beams of lights or stroboscopes.

k. Utilize an exposed incandescent lamp without a screen or comparable diffusion;

l. Cause glare or light trespass onto adjacent properties;

m. Be located closer than 10 feet in any direction from any power or transmission line, excluding supporting structure such as a power pole;

n. Be located within a triangular sight distance, except as specifically provided in this division;

o. Flash; animated signs shall be prohibited except for nonconforming kinetic signs within legacy districts; and

p. Be permitted off-premises. No new outdoor advertising signs shall be permitted, except as specifically provided in this division.

B. Vision clearance

Signs within the triangular sight distance, as defined in article 8, are limited to one freestanding sign per vehicular entrance, not to exceed three square feet in area per sign or 30 inches in height. Such signs shall not count towards the freestanding sign allowance.

C. Maintenance

Should any sign be in danger of falling or be deemed otherwise unsafe by the city manager, the sign owner or the person or firm maintaining the sign shall, upon written notice from the city manager, or immediately in the case of imminent danger, and in any case within 30 days, secure said sign in a manner approved by the city manager in conformity with the provisions of the North Carolina Building Code, or remove such sign. If such sign is not removed by the owner, the city manager may initiate legal procedures to obtain the necessary court orders to remove such signs at the expense of the sign owner/lessee.

D. Abandoned signs

Within 60 days after a business has been vacated or terminated, all signs erected by or to the benefit of the vacated business shall be removed from the premises. Permanent structural support

fixtures may remain, provided they do not contain commercial or noncommercial copy. If such sign has not been removed after the removal time has expired and after proper written notice has been issued, the city manager may initiate legal procedures to remove such signs at the expense of the owner.

E. Indemnification and insurance

1. All persons, entities, and groups involved in the maintenance, installation, alteration, or relocation of signs upon any public right-of-way shall hold harmless and indemnify the city, its officers, agents, and employees, against any and all claims of negligence resulting from such work.

2. All persons involved in the installation, maintenance, relocation, or alteration of signs shall maintain all required insurance and shall file with the state a satisfactory certificate of insurance to indemnify the city, state, or county against any form of liability to a minimum of $100,000.

F. Freedom of expression for noncommercial messages

Notwithstanding any other provision of this division, noncommercial copy may be substituted for commercial copy or other noncommercial copy on any sign that is permissible under this division.

G. Certificate of appropriateness required in historic districts

A certificate of appropriateness shall be required prior to the issuance of a sign permit in the HD, HDMU, HDR, and historic overlays.

(Ord. No. O-2022-90, Att. A, 11-15-2022)

Section 18-388: Signs allowed by district

Table 18-388: Signs allowed by district identifies on-premises signs permitted by zoning district with cross-references to standards for specific sign types by district. A certificate of appropriateness shall be required prior to the issuance of a sign permit in the HD, HDMU, HDR, and historic overlays.

Table 18-388: Signs allowed by district												
Key: P = Permitted, Blank = Prohibited												
Use	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	MX	RO	CBD
Building signs												
Wall									P	P		P
Projecting									P	P		P
Window									P	P		P
Awning									P	P	P	P
Marquee									P	P		P
Canopy									P	P	P	P
Integral	P	P	P	P	P	P	P	P	P	P	P	P
Freestanding signs												
Monument	P	P	P	P	P	P	P	P	P	P	P	P
Pole												
With exposed pole												
With internal structural support												
Flag, permanent pole-mounted	P	P	P	P	P	P	P	P	P	P	P	P
Sandwich board									P	P		P
Flag						P	P			P	P	
Banner						P	P		P	P	P	P
Feather flag						P	P		P	P	P	P
Portable	P	P	P	P	P	P	P	P	P	P	P	P

Table 18-388: Signs allowed by district										
Key: P = Permitted, Blank = Prohibited										
Use	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Building Signs										
Wall		P	P	P	P	P	P	P	P	
Projecting		P	P	P	P	P	P			
Window		P	P	P	P	P	P	P	P	
Awning		P	P	P	P	P	P	P		
Marquee		P	P	P	P	P	P	P		
Canopy										
Integral	P	P	P	P	P	P	P	P	P	P
Freestanding signs										
Monument		P	P	P	P	P	P	P	P	P
Pole										
With exposed pole						P		P	P	
With internal structural support				P	P	P	P	P	P	
Flag, permanent pole-mounted	P	P	P	P	P	P	P	P	P	P
Sandwich board		P	P	P	P	P	P			
Flag (including feather)				P	P	P	P	P		
Banner		P	P	P	P	P	P	P	P	
Portable	P	P	P	P	P	P	P	P	P	P

1. For lots subject to frontage standards per division 6 of this article, the frontage standards for signs shall apply.
2. Nonresidential uses in residential districts may install signs in conformance with this division.
3. Electronic changeable copy shall be prohibited in any single-dwelling residential district, the UMX, HDR, HD, HDMU districts, and within any historic district overlay.
4. Art shall be allowed in all nonresidential districts.

(Ord. No. O-2021-75, §6, 11-3-2021; Ord. No. O-0200-90, §§2, 3(Att. A), 11-15-2022)

Section 18-389: Building signs

The following provisions are applicable to the placement of wall, projecting, window, awning, marquee, canopy, and integral signs on a building.

A. Wall signs

1. Wall signs shall be mounted parallel to the building to which they are attached (see figures 18-389.1: Wall signs and 18-389.2: Wall sign example).

2. In addition to district-specific standards, wall signs shall be subject to the standards in Table 18-389.1: Wall sign standards..

Figure 18-389.1: Wall signs



Table 18-389.1: Wall sign standards	
	Standard
Area (maximum)	20% of wall to which attached, or maximum allowable in district, whichever is less
Allowable projection from building	24 inches
Height	Shall not extend more than 24 inches above the roofline of the building

Figure 18-389.2: Wall sign example



3. Within the CBD, UMX, and MX districts:

   a. One ground-floor wall sign per building entrance at a ratio of one square foot of sign area per linear foot of that individual building facade fronting on a public street or alley, up to a maximum of 25 square feet per sign may be permitted (see Figure 18-389.3: CBD, UMX, and MX wall signs).

   b. In lieu of individual occupant wall signs, commercial buildings not exceeding 10,000 square feet of gross floor area are permitted:

      i. Up to three wall signs per building;

      ii. Up to 200 square feet in combined area of wall signs; and

      iii. No more than one wall sign per facade above the ground floor.

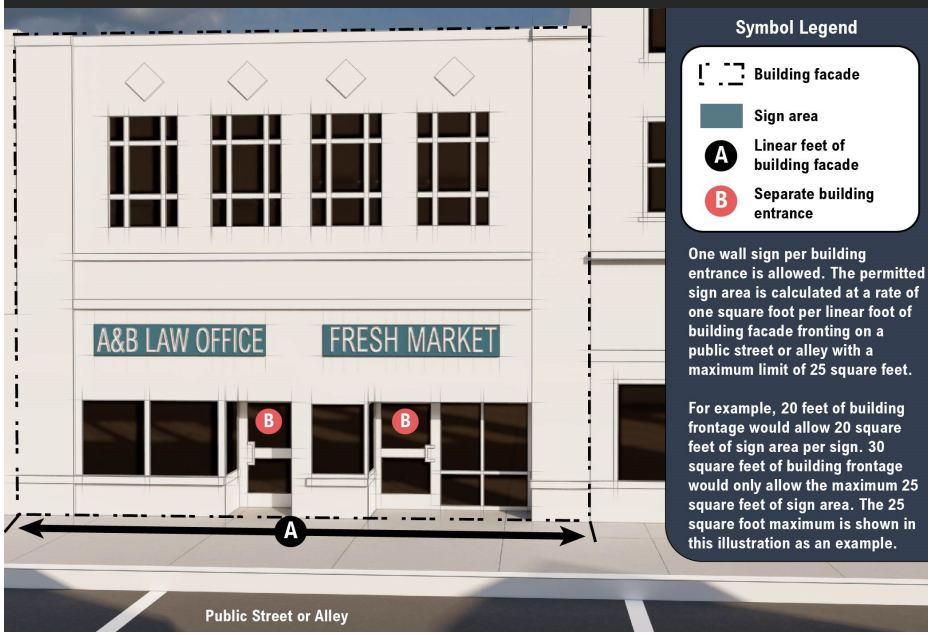
   c. Commercial buildings with a gross floor area over 10,000 square feet are permitted:One ground-floor wall sign per building at a ratio of one square foot of sign area per linear foot of that individual building facade fronting on a public street or alley, up to a maximum of 25 square feet per sign; and

      i. Up to four wall signs provided the combined area of all wall signs above the ground floor does not exceed 250 square feet in area and there are no more than two wall signs per facade above the ground floor.

      ii. If such commercial buildings are five or more stories in height, one additional wall sign shall be permitted above the fourth-floor facade, provided the combined area of all wall signs does not exceed 250 square feet in area and there are no more than two wall signs per facade above the ground floor.

4. Within the historic districts and historic overlays, wall signs are permitted as follows:

Figure 18-389.3: CBD, UMX, and MX wall signs



   a. Buildings within locally designated historic districts, listed on the National Register of Historic Places, local landmarks, and buildings eligible for National Register of Historic Places listing shall be permitted one plaque, up to two square feet in area, flush mounted against the wall of the historic building.

   b. Each ground-floor unit of a mixed-use building is allowed wall signs subject to the following standards.

      i. One wall sign per building entrance at a ratio of one square foot of sign area per linear foot of that individual building facade fronting on a public street or alley shall be permitted (see Figure 18-389.4: Wall signs in the historic districts and overlays).

      ii. Individual signs shall not exceed 20 square feet in area.

      iii. Wall signs shall not be permitted above the ground floor.

Figure 18-389.4: Wall signs in the historic districts and overlays



iv. Internal illumination shall be prohibited.

v. Where a historic sign band exists or can be documented to have existed, a larger wall sign may be approved by the historic preservation commission. Sign band text may not exceed 60 percent of the sign band area except when replicating or restoring original text.

5. In all other commercial and industrial districts:

a. Multi-unit buildings shall be permitted either two wall signs per unit, no more than one per facade, up to 50 square feet total, or up to 200 square feet per building, whichever is greater.

b. Single-unit buildings shall be permitted up to three wall signs, up to 200 square feet combined area.

c. In the RB district only, two-story buildings with a building footprint of at least 80,000 square feet and a total building floor area of at least 160,000 square feet shall be permitted a maximum of seven wall signs, up to 615 square feet combined area, provided:

i. No more than four such signs can be placed above doors or entranceways with a maximum of 12 square feet per building entrance; and

ii. Up to three signs per building, with not more than one per facade, with a maximum individual sign size per wall not to exceed 1.6 percent of the area of the wall on which it is located, or not to exceed 190 square feet, whichever is less.

d. Single-story buildings with at least 120,000 square feet of building floor area shall be permitted a maximum of five wall signs, up to 400 square feet combined area, provided:

i. No more than four individual signs on any one facade shall be permitted; and

ii. The maximum individual sign area shall be 200 square feet.

iii. Individual signs exceeding 50 square feet in area shall be located no closer than 200 feet from a public right-of-way.

B. Projecting signs

1. One projecting sign is allowed per ground-floor unit, provided no wall sign, if also permitted, is located on the same facade is within 20 feet of the projecting sign (see Figure 18-389.5: Projecting signs and 18-389.6: Projecting signs example). Projecting signs extending out from the corner of a building are not subject to this separation requirement.

2. Projecting signs shall be subject to the standards in Table 18-389.2: Projecting sign standards.

Figure 18-389.5: Projecting signs

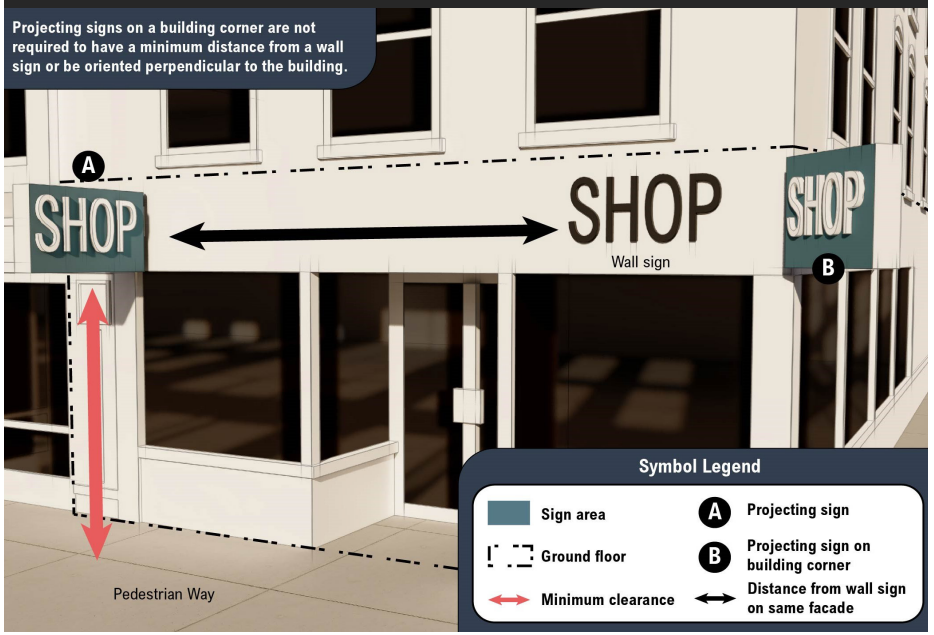


Table 18-389.2: Projecting sign standards

	Standard
Quantity	1 per ground floor unit
Area (maximum)	15 square feet
Minimum clearance above pedestrian walkway	9 feet
Height	Shall not extend above the roofline of the building
Location	Ground floor only, Perpendicular to building except when mounted on the corner of a building

Figure 18-389.6: Projecting sign example



C. Window signs

1. Window signs shall not prohibit visibility into and out of the window.

2. Window signs shall be subject to the standards in Table 18-389.3: Window sign standards (see figures 18-389.7: Window signs and 18-389.8: Window sign example).

Table 18-389.3: Window sign standards	
	Standard
Area (maximum)	10 % of window area CBD only: 50 % of window area
Location	Ground floor only
Illumination	Permitted if mounted on the inside of the building

Figure 18-389.8: Window sign example



Figure 18-389.7: Window signs



D. Canopy, marquee, and awning signs

Canopy, marquee, and awning signs shall be permitted subject to the following standards.

1. Canopy, awning, and marquee signs shall be subject to the standards in Table 18-389.4: Canopy, awning, and marquee sign standards (see figures 18-389.9: Canopy, marquee, and awning sign standards and 18-389.20: Awning sign example).

2. The awning or canopy shall meet all North Carolina State Building Code requirements for height and method of attachment.

3. Within the RO, HD, and HDMU districts, a maximum of two canopy or awning signs shall be permitted per facade.

Table 18-389.4: Canopy, marquee, and awning sign standards

	Standard
Area (maximum) when applied directly to a canopy, marquee, or awning	20% of the aggregate area of the face of the canopy, awning, or marquee; 75 square feet maximum
Signs installed below canopy, awning, overhang, or porch	Minimum 9 foot clearance over pedestrian way, have a maximum area of 3 square feet, and be no wider than the canopy, awning, overhand, or porch roof

Figure 18-389.9: Canopy, marquee, and awning signs

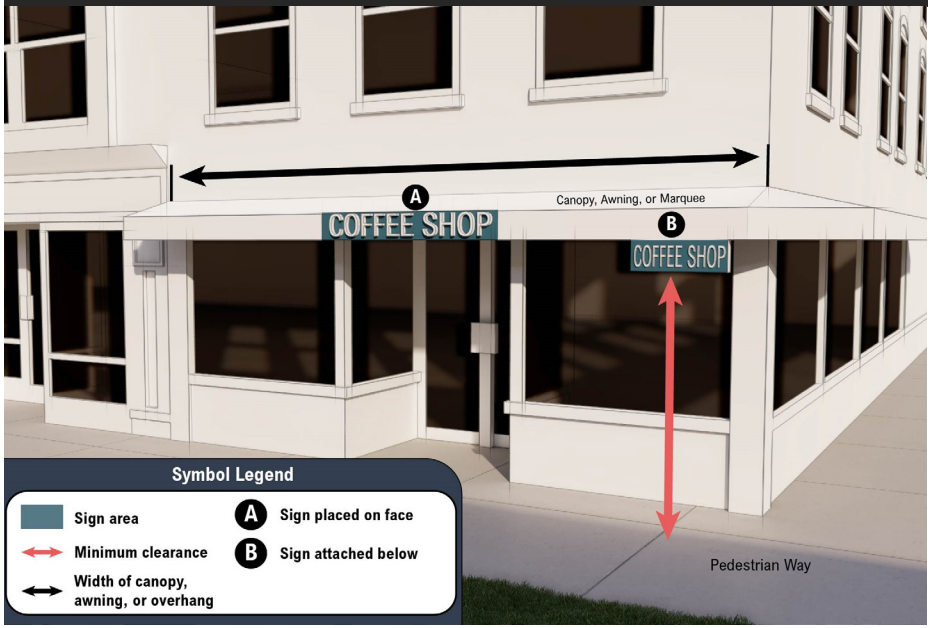


Figure 18-389.10: Awning sign example



E. Integral signs

One sign, up to four square feet in area, may be incorporated into the architecture of a principal building, provided such sign is carved into the building facade or consists of a durable metal material permanently affixed to the building (see figures 18-389.11: Integral signs and 18-389.12: Integral signs example).

Figure 18-389.12: Integral sign example



Figure 18-389.11: Integral signs



F. Art and Murals

Art and murals are both types of signs with a special nature. Signs that meet the definition of murals and art shall be regulated in compliance with this subsection in lieu of any potentially applicable general regulations contained in the Land Development Code. A given sign may possibly meet both the definition of art as well as that of a mural. In that case, the regulations applicable to art shall control and those for murals shall not apply. No permit is required for art. All art and murals shall be subject to the following standards, (see Figure 18-389.13: Mural example).

