

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 318
HOUSE BILL 588

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON
RELATING TO SITE PLAN REVIEW AND AUTHORIZING ADOPTION OF A
UNIFIED LAND USE ORDINANCE.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, as amended, is amended by adding a new section to read as follows:

"Sec. 23.12. Site Plans.

(a) The City Council may require as part of its zoning regulations that a site plan be prepared, submitted, and approved prior to the issuance of any building permit for new construction, excluding renovation and repair of existing structures, and excluding accessory uses and their structures, unless the renovations and repairs and accessory uses shall cause an increase in the off-street parking requirement or a change in occupancy as occupancy is defined by the North Carolina State Building Code. Such ordinance shall specify the elements to be included in site plans submitted for approval in accordance with standards of the applicable ordinances; such elements may include, where appropriate, those relating to off-street parking, driveway access, internal circulation, screening, signs, landscaping, architectural features, locations and dimensions, topography and grading, utilities, drainage structures, open space and recreation areas, street and sidewalk improvements, loading and service areas, fire hydrants, and such other elements as may reasonably be related to the health, safety, and general welfare of the community. Where appropriate, approval of site plans may be conditioned to include requirements that street and utility rights-of-way and recreational space be dedicated to or reserved for the public, or street, utility, or other improvements be made to the same extent as required by local subdivision regulations. The regulations may also provide for the payment in lieu of the dedication of property and rights-of-way or construction of improvements to the same extent as required by local land use regulations. This provision shall not apply to site plans for individual detached, single and two-family units to be constructed on previously subdivided lots. This provision shall not apply to additions of less than five percent (5%) of gross floor area on an annual basis unless such addition causes an increase in the off-street parking requirement or a change in occupancy as occupancy is defined by the North Carolina State Building Code.

(b) The City Council shall prescribe procedures for review and approval of site plans to ensure that development of property shall conform to applicable zoning or other

relevant laws or regulations, with approvals by designated City staff. Appeal shall lie from the staff to the Board of Adjustment or the City Council. The City Council may require that site plans be in conformity with previously approved subdivision plans or conditional use permits for the same property. In the event of a conflict between a requirement for site plan approval and requirements for previously approved subdivision plans or special or conditional use permits, the latter shall control."

Sec. 2. The Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, as amended, is amended by adding a new section to read as follows:

"Sec. 23.13. *Unified Land Use Ordinance Authorized.*

The City Council may adopt a unified land use or development ordinance, which combines into one document zoning, subdivision, and other regulations authorized or referenced under Article 19 of Chapter 160A of the General Statutes and the Wilmington City Charter. The ordinance may treat subdivision preliminary plat applications in the same manner as special or conditional use permits."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 9th day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives