

**AN ORDINANCE TO AMEND CHAPTER 48 OF THE CITY CODE TO REVISE THE HEIGHT, FLOOR AREA RATIO, AND BUILDING COVERAGE RATIO RESTRICTIONS FOR THE W-3 (WATERFRONT LOW INTENSITY MANUFACTURING/COMMERCIAL RECREATION) ZONING DISTRICT**

#0389

Sponsor:

Council  
Member  
Oliver

**WHEREAS**, Division 3 of Article VIII of Chapter 48 of the City Code sets forth development standards for City's waterfront zoning districts (the "Waterfront Districts"); and

**WHEREAS**, the City's Department of Land Use and Planning (the "Planning Department") has reviewed the height, floor area ratio, and building coverage ratio restrictions for the W-3 (Waterfront Low Intensity Manufacturing/Commercial Recreation) Zoning District (collectively, the "W-3 Restrictions") and has determined that the W-3 Restrictions (i) are severely restrictive compared to the height, floor area ratio, and building coverage restrictions for the other Waterfront Districts and (ii) have not generally been conducive to encouraging development on the eastern end of the City's Seventh Street Peninsula without the need for relief from the Zoning Board of Adjustment; and

**WHEREAS**, the Planning Department has recommended that the W-3 Restrictions be revised to reflect what is generally allowed in other Waterfront Districts, namely, a maximum (i) height of six (6) stories and seventy-two feet (72'), (ii) floor area ratio of 2.00, and (iii) building coverage ratio of 0.60; and

**WHEREAS**, in accordance with and pursuant to Section 48-52 of the City Code, the City Planning Commission held a duly advertised public hearing at its November 21, 2023 meeting and adopted Planning Commission Resolution 8-23, which recommended approval of the proposed amendments to the W-3 Restrictions; and

**WHEREAS**, City Council deems it necessary and appropriate to amend Chapter 48 of the City Code to revise the W-3 Restrictions as described above and as set forth herein.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON**

**HEREBY ORDAINS:**

**SECTION 1.** Chapter 48 of the City Code is hereby amended by amending Section 48-353 thereof by adding the underlined language and deleting the stricken language to read as follows:

**Sec. 48-353. – Height restrictions.**

(a) In waterfront zoning districts, the maximum permitted heights shall be as set forth in the following table; Height requirements in waterfront zoning districts shall be as follows:

District	Height in Stories	Height in Feet
W-1, W-2	6	72
W-3	<del>not prescribed</del> <u>6</u>	<del>35</del> <u>72</u>
W-4	6	72

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**SECTION 2.** Chapter 48 of the City Code is hereby amended by amending the Section 48-355 thereof by adding the underlined language and deleting the stricken language to read as follows:

**Sec. 48-355. – Floor area ratios.**

In waterfront districts, the maximum permitted floor area ratios shall be as given in the following table:

District	Floor Area Ratio
W-1, W-2	2.00
W-3	<del>.25</del> <u>2.00</u>
W-4	
Rowhouses	<u>0.80</u>
Garden apartment developments	1.00
Walk-up apartments	1.50

	Medium density elevator apartment houses	2.00
	All other uses	2.00

**SECTION 3.** Chapter 48 of the City Code is hereby amended by amending Section 48-356 thereof by adding the underlined language and deleting the stricken language to read as follows:

**Sec. 48-356. – Building coverage ratios.**

In waterfront districts, the lot area occupied by all buildings on a parcel in relation to the total parcel area shall not exceed the ratios set forth below:

District	Building Coverage Ratio
W-1, W-2	0.60
W-3	<del>0.25</del> <u>0.60</u>
W-4	
Rowhouses	<u>0.40</u>
Garden apartments	0.40
Walk-up apartments	0.50
Elevator apartments	0.50
All other uses	0.50

**SECTION 3.** This Ordinance shall be effective upon its passage by City Council and approval by the Mayor.

First Reading ..... February 1, 2024  
 Second Reading ..... February 1, 2024  
 Third Reading .....

Passed by City Council,

\_\_\_\_\_  
 President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Ordinance amends Sections 48-353, 48-355, and 48-356 of the City Code to revise the height, floor area ratio, and building coverage ratio restrictions for the W-3 (Waterfront Low Intensity Manufacturing/Commercial Recreation) Zoning District. In addition, as housekeeping matters, this Ordinance (i) rephrases the introductory sentence in City Code Section 48-353 for the purpose of clarity, (ii) adds a missing zero (0) before the decimal point in floor area ratio for rowhouses in the W-4 (Waterfront Residential/Commercial) Zoning District in City Code Section 48-355; (iii) adds a missing zero (0) after the decimal point in the building coverage ratio for rowhouses in the W-4 (Waterfront Residential/Commercial) Zoning District in City Code Section 48-356, and (iv) adds an “s” in the title of City Code Section 48-356.

**FISCAL IMPACT STATEMENT:** There is no anticipated negative fiscal impact associated with this Ordinance.

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