

ARTICLE 2. ZONING DISTRICTS

ARTICLE 2. DIVISION 1.

ZONING DISTRICTS, MAP, AND USES

Section 18-16: Districts established

To regulate the height and size of buildings, the intensity of land usage, areas for open space, the location of land uses; provide for an improved environment; and promote the health, safety, and general welfare of its citizens, the city of Wilmington is hereby divided into the zoning districts described in this article.

Section 18-17: Conformity required

- A. No land, building, or structure shall be used or occupied, and no building or structure, in whole or part, shall be constructed, erected, altered, or moved unless in conformity with all the regulations for the district within which it is located, except as otherwise specified in this chapter.
- B. A use or building expressly permitted by right, with use-specific standards, or by special use permit shall be allowed in a zoning district.
- C. Those uses identified as prohibited in reasonably expressed terms provide notice that those uses shall not be allowed unless such use is permitted in accordance with article 7, division 4 of this chapter.
- D. An unidentified use not addressed in this chapter where an owner is not on notice that a particular use is prohibited or otherwise regulated shall be liberally construed in favor of the landowner.

Section 18-18: Official zoning map

A. Boundaries

The boundaries of the zoning districts established herein are shown on the official zoning map of the city that is incorporated by reference into this chapter. The official zoning map shall be maintained by the city clerk in digital and printed records and shall be available for viewing on the city of Wilmington website.

B. Amendments

If, in accordance with the provisions of this chapter, changes are made in district boundaries or other references on the official zoning map, such changes shall be entered on the official zoning map within seven working days after the amendment has been approved by the city council. No changes of any nature shall be made on the official zoning map except in conformity with the procedures set forth in Article 7, Administrative Provisions.

C. Rules for Interpretation of District Boundaries

The zoning administrator shall determine the exact location of any zoning district boundary lines whenever uncertainty exists about the boundary lines shown on the official zoning map. Such determination shall be subject to appeal to the board of adjustment. The determination of the exact location of a zoning district boundary shall be based upon the following standards:

1. The zoning of a lot shall extend to the centerline of all streets to which that lot abuts. On corner lots, the zoning shall extend to the center point of the intersection.
2. For boundaries indicated as approximately following or within a street, alley, or railroad right-of-way, or utilities (electrical, gas, water main, etc.) easement, the boundary shall be construed to be in the center of such right-of-way or easement.

3. Boundaries indicated as following shorelines or mean high water lines shall be construed to follow such shorelines or the mean high water lines, and in the event of change in the shorelines, shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers, creeks, or other bodies of water shall be construed as following such centerlines.
4. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines
5. Boundaries indicated as approximately following city limits shall be construed as following city limits.
6. Boundaries indicated as parallel to or extension of features indicated in subsections 1-5 above shall be so construed.

Section 18-19: Uses

A. Organization

Each of the categories of zoning districts in this article includes a use table keyed to the districts in that specific division. In the various use tables, land uses and activities are classified into general use classes of residential, civic and institutional, commercial, and industrial. The use tables in each of the zoning categories generally indicate uses permitted in the applicable zoning districts and are not exhaustive lists of uses. A full use table, inclusive of all principal uses permitted in the city, is located in Table 18-9.2: Universal use table.

B. Use-Specific Standards

In addition to allocating uses to zoning districts, the use tables also identify when additional standards are applicable to the use. No person shall change or commence principal use of any building or land, except the use of land for agricultural purposes, until a zoning permit has been issued by the city manager stating that the proposed

use complies with the provisions of this chapter. Compliance with applicable standards will be determined through the appropriate compliance review.

C. Explanation of Table Abbreviations

1. Uses permitted by right

A “P” in a cell indicates the use is permitted by right in the district. Permitted uses are subject to all other applicable standards of this chapter.

2. Uses permitted by prescribed conditions

A “C” in a cell indicates the use is allowed only if it complies with applicable standards of this chapter, including use-specific standards in Article 3.

3. Uses permitted by special use permit

An “S” in a cell indicates the use is allowed only if reviewed and approved as a special use in accordance with the procedures of Section 18-589: Special use permits. Special uses are subject to all other applicable standards of this code, including Article 3.

4. Prohibited Uses

A blank cell indicates that the use is prohibited in the district.

D. Zoning Permit Required

1. New uses and changes of use

All new uses and changes of use shall require the issuance of a zoning permit. If a use complies with the applicable standards for that use, that use shall be approved. No other uses may be substituted without a new review and approval process.

2. Change of Use

- a. The following shall be considered a change of use, for which a new zoning permit is required and for which conformance with the applicable standards of this chapter shall be required:
 - i. Any new use that increases the prescribed site development requirements, e.g., landscaping, transitional buffers, parking lot landscaping, etc.;
 - ii. Discontinuance or abandonment of a use for more than 180 days; and
 - iii. From one use to another use, if it is the sole use of the premises.
- b. The following shall not be considered a change of use and no new zoning permit shall be required:
 - i. Commercial use to a group home; and
 - ii. Any permitted use as a part of a strip mall or multi-tenant commercial development.

E. Uses permitted in multiple districts with different standards

On a lot that has multiple zoning districts, uses shall comply with the standards for the zoning district in which they are located.

F. Use of dwelling units

Where residential uses are permitted, they shall be within a dwelling unit or mobile home, as defined in this chapter and permitted within the applicable zoning district. Any group living uses, as defined in this chapter, and nonresidential uses permitted within dwelling units shall be distinguished as uses by the definitions found in Article 8. Measurements and definitions and shall be regulated by the applicable standards.

G. Use Interpretations

The purpose of the use interpretation procedures is to provide a process for an applicant to request documentation regarding the meaning of the language in this article, the boundaries of the official zoning map, or conditions of an approval.

1. Interpretation types

- a. Formal interpretations shall be in writing and prepared in accordance with this section. Only formal interpretations are subject to appeal as an administrative decision.
- b. Any oral or written interpretations that do not meet the requirements of this section are considered advisory interpretations, which shall not have any binding effect and are not considered administrative decisions subject to appeal.
- c. Uses shall not be interpreted to be within more than one use category.
- d. Where the zoning administrator determines more than one use could apply, the owner shall select the applicable use category to be applied

2. Interpretation procedure

The interpretation procedure is illustrated in Table 18-19.1. Interpretation procedure.

3. Interpretation standards

- a. Interpretation of official zoning map boundaries shall be in accordance with the interpretation procedure in Table 18-19.1: Interpretation procedure.
- b. Unlisted uses: Interpretation of whether an unlisted use is categorized with a use identified in Table 18-19.2 Universal use table shall be based on the following standards:

- i. Whether the unlisted use is the same or substantially similar to an existing listed use, thereby rendering the same listed use;
- ii. Interpretation of existing case law;
- iii. The function, product, or physical characteristics of the proposed use;
- iv. The impact created by the proposed use on adjacent uses;
- v. The type, scale, and nature of the buildings and structures associated with the proposed use;
- vi. The type of sale (retail, wholesale), if any, and the size and type of items sold and displayed on the premises;
- vii. The types of items stored (e.g., vehicles, chemicals, construction materials, scrap, raw materials, etc.), if any, on the premises;
- viii. The volume and type of vehicle traffic generated by the proposed use, including deliveries and parking demands;
- ix. Any processing associated with the proposed use, including assembly, manufacturing, warehousing, shipping, distribution, and whether it occurs indoors or outdoors;
- x. Any dangerous, hazardous, toxic, or explosive materials associated with the proposed use.
- xi. The amount and nature of any nuisances generated by the proposed use, including, but not limited, to noise, odors, smoke, glare, vibration, radiation, and fumes; and
- xii. Any prior applicable interpretations made or decisions made by the board of adjustment.

