

AN ORDINANCE TO AMEND CHAPTER 48 OF THE CITY CODE REGARDING USES PERMITTED IN THE W-4 (WATERFRONT RESIDENTIAL/COMMERCIAL) ZONING DISTRICT AND PARKING LOT LANDSCAPING REQUIREMENTS FOR ALL WATERFRONT ZONING DISTRICTS

#0086

Sponsor:

**Council
Member
Harlee**

WHEREAS, the City desires to make the following amendments to the uses permitted in the W-4 (Waterfront Residential/Commercial) zoning district to reflect and encourage mixed use development and land use patterns consistent in an urban context: (1) prohibit drive through facilities as matter of right uses; (2) limit light manufacturing uses to a maximum of 5,000 square feet per approved use as both matter of right uses and uses permitted with Zoning Board of Adjustment approval; and (3) prohibit outdoor wholesale storage as a use permitted with Zoning Board of Adjustment approval; and

WHEREAS, in order to advance the City's resiliency goals such as stormwater capture, increasing tree canopy, and reducing heat island effect associated with surface parking lots, the City desires to remove the exemption from the City's parking lot landscaping requirements for all waterfront zoning districts (W-1 (Waterfront Manufacturing), W-2 (Waterfront Manufacturing/Commercial), W-3 (Waterfront Low Intensity Manufacturing/Commercial Recreation), and W-4 (Waterfront Residential/Commercial)), thereby requiring all new parking lots in waterfront zoning districts to comply with the City's parking lot landscaping requirements; and

WHEREAS, City Council deems is necessary and appropriate to amend Chapter 48 of the City Code to effectuate the aforementioned changes.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON
HEREBY ORDAINS:**

SECTION 1. Section 48-316 of the City Code is hereby amended by adding the underlined language to read as follows:

Sec. 48-316. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Disposal means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or any hazardous waste into or on any land, water or into the air so that such solid waste or hazardous waste or any constituent thereof may enter the environment to be emitted into the air, or discharged into any waters, including ground waters.

Drive through facility means a facility which accommodates automobiles and from which the occupants of the automobiles may make purchases or transact business, including the stacking spaces in which automobiles wait. Examples include, but are not limited to, drive-up windows, menu boards, order boards or boxes, drive-in restaurants, drive-up banks and automated teller machines, and drive-up pharmacies. Drive through facilities shall not include the parking spaces used for customer pick-up or loading of goods or products purchased on-site or prior to the customer's arrival, or parking and loading spaces used for the donation of secondhand goods.

SECTION 2. Section 48-339 of the City Code is hereby amended by adding the underlined language to read as follows:

Sec. 48-339. - W-4 district.

(a) *Purpose.* The W-4 waterfront residential commercial district is designed to provide areas adjacent to the central business district and residential neighborhoods where medium to high density residential, retail and office development can take place.

(b) *Uses permitted as a matter of right.* The following uses are permitted as a matter of right:

(5) Office, bank or other financial institution, excluding any drive through facility.

(6) Retail store and service, subject to the limitation on hours of operation contained in section 5-78 of this Code. This use excludes any drive through facility.

(11) Printing plant, provided that only sheet-fed presses are used. This use is limited to a maximum of 5,000 square feet per approved use.

(16) Restaurants/lunchrooms, excluding any drive through facility.

(c) *Uses permitted under zoning board of adjustment approval.* The following uses are permitted if approved by the zoning board of adjustment as provided in article II, division 3 of this chapter, subject to the condition that the proposed development will be consistent with the waterfront development review standards and will not preclude the development of those uses permitted as a matter of right:

(1) Light manufacturing, provided that no highly flammable or explosive processes are employed. This use is limited to a maximum of 5,000 square feet per approved use.

(5) Wholesale storage, excluding outdoor storage.

(11) Place of business of a builder, carpenter, caterer, cleaner, contractor, decorator, dyer, dressmaker, electrician, furrier, mason, milliner, optician, painter, photographer, plumber, roofer, shoemaker, tinsmith, upholsterer, and similar non-nuisance businesses; provided, that power propelling units of not more than five horsepower are used for processing equipment or machinery. These uses are limited to a maximum of 5,000 square feet per approved use. The outdoor/exterior storage of materials and equipment, as well as automobile/truck repair services, are prohibited.

SECTION 3. Section 48-523 of the City Code is hereby amended by deleting the stricken language to read as follows:

Sec. 48-523. - Applicability.

The provisions of this subdivision shall be applicable to:

(1) *Any off-street surface parking lot including:* Any commercial parking lot whether of a temporary or permanent nature; any accessory parking lot located in a residence district; any accessory parking lot or a commercial parking lot in other than a residence district that is located on a lot contiguous to a lot in a residence district; any parking lot in a residence district accessory to a commercial use in an adjoining commercial district; and any parking lot in a residence district that is accessory to an apartment building or condominium building or complex in an adjoining commercial district; but not including off-street parking pads or spaces accessory to one-family or two-family dwellings as provided in section 48-511, and not including any such new or existing parking lot, that has fewer than five parking spaces, except if located in a residence district or if expanded, as hereinafter provided.

b. *New construction or expansion of parking lots.* Any off-street surface parking lot that is first proposed or is newly constructed, and any existing surface parking lot that is proposed to be expanded or enlarged, after such effective date, if located in any zoning district except M-2, general industrial, ~~and waterfront districts~~, shall comply with the provisions of this subsection as follows:

1. Any surface parking lot proposed to be so constructed or expanded and located in whole or in part in any residence district shall comply with the requirements of sections 48-528 and 48-529.

SECTION 4. This Ordinance shall become effective upon its passage by City Council and approval by the Mayor.

First Reading..... July 8, 2021
Second Reading..... July 8, 2021
Third Reading.....
Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2021.

Mayor

SYNOPSIS: This Ordinance makes the following amendments to Chapter 48 of the City Code (the “Zoning Code”) regarding uses permitted in the W-4 (Waterfront Residential/Commercial) zoning district: (1) prohibits drive through facilities as matter of right uses; (2) limits light manufacturing uses to a maximum of 5,000 square feet per approved use as both matter of right uses and uses permitted with Zoning Board of Adjustment approval; and (3) prohibits outdoor wholesale storage as a use permitted with Zoning Board of Adjustment approval. In connection with the aforementioned amendments, this Ordinance defines the term “drive through facility”. This Ordinance also amends the Zoning Code to remove the exemption from the City’s parking lot landscaping requirements for all waterfront zoning districts (W-1 (Waterfront Manufacturing), W-2 (Waterfront Manufacturing/Commercial), W-3 (Waterfront Low Intensity Manufacturing/Commercial Recreation), and W-4 (Waterfront Residential/Commercial)), thereby requiring all new parking lots in waterfront zoning districts to comply with the City’s parking lot landscaping requirements.

FISCAL IMPACT STATEMENT: This Ordinance has no anticipated fiscal impact.

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