

Ordinance



City Council
City of Wilmington
North Carolina

Introduced By: Rebecca L. Hawke, City Manager

Date: 4/7/2026

Ordinance Amending the Official Zoning Maps of the City of Wilmington to Rezone Property Located at 4118 Market Street from RB, Regional Business to MD-17(CD), High-density Multiple-dwelling Residential (Conditional District) for a Multiple-Dwelling Development (CD-4-126)

LEGISLATIVE INTENT/PURPOSE:

WHEREAS, N.C.G.S. §§160D-102, 160D-108(d), 160D-603, and 160D-702 authorize local governments to change or modify zoning boundaries within their jurisdiction; and,

WHEREAS, the amendment set out below is made in accordance with N.C.G.S. §160D-601, and Article 7, Divisions 1 and 2, of the City of Wilmington Land Development Code (“LDC”).

THEREFORE, BE IT ORDAINED:

SECTION 1: The Official Zoning Maps of the City of Wilmington are hereby amended by removing the hereinafter described tract of land (“Property”) from the present RB, Regional Business district, and putting it in the MD-17 (CD), High-density multiple-dwelling residential district (Conditional District) classification, said tract being more particularly described as follows:

Commencing at an existing NCGS monument entitled "Kerr" and having NC Grid values of North 181,240.3821 and Eastern values of 2,335,402.066; and running thence from the said existing NCGS monument South 73 degrees 17 minutes 17 seconds West and having a grid distance of 1,254.99 feet to an existing iron stake located along the Southern right of way of US Highway 17 and 74 (commonly known as Market Street - 100 foot right of way), said iron stake also being THE TRUE POINT OF BEGINNING: thence from the described beginning and leaving the said Southern right of way of US Highway 17 and 74 and running South 12 degrees 14 minutes 14 seconds East 380.80 feet to an existing iron pipe; thence South 76 degrees 55 minutes 03 seconds West 142.77 feet to an existing iron pipe; thence North 13 degrees 19 minutes 16 seconds West 382.95 feet to an iron stake located along the said Southern right of way of US Highway 17 and 74; thence along the said Southern right of way of US Highway 17 and 74 and running North 77 degrees 45 minutes 16 seconds East 150.00 feet to the point and place of

beginning. Containing 1.28 acres and being the property described in Deed Book 2590, Page 644 of the New Hanover County Registry. The courses contained herein are correct in angular relationship and are referenced to NC Grid North (Nad 83).

SECTION 2: The following rules, regulations, and conditions shall apply to the Property:

1. The use and development of the Property shall comply with all regulations and requirements imposed by the LDC, the City of Wilmington Technical Standards and Specifications Manual, and any other applicable federal, state, or local law, ordinance, or regulation, as well as any condition stated below. In the event of a conflict, the more stringent requirement or higher standard shall apply.
2. Approval of this conditional district rezoning does not constitute technical approval of the site plan. Final approval by the Technical Review Committee and the issuance of all required permits must occur prior to release of the project for construction.
3. If, for any reason, any condition for approval is found to be illegal or invalid, or if the applicant should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect, and proceedings shall be instituted to rezone the Property to its previous zoning classification.
4. The use and development of the Property shall be in substantial compliance with the site plan and elevations as submitted and accepted by City Council on April 7, 2026.
5. Twenty residential units shall be provided at a minimum 80% of the area median income (“AMI”) as determined annually by the U.S. Department of Housing and Urban Development, adjusted for household size.
6. An annual report will be submitted to the City that provides income verification and lease terms for the workforce housing units.
7. Workforce housing units shall be maintained for a period of no less than 15 years, to begin on the occupancy of the final workforce housing unit on site.
8. A sidewalk connection shall be provided between the public sidewalk along Market Street and the building entrance.
9. Street trees shall be provided along the Market Street frontage, if utilities allow.
10. Streetscape landscaping shall be provided within the open space area located between the existing building and Market Street, in accordance with City standards.
11. The existing pole sign shall be removed. Monument signage shall be installed

consistent with LDC requirements.

SECTION 3: The City Clerk and the Planning Director are hereby authorized and directed under the supervision of the City Manager to change the Zoning Maps on file in the office of the City Clerk and the Planning Department, to conform with this ordinance.

SECTION 4: Any person violating the provisions of this ordinance, including the approved site plan, shall be subject to the penalties set forth in Section 18-648 of the LDC.

SECTION 5: Any prior rezoning related to the Property in conflict with this ordinance is hereby repealed to the extent of such conflict.

SECTION 6: If any section, subsection, paragraph, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 7: This ordinance shall be effective upon both its adoption by City Council, and the City's receipt of written acceptance by the Applicant of all conditions adopted by the City.

Adopted at a _____ meeting

On _____ 2026

Attest:

Penelope Spicer-Sidbury, City Clerk

Bill Saffo, Mayor

Approved As To Form:

City Attorney