1. Regulations applicable to art:

    a. Art shall be subject to the limitations set forth in Section 18-387. General provisions and regulations applicable to all districts.

    b. Art shall not exceed the height of the principal structure on which the art is located. On lots that do not contain a principal structure, art installations shall not exceed 12 feet in height.

2. Regulations applicable to murals:

    a. Location and area

        i. Murals located on a primary frontage of a structure shall be subject to the wall sign area allowances for the district in which they are located.

        ii. Murals located on rear and secondary facades of a structure shall not be subject to square footage limitations, provided such murals do not contain commercial copy, to include any tradename, trademark, or the name of the establishment associated with the mural.

        iii. Murals shall not be permitted on any roof or permanent fence.

Figure 18-389.13: Mural example



        iv. On buildings listed on the National Register of Historic Places, collectively or individually:

            1. Restoration of a mural that can be demonstrated to be at least 50 years of age shall be permitted, regardless of size or location.

            2. Sand, high-pressure water blasting, and treatments that cause damage to historic building materials, whether for surface preparation or maintenance purposes, shall not be permitted if the building is listed as a contributing resource.

3. Murals and art that are not maintained, that are faded, or that are in significant disrepair shall be considered a violation of this division and shall be removed.

4. Art and murals within any historic district that are outside of any structure and visible from an area open to the public must comply with any otherwise applicable requirement of a Certificate of Appropriateness.

(Ord. No. O-2022-90, §§4-9(Att.A), 11-15-2022; Ord. No. O-2024-13, §12, 3-19-2024)

Section 18-390: Freestanding signs

The following provisions are applicable to the placement of freestanding signs, including monument signs and permanent noncommercial flags (see figures 18-390.1: Freestanding signs and 18-390.2: Freestanding sign dimensions). Freestanding signs shall be subject to the standards in Table 18-390: Freestanding sign standards.

A. In all nonresidential districts, one monument or pole sign shall be permitted per street frontage, up to a maximum of three per development project, shopping center, or lot.

B. Signs shall prominently display the address number of the property on which the sign is located, with contrasting letters and numbers a minimum of three inches in height.

C. Where electronic changeable copy is permitted, the electronic portion of the sign shall not exceed a maximum luminance of 750 nits, as evidenced by documentation from the manufacturer or installer and shall be limited to a black background with light colored numerals and letters.

Table 18-390: Freestanding sign standards

Zoning district	Number of lanes	Street frontage (in feet)	Front setback (minimum/ maximum, in feet)	Maximum pole sign height (feet)	Maximum height for monument sign (feet)	Maximum primary sign area (square feet)
R-15, R-10, R-7, R-5, R-3, MD, HDMU, HD, CBD, RO, UMX, CEM	N/A	N/A	5/15	6	6	35
O&I	2	N/A	5/15	12	6	35
	4	<100	10/20	12	6	35
		≥100	10/20	20	6	50
CB	2	N/A	10/20	20	6	50
	4	<100	10/20	20	12	50
	4	≥100	10/20	20	12	65
RB, CS, LI, IND	2	<100	10/20	20	12	65
	2	≥100	10/25	20	12	100
	4	<100	10/25	20	12	100
	4	≥100	10/30	25	12	150
	4	≥300	10/30	30	12	175

Figure 18-390.1: Freestanding signs

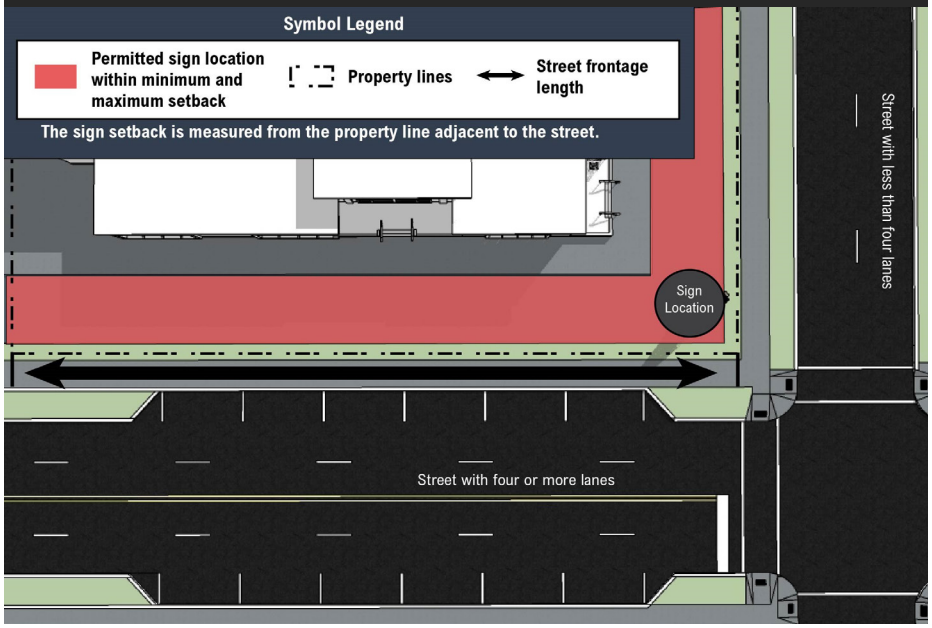


Figure 18-390.2: Freestanding sign dimensions



D. Monument signs

1. Monument signs shall be supported by an internal structural framework or integrated into landscaping (see figures 18-390.3: Monument signs and 18-390.4: Monument sign example).

2. The base of the sign structure shall not exceed 24 inches above the adjacent grade.

3. The width of the top of the sign structure shall not exceed 120 percent of the width of the base.

4. Landscaping, with a radius of at least five feet, shall be installed around the base of the sign. Vegetation shall be at least 24 inches in height.

5. Within the UMX, CBD, and MX districts, such signs shall be permitted only at primary entrances to a development and not for individual tenants.

Figure 18-390.3: Monument signs

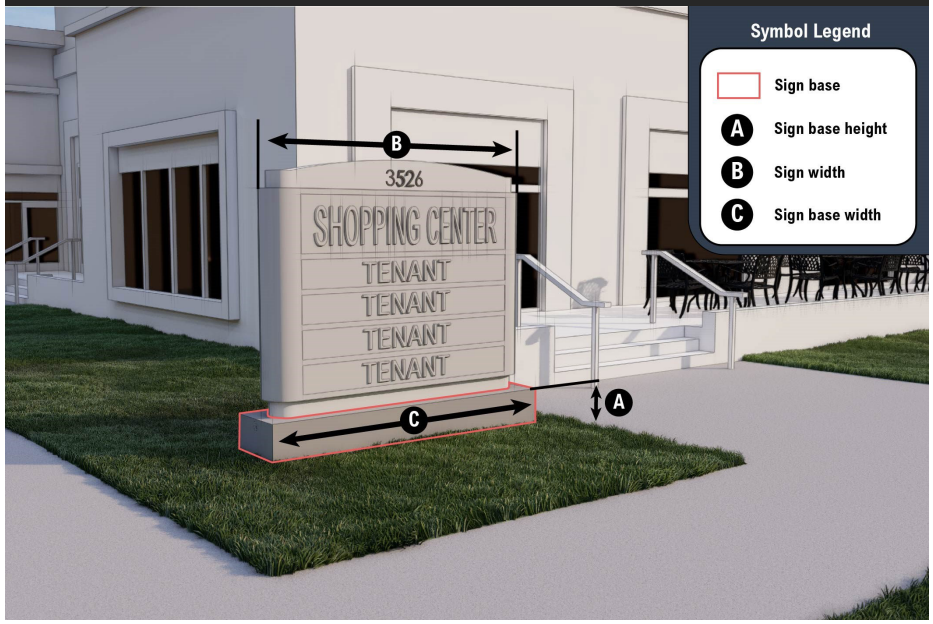


Figure 18-390.4: Monument sign example



E. Pole signs

1. Support structures for pole signs shall not be covered or wrapped in all districts except as specified in Table 18-388 (see figures 18-390.5: Pole signs and 18-390.6: Pole sign example).

2. Within the historic districts and historic district overlays:

   a. Freestanding signs shall be monument or decorative post-mounted.

   b. Internal illumination shall be prohibited.

   c. External illumination, if used, shall shine only upon the sign or the subject lot and shall not spill over the property lines in any direction, except by indirect reflection.

3. Nonresidential principal uses within residential districts may erect freestanding signs up to 30 square feet in area.

F. Sandwich board signs

1. One sandwich board sign per public building entrance, per street frontage, shall be allowed.

2. Sandwich board signs shall be subject to the standards of Table 18-390.2: Sandwich board sign standards (see figures 18-390.7: Sandwich board signs and 18-390.8: Sandwich board sign example).

3. Such signs shall be displayed only during hours the building is open to the public and shall not be illuminated. These signs shall be removed each day at the close of business.

4. Placement of signs

Figure 18-390.5: Pole signs

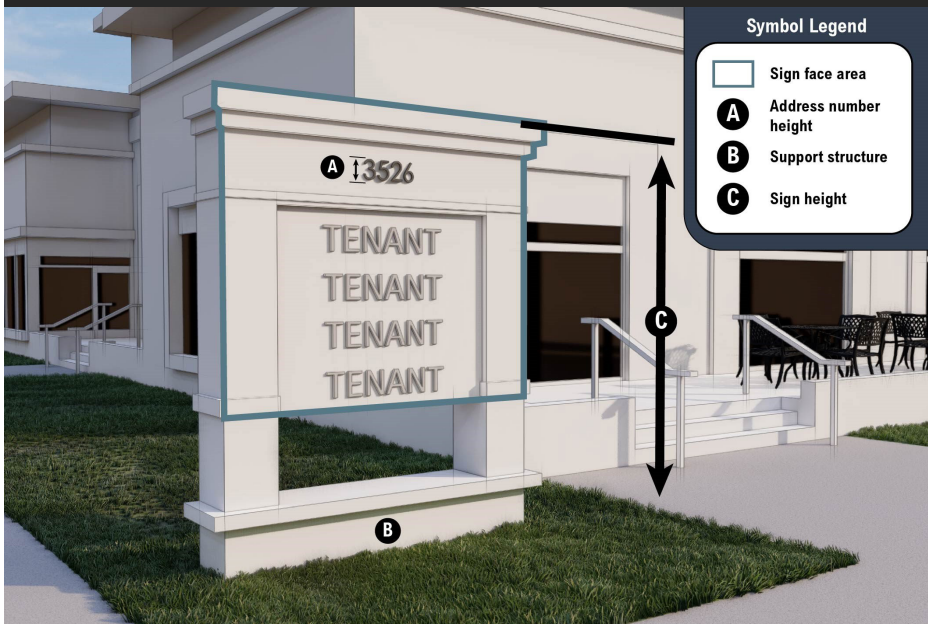


Figure 18-390.6: Pole sign example



a. Sandwich board signs are allowed only on the sidewalk directly in front of the associated use.

b. Along streets with no parallel parking, sandwich board signs shall be placed on the sidewalk within four feet of the curb.

c. Along streets with parallel parking, a two-foot step-out zone shall be provided, and sandwich board signs shall be placed on the sidewalk at least two feet from the curb but not more than four feet from the curb.

d. The location of any sandwich board sign shall be at least 20 feet from any intersection and at least five feet from any crosswalk or fire hydrant.

e. No sandwich board sign may be placed where the unobstructed space for the passageway of pedestrians is reduced to less than four feet. All attached fixed objects shall be considered obstructions, including but not limited to trees, poles, signs, hydrants, trash receptacles, and tree grates.

Table 18-390.2: Sandwich board sign standards	
	Standard
Area (maximum)	8 square feet per side
Location	Within 8 feet of public entrance
Dimensions (maximum)	Width: 2 feet; Height: 4 feet

Figure 18-390.7: Sandwich board signs



5. Sandwich board signs shall be non-reflective and designed to withstand 20-mile-per-hour winds.

6. Any person erecting a sandwich board sign shall indemnify and hold harmless the city and its officers, agents, and employees from any claim arising out of the presence of the sign on city property or rights-of-way. An indemnification agreement, approved by the city attorney, prior to the issuance of a sign permit, shall be executed and shall be accompanied by evidence of insurance covering the liability assumed in this section and the agreement.

7. Permits issued for sandwich board signs shall be issued for a term beginning July 1 and expiring June 30 of each year, shall not be transferable, and shall be subject to site inspection prior to initial permit issuance as well as annual permit renewal.

Figure 18-390.8: Sandwich board sign example



8. Such signs shall be permitted within Water Street Park, as identified in the city of Wilmington Code of Ordinances.

    a. Properly permitted tour operators may display one sandwich board sign at any time the operator is physically present within Riverfront Park.

    b. A maximum of eight sandwich board signs are allowed in Water Street Park at any given time, as established on a first-come, first-served basis.

(Ord. No. O-2022-90, §§10-12(Att.A), 11-15-2022; Ord. No. O-2024-51, §A.4(Att.A), 10-1-2024)

Section 18-391: Provisions for certain uses

A. Bed and breakfast and short-term lodging uses in residential districts may erect either:

1. One on-premises, flush-mounted, non-illuminated, wall sign up to two square feet in area; or

2. One non-illuminated freestanding sign up to four square feet in area and up to six feet in height.

B. Drive-through facilities shall be allowed an additional 30 square feet of signage within two feet of the drive aisle. Such signage shall be oriented away from any adjacent rights-of-way or shall be shielded by vegetation or other solid visual screen such that the additional signage is not readily visible from the adjacent right-of-way.

C. On parking decks where public parking is provided:

1. The maximum allowable wall sign area may be exceeded, up to a maximum of 100 square feet; and

2. The maximum allowable projecting sign area may be exceeded, up to a maximum of 50 square feet.

D. Public parks and playgrounds shall be allowed one monument sign or one attached wall sign per entrance.

1. Such signage shall not exceed six feet in height or 35 square feet in area.

2. Signage not visible from vehicular or pedestrian areas outside the park are exempt from these regulations.

3. One wall sign per facade shall be permitted on any building within such park, not to exceed two per building. Such wall signs shall not exceed 20 percent of the wall to which they are attached, up to a total of 100 square feet.

Section 18-392: Temporary signs

A. Banners and feather flags

Banners and feather flags are permitted, by permit, subject to the following standards (see Figure 18-392: Banner and feather flags example).

1. In the CBD, HDMU, and HD districts, such signs shall be permitted twice per calendar year, not to exceed 30 consecutive days per occurrence.

2. For public outdoor recreational facilities, museums, and cultural arts centers within the CBD and HD districts, one banner shall be permitted on a continuous, year-round basis.

3. In all other commercial and multiple dwelling districts, a single banner or feather flag may be displayed for up to 30 days, one time per calendar year.

4. No banner or feather flag shall exceed 30 square feet in area.

B. Portable signs

1. Any lot developed with a residential use may erect one temporary, non-illuminated, portable sign up to four square feet in area.

2. Nonresidential properties actively listed for sale or lease or

Figure 18-392: Banner and feather flag example



actively under construction may erect two non-illuminated signs up to 20 square feet in area each and up to 10 feet in height.

3. In nonresidential districts, one portable sign up to 35 square feet in area shall be permitted once per calendar year, not to exceed thirty consecutive days per occurrence.

4. Residential properties actively listed for sale or lease or actively under construction are allowed one additional freestanding sign up to 10 square feet in area and six feet in height.

5. All portable signs shall be set back at least five feet from any property line.

(Ord. No. O-2022-90, §13(Att.A), 11-15-2022)

Section 18-393: Regulation of outdoor advertising signs

A. Allowance: removal, relocation, and alteration of nonconforming outdoor advertising signs.

1. No new outdoor advertising signs shall be permitted except for legal conforming outdoor advertising signs (qualified signs) that are removed, relocated, or altered subject to the following standards.

a. Prior to any removal, relocation, or alteration of a nonconforming outdoor advertising sign, a sign permit shall be required pursuant to this division and consistent with NCGS 160D-912.

b. For the purposes of this section, alteration shall mean any illumination, digitization, reconstruction, structural face replacement, or changes to sign area or height of a nonconforming outdoor advertising sign. Change of copy shall not be considered an alteration.

c. A qualified sign owner who has removed such sign from a lot at a time when the provisions of this section are effective has a vested right to relocate said sign within one year from the date of removal, regardless of subsequent changes to this division.

d. A qualified sign owner shall not alter, relocate, or digitize a sign that is not a gateway sign, as defined in this division, until all qualified gateway signs of said owner have been removed and relocated to a receiving zone as defined in this section. This limitation shall not apply if the qualified sign owner does not own or lease any signs in an identified gateway area.

i. For the purposes of this section, a gateway sign is any sign located within 175 feet of the portions of U.S. 76, North College Road, and North 3rd Street defined as gateways in this section.

ii. The 175-foot measurement shall be taken from the center of an outdoor advertising sign pole to the nearest edge of a gateway right-of-way. In situations where multiple poles exist, the measurement shall be taken from the pole closest to the right-of-way.

2. Location

A qualified sign may be relocated or altered and continued as a nonconforming sign on any lot zoned CB, RB, CS, LI, or IND and located only in the following areas:

a. Market Street from Mercer Avenue east to the city limits;

b. College Road from Market Street south to the city limits;

c. Oleander Drive from Dawson Street south to the southern bank of Bradley Creek;

d. Carolina Beach Road; and

e. Shipyard Boulevard from South 17th Street west to its terminus.

3. Removal, replacement, alteration

Any relocated or altered sign shall comply with the following standards.

a. The total number of signs shall not exceed the number of qualified sign structures and sign faces that are registered as qualified signs, except that if a qualified sign structure is relocated from a gateway, the relocated sign structure may be a dual faced sign if the overall square footage of the sign face area is not increased from the total permitted.

b. No outdoor advertising sign shall exhibit a face panel size greater than 380 square feet or the size of the face panel being altered, whichever is smaller.

c. A relocated or altered sign shall meet the following separation requirements.

i. A minimum of 1,000 linear feet shall be required between qualified signs on the same side of the road. A sign is located on the same side of a road as another sign if the sign structures are adjacent to the same side of the road and the sign faces are oriented to the same direction of vehicular traffic.

ii. A minimum of 500 linear feet shall be required from any local historic district or National Register of Historic Places listed district, unless the relocated or altered sign replaces a sign on the same lot that is constructed on multiple poles.

iii. A minimum of 200 linear feet shall be required from any residentially zoned lot on the same side of the road, unless the relocated or reconstructed sign replaces a sign on the same lot that is constructed on multiple poles.

