

PLANNING COMMISSION

Agenda Item # 2.

Planning Commission: Scheduled for public hearing Jan 3, 2018

Case: LDC-4-118

Staff Contact: Gilbert Combs; gilbert.combs@wilmingtonnc.gov; 910-341-4661

Staff Recommendation: Approval

Planning Commission Recommendation: Scheduled for public hearing Jan 3, 2018

City Council Action:

Request

<i>Code Section(s)</i>	Amend City Code Chapter 18, Article 5, Sec. 18-174. Exceptions to area and height standards and Chapter 18, Article 15, Sec 18-812. Definitions to add structured parking definition	
<i>Request</i>	To allow structured parking to be exempt from lot coverage maximums in the RB, O&I-1, and MF zoning districts.	
<i>Applicant</i>	Cameron Properties Land Co. P.O. Box 3649 Wilmington, NC 28406	Hill Rogers 910-762-2676 hill@cameronco.com

BACKGROUND / ANALYSIS

The proposed amendment would allow structured parking to be exempt from lot coverage maximums in the Regional Business (RB), Office & Institutional-1 (O&I-1), and Multi-family Residential (MF) zoning districts. Currently, the code considers lot coverage as a portion of a lot occupied by a structure and while the code does not count surface parking lots towards lot coverage maximums, it does count structured parking. This current code thus has the unintended consequence of de-incentivizing parking decks in favor of less desirable surface parking.

In 2015, there were approximately 2,076 acres of land within the city dedicated to surface parking, roughly 6% of the city's total land area. These parking lots detract from the community's aesthetics and are highly under-performing land uses in terms of city form and tax generation. In planning for the city's future growth, the city must find ways to reduce the need for surface parking lots where appropriate. The *Create Wilmington Comprehensive Plan* recognizes the importance of minimizing the amount of land devoted to surface parking. The plan calls for the use of structured parking, shared parking, flexible ordinance requirements, improved parking standards, the implementation of transportation demand management plans, and provision of public transit to reduce parking needs.

BENCHMARK CITIES RESEARCH

This research shows that only five benchmark cities have a lot coverage definition. In these definitions, three benchmark cities treat parking lots and structures no different. Though Wilmington's code treats parking lots and structured parking differently for lot coverage, in zoning districts with greater intensity, it may be reasonable to exempt structured parking and parking lot footprints from maximum lot coverage.

	Lot Coverage Definition	Impervious surfaces and structures treated the same
Alexandria, VA	N/A	N/A
Annapolis, MD	The amount of surface area of a lot that is covered by the sum of all structures, including accessory structures. Walks, driveways and fences shall not be considered structures for the purpose of this definition, but parking pads, parking lots and swimming pools are considered structures.	Yes
Asheville, NC	The amount of land covered or permitted to be covered by a building, accessory building or impervious surface, usually measured in terms of percentage of a lot.	Yes
Charleston, SC	N/A	N/A
Chattanooga, TN	N/A	N/A
New Bern, NC	N/A	N/A
Raleigh, NC	The amount of net lot area within designated floodway fringe areas and future conditions flood hazard areas expressed in terms of a percentage that is covered by any obstruction restricting or displacing the flow of flood waters and any fill added to the lot after May 3, 2006.	Yes
Santa Fe, NM	The percentage of the total projected area on the ground of structures in relation to the lot area.	No
Savannah, GA	N/A	N/A
St. Augustine, FL	That portion of the lot, excluding open water bodies determined using the mean high water line, that is covered by buildings and structures, measured from the face of the vertical wall of the building or structure, not including roof overhang, but including awnings, carports, or other unenclosed structures.	No
St. Petersburg, FL	N/A	N/A
Wilmington	That portion of a lot occupied by a structure, either at ground level or the equivalent thereto when a structure is elevated on pilings.	No

PROPOSED AMENDMENT

Following are the proposed amendments to the Land Development Code. Additions are underlined, deletions are in ~~strike through~~. The entirety of Sec 18-174 is included as attachment 2.

Chapter 18, Article 5, Sec. 18-174. - Exceptions to area and height standards.

- (f) Structured parking shall not be counted towards maximum lot coverage in the Regional Business (RB), Office & Institutional-1 (O&I-1), and Multi-family (MF) zoning districts.

Chapter 18, Article 15, Sec. 18-812. – Definitions.

Structured parking: An enclosed, attached or detached structure for parking or storing motor vehicles. The terms “freestanding parking facility,” “parking garage,” “parking deck,” and “parking structure” shall be included in this definition. Structured parking shall not include single-family residential garages.

CONSISTENCY WITH ADOPTED PLANS***Create Wilmington Comprehensive Plan***

The following analysis examines the proposal relative to the policies of the City’s Comprehensive Plan. Policies that most pertain to the proposed amendment are provided below. Not all policies carry equal weight, and may depend on the specifics of the proposal. The policy analysis uses the following symbology:



Strong Support






Modest Support







Modest Non-support



Strong Non-support

Policies	1 Development and City Building
1.4.2	New commercial development should be properly managed through the use of development regulations, the development review process, and other tools. The intent is to avoid unreasonable impacts, such as traffic, parking, litter, shadow, light, view obstruction, odor, noise, and/or vibration impacts on nearby residential areas. 
Policies	2 Transportation
2.7.1	The amount of land devoted to surface parking should be minimized through measures such as parking decks and underground parking, shared parking, flexible ordinance requirements, improved parking standards, the implementation of transportation demand management plans, and provision of public transit to reduce parking needs. 
2.7.2	Parking and development that encourages multiple destinations within pedestrian-connected areas should be encouraged. 

Policies	8 Community Facilities and Services	
8.1.8	The impacts on the stormwater system from major sources of stormwater runoff, including buildings, roads, and parking lots should be considered. Sustainable infrastructure techniques that use soils and vegetation to capture, clean, and reuse stormwater runoff to reduce runoff velocity and improve water quality should be implemented.	
Policies	9 Urban Design and Placemaking	
9.3.8	Parking decks should be encouraged in Urban Centers as identified on the Growth Strategies Maps and, where feasible, should be wrapped with active uses for the entire frontage along public streets, especially on pedestrian-priority streets. Where wrapped parking is not feasible, decks should be screened and should not be visibly distinct from the building(s) they serve.	
9.6.4	Within Mixed-use Centers, the use of parking decks, wrapped with active uses, should be encouraged to facilitate higher development densities and reduce the abundance of surface parking lots.	
9.6.5	Creative parking solutions, including shared parking arrangements, the use of structured parking facilities, and technological parking management programs, should be encouraged.	

City of Wilmington Strategic Plan

The proposal presents elements of support from the *City of Wilmington Strategic Plan*. Focus Areas that pertain to the proposal include the following:

Foster a Prosperous, Thriving Economy:

- The city will promote opportunity and prosperity by fostering sustainable, regionally coordinated economic growth and development strategies for creating jobs, building a strong workforce, facilitating commerce and business vitality.

Provide Sustainability and Adaptability

- The city will protect and preserve our natural resources with quality design for the built environment. The city will make strategic decisions focused on the long-term financial, physical and social health of the entire city to enhance our ability to respond to changing economic and demographic conditions. Our actions will be based on a shared commitment to inclusiveness, equity and continuous improvement.

CONCLUSION / RECOMMENDATION

With the expected influx of residents to Wilmington, the city must find ways to accommodate growth and reduce the need for expansive amounts of surface parking. Structured parking is one method by which surface parking can be reduced and higher densities can be accommodated. The proposed Land Development Code (LDC) amendment would allow structured parking to be exempt from maximum lot coverage limits in the RB, O&I-1, and MF zoning districts in the same way surface parking is exempted.

Staff believes that the proposal is consistent with the recommendations of the *Create Wilmington Comprehensive Plan*, the city's *Strategic Plan*, and is in the public interest; staff recommends **approval** of the amendment to the Land Development Code as proposed.

LDC-4-118 Parking Deck Exemption

NEIGHBORHOOD CONTACT

Advertisement Date(s)

Planning Commission

Dec 29, 2017

City Council

Jan 1 & 5, 2018

ACTIONS TO DATE

City Council

Planning Commission

ATTACHMENTS

1. LDC Amendment of Application (date received Dec. 1, 2017)
2. Land Development Code Sec. 18-174

Lot Coverage Text Amendment Supplement

Revised Date: 11/30/17 applicant's revisions to original submittal underlined and included in blue

Applicant's Proposed Text Amendment Summary & Justification

The proposed text amendment eliminates language identifying limit on lot coverage for structured parking in the Multifamily districts, O&I districts, RB and CB districts. Elimination of lot coverage restrictions for parking structures, so that parking structures are treated the same as surface parking lots, allows for development flexibility and promotes vertical density. The elimination of lot coverage restrictions for structured parking is not intended to alter any other setbacks, open space requirements, or other code requirements. The entire applicable ordinance for each zoning district and ordinance section is included here for context, but the only proposed text amendments are shown in underlined blue text.

