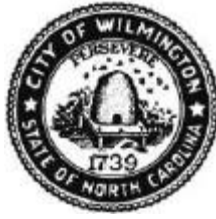


Ordinance



City Council
City of Wilmington
North Carolina

Introduced By: Rebecca L. Hawke, City Manager

Date: 8/4/2026

**Ordinance Modifying an Existing RB (CD), Regional Business (Conditional District)
Located at 1415 & 1417 42nd Street to Allow Additional Commercial Uses
(CD-PC-2026-0004)**

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 are hereby amended by removing the hereinafter described tract of land ("Property") from the present RB (CD), Regional Business (Conditional District), and adding it to the newly modified RB (CD), Regional Business (Conditional District), said tract being more particularly described as follows:

COMMENCING AT A POINT IN THE INTERSECTION OF THE SOUTHERN RIGHT OF WAY OF PEACHTREE AVENUE AND THE EASTERN RIGHT OF WAY OF 42ND STREET THENCE SOUTHERLY ALONG THE EASTERN LINE OF 42ND STREET A DISTANCE OF +/- 75.72 FEET TO THE TRUE POINT OF BEGINNING;

THENCE LEAVING SAID RIGHT OF WAY S83° 57' 41"E A DISTANCE OF +/-64.00 FEET TO A POINT;

THENCE S06° 02' 19"W A DISTANCE OF +/-91.00 FEET TO A POINT;

THENCE S83° 57' 41"E A DISTANCE OF +/-87.50 FEET TO A POINT IN THE EASTERN LINE OF LANDS OWNED BY LILLIAN M BELLAMY HRS ETAL;

THENCE WITH SAID PROPERTY LINE S06° 02' 19"W A DISTANCE OF +/- 91.00 FEET;

THENCE LEAVING SAID PROPERTY LINE AND ALONG THE SOUTHERN PROPERTY LINE OF LANDS OWNED BY LILLIAN M BELLAMY HRS ETAL N83° 57' 41"W A DISTANCE OF +/- 151.50 FEET TO A POINT IN THE EASTERN RIGHT OF WAY OF 42ND STREET;

THENCE NORTHERLY ALONG SAID RIGHT OF WAY N06° 02' 19"E +/- 182.00 FEET TO THE POINT OF BEGINNING CONTAINING APPROXIMATELY 0.45 ACRES.

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's Technical Standards and Specifications Manual, and any other applicable federal, state, or local law, ordinance, or regulation, as well as the conditions 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 accordance with the site plan, as submitted and accepted by City Council on June 21, 2022.
5. Permitted uses shall be limited to nightclub, restaurant, food catering services, artisan food and beverage production, small-scale general retail, general personal services, offices, studios, performing arts, fine arts, dance, martial arts, and private recreation facility.
6. An 8-foot-tall opaque wooden fence shall be required along the northern and eastern property lines adjacent to the R-10, Residential zoning district.

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 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 its adoption by City Council.

Adopted at a _____ meeting

On _____ 2026

Bill Saffo, Mayor

Attest:

Approved As To Form:

Penelope Spicer-Sidbury, City Clerk

City Attorney