4. A relocated, reconstructed, or altered qualified sign shall be:

    a. Set back at least ten feet from the edge of the right-of-way;

    b. Limited to 40 feet in height;

    c. Be a monopole sign;

    d. Prohibited from being attached to any building; and

    e. Be limited to one face per side.

5. The base of a relocated or altered sign shall be surrounded by a 10-foot-wide landscape buffer in accordance with the requirements of this section.

6. No protected trees shall be removed for the reconstruction, relocation, removal, or alteration of a qualified sign.

7. When conditions exist that prevent the installation of the full width of the landscape buffer from being installed, the board of adjustment may waive the buffer width requirements up to and including full exemption.

    a. Applicable site conditions that the board of adjustment shall consider include, but are not limited to, the protection of trees, the location of existing buildings and other site improvements, and the maintenance of safe ingress, egress, and circulation for the site.

    b. In granting a waiver, the board of adjustment shall only approve the buffer width reduction to that width necessary to accommodate applicable site constraints.

    c. When a buffer is reduced, the qualified sign owner shall make a payment in lieu of providing any required landscaping.

    d. The amount of the payment shall equal the estimated cost of any landscaping materials being waived as well as the installation costs.

8. A qualified sign may be located on a lot with any conforming uses subject to compliance with the terms of this section.

9. Upon issuance of a sign permit, a qualified sign owner may replace existing face panels on qualified signs with digital changeable copy as prescribed in this section.

    a. A single qualified sign owner/operator may not replace more that 40 percent of the total number of qualified sign structures or faces under the same ownership with digital changeable copy; however, this cap shall not apply to gateway signs that are properly relocated outside of the gateway area after the effective date of this ordinance.

    b. Digital changeable copy signs shall not change or alternate displays (words, symbols, figures, colors, brightness, or images) more than once every 15 seconds, except that digital changeable copy signs may change or alternate displays as frequently as once every eight seconds if:

        i. The sign displays government speech on a permanent basis once within every 60 second period; and

        ii. The sign operator displays as part of the normal advertising rotation public emergency messages until such time as such message is no longer reasonably necessary.

1. "Public emergency messages" shall mean Amber Alert emergency information and information about declared states of emergency or public safety emergencies, whether such safety emergency has been formally declared a state of emergency.

2. Public emergency messages shall be displayed in accordance with protocols developed by the city in conjunction with the issuing agencies and the qualified sign owners.

3. For the purposes of this section, government speech shall be any announcement for which no charge is made and that is the message of a federal, state, or local government, or a non-profit organization that serves a public purpose.

iii. Any qualified sign utilizing digital changeable copy shall not be located within 1,000 feet of any other qualified sign with digital changeable copy; and

iv. Any digital changeable copy sign shall meet the following display requirements.

1. The images and messages displayed shall be complete in themselves, without continuation in content to the next message or image, or to any other sign.

2. The transition between images shall be instantaneous and without special effects.

3. The display shall not be configured to resemble a warning, danger signal, official signage used to control traffic, or to cause a viewer to mistake the sign for a warning or danger signal.

4. No electronic animation, movement, scrolling, flashing text, or streaming video shall be permitted.

5. All digital changeable copy signs shall be designed and equipped to freeze the device in one position or immediately discontinue the display if a malfunction occurs.

6. No sign shall be brighter than is necessary for clear and adequate visibility and shall in no case exceed a maximum of 7,500 Nits (cd/m2) during daylight hours and 1,000 cd/m2 during non-daylight hours.

7. No sign shall display such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal that is distracting to drivers.

8. Prior to the issuance of a sign permit, the applicant shall provide written evidence that the light intensity has been factory preset not to exceed 7,500 cd/m2 and that the intensity level is protected from end-user manipulation by password protected software or other method determined appropriate by the city manager.

9. Light emitted from any reconstructed qualified sign shall be confined to the sign area and in no case shall light emitted from a billboard be allowed to shine directly onto or into a residentially zoned or used property.

10. These provisions shall control in the event of conflicts with requirements or prohibitions of any underlying zoning district.

B. Inspection, construction, and maintenance for outdoor advertising signs

1. The city manager shall inspect all outdoor advertising signs periodically to determine that they are in good repair, safe condition, and meet the requirements set forth in this section.

2. Signs shall be located such that they maintain horizontal and vertical clearance from all overhead and electrical conductors in accordance with National Electrical Code specifications. No outdoor advertising sign shall be installed closer than 10 feet horizontally or vertically from any conductor or public utility guy wire.

3. All outdoor advertising sign illumination devices shall be in conformance with the North Carolina State Building Code and all other state and local codes governing illumination. All illumination shall be designed to be confined to the sign area of the outdoor advertising sign.

4. The backs of all outdoor advertising signs shall be painted in a neutral color to blend in with the surrounding area.

5. Except in compliance with a selective vegetation removal permit issued by the North Carolina Department of Transportation, there shall be no trimming of vegetation on public or private property or rights-of-way to make any outdoor advertising signs more visible.

6. If the city manager determines that any sign has been constructed or is being maintained in a manner that is unsafe or unsecured, the city manager may order the owner of the sign to correct the unsafe and unsecured condition. If the owner fails to comply with such order within 30 days, this shall constitute a violation of this section. Each day or part of a day thereafter shall constitute a separate violation.

Sections 18-394 - 18-404: Reserved.

ARTICLE 5. DIVISION 6.

FRONTAGE STANDARDS

Section 18-405: Purpose

A. The standards are developed to enhance public health, safety, and welfare.

B. Because streets are the most visible public spaces and are vital for moving people and goods from place to place, improved aesthetics along these corridors may maintain or improve property values and the overall quality of life for all citizens.

C. Major road corridors help define the character of the city and the treatment of the public realm, that space reaching from the edge of the public right-of-way up to and including building facades, defines each major corridor.

D. Frontage standards are based on a hierarchy of streets. Some roadways are prioritized for auto and freight travel, while combining the needs of multiple modes of travel.

E. These standards are intended to reinforce a vibrant public realm and to enhance desired character, including attractive gateways and edges to neighborhoods, maintaining historic features and development patterns, and continuing to prioritize safe and efficient movement of people and goods through multiple travel modes.

Section 18-406: Applicability

A. Street-specific frontage designation

All proposed multiple dwelling and nonresidential development along streets identified in Section 18-408: Street-specific requirements shall comply with the frontage standards.

B. Frontage designations include three categories: urban, semi-urban, and suburban frontages. Each category includes one or more frontage types.

C. Development with a designated frontage category shall comply with a frontage type that is listed within that category.

Section 18-407: Frontage requirements

A. Applicability

1. This section shall not applied to the following:

   a. Single-dwelling residential districts;

   b. Mixed-use districts;

   c. Historic districts;

   d. Cemetery district; and

   e. Historic district overlay.

2. Development and redevelopment of lots within areas with designated frontage standards shall comply with the requirements of this division.

3. Other regulations of this chapter shall apply for development requirements, including, but not limited to, landscaping, signage, lighting, and zoning district standards. Instances where frontage type requirements exceed, reduce, or waive other provisions of this chapter are stated with the provisions for each frontage

type.

4. Along streets that are designated as an urban, semi-urban, or suburban frontage category, a frontage type listed within the designated category or a frontage type of a greater category of the frontage hierarchy shall be selected. Urban frontage is the greatest frontage category, followed by the semi-urban frontage, followed by the suburban frontage category as the lesser category of the three (see Figure 18-407.1: Frontage category hierarchy).

5. Where streets with a street-specific designation intersect with other streets, corner lots shall meet the following requirements (see Figure 18-407.2: Intersecting streets).

   a. Where two streets with different street-specific designations intersect, the street designation of the greater frontage category shall be applied to both street frontages.

   b. Where two streets intersect and one has no street-specific designation, the street-specific frontage designation shall be applied to both street frontages.

   c. Where a property is located along a portion of the street with two different frontage category designations, the highest designation shall be applied (see Figure 18-407.3: Lots with two frontage designations).

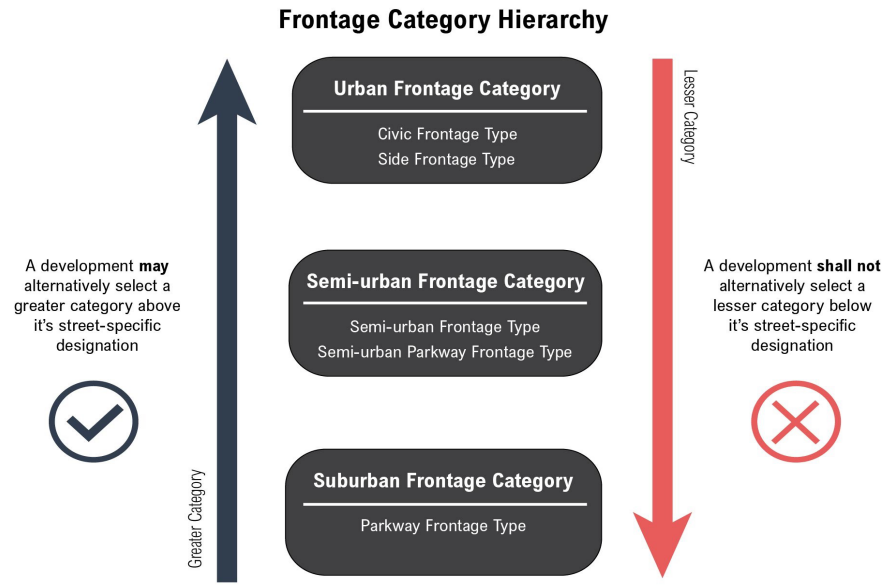
B. Frontage types

Frontage types are defined and organized into three categories based on both existing and aspirational development patterns along certain streets in an urban, semi-urban, or suburban context. Each category includes frontage types that are suitable for each category.

1. Urban frontage category

Urban frontages are applied in pedestrian- and transit-oriented development areas where the streetscape is framed by buildings and limited landscaping. This frontage category is characterized by very limited building setbacks, which helps maximize pedestrian activity and interaction within the public realm.

Figure 18-407.1: Frontage category hierarchy



a. Civic frontage type

In the civic frontage type, primary building entrances and windows shall be oriented toward the street. There shall be minimal setback from the street (see Figure 18-407.4: Civic frontage type).

b. Side frontage type

In the side frontage type, primary building entrances and windows shall be oriented toward the street and a side parking area or open space. There shall be minimal building setback from the street (see Figure 18-407.5: Side frontage type).

Figure 18-407.2: Intersecting streets

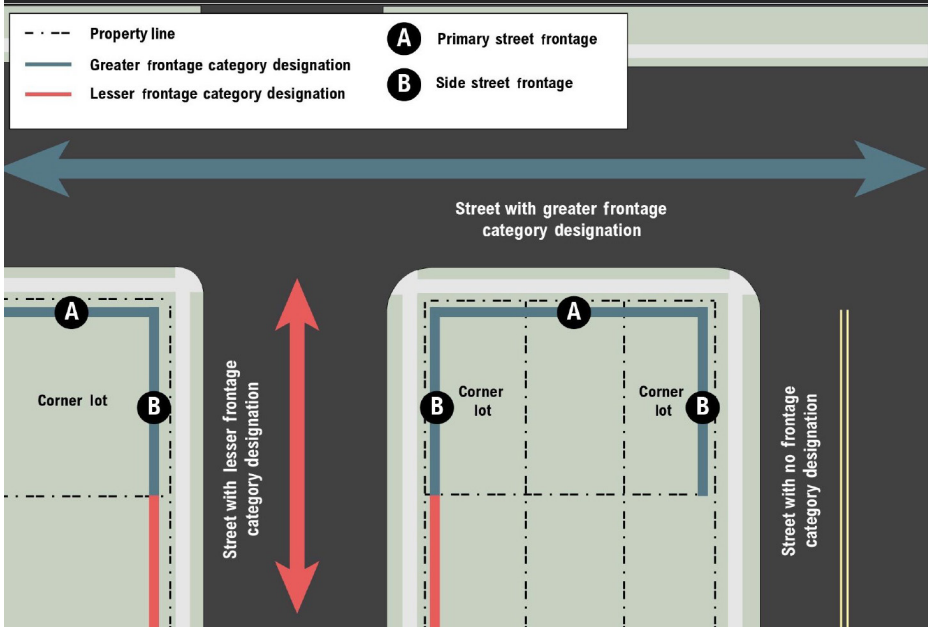


Figure 18-407.3: Lots with two frontage designations

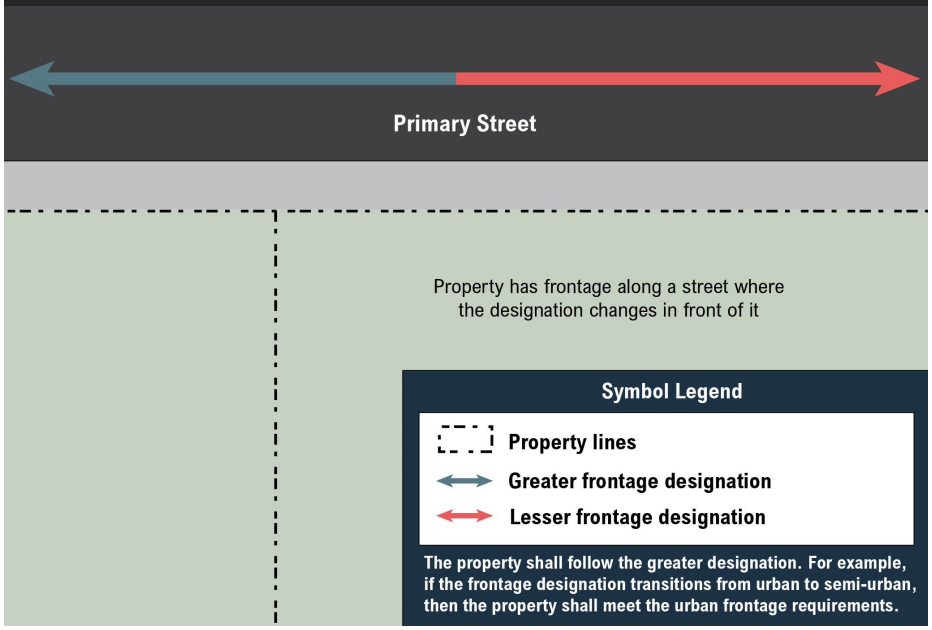


Figure 18-407.4: Civic frontage type

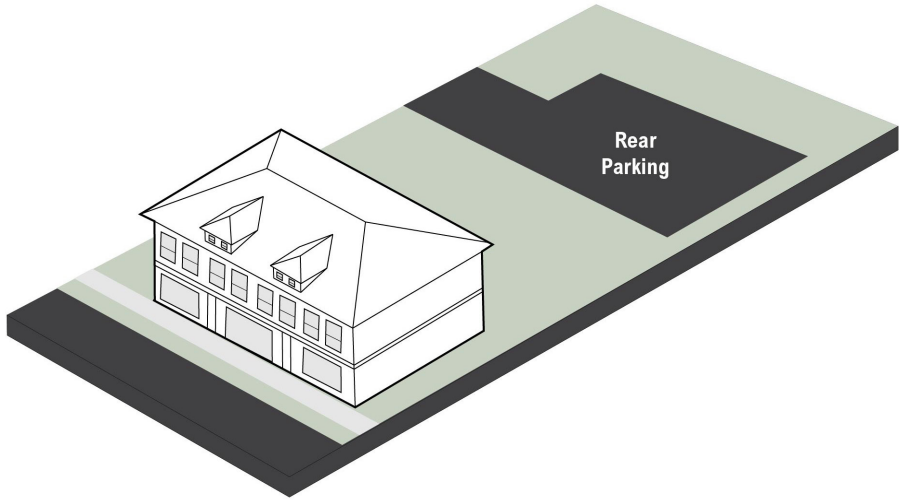
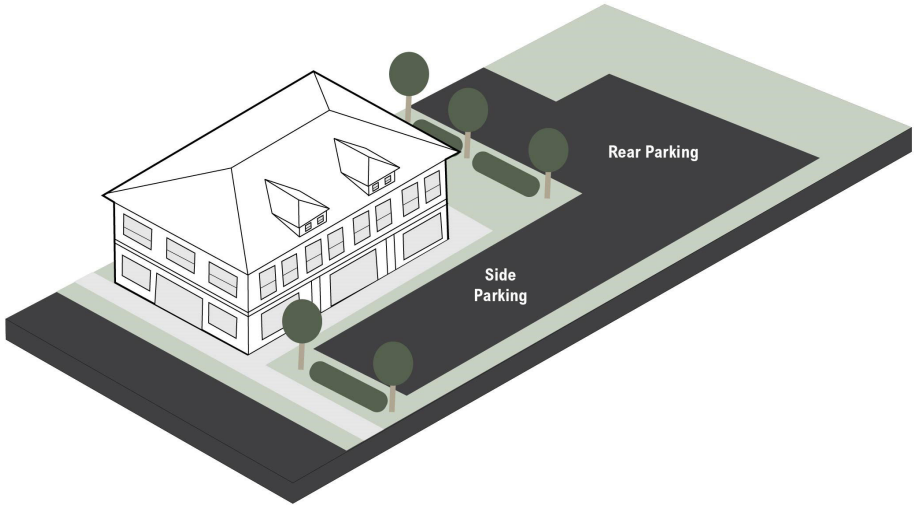


Figure 18-407.5: Side frontage type



2. Semi-urban frontage category

Semi-urban frontages are 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.

a. Semi-urban frontage type

Semi-urban frontages may have surface parking lots with up to two rows of parking between the building and the street and limited streetscape landscaping (see Figure 18-407.6: Semi-urban frontage type).

b. Semi-urban parkway frontage type

Semi-urban parkway frontages may have deeper front setback areas with streetscape landscaping or civic spaces such as plazas, parks, or greenways (See Figure 18-407.7: Semi-urban parkway frontage type).