Figure 18-19.1: Use Interpretation procedure

Step 1**FILE APPLICATION**

- File application with zoning administrator
- Incomplete applications shall be rejected
- Pay applicable fee

Step 2**STAFF REVIEW AND DECISION**

- The zoning administrator shall conduct necessary research
- The zoning administrator may consult with other staff, including the city attorney
- The zoning administrator shall render a decision

Step 3**NOTIFICATION OF DECISION**

- Formal interpretations shall be issued in writing
- Delivered via mail, electronic mail, or collected in person by applicant

- c. If a term in this chapter is undefined or the meaning is unclear, the zoning administrator shall interpret the term based upon appropriate definitions in any of the following sources:
 - i. North Carolina General Statutes;
 - ii. Applicable case law and changes thereto;
 - iii. North Carolina Administrative Code;
 - iv. North Carolina State Building Code , or its successor, as approved by the state of North Carolina;
 - v. *Black’s Law Dictionary*;
 - vi. *The Oxford Dictionary of Construction, Surveying, and Civil Engineering*;
 - vii. Planning-related definitions in publications prepared or offered by the American Planning Association or the Urban Land Institute; and
 - viii. Other professionally accepted sources.
- d. In cases where the zoning administrator determines the use category or use type in which the unlisted use is best classified, the unlisted use shall be subject to all applicable requirements of that category or use type for the zoning district in which the use is proposed.

4. Effect of Use Interpretation

a. General

An interpretation shall be binding on subsequent decisions by the zoning administrator in applying the same provision of this chapter or the official zoning map in the same circumstance, unless the interpretation is modified as the result of a zoning map or code amendment, the interpretation

is later determined to have been made in error, or the text of the ordinance is amended.

- b. The zoning administrator shall maintain a written record of interpretations that shall be available for public inspection, on reasonable request, during normal business hours.
- c. Approval of Unlisted Use
 - i. After making a determination that a use is unlisted, the zoning administrator shall interpret the use to be allowed. The zoning administrator shall determine if the unlisted use is likely to be a common use or recur frequently, and, if so, shall initiate a code amendment, pursuant to the requirements found in Sec. 18-587: Land development code amendment. Until final action is taken on the code amendment, the zoning administrator’s interpretation shall be binding.
 - ii. If the zoning administrator determines that the unlisted use is of an unusual or transitory nature, and unlikely to recur frequently, the determination shall be binding without further action or amendment of this chapter. This shall not be construed to prohibit the zoning administrator, the city council, or another applicant from submitting a code amendment application relative to the use in question after the initial use interpretation has been made.

H. Uses prohibited everywhere

The following uses are not listed in Table 18-19.2. Universal use table, and are prohibited throughout the city:

- 1. Agricultural uses
 - a. Concentrated animal feeding operation (CAFO)
 - b. Slaughterhouses

2. Commercial uses
 - a. Outdoor shooting ranges
 - b. Portable storage containers as permanent storage facilities
 - c. The use of a travel trailer or recreational vehicle for business or office purposes
3. Industrial uses
 - a. Fracking
 - b. Junkyard or salvage yard
 - c. Landfill
 - d. Ordinance manufacturing
 - e. Pulp and paper products manufacturing
 - f. Processing or storage of radioactive or infectious waste
 - g. Solid waste transfer facility
 - h. Power generating plants
4. Residential uses
 - a. Use of a boat, houseboat, or other floating structure as temporary or permanent residence or short-term lodging (this shall not prevent the overnight occupancy of a vessel temporarily moored while in transit on navigable waters)
 - b. Use of a travel trailer, recreational vehicle, or other such vehicle as a permanent or temporary residence, except as permitted by article 3, division 4 of this chapter.

I. Universal use table

Table 18-19.2: Universal use table, lists all uses permitted in each zoning district within the city. In the event of a conflict between the use tables within each of the zoning district groups and Table 18-19.2, Table 18-19.2 shall prevail.

Table 18-19.2: Universal use table												
Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited												
Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Civic and institutional												
Assembly	Section 18-126											
Civic club or lodge, private										P		P
Community center												
Building footprint up to 5,000 sq. ft.		S	S	S	S	S	S	S	S	C		P
Building footprint greater than 5,000 sq. ft.							S	S		C		P
With outdoor facilities		S	S	S	S	S	S	S	S	C		P
Entertainment and trade										C		P
Religious		C	C	C	C	C	C	C	C	C		P
Chemical dependency treatment facility										P		
Community garden	Section 18-134	C	C	C	C	C	C	C	C	C	C	C
Correctional facility	Section 18-137											
Daycare, adult or child	Section 18-138	C	C	C	C	C	C	C		C		C
Domestic violence shelter	Section 18-139	C	C	C	C	C	C	C		P	P	P
Dormitory, fraternity, or sorority house	Section 18-140						S	S		S		C
Government facilities excluding of rights-of-way	Section 18-148	C	C	C	C	C	C	C	C	P		P
Hospital	Section 18-153											

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Civic and institutional											
Assembly	Section 18-126										
Civic club or lodge, private			S	S	P	P	P	P			
Community center					P	P	P	P			
Building footprint up to 5,000 sq. ft.		S	S	S							
Building footprint greater than 5,000 sq. ft.											
With outdoor facilities		S	S	S							
Entertainment and trade			C	S	P	P	P	P			
Religious		C	C	C	P	P	P	P	C		
Chemical dependency treatment facility					P			P			
Community garden	Section 18-134	C	C	C							
Correctional facility	Section 18-137									C	
Daycare, adult or child	Section 18-138		S	S	C	C	C	C	C		
Domestic violence shelter	Section 18-139	C	C	C	P	P	P	P			
Dormitory, fraternity, or sorority house	Section 18-140		S					C			
Government facilities excluding of rights-of-way	Section 18-148		C	C	P	P	P	P	P	P	
Hospital	Section 18-153							C			

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Civic and institutional												
Library	Section 18-155	C	C	C	C	C	C	C	C	C		P
Nursing home												P
Public parks, playgrounds, boat ramps		P	P	P	P	P	P	P	P	P		P
Rehabilitation facility										P		
School	Section 18-167											
College or university										P		P
Primary and secondary		C	C	C	C	C	C	C		P		P
Trade, business, technical, and vocational										C		P
Commercial												
Alternative financial services	Section 18-123									S		C
Animal hospital, veterinary clinic												
No outdoor pens or runs										P		P
With outdoor pens or runs	Section 18-124											
Art gallery										P	P	P
Artisan food and beverage production	Section 18-125									C		C

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Civic and institutional											
Library	Section 18-155		C	S	P	P	P	P			
Nursing home					P			P			
Public parks, playgrounds, boat ramps		P	P	P	P	P	P	P			
Rehabilitation facility					P			P			
School	Section 18-167										
College or university			C	S				P			
Primary and secondary		C	C	C	C	C		C			
Trade, business, technical, and vocational			C	C		P	P	P	P	P	
Commercial											
Alternative financial services	Section 18-123		S	S		C	C				
Animal hospital, veterinary clinic											
No outdoor pens or runs					P	P	P	P	P		
With outdoor pens or runs	Section 18-124				C	C	C	C	C		
Art gallery			P	P	P	P	P	P			
Artisan food and beverage production	Section 18-125		C	C	C	C	C		P		

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Commercial												
Auction house	Section 18-128											P
Banks and financial institutions										P		P
Cemetery												
Commercial parking	Section 18-132	S	S	S	S	S	S	S				C
Commercial recreation, indoor												
Drop-in childcare										P		P
Electronic gaming establishment	Section 18-142											C
General, large: building footprint greater than 2,000 sq. ft.										P		P
General, small: building footprint up to and including 2,000 sq. ft.										P		P
Commercial recreation, outdoor	Section 18-133											
General, large: building footprint greater than 5,000 sq. ft.												
General, small: building footprint up to and including 5,000 sq. ft.										P		P

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Commercial											
Auction house	Section 18-128					C	C		P		
Banks and financial institutions			P	P	P	P	P	P			
Cemetery											P
Commercial parking	Section 18-132				C	C	C	C	C	C	
Commercial recreation, indoor											
Drop-in childcare					P	P	P	P	P		
Electronic gaming establishment	Section 18-142				C	C	C		P		
General, large: building footprint greater than 2,000 sq. ft.			P	P		P	P		P		
General, small: building footprint up to and including 2,000 sq. ft.			P	P	P	P	P		P		
Commercial recreation, outdoor	Section 18-133										
General, large: building footprint greater than 5,000 sq. ft.					P	P			P		
General, small: building footprint up to and including 5,000 sq. ft.					P	P			P		

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Commercial												
Commercial recreation, outdoor												
Golf course												
Golf driving range												
Zoo												
Crematory										P		P
Equipment repair	Section 18-143									P		C
Exterminating services										P		
Farmers' market	Section 18-145									C		P
Food catering services										P		P
Funeral home and mortuary										P		
General business services	Section 18-146									C	C	P
General personal services										P	P	P