Compliance with City Plans and Policies

The Comprehensive Plan Growth Strategies Map identifies this specific developer's mixed-use project (including The Pointe at Barclay and Offices at Barclay, and Element Apartments at Barclay) as a targeted Mixed-Use Center, but it is only one out of many identified throughout the City of Wilmington. Many of these Mixed-Use Centers are located the O&I, RB, and MF zoning districts, so the applicant feels this is a much larger issue for the City than just one specific project, and, therefore, worth bringing before the City for review.

Mixed-Use development typically clusters buildings and integrates a variety of uses in close proximity to one another, mimicking an urban downtown form and offering goods and services to a wide variety of people in one convenient location. The mixed-use development strategy is echoed throughout the City of Wilmington's Comprehensive Plan. With the focus on creating "centers" throughout the City instead of the more typical suburban sprawling development, the applicant has identified a conflict between the growth strategies in the Comprehensive Plan and one portion of the current land development code. The higher density cluster of buildings serving as a core within these mixed-use centers can easily exceed the lot coverage area allocated to commercial, office, and multi-family districts. In each of these districts, the lot coverage restriction is capped at less than half of the land area dedicated to buildings. While the development strategy identified by the growth strategies outlined in the City's comprehensive plan tend to focus on urban form with dense groups of buildings and clusters for ease of access by pedestrians, bicycles, and vehicles and a resulting lot coverage closer to 100%, especially if a structured parking facility is included to accommodate off-street parking.

This mixed-use center growth strategy does not mean that all land must be developed or paved. There are still provisions in the code for open space and landscape (both preserved and replanted). There are still development strategies in the ordinance that encourage development to preserve areas. However, by restricting lot coverage, the current code does not offer the flexibility to create higher density mixed-use development clusters in the O&I, RB, and MF zoning districts, the very districts comprising the majority of the Growth Strategies Map identified mixed use centers. We respectfully ask the City of Wilmington planning staff, planning commission, and city council to consider removing or altering the lot coverage restriction for structured parking in the identified zoning districts to promote the clustered

development patterns envisioned in the City's Comprehensive Plan and aligned with the City's policies for growth and redevelopment.

**City of Wilmington Land Development Code Text Amendment Request to
Article 5 Zoning District Regulations Division II District Regulations Sections 18-184, 18-190, 18-195**

Sec. 18-184. - Multifamily Residential Districts (MF-L, MF-M, MF-MH, MF-H).

- (e) *Permitted accessory uses and structures.* Accessory uses and structures clearly incidental and subordinate to the principal use and structures including the following uses, are permitted provided that they meet all requirements of this section, the requirements of Article 6 and all other applicable requirements established in these regulations:

- (1) Accessory apartment, detached.
- (2) Home occupation.
- (3) Kennels, private.
- (4) Swimming pool.
- (5) [Structured Parking, attached or detached.](#)

Sec. 18-190. - O&I-1, Office and Institutional District 1.

- (e) *Permitted accessory uses.* Accessory uses clearly incidental and subordinate to the principal use and structures including the following uses, are permitted provided that they meet all requirements of this section, the requirements of Article 6 and all other applicable requirements established in these regulations.
 - (1) Internal services facilities incidental to permitted uses, including cafeterias, day care facilities, snack bars, and similar retail activities, conducted solely for the convenience of employees, or occasional visitors, provided any signage for such facilities is not visible beyond the premises.
 - [\(2\) Structured Parking, attached or detached.](#)

Sec. 18-191. - O&I-2, Office and Institutional District 2.

- (e) *Permitted accessory uses.* Accessory uses clearly incidental and subordinate to the principal use and structures including the following uses, are permitted provided that they meet all requirements of this section, the requirements of Article 6, and all other applicable requirements established in these regulations.
 - (1) Internal services facilities incidental to permitted uses, including cafeterias, day care facilities, snack bars, and similar retail activities, conducted solely for the convenience of employees, or occasional visitors, provided any signage for such facilities is not visible beyond the premises.
 - (2) Structured Parking, attached or detached.

Sec. 18-195. - RB, Regional Business District.

(e) *Permitted accessory uses.* Accessory uses clearly incidental and subordinate to the principal use and structures including the following uses are permitted provided that they meet all requirements of this section, the requirements of Article 6 and all other applicable requirements established in these regulations.

(1) Internal services facilities incidental to permitted uses, including cafeterias, day care facilities, snack bars, and similar retail activities, conducted solely for the convenience of employees, or occasional visitors, provided any signage for such facilities is not visible beyond the premises.

(2) Shipping containers, permanent off-chassis.

[\(3\) Structured Parking, attached or detached.](#)

Sec. 18-194. - CB, Community Business District.

- (e) *Permitted accessory uses.* Accessory uses clearly incidental and subordinate to the principal use including the following are permitted provided that they meet all requirements of this section, the requirements of Article 6 and all other applicable requirements established in these regulations.
 - (1) Internal services facilities incidental to permitted uses, including cafeterias, day care facilities, snack bars, and similar retail activities, conducted solely for the convenience of employees, or occasional visitors, provided any signage for such facilities is not visible beyond the premises.
 - (2) Reserved.
 - (3) Shipping containers, permanent off-chassis.
 - (4) [Structured Parking, attached or detached.](#)

Article 6 Sec. 18-249. - Accessory buildings.

- (c) *Lot coverage.* Accessory buildings shall not cover more than thirty (30) percent of the required side or rear yard. The gross total square footage of all accessory buildings shall not exceed one hundred (100) percent of the heated square footage of the primary structure. [The footprint of structured parking is exempt from lot coverage requirements in the zoning districts permitting structured parking. Any principal structure constructed with structured parking under it shall be exempt from lot coverage requirements in the zoning districts permitting structured parking.](#)
- (d) *Setback.* Accessory buildings shall be set back at least five (5) feet from the side and rear lot lines in all districts except in the separate use historic districts. In these districts, setbacks will be reviewed and approved by the historic preservation commission or historic preservation planner through the certificate of appropriateness application process according to section 18-96. The separation between the principal structure and accessory building shall meet the state building code. [Structured Parking shall apply the same side and rear setbacks as the principal structure and the front and corner side yards of that structured parking shall be larger than the principal structure's front and corner side yards to provide prominence to the principal structure.](#)
- (e) *Height.* The height of any accessory building shall not exceed the height of the primary structure or thirty-five (35) feet, whichever is less. [The height of structured parking shall not exceed the height of the principal structure.](#)
- (f) *Landscaping.* [Structured parking is exempt from parking lot landscaping, but shall comply with all foundation planting requirements](#)

Article 15 Sec. 18-812. - Definitions.

Parking facility: Any area, open or enclosed, structural or natural, for the storage of a vehicle or vehicles. All components of a parking area are included in this definition, including drive aisles, parking spaces and landscaping islands. A parking lot and structured parking is are a subclassifications of a parking facility and is are defined as follows:

Parking lot: An open area, outside of the public right-of-way, for the storage of a vehicle or vehicles. The term "parking area" shall be included in this definition.

Structured Parking: An enclosed, attached or detached structure for the storage of vehicles that is located outside of the right-of-way. The same provisions of this ordinance apply to Structured Parking as a parking lot unless otherwise stated in the ordinance. The terms "freestanding parking facility", "parking garage", "parking deck", and "parking structure" shall be included in this definition. Structured parking may be a principal structure, as in a freestanding commercial parking garage. Structured parking may also be a part of a principal structure. As an example, a parking garage under a multi-story office building. In such event, the principal use would be an office building. Additionally, structured parking could be an accessory building, as in a parking structure beside or behind an office building. Structured Parking shall not include single family residential garages.

Sec. 18-174. - Exceptions to area and height standards.