3. Suburban frontage category

Suburban frontages are located along major corridors that accommodate development with deep front setbacks and most or all automobile parking between the building and the street.

Suburban parkway frontage type shall include streetscape landscaping between any surface parking lot and the street. Development may include surface parking or structured parking (see Figure 18-407.8: Suburban parkway frontage type).

Figure 18-407.6: Semi-urban frontage type

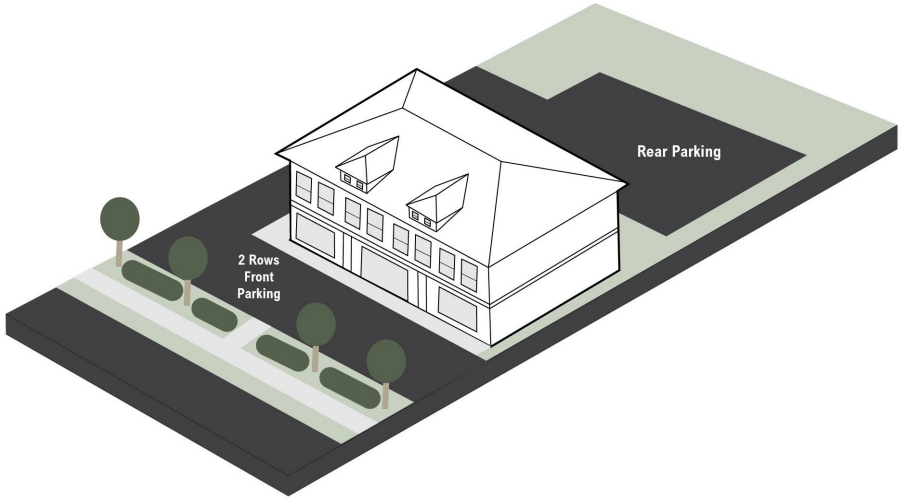


Figure 18-407.7: Semi-urban parkway frontage type

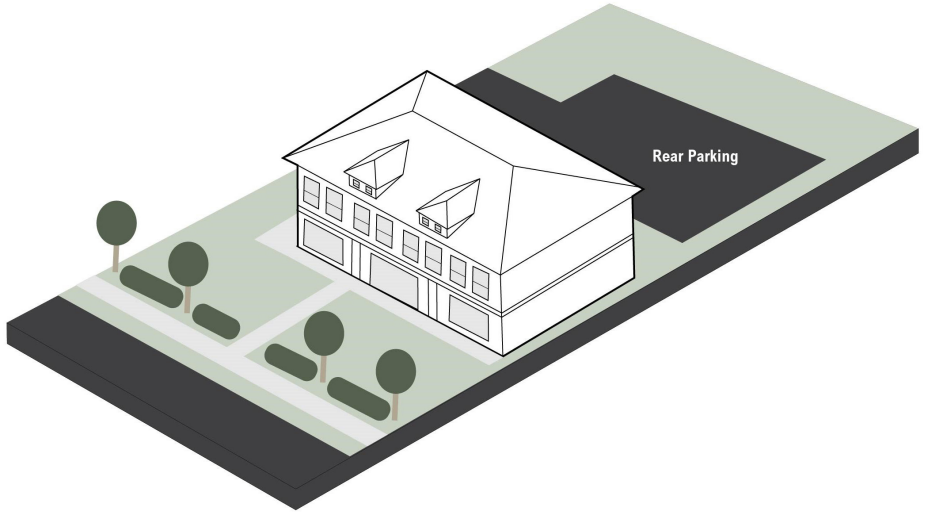


Figure 18-407.8: Suburban parkway frontage type

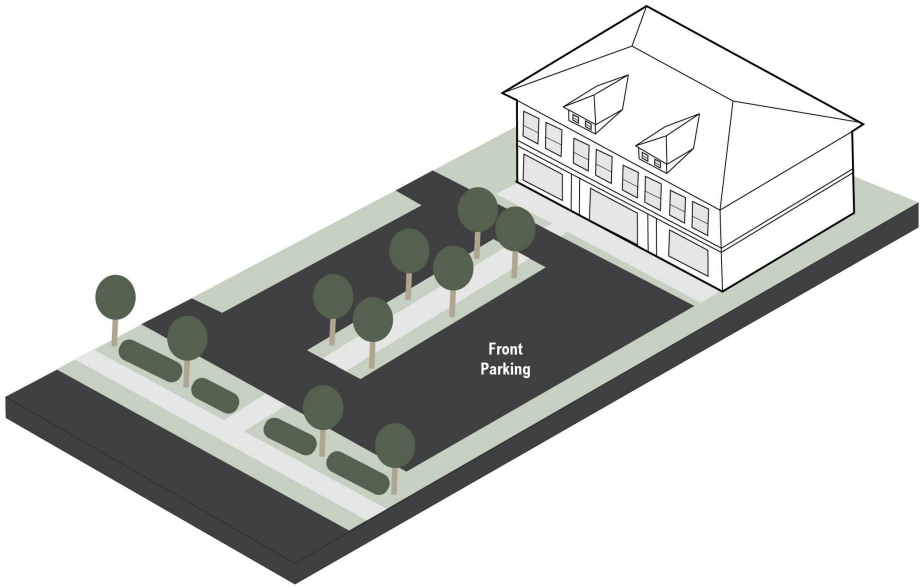
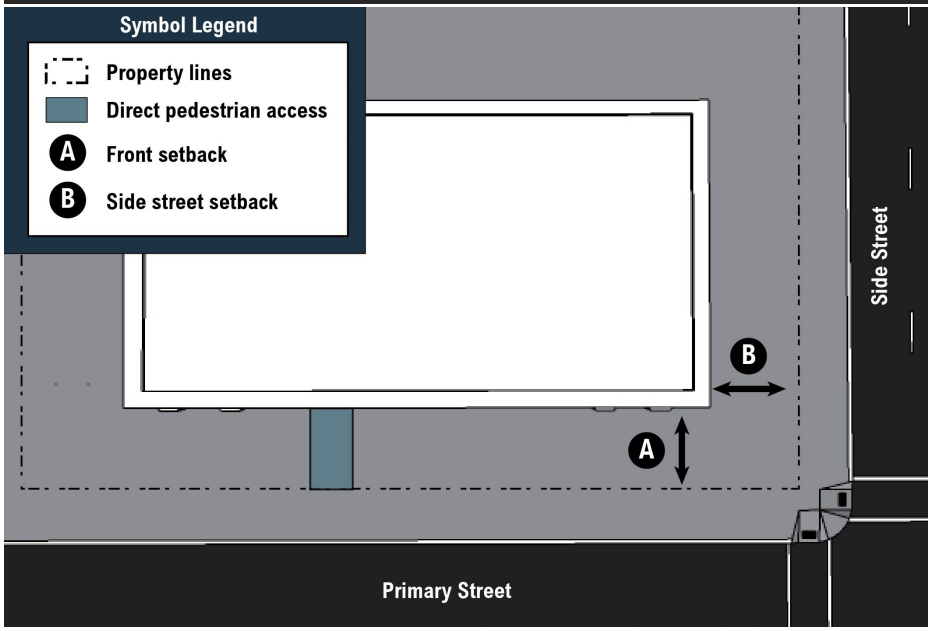


Figure 18-407.9: Urban frontage requirements



C. Urban frontage requirements

Development along streets with an urban frontage designation shall comply with the following requirements, including the requirements of Table 18-407.1: Urban frontage requirements (see figures 18-407.9: Urban frontage dimensions and 18-407.10: Urban frontage example).

Table 18-407.1: Urban frontage requirements

	Civic	Side
Setbacks (feet)		
Front (maximum)	30	
Side street (maximum)	30	
Building design		
Street-facing facade design		
Ground-floor fenestration (minimum, percentage)	60	50
Blank wall length (maximum, feet)	20	
Primary entrance (minimum)	1	
Site elements		
Prohibited parking location	Between the building and the street	
Pedestrian access	Direct pedestrian access shall be provided from the right-of-way to the primary building entrance	
Signage	Pole signs shall be prohibited	

1. For lots identified as urban frontages, the minimum setbacks of article 2 may be waived.

2. Streetscape landscaping shall be provided in accordance with Section 18-319: Streetscape landscaping, unless otherwise prescribed here.

    a. Where a building is setback less than nine feet, the streetscape landscaping requirements for inside the 1945 Corporate Limits shall not apply.

    b. Where a building is setback between nine and 14 feet from front or side street property lines, the area between the building and the property line shall be landscaped meeting the streetscape landscaping requirements for inside the 1945 Corporate Limits in Table 18-319: Streetscape landscaping dimensions.

    c. Where a building is setback at least 15 feet from front or side street property lines, the area between the building and the property line shall be landscaped meeting the streetscape landscaping for outside the 1945 Corporate Limits in Table 18-319: Streetscape landscaping dimensions.

Figure 18-407.10: Urban frontage example



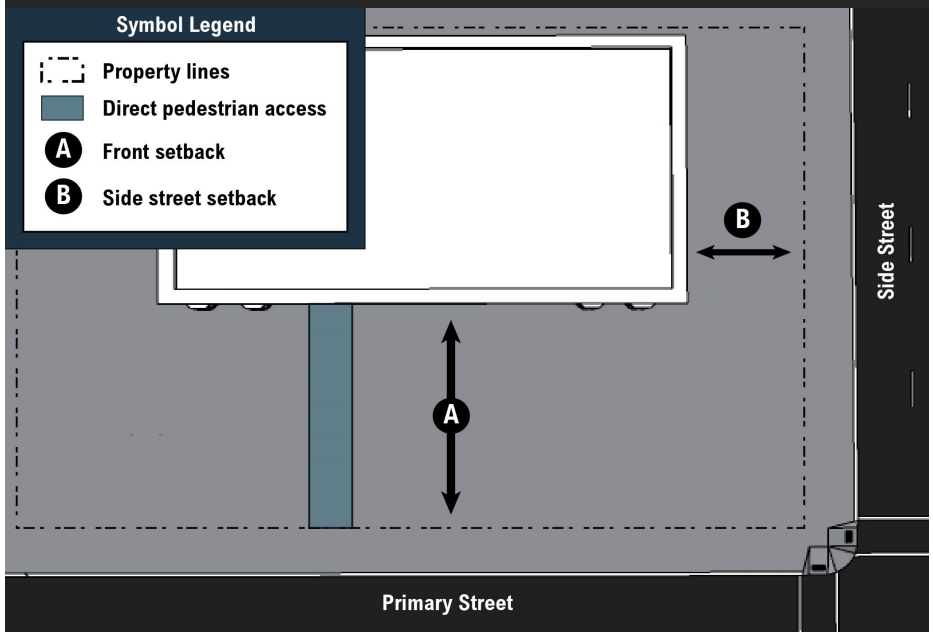
D. Semi-urban frontage requirements

Development along streets with a semi-urban frontage designation shall comply with the following requirements, including those in Table 18-407.2: Semi-urban frontage requirements (see figures 18-407.11: Semi-urban frontage dimensions and 18-407.12: Semi-urban frontage example).

Table 18-407.2: Semi-urban frontage requirements

	Semi-urban	Semi-urban parkway
Setbacks (feet)		
Front (maximum)	90	30
Side street (maximum)	30	
Building design		
Street-facing facade design		
Ground-floor fenestration (minimum, percentage)	40	
Blank wall length (maximum, feet)	20	
Primary entrance (minimum)	1	
Parking		
Prohibited parking location		Between building and the street
Rows of parking between building and street (maximum)	2	
Site design		
Pedestrian access	Direct pedestrian access shall be provided from the right-of-way to the primary building entrance.	Direct pedestrian access shall be provided from the right-of-way to the primary building entrance.
Signage	Pole signs shall be prohibited	Pole signs shall be prohibited

Figure 18-407.11: Semi-urban frontage dimensions



1. For lots identified as semi-urban frontages, the minimum setbacks of article 2 may be waived.

2. Streetscape landscaping shall be provided in accordance with Section 18-319: Streetscape landscaping dimensions.

Figure 18-407.12: Semi-urban frontage example



Figure 18-407.13: Suburban frontage example



E. Suburban frontage requirements

Development along streets with a suburban frontage designation shall comply with the following requirements, including those in table 18-407.3: Suburban frontage requirements (see Figure 18-407.13: Suburban frontage example).

Table 18-407.3: Suburban frontage requirements

	Parkway
Building design	
Street-facing facade design	
Blank wall length (maximum, feet)	30
Primary entrance (minimum)	1
Parking	
Street-facing parking rows	Street-facing parking rows shall be prohibited along the righ-of-way.
Site design	
Pedestrian access	Direct pedestrian access shall be provided from the right-of-way to the primary building entrance
Signage	Pole signs shall be prohibited

(Ord. No. O-2022-41, §27, 6-7-2022; Ord. No. O-2024-13, §13, 3-19-2024)

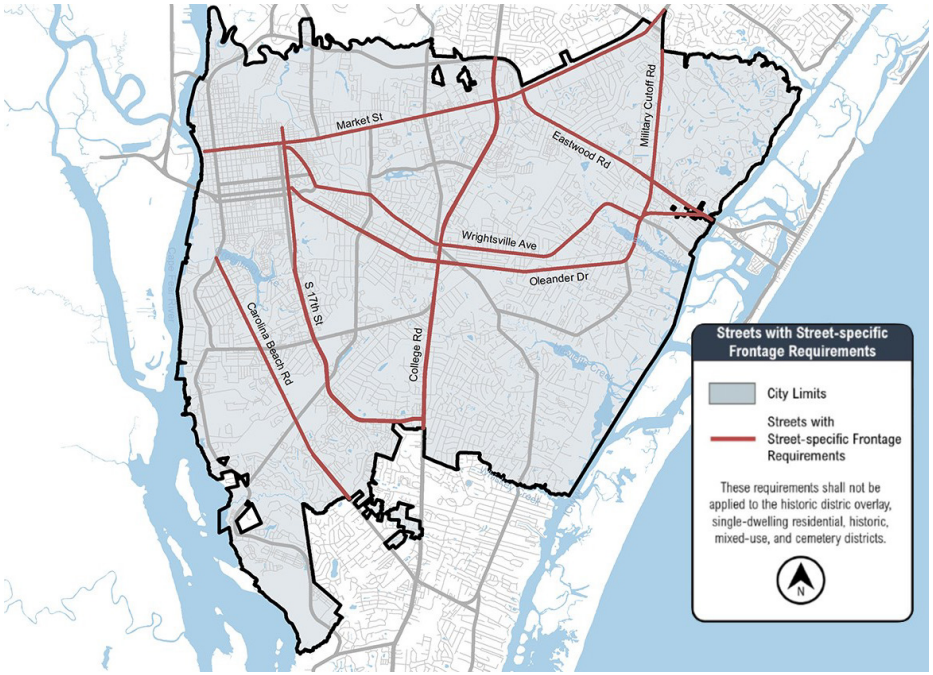
Section 18-408: Street-specific requirements

A. Streets with street-specific requirements

All or portions of the following streets have been identified and shown in Figure 18-408.1: Street-specific frontages, due to their unique character are subject to additional requirements. Additional streets or portions of streets may be added from time to time.

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

Figure 18-408.1: Street-specific frontages



B. Frontage requirements

Along each designated street, those portions of the street shown in Figure 18-408.1 shall be subject to the specific frontage types outlined in Section 18-407: Frontage requirements. Supplementary requirements may be provided in addition to frontage type requirements. Images are provided to show intent and existing frontage treatment along each portion of the street.

C. Wrightsville Avenue

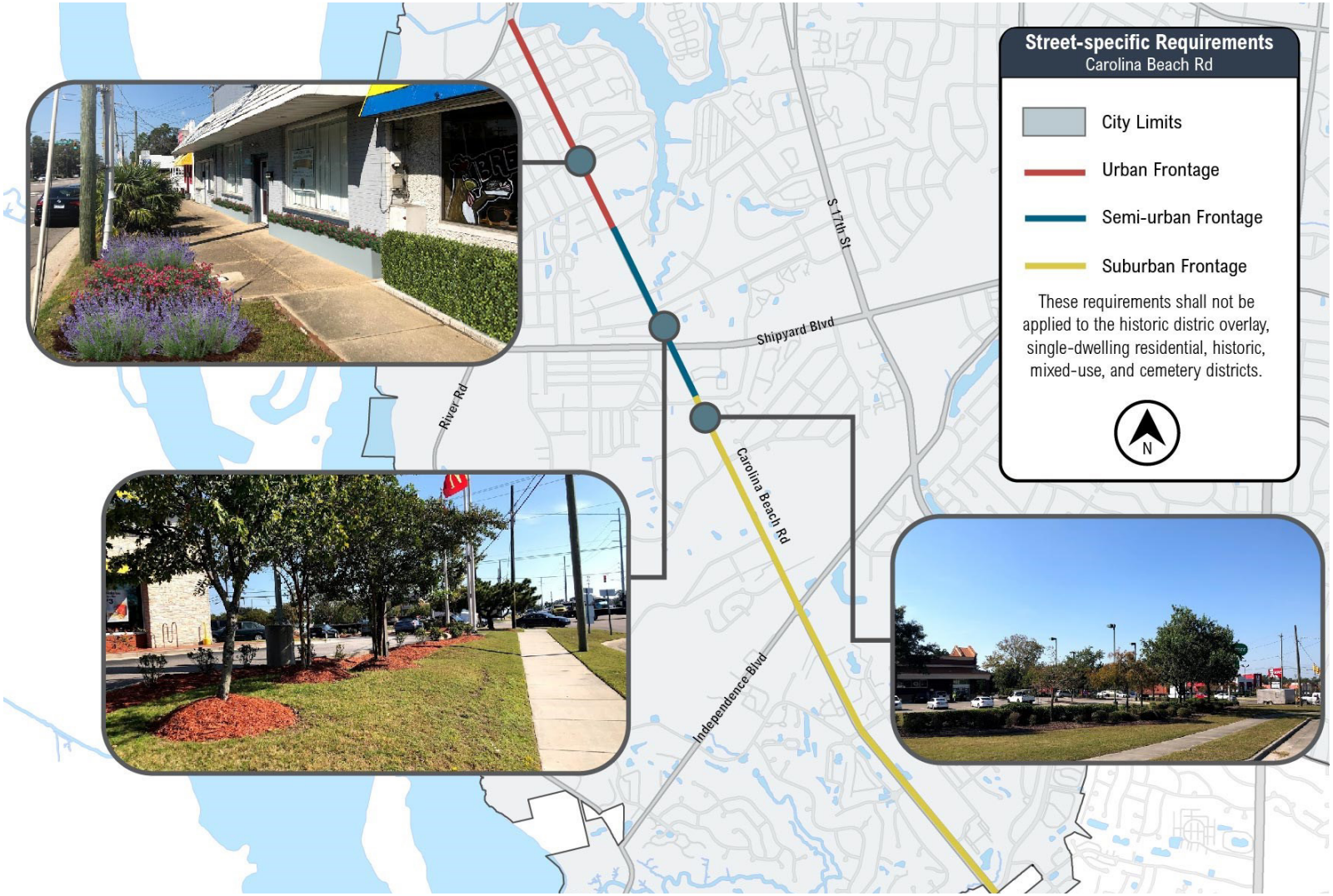
Wrightsville Avenue is identified as a street with distinct character and frontage treatment. Provisions specific to Wrightsville Avenue shall also apply.

D. Required frontage designations

1. Carolina Beach Road

Frontage standards shall be applied along designated portions of Carolina Beach Road as shown in Figure 18-408.2: Street-specific frontage requirements —Carolina Beach Road.

Figure 18-408.2: Street-specific frontage requirements - Carolina Beach Road



2. Eastwood Road

Frontage standards shall be applied along the designated portions of Eastwood Road as shown in Figure 18-408.3: Street-specific frontage requirements — Eastwood Road.

Figure 18-408.3: Street-specific frontage requirements - Eastwood Road



3. Military Cutoff Road

Frontage standards shall be applied along the designated portions of Military Cutoff Road as shown in Figure 18-408.4: Street-specific frontage requirements—Military Cutoff Road.

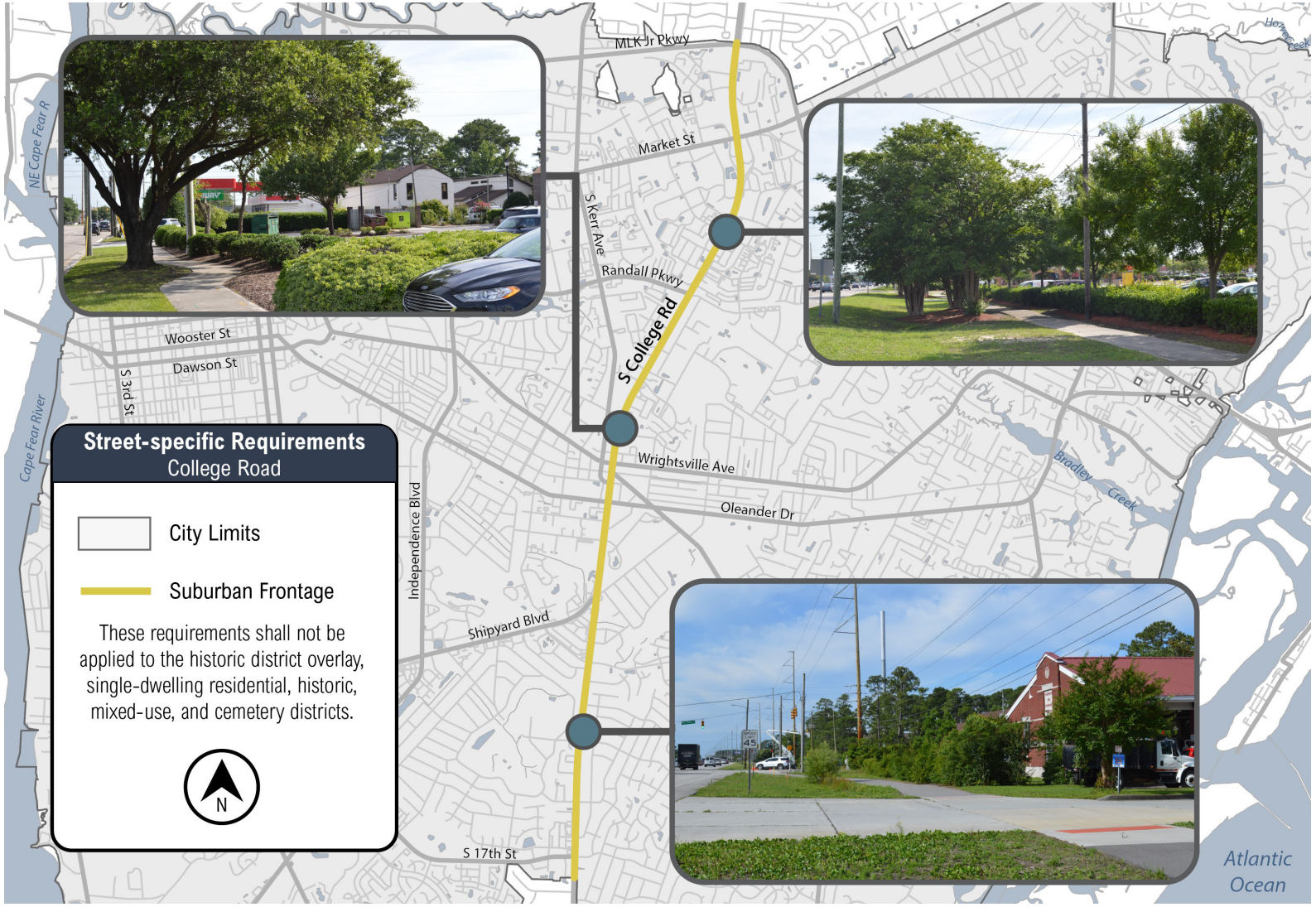
Figure 18-408.4: Street-specific frontage requirements - Military Cutoff Road



4. College Road

Frontage standards shall be applied along the designated portions of College Road as shown in Figure 18-408.5: Street-specific frontage requirements—College Road.

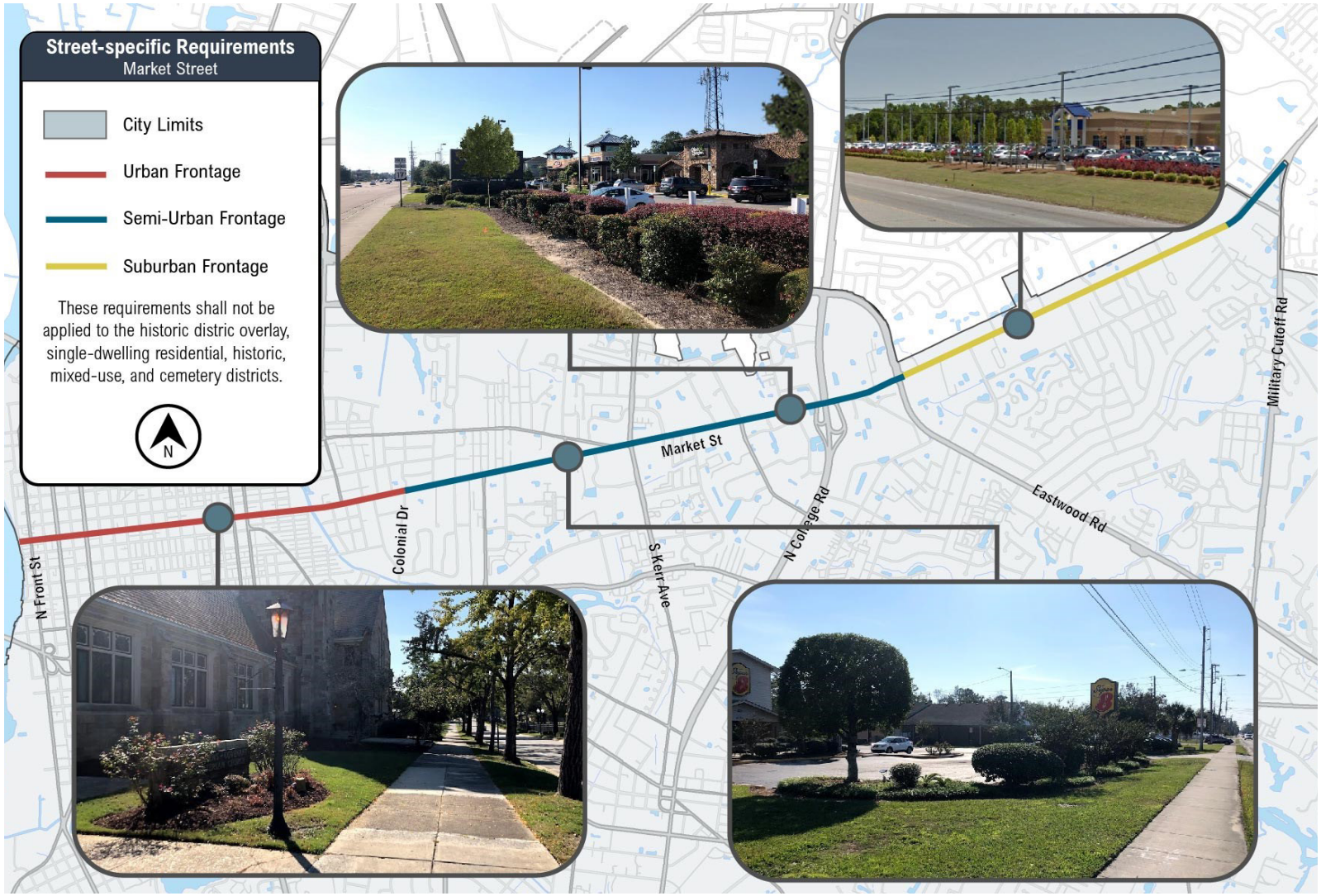
Figure 18-408.5: Street-specific frontage requirements - College Road



5. Market Street

Frontage standards shall be applied along the designated portions of Market Street as shown in Figure 18-408.6: Street-specific frontage requirements—Market Street.

Figure 18-408.6: Street-specific frontage requirements - Market Street



6. Oleander Drive

Frontage standards shall be applied along the designated portions of Oleander Drive mapped in Figure 18-408.7: Street-specific frontage requirements— Oleander Drive.

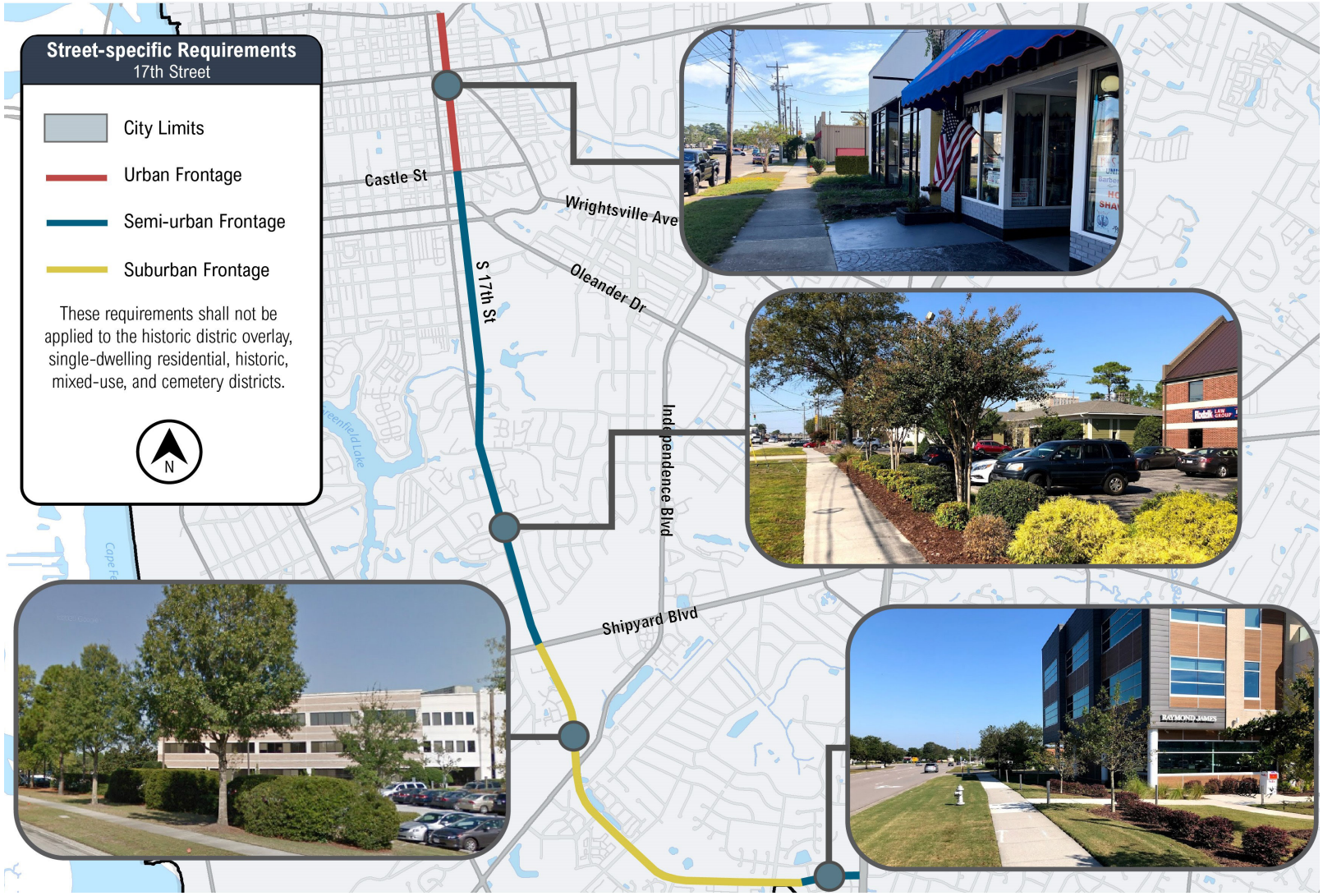
Figure 18-408.7: Street-specific frontage requirements - Oleander Drive



7. 17th Street

Frontage standards shall be applied along the designated portions of 17th Street as shown in Figure 18-408.8: Street-specific frontage requirements— 17th Street.

Figure 18-408.8: Street-specific frontage requirements - 17th Street



E. Wrightsville Avenue

Frontage standards shall be applied along the designated portions of Wrightsville Avenue Street as shown in Figure 18-408.9: Street-specific frontage requirements—Wrightsville Avenue.

Figure 18-408.9: Street-specific frontage requirements - Wrightsville Avenue



1. Site design

   For new nonresidential and multiple-dwelling developments within the designated portions of Wrightsville Avenue, the following site design standards shall apply.

   a. Buildings

      i. For lots up to 20,000 square feet, the total building footprint shall not exceed 3,200 square feet or 50 percent of the lot area, whichever is less.

      ii. For lots exceeding 20,000 square feet, the total building footprint shall not exceed 50 percent of the total lot area. If there are multiple buildings on a lot, no individual building on the lot shall exceed a footprint of 3,200 square feet.

      iii. If the provisions for shared driveways of this subsection can be met, the maximum building footprint may be increased by 10 percent.

      iv. For lots greater than three acres in area, commercial zoning with a mixed-use option should be considered.

   b. New lots

      For lots created by subdivision, recombination, or other method recorded with the New Hanover County Register of Deeds after the effective date of this ordinance, the maximum lot width shall be 100 feet.

   c. Driveways and access

      i. No more than one driveway per lot shall be permitted.

      ii. On corner or double frontage lots, driveway access to Wrightsville Avenue shall be prohibited, except where at least one of the following applies:

         1. Where such vehicular access would be forced to cross a multiuse path or identified bikeway; or

         2. Where the lot is located at a signalized intersection of Wrightsville Avenue with a US or North Carolina numbered highway, and where the primary frontage for the lot is located on that numbered highway.

   d. Shared driveways

      When a shared driveway is utilized by two or more lots in lieu of individual driveways, building footprints may be increased on lots sharing the driveway.

      i. The shared driveway shall be the sole access to the lots and other existing driveways along Wrightsville Avenue shall be closed.

      ii. Shared access between adjacent lots shall require an easement between lots.

      iii. Parking shall not be permitted along shared driveways between Wrightsville Avenue and the rear edge of the easement granting access to adjacent lots.

   e. Adaptive reuse

      When a building:

      i. Is existing at the time of the adoption of this ordinance; and

      ii. Was originally constructed for single-dwelling detached or duplex residential purposes; and

iii. Is proposed for adaptive reuse; and

iv. Maintains the existing building footprint (no expansion of the building footprint) and vehicular access is limited only to the Wrightsville Avenue frontage, the following shall apply:

1. The restriction on the location of parking to the side or rear of the building may be waived if there is existing, delineated parking on an improved surface between the building and the street. In this case, the number of parking spaces located in front of the building shall not be increased.

2. If the existing building placement on the site, along with any minimum required transitional buffer, does not leave at least 20 feet of width for vehicular access to the side of the site, parking may be placed between the front of the building and Wrightsville Avenue. Such parking shall not exceed the maximum parking ratio.

f. Setbacks

i. All new nonresidential or multiple-dwelling buildings along Wrightsville Avenue shall be set back a minimum of 20 feet from the Wrightsville Avenue street right-of-way.

ii. In instances where adjoining properties have a setback less than the specified 20 feet, new nonresidential construction may be aligned to within five feet of the average setback of existing buildings along the block face in which the building is located.

g. Parking

Parking for all new nonresidential and multiple dwelling uses shall be located to the side interior or rear setback areas of the site.

h. Site lighting

Site lighting shall be restricted to the following height limits.

i. Unrestricted lighting: 10 feet.

ii. 90-degree cutoff lighting: 15 feet.

i. Signage

i. Pole signs shall be prohibited.

ii. Monument signs shall be limited to six feet in height.

iii. Internally-illuminated, flashing, animated, and changeable copy signs shall be prohibited.

iv. Existing signage shall be subject to amortization within eight years of adoption of this ordinance.