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Commercial											
Commercial recreation, outdoor											
Golf course						C					
Golf driving range						C	C				
Zoo						S	S				
Crematory			P	P	P	P	P	P	P	P	P
Equipment repair	Section 18-143		C	C	P	P	P		C	P	
Exterminating services						P	P		P	P	
Farmers' market	Section 18-145				C	C	C				
Food catering services					P	P	P		P		
Funeral home and mortuary			P	P	P	P	P	P			P
General business services	Section 18-146		C	C	C	C	C	C	P	P	
General personal services			P	P	P	P	P	P			

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Commercial												
General retail	Section 18-147											
Large: building footprint 40,001 sq. ft. or larger												P
Medium: building footprint 5,001 sq. ft. - 40,000 sq. ft.										P		P
Small: building footprint up to 5,000 sq. ft.										P	C	P
Heavy equipment sales, rentals, services												
Home maintenance services	Section 18-152									C		
Kennel, commercial	Section 18-154											
Laboratory												
Laundry service										P		P
Lodging	Section 18-157											
Bed and breakfast		C	C	C	C	C	C	C		C		C
Campground									C			

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Commercial											
General retail	Section 18-147										
Large: building footprint 40,001 sq. ft. or larger					C	C	C				
Medium: building footprint 5,001 sq. ft. - 40,000 sq. ft.					P	P	P				
Small: building footprint up to 5,000 sq. ft.			P		P	P	P		P		
Heavy equipment sales, rentals, services						P	P		P	P	
Home maintenance services	Section 18-152		C	C	P	P	P		P		
Kennel, commercial	Section 18-154				C	C	C		P		
Laboratory						P	P	P	P	P	
Laundry service					P	P	P				
Lodging	Section 18-157										
Bed and breakfast		C	C	C							
Campground											

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Commercial												
Lodging	Section 18-157											
Homestay		C	C	C	C	C	C	C		C	C	C
Hotel/motel										P		P
Whole house		C	C	C	C	C	C	C		C		C
Marina	Section 18-157									S		P
Movie theater												P
Nightclub	Section 18-161									C		P
Offices										P	P	P
Recreation facility, neighborhood		P	P	P	P	P	P	P	P	P		P
Recreation facility, private	Section 18-165	S	S	S	S	S	S	S	S	P		P
Restaurant	Section 18-166									P		P
Sexually oriented business	Section 18-169											
Spas and health clubs	Section 18-171									P		P
Studio, performing art, fine art, dance, martial arts										P	P	P

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Commercial											
Lodging	Section 18-157										
Homestay		C	C	C	C	C	C	C			
Hotel/motel					P	P	P	P			
Whole house		C	C	C	C	C	C	C			
Marina	Section 18-158				P	P	P		P	P	
Movie theater						P	P				
Nightclub	Section 18-161				C	P	P		C		
Offices		P	P	P	P	P	P	P	P	P	
Recreation facility, neighborhood											
Recreation facility, private	Section 18-165				P	P	P	P			
Restaurant	Section 18-166		C	C	P	P	P	P	C		
Sexually oriented business	Section 18-169								C	C	
Spas and health clubs	Section 18-171		S	S	P	P	P	P			
Studio, performing art, fine art, dance, martial arts			P	P	P	P	P	P			

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Commercial												
Truck stop	Section 18-172											
Urban farm	Section 18-174	S	S	S	S	S				C		
Vehicle renting	Section 18-175									C		C
Vehicle repair and service	Section 18-176											
Major												
Minor												
Vehicle sales/leasing	Section 18-177									C		C
Vehicle towing	Section 18-178											C
Vehicle wash	Section 18-179											C
Water transportation												P
Industrial												
Airport	Section 18-122											
Boat building and repair												
Brewery or distillery	Section 18-129											
Micro										C		C
Small/regional										C		C
Manufacturing												
Building materials or product sales												

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Commercial											
Truck stop	Section 18-172					C	C		C	C	
Urban farm	Section 18-174				C	C	C		C		
Vehicle renting	Section 18-175					C	P		C		
Vehicle repair and service	Section 18-176										
Major						C	C				
Minor					C	C	C		P		
Vehicle sales/leasing	Section 18-177					C	C		C		
Vehicle towing	Section 18-178								C	C	
Vehicle wash	Section 18-179					C	C		C		
Water transportation					P	P	P	P	P	P	
Industrial											
Airport	Section 18-122								C	C	
Boat building and repair									P	P	
Brewery or distillery	Section 18-129										
Micro					C	C	C		P	P	
Small/regional						C	C		P	P	
Manufacturing							C		P	P	
Building materials or product sales						P	P		P	P	

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Industrial												
Bus and taxi services										P		P
Contractor storage yard	Section 18-136											
Distribution facilities												
Dry cleaning												
Express and parcel delivery services												P
Freight and intermodal terminals												
Fuel storage facility												
Heavy manufacturing, general												
Heliports/helipads	Section 18-151											
Laundry services, industrial												
Light manufacturing, general	Section 18-156									C		
Manufactured homes sales												
Metal coating, engraving and allied services												
Mills, sawing or planing												
Motion picture production and distribution	Section 18-159									C		

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Industrial											
Bus and taxi services						P	P		P	P	
Contractor storage yard	Section 18-136					C	C		C	P	
Distribution facilities									P	P	
Dry cleaning									P	P	
Express and parcel delivery services									P	P	
Freight and intermodal terminals									P	P	
Fuel storage facility										P	
Heavy manufacturing, general										P	
Heliports/helipads	Section 18-151								C	C	
Laundry services, industrial							P		P	P	
Light manufacturing, general	Section 18-156								P	P	
Manufactured homes sales									P	P	
Metal coating, engraving and allied services									P	P	
Mills, sawing or planing									P	P	
Motion picture production and distribution	Section 18-159						C		P	P	

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Industrial												
Moving company	Section 18-160											
Nurseries and greenhouses	Section 18-162											
Including retail sales												
Not including retail sales												
Outdoor storage	Section 18-163											
Petroleum and natural gas related industries												
Railroad facilities	Section 18-164											
Freight												
Passenger												C
Self-storage facilities	Section 18-168											
Indoor												
Outdoor												
Shipping container storage and sales												
Solar farm	Section 18-170											

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Industrial											
Moving company	Section 18-160					C	P		P	P	
Nurseries and greenhouses	Section 18-162										
Including retail sales					C	P	P		P		
Not including retail sales							P		P	P	
Outdoor storage	Section 18-163						C		C	P	
Petroleum and natural gas related industries										P	
Railroad facilities	Section 18-164										
Freight							C		P	P	
Passenger					C	C	C	C	P	P	
Self-storage facilities	Section 18-168										
Indoor							C		C	C	
Outdoor							C		C	C	
Shipping container storage and sales									P	P	
Solar farm	Section 18-170								C	C	

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Industrial												
Utility and public facility	Section 18-173											
Major										S	S	C
Minor		C	C	C	C	C	C	C	C	C	P	C
Warehouses and distribution centers	Section 18-180											
Welding repair												
Wholesale business	Section 18-181											
Wind energy conversion system, commercial	Section 18-182											
Wireless telecommunication facility	Section 18-183	C	C	C	C	C	C	C	C	C	C	S
Residential												
Assisted living residence	Section 18-127	C	C	C	C	C	C	C		S	S	P
Continuum of care community	Section 18-135				C	C	C	C		P		
Dwelling unit	Section 18-141											
Attached: duplex				P	P	P	P	P		P	P	
Attached: multiple							P	P		P		P
Attached: townhouse					C	C	P	P		P		P

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Industrial											
Utility and public facility	Section 18-173										
Major			S	S		C	P	C	P	P	
Minor		C	C	C	P	P	P	C	P	P	
Warehouses and distribution centers	Section 18-180						C		P	P	
Welding repair									P	P	
Wholesale business	Section 18-181						C		P	P	
Wind energy conversion system, commercial	Section 18-182						S		S	S	
Wireless telecommunication facility	Section 18-183	C	C	C	C	C	C	C	C	C	
Residential											
Assisted living residence	Section 18-127		S	S				C			
Continuum of care community	Section 18-135				C			C			
Dwelling unit	Section 18-141										
Attached: duplex		P	P	P							
Attached: multiple		S	C	C							
Attached: townhouse		S	C	C							

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Residential												
Dwelling unit	Section 18-141											
Attached: triplex, quadraplex				C	C	C	P	P		P	P	P
Commercial district mixed use	Section 18-131											
Detached: single		P	P	P	P	P	C	C		P	P	
Manufactured home									P			
Family care home	Section 18-144	C	C	C	C	C	C	C	C	C	C	C
Group home residential	Section 18-149				S	S	S	S		S	S	S
Group home supportive	Section 18-150											
Large							C	C		C	C	C
Medium		C	C	C	C	C	C	C	C	C	C	C
Small		C	C	C	C	C	C	C	C	C	C	C

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Residential											
Dwelling unit	Section 18-141										
Attached: triplex, quadraplex		C	C	C							
Commercial district mixed use	Section 18-131				C	C		C			
Detached: single		P	P	P							
Manufactured home											
Family care home	Section 18-144	C	C	C				C			
Group home residential	Section 18-149	S	S	S	S	S	S	S			
Group home supportive	Section 18-150										
Large			S	S	C			C			
Medium		C	C	C	C			C			
Small		C	C	C	C			C			

ARTICLE 2. DIVISION 2.