- (a) *In general.* The following requirements or regulations qualify or supplement, as the case may be, the district regulations or requirements appearing elsewhere in this chapter.
- (1) Hospitals, schools, and religious institutions (excluding accessory uses) where permitted in a district, may be erected to a height not exceeding one hundred fifty (150) feet, except for the Central Business District.
 - (2) The following structures and features shall be exempt from the height requirements of this chapter:
 - a. Radio and television receiving antennas and support structures, provided that they shall not be erected to a height greater than twenty (20) feet above the roof line.
 - b. Utility poles, water towers and support structures.
 - c. Monuments and ornamental towers.
 - d. Chimneys, smokestacks and flues attached to a building or projections from buildings provided that they shall not be erected to a height greater than five (5) feet above the roof line or as required by state and/or federal air quality laws and regulations.
 - e. Communications towers, subject to section 18-259.
 - f. Belfries, spires, and steeples.
 - g. Cupolas.
 - h. Ornamental railings.
 - i. Parapet walls, provided they shall not extend to a height greater than six (6) feet above the allowable height of the district in which they are located.
 - j. Trees, shrubs, or other vegetation functioning as part of a Leadership in Energy and Environmental Design (LEED) or similar approved certifying program green roof.
 - (3) Every part of a required yard shall be open from its lowest ground point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum yard more than twenty-four (24) inches.
 - (4) Open or enclosed fire escapes, outside stairways, balconies and other necessary unenclosed projections may extend into a minimum yard not more than three and one-half (3½) feet and the ordinary projections of chimneys and flues may be permitted by the city manager where same are placed so as to not obstruct the light and ventilation.
 - (5) Unenclosed porches, landings, terraces, patios or platforms may project into any required front or rear yard not exceeding eight (8) feet.
 - (6) For properties which are located within the city's 1945 corporate limits, if fifty (50) percent or more of the structures within the same block face on the same side of the street are located inside the generally required minimum front, rear, or side yard setbacks, then the minimum required front, rear, or side yard setbacks shall be the most typically occurring front, rear or side yard setback respectively for that block face on the same side of the street, so long as the requirements of section 18-556 are observed. If no typical yard setback exists in this situation, then setbacks shall equal the average front, rear or side yard setbacks respectively for that block face on the same side of the street so long as the requirements of section 18-556 are observed.
 - (7) No 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.

- (b) *Zero lot line development.* For properties in R-5, R-3, Multifamily Residential, O&I-1, O&I-2, CB, RB, and CS Districts, zero (0) lot line development shall be permitted in accordance with the following standards.
- (1) Zero lot line development is permitted when a windowless wall of a structure is placed either on:
 - a. A side property line; or
 - b. Encroaches into a side yard and the remaining footage required for the lot to meet the total side yard requirement is provided on the opposite side.
 - (2) Provided further:
 - a. In residential districts, zero (0) lot line development of single-family detached structures shall be allowed only on tracts consisting of two (2) acres or more. This provision is not applicable to the O&I and Commercial Districts.
 - b. Lots located on the outside perimeter of a development shall provide the standard side yard of the adjacent zoning district.
 - c. When this technique is applied to corner lots, the structure shall not encroach upon or be placed on the side yard property line adjacent to a street.
 - d. If two (2) residential structures on two (2) lots must be located on the same side property line, then they shall have a common windowless wall conforming to the construction standards of Section 403.3 in Volume 1 of the North Carolina State Building Code. All nonresidential structures must conform to Section 601 in Volume 1 of the North Carolina State Building Code.
 - e. Whenever a structure is located within four (4) feet of a side property line, a perpetual easement for wall and roof maintenance shall be provided on the adjacent lot. The minimum width of this maintenance access (side yard plus easement area) shall be four (4) feet. The easement shall be incorporated into each deed.
- (c) *Properties on thoroughfares.* For properties located in the Multifamily, O&I-1, O&I-2, CB, RB, and CBD Districts having frontage on major thoroughfares (as defined in the City of Wilmington Technical Standards and Specifications Manual), the minimum lot width requirement for all new lots shall be as follows:

Lot Type	Minimum Lot Width (feet)
Interior lot	85
Through lot	85
Corner lot	
Thoroughfare side(s)	170
Other street side(s)	120

The lot widths may be reduced if no access or shared access provisions are included in the recorded plats and/or deeds for new lots to be created and upon the granting of a variance by the board of adjustment containing such access conditions.

- (d) Buildings located along interior streets within a cohesive development project may be constructed within a required front or side yard setback, subject to compliance with section 18-556 of this chapter and the following design standards:
 - a. Buildings must have an entrance from the sidewalk; and
 - b. Architectural features, including fenestration, material changes or other design features must be provided along the street such that blank wall space does not exceed fifteen (15) feet in length; and
 - c. On-street parking shall be provided along all interior streets and will count towards required parking for the project; and
 - d. Landscaping and streetyard requirements may be reduced as determined necessary by the technical review committee to improve pedestrian safety and circulation within a cohesive development project.
- (e) *Lot coverage requirements.* Projects utilizing exceptional design criteria may increase lot coverage and density pursuant to allowances set forth in section 18-544 of this chapter.
- (f) Structured parking shall not be counted towards maximum lot coverage in the Regional Business (RB), Office & Institutional-1 (O&I-1), and Multi-family (MF) zoning districts.

(Ord. No. O-2008-25, 4-8-08; Ord. No. O-2010-91, § 11, 12-7-10; Ord. No. O-2014-20, § 4, 4-15-14)