2. Building design

a. Detached single-dwelling and duplex dwelling units shall be exempt from the building design standard.

b. Facade orientation

Building orientation shall follow the predominant orientation of buildings along the block face.

c. Streetscape architectural components

i. Door and window openings consistent with those found in the adjacent streetscape shall be required.

ii. Blank facades shall not be permitted on the Wrightsville Avenue frontage of a building.

Sections 18-409 - 18-420: Reserved

ARTICLE 5. DIVISION 7.

DIMENSIONAL STANDARD AND EXCEPTIONS

Section 18-421: General provisions

A. Applicability

The site, building, and structure standards in this section shall apply to all districts, unless otherwise exempted or a separate standard is specified.

B. Minimum standards

1. The regulations established for each district shall be minimum regulations unless specified otherwise and shall apply uniformly to each class or kind of land, building, or structure, except as hereinafter provided.

2. Minimum setbacks and other required open space set aside for every building erected or structurally altered shall not be encroached upon or considered as setback or open space requirements for any other building unless specifically permitted.

3. Rights-of-way, public or private, for streets and roads shall not be considered a part of a lot or open space, or front, side, or rear yard for the purpose of meeting setback or open space set aside requirements.

4. Every building erected or structurally altered shall be located on a lot meeting or exceeding the requirements of the district in which it is located or on a legal nonconforming lot and shall be subject to the dimensional standards for the district in which it is located.

C. Number of principal buildings

1. In single-dwelling residential districts, there shall be no more than one detached single-dwelling, duplex, triplex, or quadraplex on a lot, which shall be the primary building. Accessory dwelling units on lots containing a single-dwelling unit shall be permitted as accessory uses.

2. In any nonresidential district, multiple buildings or structures may be permitted on a single lot. All site plans for such buildings and structures shall be subject to the same standards and procedures as for a site plan review as set forth in Section 18-588: Site plan.

3. Uses otherwise permitted within a zoning district, may be combined on a single lot or tract of land. All site plans for such uses shall be subject to the same standards and procedures as for a site plan review as set forth in Section 18-588: Site plan.

(Ord. No. O-2022-41, §28, 6-7-2022)

Section 18-422: Setback encroachments

A. When permitted

Permitted encroachments, identified below, are allowed where the required dimension is measured by a setback line, not a required building line or build-to line.

B. Measurement

1. Each setback encroachment shall be measured from the minimum required setback line towards the lot line; setback encroachments are always measured from the same point and are not cumulative.

2. No permitted setback encroachment shall be closer than two feet to any lot line except for fences, walls, gardens, and landscaping.

C. Permitted encroachments

Setback encroachments shall be permitted subject to the standards of Table 18-422: Permitted setback encroachments.

(Ord. No. O-2023-75, §6, 11-8-2023)

Table 18-422: Permitted setback encroachments

Building elements	Maximum permitted encroachment (feet)			
	Front	Side street	Side interior	Rear
Approved accessibility ramps	Any distance	Any distance	Any distance	Any distance
Bay windows	4	4	Not permitted	4
Chimneys not greater than 6 feet in width	2	2	2	2
Eaves, roof overhangs, cornices, gutters, and downspouts, belt courses, sills, lintels, pilasters, pediments	3	3	3	3
Porches, stoops, decks, terraces, balconies, and associated stairs: • May be covered; • May be multiple stories; and • Shall be at least 75% open on all sides not abutting a building facade	8	5	3	8
Shading devices such as awnings and canopies	5	5	3	5

Section 18-423: Height adjustments and exceptions

The following requirements or regulations qualify or supplement the regulations or requirements appearing elsewhere in this code.

A. Height exemptions

The following structures and building elements shall be exempt from the height requirements:

1. Radio and television receiving antennas and associated support structures, provided that such elements mounted to a building shall not be erected to a height greater than 20 feet above the building roofline;

2. Utility poles, water towers, and associated support structures;

3. Chimneys, smokestacks, and flues attached to a building or projections from buildings provided that they shall not be erected to a height greater than eight feet above the building roofline or as required by state or federal air quality laws and regulations;

4. Wireless telecommunication facilities and towers, subject to the provisions of Section 18-183: Wireless telecommunication facility and tower;

5. Belfries, spires, and steeples;

6. Cupolas;

7. Parapet walls, including ornamental railings, provided they shall not extend to a height greater than six feet above the allowable building height of the district in which they are located; and

8. Trees, shrubs, or other vegetation functioning as part of a green roof.

B. Heights limited by airport height standards

No building, building element, or structure in any district shall be erected that exceeds the maximum height permissible under the New Hanover County airport height zoning ordinance and the Federal Air Regulations of the Federal Aviation Administration.

C. Height exception for hospitals

Hospitals, where permitted in a district, may be erected to a height not exceeding 150 feet. All prescribed conditions for hospitals and building step back provisions for building height increases in commercial districts shall apply.

(Ord. No. O-2025-22, §1, 4-1-2025)

Sections 18-424 - 18-434: Reserved.

ARTICLE 5. DIVISION 8.

ALTERNATIVE LOT LAYOUTS

Section 18-435: Courtyard development

A. Purpose

The purposes of the courtyard development standards are to:

1. Create a small community of homes oriented around shared open space (courtyard) that is pedestrian oriented, minimizes the visibility of off-street parking, and takes advantage of natural features on the site;
2. Provide a variety of housing types and price points as part of the city's overall housing strategy to meet the needs of a population diverse in age, income, household composition, and individual needs;
3. Maintain the traditional amenities and proportions associated with these pocket neighborhoods while ensuring that they contribute to the overall community character;
4. Allow higher densities than permitted in certain zoning districts using smaller than average home sizes, clustered parking, and site design standards;
5. Encourage low-impact development techniques to the greatest extent possible;
6. Foster a strong sense of community through shared use of common space;
7. Employ performance standards for housing unit density, impervious surface areas, and building heights and sizes to improve predictability in the design, review, and approach of such projects; and
8. Reduce the impacts of increased density, prevent overbuilding of the site, and limit the amount of off-street parking necessary to serve the development.

B. Applicability

Development of courtyard housing is a voluntary development pattern in the R-15, R-10, R-7, and R-5 zoning districts. Within the R-15 zoning district, conditional zoning shall be required. Submission of a courtyard development plan for review and approval by the technical review committee or design adjustment committee shall constitute voluntary owner consent for this optional development pattern. Unless otherwise noted with objective criteria, the design adjustment committee shall hear requests for waivers from this section.

C. Development standards

1. Courtyard dwelling units shall be developed in clusters or pods of at least four but no more than 12 dwelling units per cluster on no less than half an acre. Multiple clusters may be developed within a single courtyard development.
2. Maximum densities shall be those prescribed in Table 18-435.1: Courtyard density standards shall apply.
3. The development requirements in Table 18-435.2: Courtyard housing development requirements shall apply.

Table 18-435.1: Courtyard density standards

Dwelling unit size (gross square footage)	Zoning district			
	R-15	R-10	R-7	R-5
	Maximum density (dwelling units per acre)			
≤ 1,000	5.1	7.6	10.85	15.2
1,001 - 1,200	4.35	6.5	9.3	13
> 1,200	3.6	5.45	7.75	10.9

Table 18-435.2: Courtyard housing development requirements		
Site element	Requirement	Note
Minimum lot frontage	20 feet	
Setbacks for all buildings and structures from parent lot lines	That of the zoning district	The design adjustment committee may approve variations from these setbacks to allow front setback averaging along public streets, to maximize preservation of significant trees, or to take advantage of unique site and topographic features
Minimum distance between courtyard developments	1,000 feet in the R-15 and R-10 districts 1,000 feet or 1 block in the R-7 and R-5 district, whichever is greater	Measured from parent lot lines
Minimum distance between buildings or structures	6 feet	As measured from foundation to foundation
Courtyard dwelling unit setback from common courtyard space	Minimum: 6 feet; Maximum: 18 feet	
Maximum building footprint (parent lot)	40 percent	Maximum cumulative building footprint
Maximum impervious surface area (parent lot)	60 percent	Maximum cumulative impervious surface area
Minimum courtyard open space	Minimum of 500 square feet per dwelling unit in each cluster	
Maximum building/structure height	35 feet	
Parking spaces per dwelling unit	Minimum: 0.5 Maximum: 2.5	Requirements for off-street parking may be reduced by the design adjustment committee if it can be demonstrated that sufficient on-street parking exists to meet the needs of the development
Parking area setbacks from adjacent property lines (measured from parent lot lines)	R-5, R-7, R-10: 15 feet; R-15: 20 feet	Parking area setback and buffer requirements may be reduced by the technical review committee when parking areas are adjacent to an alley
Parking area minimum vegetated buffer area	R-5, R-7, R-10: 10 feet; R-15: 15 feet	

4. Central courtyard open space

   a. Each courtyard cluster shall be oriented around a courtyard or common central open space. This courtyard shall be a central open space that may be used by all occupants of the housing cluster (see Figure 18-435.1: Central courtyard open space).

   b. Each dwelling unit shall have the primary orientation toward this central open space.

   c. Courtyards shall comply with the standards of this section.

      i. No common central open space shall have a dimension less than 30 feet. Parking areas, yard setbacks, required setback areas, private open space, and driveways shall not qualify as common open space.

      ii. Pedestrian connectivity shall be provided through each central courtyard open space. An improved pedestrian path or sidewalk from each dwelling unit to the pedestrian facilities of the central courtyard open space shall be provided.

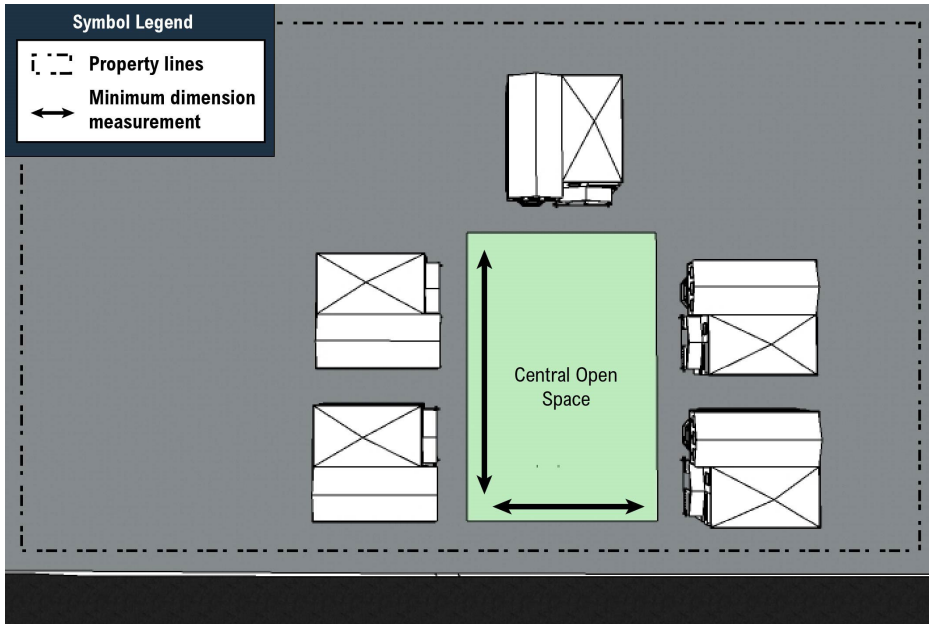
5. Dimensional and orientation requirements

   a. All dwelling units shall have a covered main entry porch. Covered porches shall be usable in both design and dimension (see Figure 18-435.2: Covered main entry porch).

      i. Dwelling units shall have a covered main entry porch with a floor area measuring at least 75 square feet in area.

      ii. The floor of the covered main entry porch shall have minimum dimensions of at least eight feet in any direction (length or width).

Figure 18-435.1: Central courtyard open space



   b. Building orientation

      i. Any dwelling unit with a street-facing facade shall be designed with windows, changes in materials or color, and views of front doors or porches on such facade (see Figure 18-435.3: Building orientation).

      ii. The primary orientation and front porch of some dwelling units may be visible from adjacent streets to provide a visual pedestrian connection with the surrounding neighborhood.

      iii. All dwelling units shall be oriented to avoid blank walls or appear to have a back towards streets or common courtyard open spaces.

      iv. Garages shall not be oriented toward the common courtyard open space, a primary street, or towards the front facade of any courtyard dwelling unit.

Figure 18-435.2: Covered main entry porch

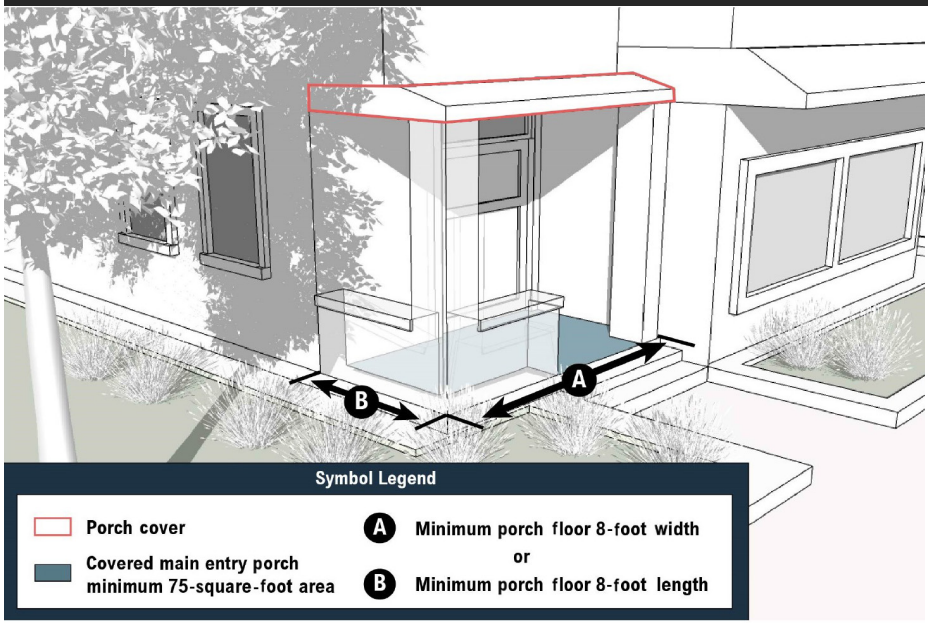
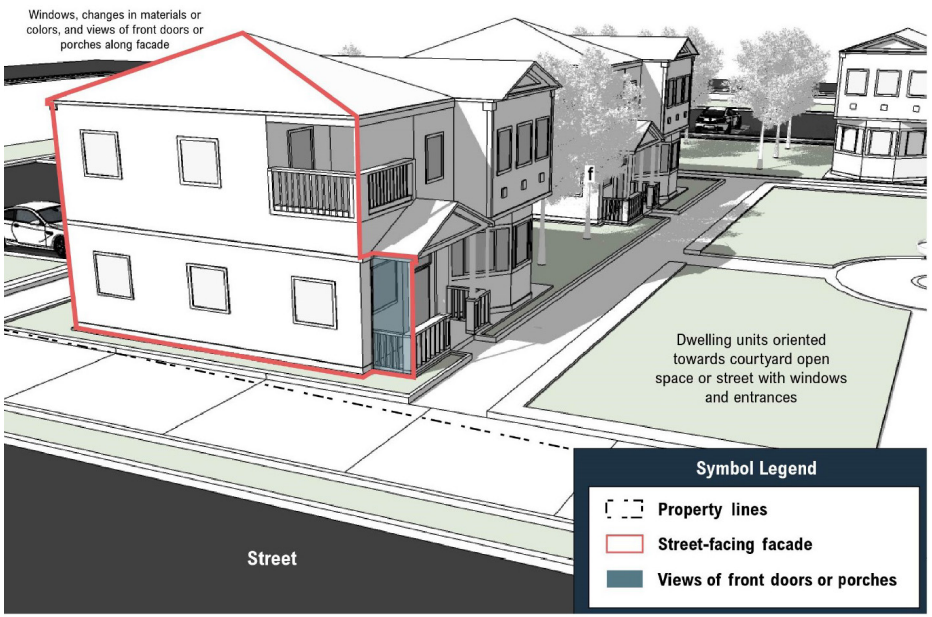


Figure 18-435.3: Building orientation



c. Lot configuration

i. Courtyard dwelling units may be developed on individual lots or with a common form of ownership (condominium style), with all dwelling units within a development on a single parent lot. Minimum lot area shall be for the parent lot and there shall be no minimum lot size for an individual dwelling unit (see Figure 18-435.4: Courtyard dwelling unit lot configuration).

ii. Street frontage shall be required only for the parent lot and not for each dwelling unit.

iii. When a courtyard development is subdivided for multiple ownership, a community property owners' association shall be established in accordance with the subdivision regulations.

d. Dwelling unit floor area

i. The heated ground floor area of any dwelling unit shall not exceed 1,100 square feet.

ii. Covered porches shall not be included in the calculation of floor area.

iii. An engaged garage shall not be included in the calculation of the floor area; however, the total square footage of an engaged garage shall not exceed one-third of the gross heated ground floor area of the dwelling unit or 300 square feet, whichever is less (see Figure 18-435.5: Dwelling unit floor area).

6. Courtyard developments shall be designed to incorporate existing trees and natural features into the site design according to the regulations found in this section.

    a. Within each cluster, there shall be a minimum of two canopy trees per dwelling unit in that cluster. This requirement may be satisfied by the preservation of existing canopy trees or by planting new canopy trees on site.

    b. Foundation plantings shall be installed around each building foundation.

        i. All street-facing foundations shall have landscaping consisting primarily of shrubs, perennials, and native grasses.

        ii. In instances where a porch, stoop, or other architectural building element protrudes from the building, the landscaped area may be along the outer edge of the element rather than primary building the foundation.

        iii. Around buildings with facades (front or rear) that face a courtyard, street, or driveway, one shrub for every five linear feet of facade shall be planted.