RESIDENTIAL DISTRICTS

Section 18-26: Purpose statements

A. R-15, Moderate-density single-dwelling district

The R-15 district is intended to accommodate existing single-dwelling neighborhoods on moderate sized lots, yielding a gross density of less than three units per acre. Use of the R-15 district should be limited to infill sites in already developed locations.

B. R-10, Medium-density single-dwelling district

The R-10 district is intended to accommodate single-dwelling development at a gross density of about four units per acre. To retain the character of existing neighborhoods and ensure their continued viability, this district permits a variety of residential types at a scale compatible with the established residential surroundings. R-10 frequently serves as a transition between nonresidential or higher-density neighborhoods and lower-density single-dwelling neighborhoods.

C. R-7, Medium-density single-dwelling district

The R-7 district is intended to accommodate compact, walkable neighborhoods proximate and connected to urban services and compatible uses. Relatively small-lot single-dwelling development is permitted in this district at a gross density of about six units per acre. This district permits a variety of residential types at a scale compatible with established surroundings. This district may be used within or as an edge around nonresidential and mixed-use developments.

D. R-5, Medium-density mixed residential district

The R-5 district is intended to accommodate compact, walkable neighborhoods proximate and connected to urban services and compatible uses. This district permits a variety of residential types at a scale compatible with established surroundings. The intent of the district is to allow infill units to be seamlessly integrated within the predominant neighborhood fabric. The district is well suited for infill and mixed-density residential developments. This district should be applied where compatible with the existing urban character, near nodes offering daily services, and either close to transit lines or in conjunction with cohesive mixed-use areas.

E. R-3, Medium-high-density mixed residential district

The R-3 district is intended to accommodate small-lot single dwelling residential uses in or adjoining a mix of residential types, mixed-use, and commercial developments in which compact walkable patterns are desired. This district supports the continued viability of neighborhoods within the 1945 Corporate Limits, where there exists a historic development pattern of small lots with limited setbacks, limited off-street parking, and a vibrant architectural character. This district is created to support reinvestment in mature parts of the city by allowing a variety of compatible housing forms in a dense development pattern consistent with the established character.

F. MD-10, Medium-density multiple-dwelling residential district

The MD-10 district is intended to provide moderate multiple dwelling density living environments near services, as well as transitional residential development between lower-intensity residential neighborhoods and nonresidential activity areas. The district can be used for mid-rise buildings compatible with their surroundings with direct connectivity to nearby services.

G. MD-17, High-density multiple-dwelling residential district

The MD-17 district is intended to be applied within the urban core of the city and other areas with a full range of amenities and commercial services. MD-17 zoning is intended to provide a mix of densities and housing forms in a compact urban environment through redevelopment, infill on relatively small sites, and within mixed-use areas. Higher development intensity at appropriate locations is encouraged to support transit use, minimize traffic congestion, and provide a range of housing types.

H. MH, Manufactured housing district

The MH district is intended to provide for planned communities of manufactured housing units, either on individual lots or within a mobile home park. A limited range of support services are also permitted in these areas to ensure a convenient living environment.

Section 18-27: Residential use table

The following uses are permitted as principal uses in the residential districts if required applicable conditions and approvals are met.

Uses not listed in this table are prohibited in these districts, pursuant to Section 18-19: Uses. For permitted accessory uses and temporary uses, refer to article 3 of this chapter.

Table 18-27: Use table for residential districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH
Civic and institutional									
Assembly	Section 18-126								
Community center									
Building footprint up to 5,000 sq. ft.		S	S	S	S	S	S	S	S
Building footprint greater than 5,000 sq. ft.							S	S	
With outdoor facilities		S	S	S	S	S	S	S	S
Religious		C	C	C	C	C	C	C	C
Community garden	Section 18-134	C	C	C	C	C	C	C	C
Daycare, adult or child	Section 18-138	C	C	C	C	C	C	C	
Domestic violence shelter	Section 18-139	C	C	C	C	C	C	C	
Dormitory, fraternity, or sorority house	Section 18-140						S	S	
Government facility excluding of rights-of-way	Section 18-148	C	C	C	C	C	C	C	C
Library	Section 18-155	C	C	C	C	C	C	C	C
Public parks, playgrounds, boat ramps		P	P	P	P	P	P	P	P
School	Section 18-167								
Primary and secondary		C	C	C	C	C	C	C	

Table 18-27: Use table for residential districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH
Commercial									
Commercial parking	Section 18-132	S	S	S	S	S	S	S	
Lodging	Section 18-157								
Bed and breakfast		C	C	C	C	C	C	C	
Campground									C
Homestay		C	C	C	C	C	C	C	
Whole-house		C	C	C	C	C	C	C	
Recreation facility, neighborhood		P	P	P	P	P	P	P	P
Recreation facility, private	Section 18-165	S	S	S	S	S	S	S	S
Urban farm	Section 18-174	S	S	S	S	S			
Industrial									
Utility and public facility	Section 18-173								
Minor		C	C	C	C	C	C	C	C
Wireless telecommunication facility	Section 18-183	C	C	C	C	C	C	C	C

Table 18-27: Use table for residential districts

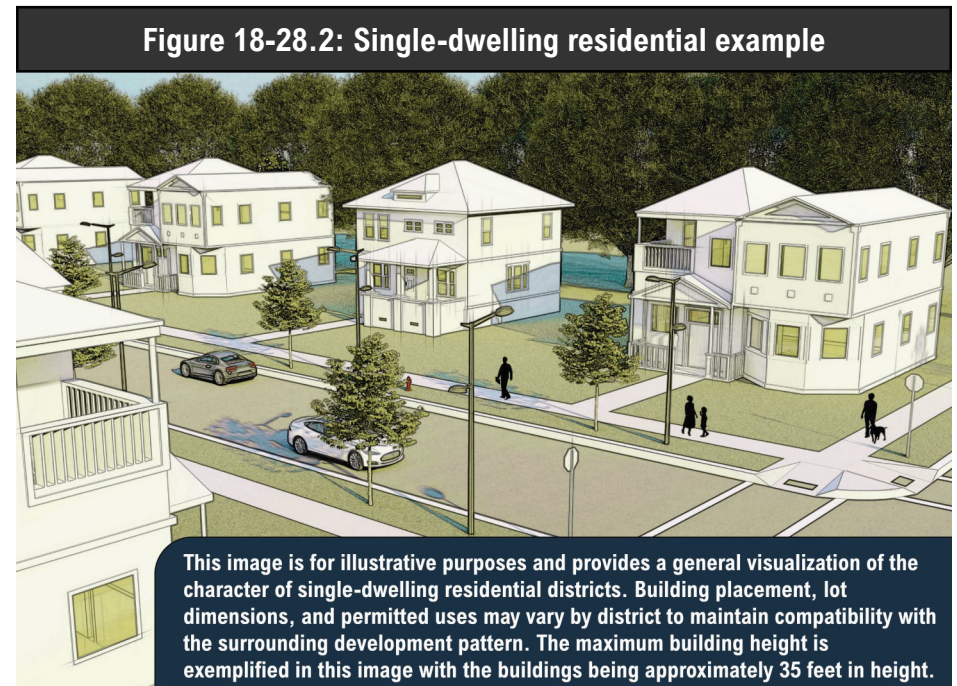
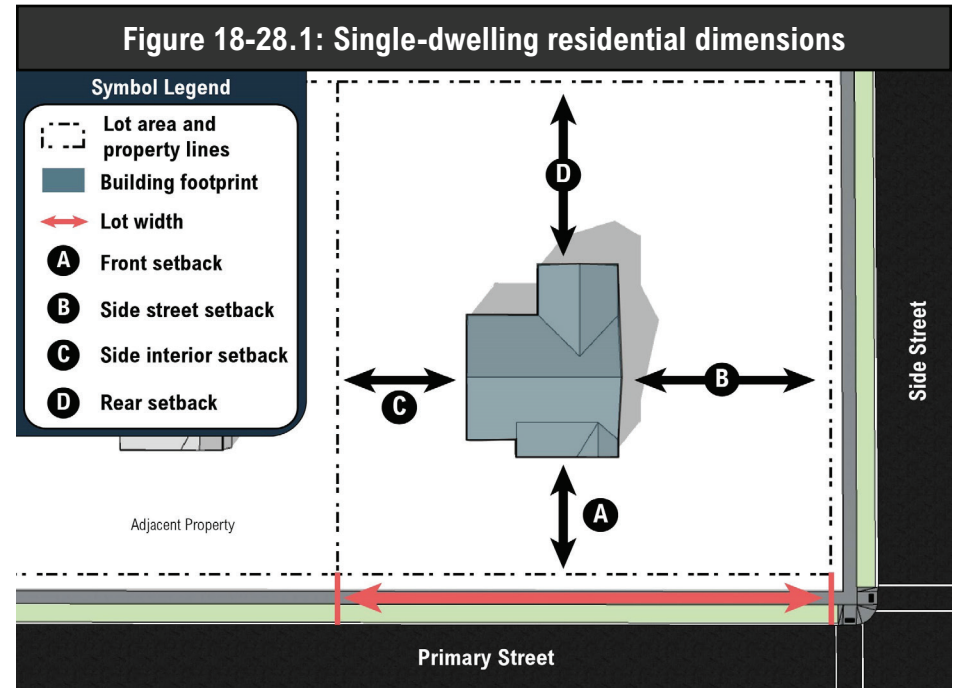
Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH
Residential									
Assisted living residence	Section 18-127	C	C	C	C	C	C	C	
Continuum of care community	Section 18-135				C	C	C	C	
Dwelling unit	Section 18-141								
Attached: duplex				P	P	P	P	P	
Attached: duplex							P	P	
Attached: townhouse					C	C	P	P	
Attached: triplex, quadraplex				C	C	C	P	P	
Detached: single		P	P	P	P	P	C	C	
Manufactured home									P
Family care home	Section 18-144	C	C	C	C	C	C	C	C
Group home residential	Section 18-149				S	S	S	S	
Group home supportive	Section 18-150								
Large							C	C	
Medium		C	C	C	C	C	C	C	C
Small		C	C	C	C	C	C	C	C

Section 18-28: Dimensional standards

All lots and buildings, including new lots, shall meet the requirements of Table 18-28.1: Single-dwelling dimensional standards, Table 18-28.2: Multiple-dwelling dimensional standards, or Table 18-28.3: Manufactured housing dimensional standards, as applicable.

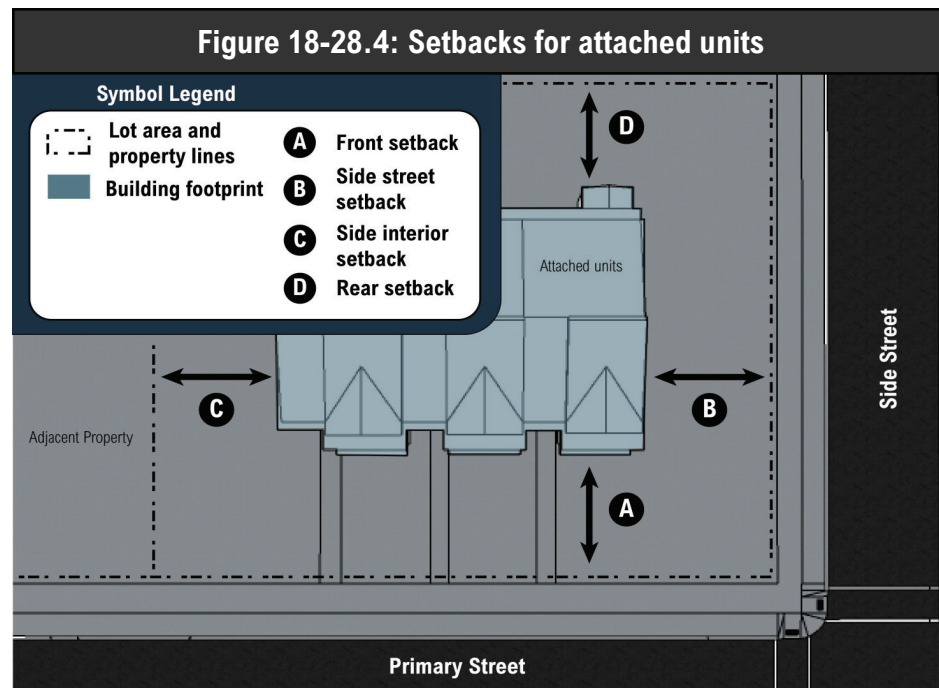
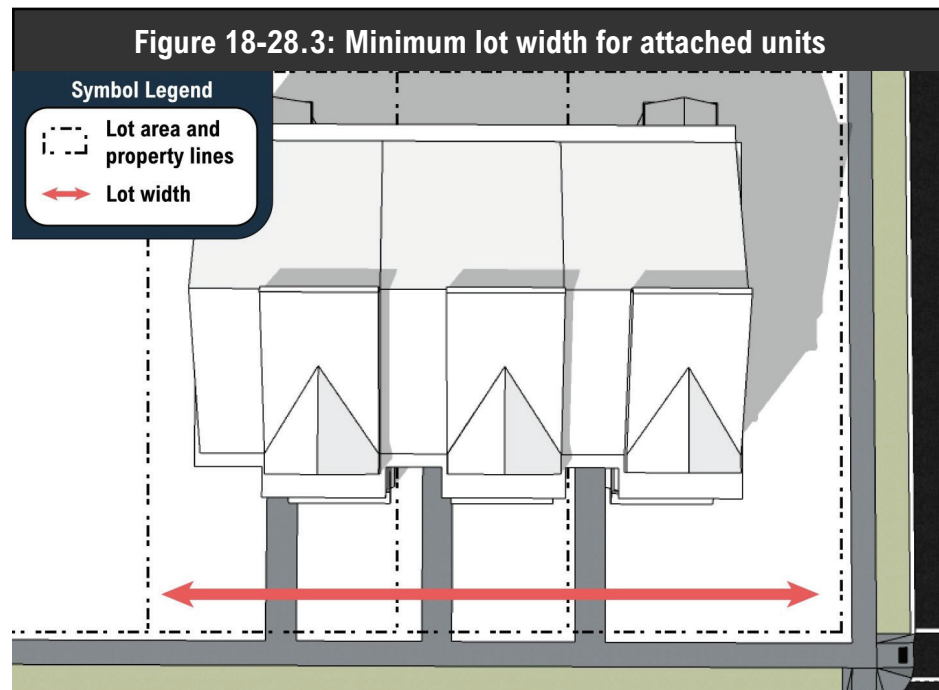
Table 18-28.1: Single-dwelling dimensional standards					
	R-15	R-10	R-7	R-5	R-3
Lot requirements					
Minimum lot area (square feet)					
Detached	15,000	10,000	7,000	5,000	None
Duplex (total lot area)			9,800	7,000	4,000
Triplex, quadrplex (per unit)			3,500	3,500	2,000
Townhouse (per unit)				3,500	2,000
Minimum lot width (feet)	80	70	50	50	33
Minimum open space (percent of parent lot area for development of 5 or more lots)	10	10	10	10	10
Minimum setbacks(feet)					
Front	20	15	10	10	10
Side street	15	15	10	10	5
Side interior	10	10	8½	7	5
Rear	25	25	20	15	15
Building size					
Maximum height (feet)	35	35	35	35	35
Maximum building footprint (percent of total lot area)	50	50	50	None	None



A. Single-dwelling residential

The following dimensional standards apply to new development, new lots, and conversion of existing buildings in single-dwelling residential districts. Applicable district-specific standards shall also apply (see figures 18-28.1: Single-dwelling residential dimensional and 18-28.2 Single-dwelling residential dimensions).

1. In the R-7, R-5, and R-3 districts, where duplex, triplex, quadraplex, or townhouse uses are permitted, the minimum lot width may be measured from the parent lot lines (see Figure 18-28.3: Minimum lot width for attached units). Setbacks for such attached units shall be applied to the overall building and not to each individual unit (see Figure 18-28.4: Setbacks for attached units).
2. In the R-5 and R-3 districts, the front setbacks shall be those established in Table 18-28.1: Single-dwelling dimensional standards, or they may be reduced to within five feet of the average established setback on the same block face.
3. The maximum allowable height for piling-supported buildings located in the coastal high hazard areas, V-zones, and ocean hazard areas, as defined by the North Carolina Coastal Resources Commission, shall be 44 feet.
4. Alternative lot layouts may be approved subject to the provisions of Article 5, Division 8, Site Development Requirements.

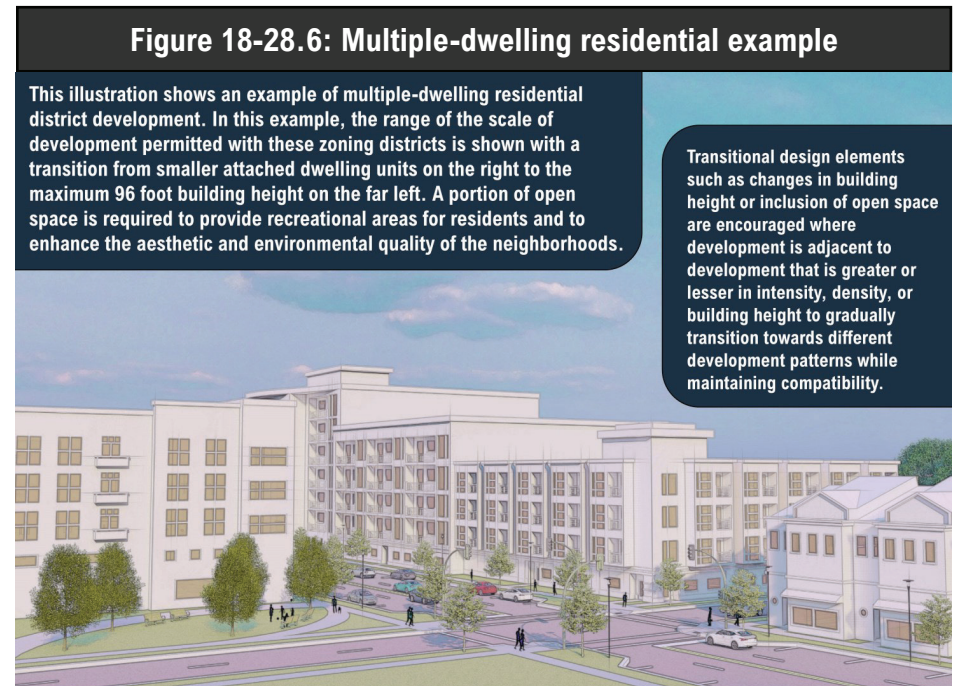
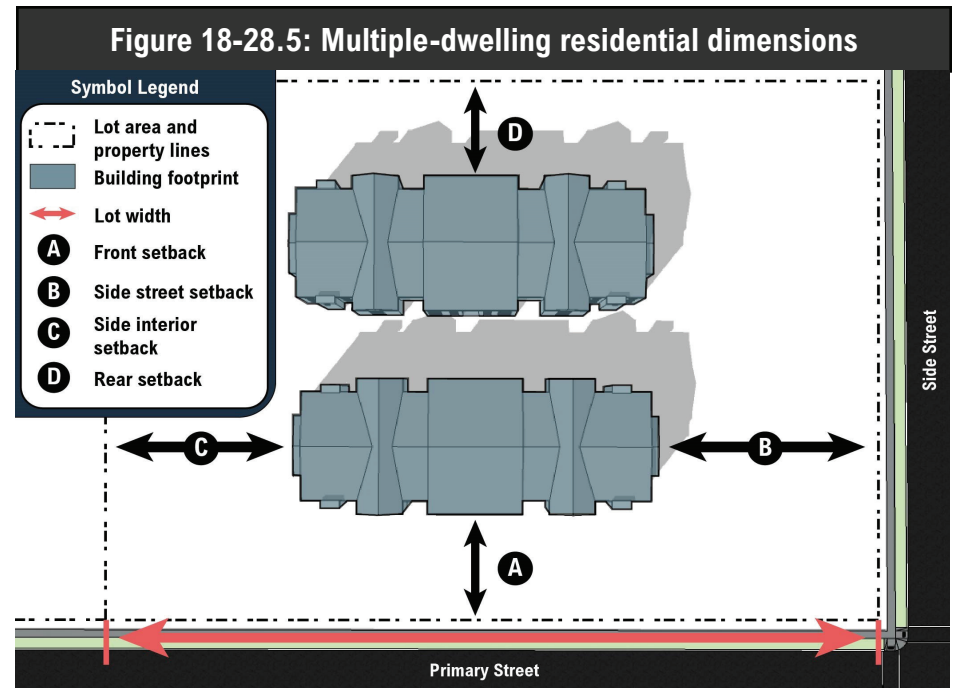


B. Multiple-dwelling residential

The following dimensional standards apply in the multiple-dwelling residential districts (see figures 18-28.5 Multiple-dwelling residential dimensions and 18-28.6 Multiple-dwelling residential example).

Table 18-28.2: Multiple-dwelling dimensional standards		
	MD-10	MD-17
Lot requirements		
Maximum density (units/acre)	10	17
Minimum open space (percent of total lot area)	20	20
Minimum setbacks (feet)		
Front	10	10
Side street	10	10
Side interior	5	5
Rear	15	15
Building size		
Maximum height (feet)	96	96
Maximum building footprint (percent of total lot area)	50	70

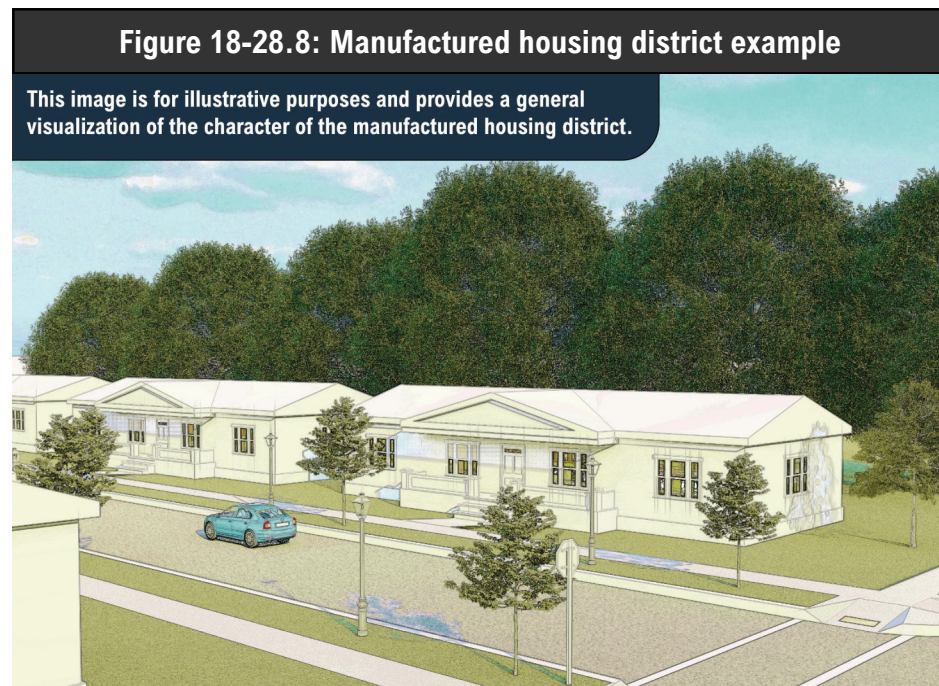
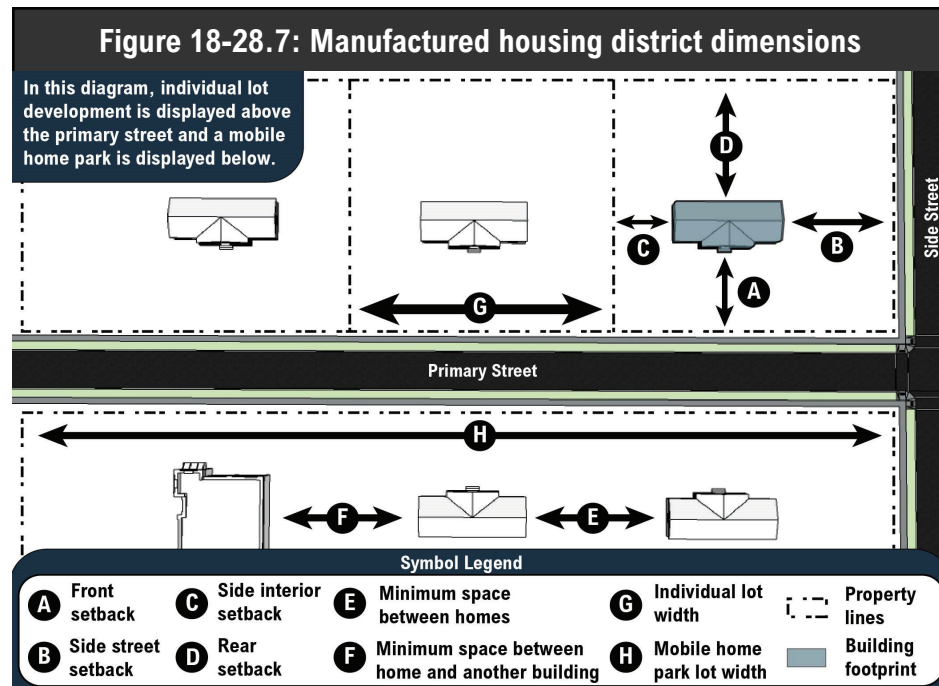
- Density may be increased to 36 units per acre if at least 10 percent of the total number of residential units are designated as workforce housing, as defined in this chapter, for a period of at least 15 years.
- For lots subject to frontage standards per article 5, division 6 of this chapter, the frontage standards shall apply.



C. Manufactured housing district

Development and new lots in the MH district shall conform to the following standards. Relevant district-specific standards shall also apply (see figures 18-28.7 Manufactured housing district dimensions and 18-28.8 Manufactured housing district example).

Table 18-28.3: Manufactured housing dimensional standards		
	Individual lots	Mobile home park
Lot requirements		
Minimum lot area (square feet)		
Manufactured homes	4,000	1 acre
Nonresidential use	10,000	10,000
Minimum lot width (feet)	33	100
Maximum density (units/acre)	11	11
Minimum open space (percent of total lot area)	10	15
Building placement		
Minimum setbacks (feet)		
Front	10	10
Side street	10	10
Side interior	10	10
Rear	10	10
Minimum spacing (feet)		
Between mobile homes	20	20
Between mobile home and another structure or building	15	15
Maximum height		
Maximum height (feet)	35	35
Maximum building footprint (percent of total lot area)	50	



Section 18-29: District-specific standards

A. Multiple-dwelling districts

All multiple-dwelling developments shall comply with the following.

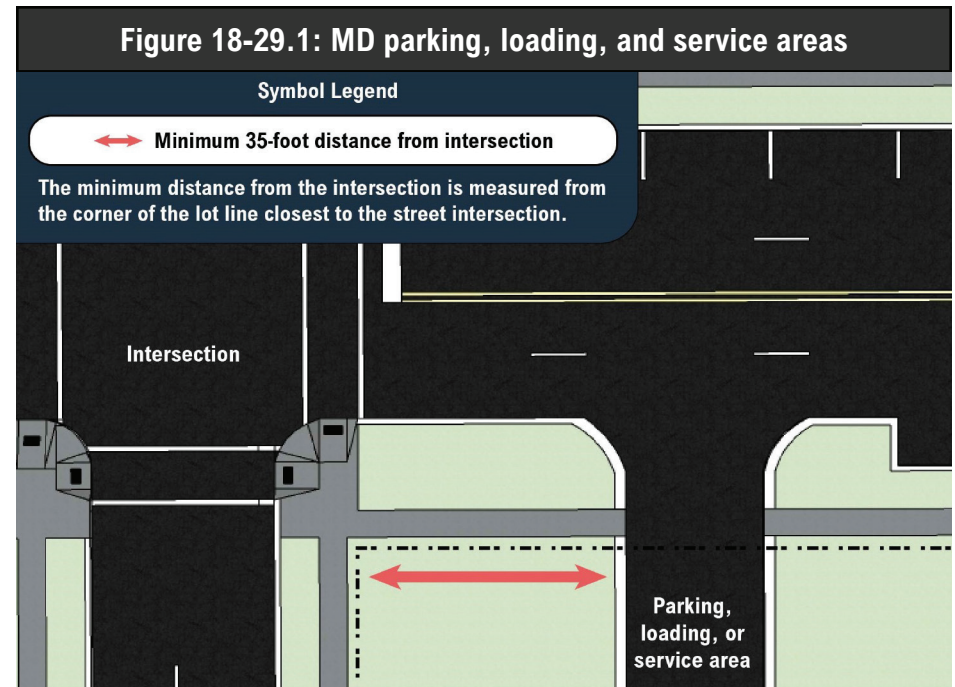
Along certain streets, applicable frontage standards shall also be applied.

1. Site design standards

- a. Pedestrian paths shall be provided within the development between dwelling units and destinations, including, but not limited to, parking, adjoining streets, mailboxes, waste disposal, adjoining public sidewalks or greenways, and on-site amenities such as recreation areas.
- b. Berms shall not be placed between a building and a street.
- c. Parking, loading, and service areas shall not be permitted within 35 feet of the corner of a street intersection. This standard may be waived by the technical review committee if the site is an adaptive reuse of a building at least 50 years old (see Figure 18-29.1 MD parking, loading, and service areas).

2. Building design standards

- a. All building entrances shall be oriented towards a street or a designated public space (e.g. common courtyard, plaza, green, etc.).
- b. All buildings shall be designed to incorporate two or more architectural design elements to enhance visual appeal of the building and the neighborhood. Architectural elements may include but are not limited to the following (See Figure 18-29.2: Architectural elements example):
 - i. Brick patterns;
 - ii. Cornices;
 - iii. Columns;



- iv. Recessed, covered, or arched entrances;
 - v. Porches or balconies;
 - vi. Building projections;
 - vii. Facade offsets; or
 - viii. A variation of the roofline height.
- c. All buildings shall contain architectural treatments for delineating the base, middle, and top of the building. Architectural treatments may include, but are not limited to the following (see Figure 18-29.3: MD building design standards):
 - i. An awning or ground floor entrance cover;
 - ii. Building projections such as cornices, porches, and balconies; A change in building materials or colors; or

