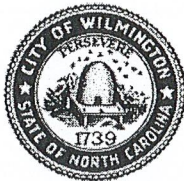


# Ordinance



City Council  
City of Wilmington  
North Carolina

20-2016-18

Introduced By: Sterling B. Cheatham, City Manager

Date: 12/6/2016

**Ordinance Amending the Official Zoning Maps  
Of The City Adopted March 27, 1984 To Rezone Property Containing 1.18 Acres Located  
At 6149 Wrightsville Avenue From R-15, Residential District to R-5 (CD), Wrightsville  
Avenue Corridor Overlay (Conditional District) To Construct Six Single Family Lots  
(CD-10-1116)**

**LEGISLATIVE INTENT/PURPOSE:**

WHEREAS, NCGS Section 160A-385 authorizes local governments to change or modify zoning boundaries within their jurisdiction; and

WHEREAS, the amendment set out below is made in accordance with NCGS Section 160A-364 and Article 3, Section 18-117 of the Land Development Code.

**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 from the present R-15, Residential District and putting it in the R-5 (CD), Residential Wrightsville Avenue Corridor Overlay (Conditional District) classification, said tract being more particularly described as follows:

A certain tract or parcel of land lying and being in the City of Wilmington, New Hanover County, North Carolina and being the same tract of land shown as lot 1-R, Bradley Creek Landing on map book 55 page 109 in the New Hanover County Registry, and being more particularly described as follows:

Legal Description for  
Conditional District Zoning Map Amendment  
6149 Wrightsville Avenue

Beginning at a point at the intersection of the southwestern boundary of Heron Run Drive, a private right-of-way in a subdivision entitled "Heron Run," recorded among the land records of the New Hanover County Registry in Map Book 29, at page 82, with the western boundary of Rogersville Road, a 60' public right-of-way; and running thence with the Rogersville Road right-of-way, South 16035'27" West, 61.82 feet to a point; thence, South 08039'07" West,

CITY CLERK  
Amelga Jordan-Jobey  
CERTIFIED TO BE A TRUE COPY.

50.29 feet to a point; thence, South 02034'47" West, 64.27 feet to a point; thence, South 00007'59" West, 164.83 feet to a point; thence, Along a curve to the left, having a Radius of 710.00 feet, and Length of 368.56 feet, a Chord of South 74038'15" West, 364.43 feet to a point; thence along the boundary of the East Prong of Bradley Creek, North 51001'41" East, 90.26 feet to a point; thence, North 40043'30" East, 58.98 feet to a point; thence, North 21047'57" East, 27.45 feet to a point; thence, North 65027'54" East, 21.30 feet to a point; thence, North 02035'28" West, 58.28 feet to a point at the rear corner of Lot 1 - Heron Run; thence with that line, North 45028'19" East, 342.59 feet to the point and place of beginning, containing 51,594 square feet, or 1.18 acres, more or less.

**SECTION 2:** The following rules, regulations and conditions shall apply to the property described in this ordinance:

1. The use and development of the subject property shall comply with all regulations and requirements imposed by the Land Development Code, 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 rezoning request 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 subject property shall be in accordance with the plan as submitted September 20, 2016. The permitted use shall be restricted to a six lot single family residential development having a total of 6 dwelling units.
5. The proposed building elevations for the subject property shall be consistent with those submitted on October 4, 2016 and in accordance with the Wrightsville Corridor 2030 Plan.
6. All existing protected trees not impacted by essential site improvements shall be preserved or mitigated.
7. All city, state and federal regulations shall be followed.

**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 Division, to conform to this ordinance.

**SECTION 4:** That any person violating the provisions of this ordinance, including the approved site plan, shall be subject to the penalties set forth in Section 18-52 of the Land Development Code.

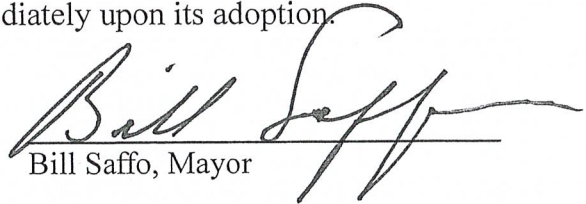
**SECTION 5:** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.



**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.

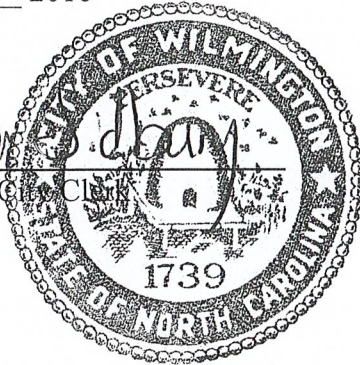
**SECTION 7:** This ordinance shall be effective immediately upon its adoption.

Adopted at a regular meeting  
on December 6, 2016

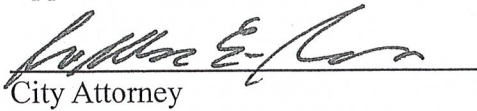
  
\_\_\_\_\_  
Bill Saffo, Mayor

Attest.

  
\_\_\_\_\_  
Penelope Spicer-Sidbury, City Clerk



Approved As To Form:

  
\_\_\_\_\_  
City Attorney