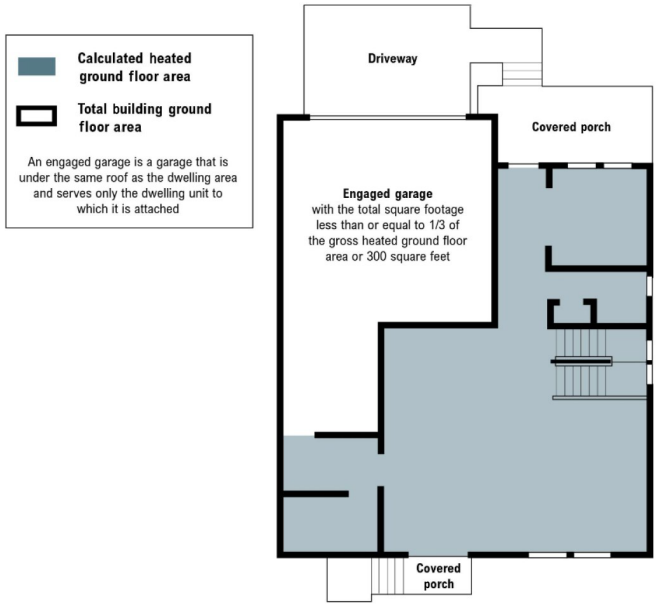
        iv. Foundation plantings shall be planted within five feet of the building foundation or architectural element.

7. As soils allow, courtyard developments shall be designed to take advantage of open space, landscaped features, and natural areas to utilize low-impact development and stormwater management techniques, including natural filtration and on-site infiltration of stormwater.

Figure 18-435.4: Courtyard dwelling unit lot configuration



Figure 18-435.5: Dwelling unit floor area



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 no 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.

Figure 18-435.6: Courtyard parking locations

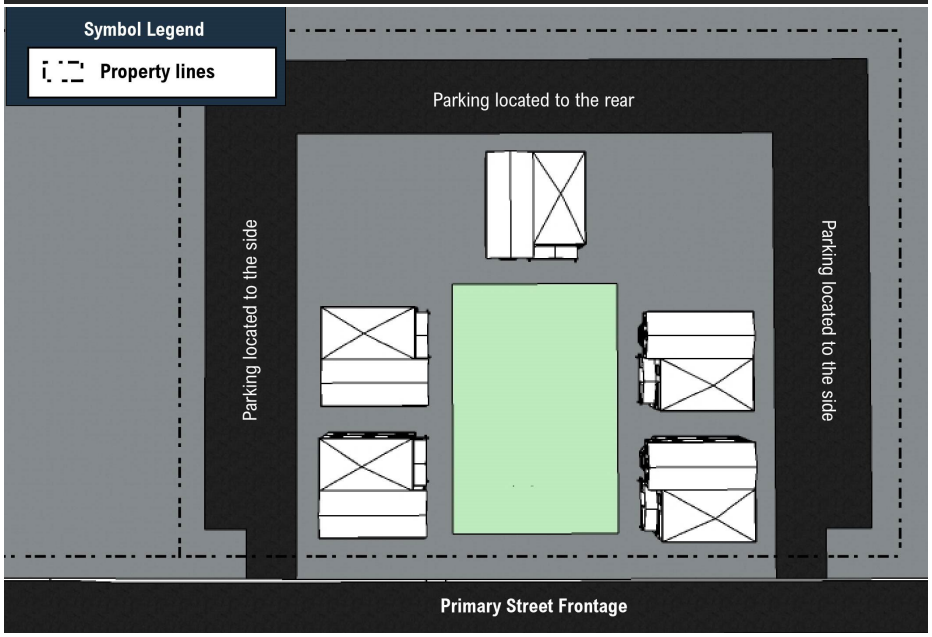
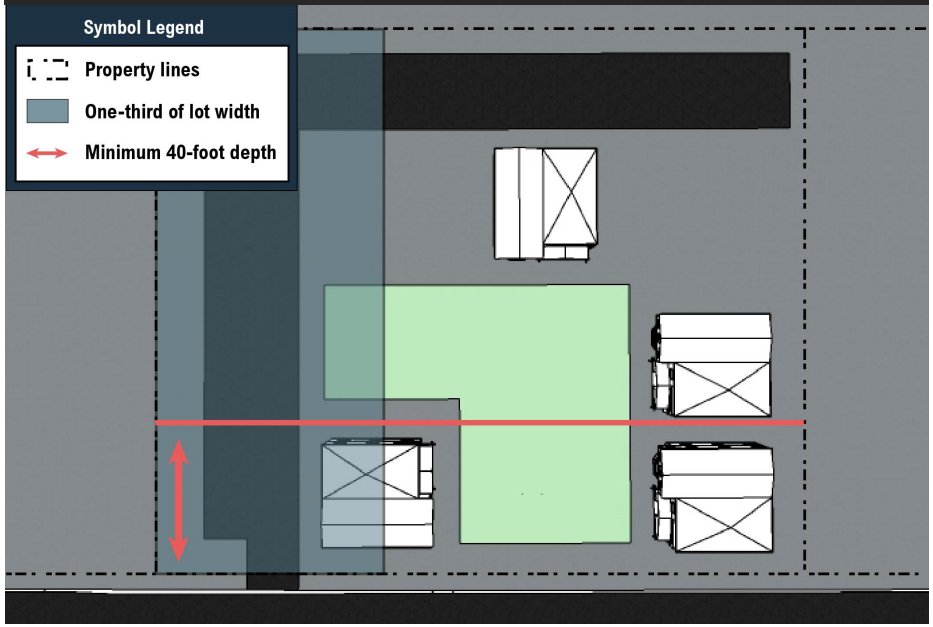


Figure 18-435.7: Courtyard parking dimensions



(Ord. No. O-2022-88, §9(Att. A), 11-1-2022; Ord. No. O-2024-13, §14, 3-19-2024; Ord. No. O-2025-55, §13, 8-5-2025)

Section 18-436: Cluster development

A. Purpose

The purposes of the cluster development standards are to:

1. Protect environmentally sensitive areas of a development site and preserve natural open space and features on a permanent basis;
2. Encourage creative and flexible site design that is sensitive to natural features and topography;
3. Promote cost savings in infrastructure installation and maintenance by reducing the distance over which utilities need to be extended or by reducing the width or length of streets; and
4. Reduce the amount of impervious surfaces in site development.

B. Applicability

1. Such subdivisions shall be allowed only in the R-20, R-15, R-10, and R-7 zoning districts.
2. The cluster development option shall not be permitted for any property listed individually or collectively on the National Register of Historic Places, historic district or overlay, or within the 1945 Corporate Limits.

C. Permitted uses

1. Dwelling units may be on individual lots or on a single parent lot with a condominium form of ownership.
2. In addition to the uses allowed in each district as described in article 2, additional housing types, as shown in Table 18-436.1: Cluster development housing types, shall also be permitted.
3. Accessory dwelling units shall be allowed only in lots developed with detached single-dwelling units. Accessory dwelling units shall not be counted when calculating density.

D. Development standards

1. The minimum site area for a cluster residential development shall be three acres.
2. The maximum net density of a cluster development shall not exceed that prescribed in Table 18-436.2: Maximum net density. Primary conservation areas may be included for calculation of net density.
   a. Primary conservation areas may be included for calculation of net density.
   b. Residential units shall not be clustered at a density greater than two- and one-half units per net tract acre in areas classified conservation or resource protection in the Wilmington-New Hanover CAMA plan, unless the standards for exceptional design, as prescribed in article 4 of this chapter, are met.

Table 18-436.1: Cluster development housing types

Zoning district	Housing type
R-15	Attached: townhouse (maximum of four units per building)
R-10	Attached: duplex
	Attached: townhouse (maximum of four units per building)
R-7	Attached: duplex
	Attached: triplex
	Attached: townhouse (maximum of four units per building)
R-15, R-10, R-7	On lots existing as of January 1, 2009 that are at least 300 acres, multiple dwellings may be permitted. Lots may not be combined to meet this minimum lot area. Buildings shall not exceed 12 units per building.

Table 18-436.2: Maximum net density	
Zoning district	Maximum density (units/acre)
R-20	2.2
R-15	3.0
R-10	4.4
R-7	6.2

c. When calculating the net density for a site that includes portions that are in resource protection or conservation areas and portions that are outside those designated areas, the net density for the entire site shall be calculated by determining the number of allowed units for each portion separately and then summing the number of units permitted for each portion to determine the total number of allowed units for the entire site.

d. For any portion of a site within conservation and resource protection areas, the maximum density of two and one-half units per acre shall be used and for the portion of the site outside designated conservation and resource protection areas, the maximum density for the zoning district shall be used. This formula shall be used even when all or most of the development occurs on the areas outside conservation and resource protection areas due to the cluster design.

To the extent that the development uses the standards for exceptionally designed projects as listed in Article 4 of this chapter, allowable density in resource protection areas may be allowed to increase up to the maximum allowed in the underlying zoning district.

3. The dimensional standards prescribed in Table 18-436.3: Cluster development dimensional standards, shall be followed instead of the standards outlined in each district of article 2 of this chapter.

a. In the R-7 district, the 25-foot perimeter buffer may be waived when the adjacent zoning district is part of the subject development.

b. Necessary improvements for water, sewer, and drainage may encroach into the perimeter buffer.

c. In no case shall the entire width of the perimeter buffer be cleared without approval by the design adjustment committee.

d. For developments zoned R-7, maximum height may be increased to 45 feet for attached or multiple-dwelling buildings if the side and rear yard setbacks are increased an additional five feet.

4. Primary conservation areas shall be protected and shall not be disturbed, except as allowed in this section. Primary conservation areas include:

a. All wetlands, natural lakes, ponds, rivers, creeks, or marshes;

b. Areas within the 100-year floodplain and floodways;

c. Protected species habitats;

d. The required conservation resources wetland buffer as determined in article 4, division 3 of this chapter.

e. Significant tree clusters, as defined in article 8 of this chapter.

Table 18-436.3: Cluster development dimensional standards	
Element	**Standards**
Minimum lot size	None
Minimum lot width	None; At right-of-way, per lot: 30 feet
Minimum setback	R-20, R-15, R-10: 10 feet R-7: 5 feet, excluding fences, walls, and steps not exceeding 6 feet in width
Minimum distance between buildings	10 feet, or as required by building code, whichever is greater
Minimum perimeter buffer depth	25 feet
Maximum building height	That prescribed in article 2

5. The following disturbances may be allowed in primary conservation areas.

   a. Improvements that do not cause significant impacts including, but are not limited to, walkways, trails, and protective fences.

   b. Access to other parts of the tract may be permitted. If part of the tract may be developed but would be inaccessible due to the existence of a primary conservation area, a road or utility facilities may be constructed through the conservation area. The road or utility facilities shall be designed to minimize the impact to the conservation area as determined by the design adjustment committee.

   c. Access to the waterfront may be permitted. If the entire waterfront along a tract is inaccessible due to the existence of required conservation area, a boat ramp or pier may be built for boating facilities in the conservation area, subject to relevant state and federal permits. The facilities shall be designed to minimize impact to the conservation area as determined by the design adjustment committee.

6. Open space set-aside standards for cluster developments

   a. A minimum of 40 percent of the total land area shall be reserved and dedicated as open space set aside.

   b. All primary conservation areas shall be set aside as open space.

   c. No more than 25 percent of any open space set aside may

be improved for recreation space as defined in article 8.

i. Any recreation space shall be located so that access is convenient to all residents of the cluster development.

ii. Improvements shall not impact the resource intended to be protected in primary conservation areas.

d. Stormwater facilities that are not designed and maintained as amenities integrated into the improved common open space shall not count towards open space requirements.

e. Open space shall be permanently protected by conservation easement, protective covenants, or similar methods. Open space shall be in common ownership of a property owners' association, which shall be required to maintain open space as governed by the subdivision regulations found in this article.

f. Pedestrian access to open space shall be provided to all lots without direct access to open space.

g. Requirements of this section supersede the open space set aside requirements of the zoning district and of article 8 of this chapter.

h. Clusters of significant tree may only be removed only for essential site improvements as defined in article 8 of this chapter.

7. Areas designated for open space set aside shall not be clear-cut.

a. Clearing and grading shall be limited to that necessary for essential site improvements.

b. Prior to the issuance of a building permit, protected trees may only be removed from individual home sites and common areas as necessary to accommodate essential site improvements, non-municipal easements, and allowable building footprints, as determined by established setbacks or stormwater allocations.

8. No lot shall have vehicular access to a collector or arterial street. No lot or dwelling unit shall face on existing collector or arterial streets.

9. Existing contours shall be retained to the maximum extent practicable. Disturbance of soils and vegetation shall be minimized.

(Ord. No. O-2023-41, §13, 6-6-2023)

Sections 18-437 - 18-446: Reserved.

ARTICLE 5. DIVISION 9.

LIGHTING STANDARDS

Section 18-447: General

A. Purpose

The purpose of this section is to establish standards for exterior site lighting on individual lots to:

1. Secure the provision of light in public places where safety and security are a concern;
2. Prevent disabling glare from nonvehicular light sources shining into the eyes of drivers or pedestrians consequently impeding safe movements; and
3. Minimize spillover of light onto adjacent property, glare that could impair vision, or other conditions that negatively impact adjacent property, while encouraging lighting that enhances outdoor enjoyment, improves nighttime safety, and facilitates commerce.

B. Applicability

Unless exempted by this section, the standards in this division shall apply in the following situations.

1. All new multiple dwelling, mixed use, and nonresidential development;
2. An entire site for any expansion of a building, structure, or parking area in a nonresidential, mixed use, or multiple dwelling development, if the expansion increases the square footage of the building, structure, use, or parking area, collectively or separately, by 50 percent or more;
3. Any expansion area for any expansion of a building, structure, use, or parking area in a nonresidential, mixed use, or multiple dwelling development that is less than 50 percent of the building, structure, or parking area, collectively or separately;
4. An entire site for any change in use resulting in an intensification or expansion of the use; and
5. Any new use for which there is a specific standard requiring site lighting.

C. Exemptions

The following forms of exterior lighting or activities are exempt from the requirements of this division.

1. Special events and holiday/festive lighting.
2. Lighting required or exempted by state or federal regulations, including FAA mandated lighting associated with a utility tower or airport.
3. A suspended string of lights when around, in, or over the permitted dining area(s) belonging to a lawfully permitted restaurant or nightclub when the following output limits are met, and when lights are turned off when the outdoor dining area is not in use:
    a. Incandescent lights: no more than 25 lumens per bulb; and
    b. LED lights: no more than 50 lumens per bulb.
4. Lighting for public monuments or statuary.
5. Lighting solely for signage, subject to the provisions of division

5 of this article.

6. Security lighting controlled and activated by motion sensor devices that is shielded or aimed towards the ground and that remains lit for a duration of 10 minutes or less.

7. Underwater lighting for swimming pools, fountains, and other water features.

8. Public street lighting.

9. Lighting on official governmental flags.

10. Temporary lighting necessary for emergency situations, provided such lighting is being used by emergency personnel.

11. Temporary lighting of construction sites, provided such lighting is discontinued upon completion of the construction activity.

12. Exterior lighting associated detached single-dwelling units.

13. Lighting fixtures located in a historic districts and overlays when compliance with these standards conflicts with Wilmington Design Standards for Historic Districts and Landmarks.

14. Temporary lighting used for public purposes including, but not limited to, highway construction and public utility repairs.

D. Prohibited lighting

The following lighting types shall be specifically prohibited.

1. Search lights, laser source lights, and any other similar high intensity light beams, except when used by federal, state, or local authorities.

2. Lighting that could be confused for or imitate a traffic control device or is in the direct line of sight with any traffic control light or sign.

3. Flashing, blinking, revolving, or intermittent exterior lighting visible from any lot line or street.

4. Luminous tube lighting (e.g., neon, rope lighting, etc.) on building exteriors and in configurations where it outlines a window or glass door from the inside or outside of a building or structure.

5. Non-color-corrected high-pressure sodium lamps.

E. Timing of review

Review for compliance with the standards of this division shall occur as part of the review of a site plan application or building permit, as appropriate.

Section 18-448: Lighting plan

A lighting plan with the following information is required for multiple dwelling, mixed use, and nonresidential developments.

A. All landscaping, parking areas, and the proposed fixture locations, heights, shielding, and mounting information for each light;

B. A point-by-point foot-candle array in a printout format indicating the location and aiming of illuminating devices/fixtures. The printout shall indicate compliance with required foot-candle limitations; and

C. A description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations, and other devices, including, but not limited to, manufacturer or electric utility catalog specification sheets and photometric report indicating fixture classification.

Section 18-449: Exterior lighting standards

A. Light measurement

1. Light levels are specified, calculated, and measured in foot-candles. All foot-candle values are maintained foot-candles (see Figure 18-449.1: Foot candles).
2. Exterior lighting shall be designed and located such that the maximum illumination measured in foot candles at ground level at any lot line shall not exceed the standards established in Table 18-449: Maximum illumination levels.
3. Light fixtures within 25 feet of a street right-of-way shall be forward throw fixtures.

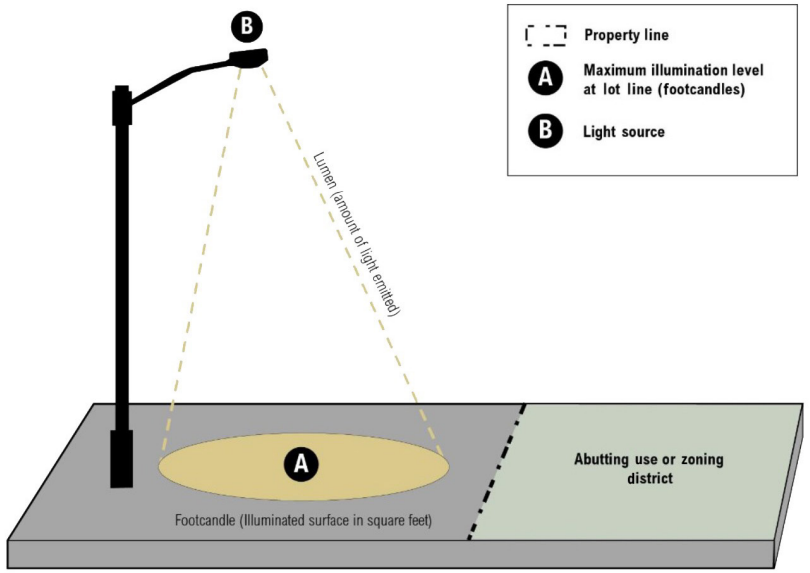
B. Shielding

1. Overhead lighting fixtures shall be designed to prevent light from emitting upward towards the sky.
2. Wall packs shall be wall-mounted floodlights and shall be shielded to direct light downward.
3. Exterior lighting fixtures located on private property and visible from a residential land use shall be configured so the source of illumination is not visible from the residential use.
4. Unless otherwise specified, the light level shall not exceed 2.0 foot-candles at any public street right-of-way.
5. All primary entrances and exits to principal nonresidential or multiple dwelling buildings shall be sufficiently lighted to ensure the safety of residents and the security of the building.
6. To the extent regulated by this division, all existing outdoor lights or lighting systems installed prior to the adoption of this division, shall be treated as nonconforming uses pursuant article 6, division 4 of this chapter.

Table 18-449: Maximum illumination levels

Adjacent use or zoning district	Maximum foot-candles at lot line
Single-dwelling residential use, duplex dwelling use, and any single-dwelling zoning district	0.5
Multi-dwelling or mixed-use development or zoning	1.5
Institutional, commercial, or industrial use or zoning	2.0

Figure 18-449.1: Foot-candles



C. Fixture type and design

1. Lighting shall be oriented to not direct glare or excessive illumination onto adjacent properties, streets, or sidewalks.

2. The same lamp type shall be used for the same or similar types of lighting throughout a development.

3. Except for flood lights, all outdoor sales area and parking lot lighting fixtures of more than 16 feet in mounting height shall be designed to have a backlight, uplight, and glare (BUG) rating of U0.

4. All poles shall be flush-mounted to the existing grade, except in the case where two-foot raised foundations are necessary to protect the poles in parking areas. Proper pole offsets from parking areas, curbing, and wheel stops shall be used to prevent automobile and pole conflicts.

5. All pole-mounted lighting shall be located a minimum of 20 feet from any required planted tree, buffer, or tree preservation area.

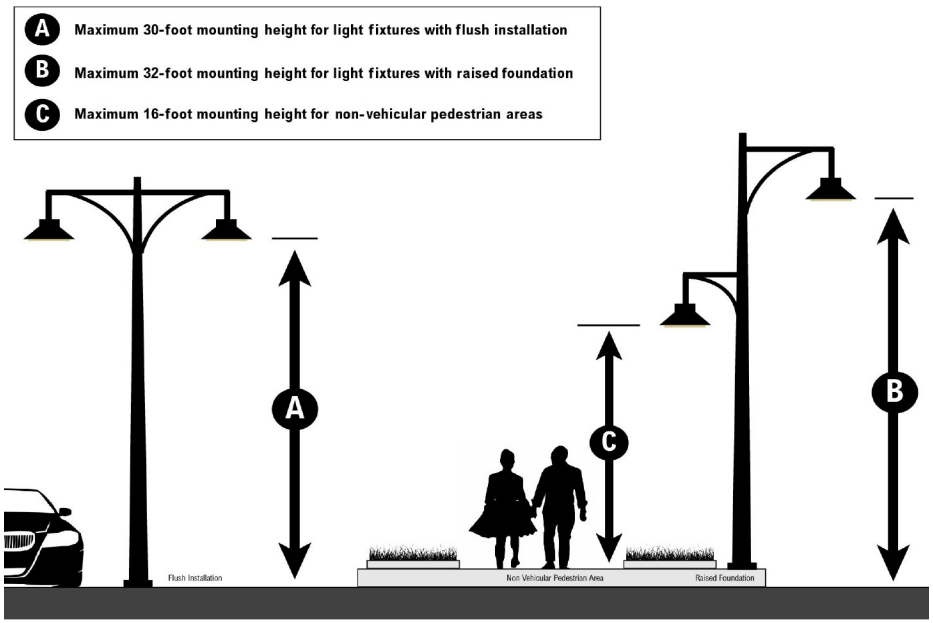
D. Parking lots, outdoor sales (including vehicular sales lots), and pedestrian areas

1. Lighting fixtures shall be a maximum of 30 feet mounting height for flushed installation and 32 feet mounting height with raised foundation within parking areas and outdoor sales areas and shall be a maximum of 16 feet mounting height within nonvehicular pedestrian areas (see Figure 18-449.2: Lighting fixture height).

2. Existing developments may match existing lighting when expanding a parking lot unless the expansion exceeds 50 percent of the number of spaces or surface area. Resurfaced parking areas and outdoor sales areas shall bring site lighting into compliance with this section.

3. All light fixtures located within 50 feet of any single dwelling or duplex dwelling unit shall not exceed 16 feet in mounting height.

Figure 18-449.2: Lighting fixture height



E. Vehicular canopies (including fuel pump canopies and drive-through canopies)

Lighting under vehicular canopies shall be less than 24 maintained foot candles and be designed to prevent glare off-site. Acceptable lighting designs include the following:

1. Recessed fixtures incorporating a lens cover that is either recessed or flush with the bottom surface of the canopy (see Figure 18-449.3: Recessed light fixtures);
2. Light fixtures incorporating shields or shielded by the edge of the canopy itself, so that light is restrained to 30 degrees or more below the horizontal plane (see Figure 18-449.4: Shielded fixtures);
3. Surface-mounted fixtures incorporating a flat glass that provides a cutoff design or shielded light distribution (see Figure 18-449.5: Surface-mounted fixtures);
4. Surface-mounted fixtures measuring no more than two feet by two feet, with a lens cover that contains at least two percent white fill diffusion material; and
5. Indirect lighting where light is beamed upward and then reflected down from the underside of the canopy, provided the fixture is shielded so that direct illumination is focused exclusively on the underside of the canopy (see Figure 18- 449.6: Upward lighting).

F. Outdoor recreation fields and performance areas

1. The mounting height of outdoor sports field and outdoor performance area lighting fixtures shall not exceed 80 feet from finished grade.
2. All fixtures shall include a glare control package (louvers, shields, or similar devices).

Figure 18-449.3: Recessed light fixtures

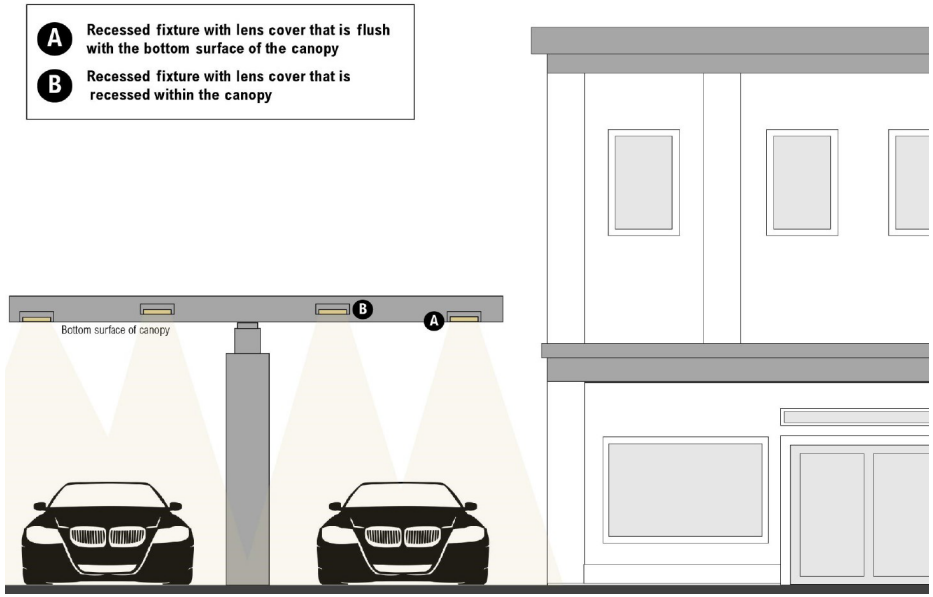
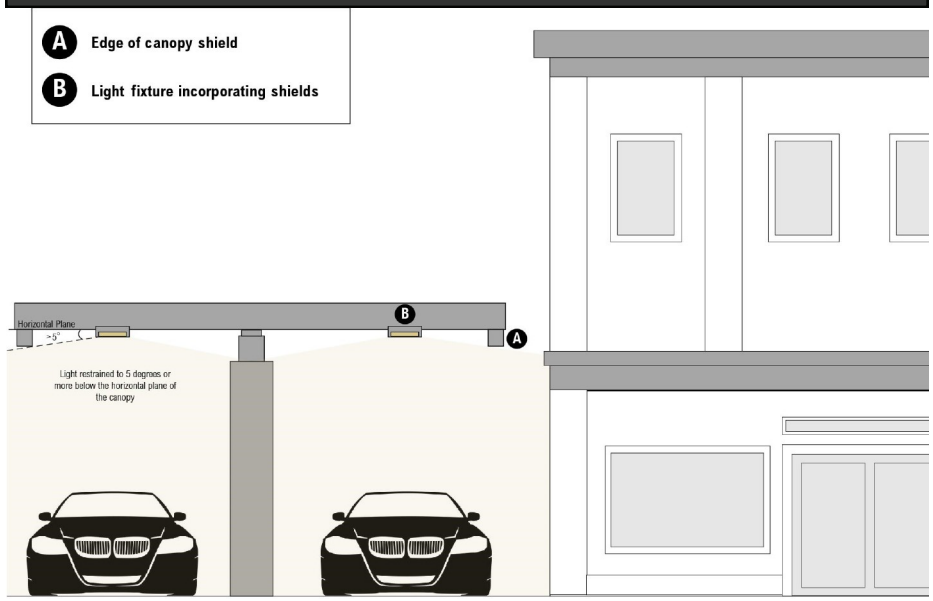


Figure 18-449.4: Shielded fixtures



3. The fixtures shall be aimed so that primary illumination is directed onto the play or performance area and ancillary areas such as bleachers, stands, and similar areas.

4. The hours of operation for the lighting system for any game or event shall not exceed one hour after the end of the game or event.

5. Nonconforming fixtures lighting outdoor recreation fields or performance areas may be replaced or otherwise changed on an individual basis with new nonconforming fixtures; however, when all the fixtures are upgraded, the fixtures shall be brought into compliance with the requirements of this section.

Section 18-450: Control of nuisance and disabling glare

A. All outdoor lighting, whether required by this division, shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse (disabling glare) and so as not to create a nuisance by projecting or reflecting light onto a neighboring use or property (nuisance glare).

B. Vegetative screens shall not be the primary means of controlling glare. Glare control shall be achieved with cut-off fixtures, shields, baffles, and appropriate application of mounting height, wattage, aiming angle, and fixture placement.

Sections 18-451 - 18-461: Reserved.

Figure 18-449.5: Surface-mounted fixtures

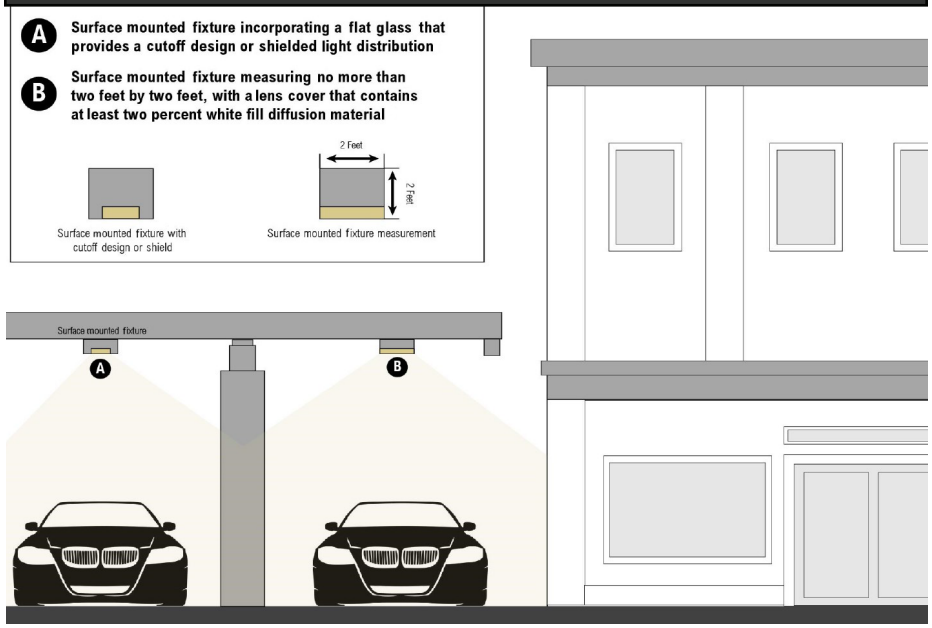
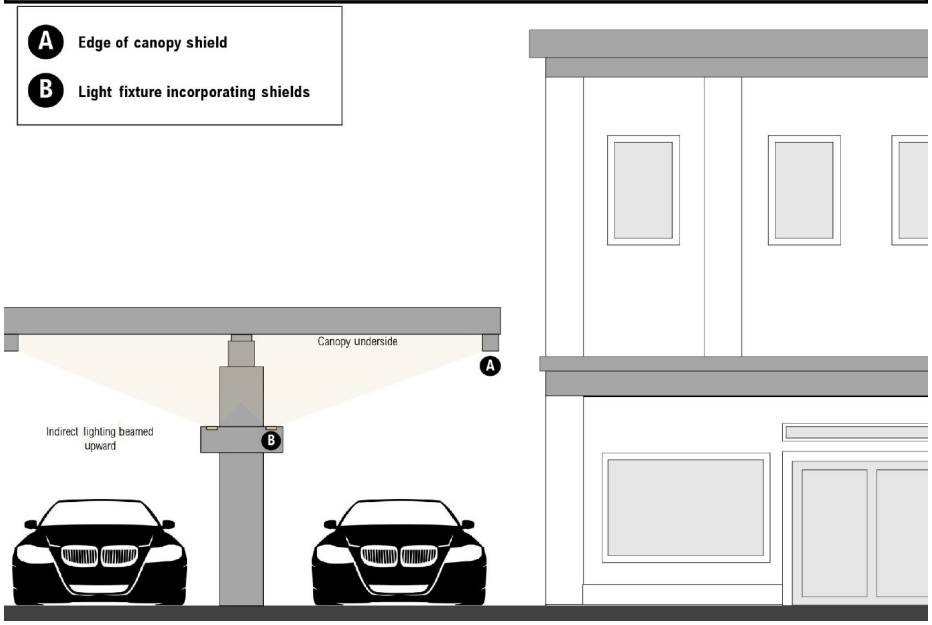


Figure 18-449.6: Upward lighting



ARTICLE 5. DIVISION 10.

INFILL AND REDEVELOPMENT

Section 18-462: Purpose

Redevelopment is the process of re-purposing previously developed sites and infill in the process of development small, vacant lots already served by infrastructure and urban services. Attention to design, development, and the natural environment are essential for successful and contextually appropriate infill and redevelopment. To maximize public infrastructure, protect natural and environmental resources, enhance the aesthetics of the public realm, minimize traffic congestion on roadways, reduce reliance on single-occupancy vehicles and the impacts of such, enhance development patterns to improve transportation choices, create complete and well-functioning neighborhoods and accommodate density in appropriate locations, this section is enacted to:

A. Provide flexibility for site design-related standards for infill development that includes the enhancement of an underutilized site or the redevelopment of previously developed sites and buildings;

B. Allow alternative standards to alleviate site constraints that inhibit the reuse of already developed sites while providing an enhanced public realm and streetscape; and

C. Provide incentives to further encourage development that supports efficient and compact, rather than sprawling, growth of the city.

Section 18-463: Applicability

Development incentives, as prescribed in Table 18-464: Infill and redevelopment incentives, may be applied to a development that meets the definition of infill or redevelopment, as defined in article 8 of this chapter.

A. This section shall apply to MD, UMX, CB, RB, CS, and O&I-zoned lots.

B. A site plan pursuant to Section 18.588: Site plan review is submitted within 12 months of any demolition on the site. If the site plan application for redevelopment is not submitted within 12 months of demolition, is withdrawn, or if site plan approval expires prior to construction, infill development incentives shall not be applied.

C. This section shall not be applicable to changes of use that do not alter the site or the building footprint.

Section 18-464: Alternative standards

A. Table 18-464: Infill and redevelopment incentives prescribes alternative standards and other incentives based on the type of site or building improvements proposed. Multiple incentives may be applied where corresponding infill and redevelopment initiatives are proposed.

B. If a site plan for infill or redevelopment is approved based on an alternative standard, removal of or failure to maintain an approved alternative element shall constitute a violation of this section.

Table 18-464: Infill and redevelopment incentives

Initiative	Incentive
Building design	
Building height is equal to at least half the width of the primary frontage street.	Two of the following incentives may be selected if one of the corresponding building design initiatives are provided. Three incentives may be selected if more than one of the corresponding building design initiatives are provided. • The maximum building footprint may be increased up to 20% of the zoning district maximum. • The minimum lot width may be reduced by 20% of the zoning district requirement. • The minimum lot area may be reduced by 20% of the zoning district requirement. • The maximum building height permitted in the base zoning district may be increased to a maximum building height to street right-of-way width ratio of 1:1.
Total building width is greater than or equal to 80 % of the total lot width along the primary frontage with a maximum 30-foot building front setback.	
Development complies with a frontage type of the urban frontage category.	
Development complies with the semi-urban parkway frontage type.	
A liner or outparcel building is built that complies with a frontage type of the urban or semi-urban frontage category.	
Parking	
The total number of existing on-site surface lot parking spaces is reduced by 25% and the reduced parking is replaced with additional building area, pervious surface area, surface parking lot vegetative screening, additional parking lot landscaping, or an outdoor amenity area including, but not limited to, plazas and outdoor dining.	The maximum building footprint may be increased up to 30% of the zoning district maximum.
Low-impact stormwater management facilities are provided, including, but not limited to, depressed landscaped areas, bioswales, green and blue roofs, pervious pavements, and capture and reuse systems.	The minimum open space set aside requirement may be reduced by up to 25%.