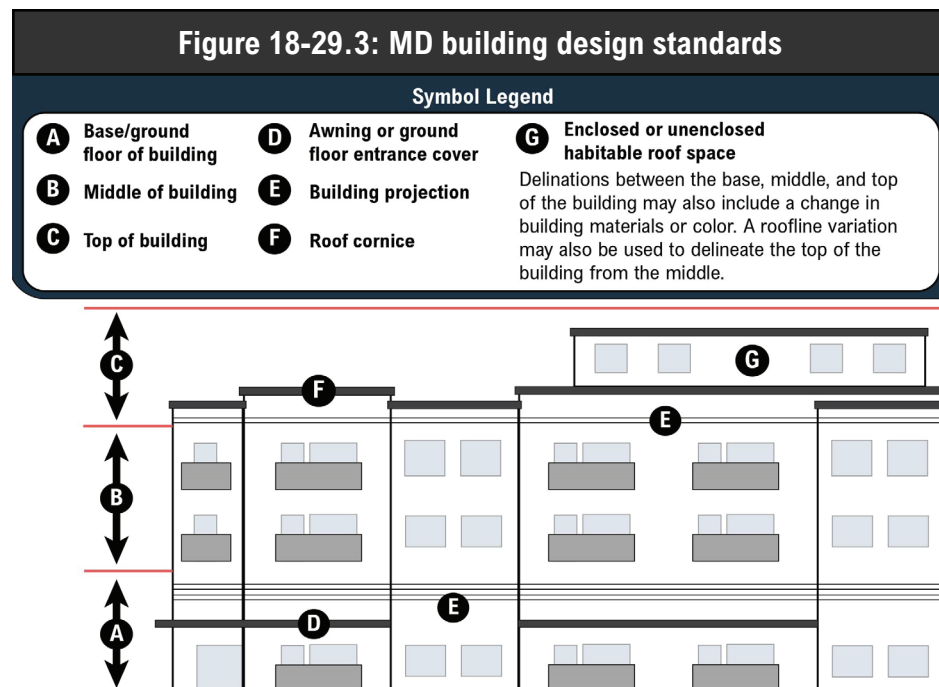
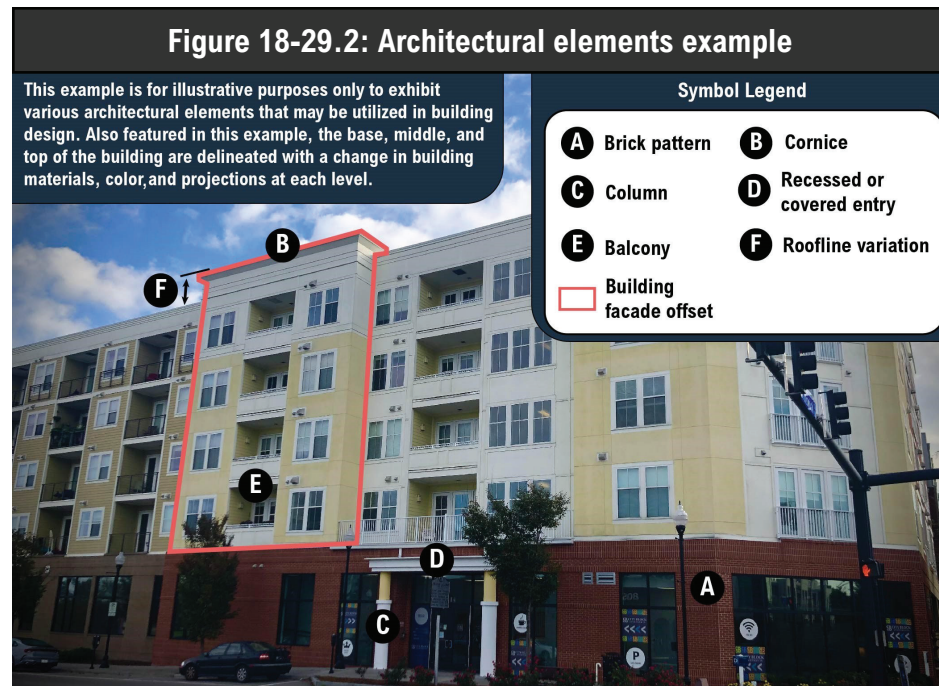
- iii. A change in building materials or colors; or
- iv. An enclosed or unenclosed habitable roof space.
- d. Building wall materials shall consist of concrete masonry units with stucco (e.g., reinforced concrete parged with stucco), fiber cement siding, wood, or natural brick or stone.
- e. Shed, flat, and mono-pitch roofs shall be concealed with parapets when a roofline is visible from a street frontage.
- f. Garages and accessory structures, including dumpster enclosures, shall not be located between a building and a street, and shall be subordinate in height and building footprint to the principal building(s) on the site, and consist of the same roof forms, materials, and colors.

B. Manufactured housing district

1. Site design standards
 - a. All manufactured homes on individual lots shall have access to a public street.
 - b. Within a manufactured housing park, the following shall apply:
 - i. Setbacks shall be measured from the perimeter of the parent lot and the parent lot shall not be subdivided.
 - ii. At least 3,000 square feet of area per manufactured home shall be provided.
2. Design standards

Manufactured homes shall be installed on a permanent foundation or skirting such that the crawl space, wheels and other transporting devices beneath the unit are fully enclosed.

Sections 18-30 - 18-40 Reserved.



ARTICLE 2. DIVISION 3.

MIXED-USE DISTRICTS

Section 18-41: Purpose statements

A. UMX, Urban mixed-use district

The urban mixed-use district is intended to assure an appropriate development pattern is maintained within the 1945 Corporate Limits through five main objectives:

1. Enhance and preserve existing urban development patterns by encouraging compatible infill and redevelopment;
2. Effect quality design and a variety of built forms of lasting value that result in a pedestrian scale;
3. Provide a mix of housing options;
4. Promote and enhance transit options, particularly those that are pedestrian-oriented, while reducing demand for automobile trips; and
5. Encourage a mix of uses to foster a sense of community.

District regulations include design elements intended to enhance the urban form, increase neighborhood safety, add flexibility for small, urban lots, and complement the historic built environment. The historic urban development pattern frequently includes a fine-grain mix of uses on multiple lots within close proximity to one another. The mix of uses is achieved through many smaller, independent lots working together in a greater context. The UMX district is also intended to help implement goals of placemaking, bicycle, and pedestrian connectivity, and a strong urban form. This district is not intended to be applied to separate use historic districts. UMX is not intended to be applied outside of the 1945 Corporate Limits.

B. RO, Residential office district

The RO district is intended to allow for the conversion of existing single-dwelling homes to offices and other compatible low-intensity uses along portions of Oleander Drive. This district facilitates redevelopment options that will retain and enhance area character, minimize impacts on adjacent residential uses, encourage the adaptive reuse of existing residential buildings, encourage new development to be of a residential scale and proportion, ensure compatibility of building and site design in the district, protect trees, require interconnectivity, including bicycle and pedestrian connections, and control access to minimize the impacts of redevelopment on Oleander Drive. This zoning district is only intended for lots fronting Oleander Drive generally between Pine Grove Drive and 51st Street.

C. CBD, Central business district

The CBD is intended to create and maintain a high-density commercial, office, service, and residential area meeting city, county, and regional needs. It encourages the full utilization of public services and contributes to the economic base of the city. The CBD is intended to be a walkable, living, working, learning, and mixed-use community. The intent of the CBD standards is to achieve the following:

1. Recognize, preserve, and respect historic resources;
2. Promote the economic viability of the district;
3. Preserve the cohesive character of the downtown area with compatible, sympathetic development; and
4. Provide an enhanced pedestrian experience.

Section 18-42: Mixed-use use table

The following uses are permitted as principal uses in the mixed-use districts if required applicable conditions and approvals are met.

Uses not listed in this table are prohibited in these districts, pursuant to Section 18-19: Uses. For permitted accessory uses and temporary uses, refer to article 3 of this chapter.

Table 18-42: Use table for mixed-use districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	UMX	RO	CBD
Civic and institutional				
Assembly	Section 18-126			
Civic club or lodge, private		P		P
Community center				
Building footprint up to 5,000 sq. ft.		C		P
Building footprint greater than 5,000 sq. ft.		C		P
With outdoor facilities		C		P
Entertainment and trade		C		P
Religious		C		P
Chemical dependency treatment facility		P		
Community garden	Section 18-134	C	C	C
Daycare, adult or child	Section 18-138	C		C
Domestic violence shelter	Section 18-139	P	P	P
Dormitory, fraternity, or sorority house	Section 18-140	S		C
Government facility excluding of rights-of-way		P		P
Library	Section 18-155	C		P

Table 18-42: Use table for mixed-use districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	UMX	RO	CBD
Civic and institutional				
Nursing home				P
Public parks, playgrounds, boat ramps		P		P
Rehabilitation facility		P		
School	Section 18-167			
College or university		P		P
Primary and secondary		P		P
Trade, business, technical, and vocational		C		P
Commercial				
Alternative financial services	Section 18-123	S		C
Animal hospital, veterinary clinic				
No outdoor pens or runs		P		P
Art gallery		P	P	P
Artisan food and beverage production	Section 18-125	C		C
Auction house				P
Banks and financial institutions		P		P

Table 18-42: Use table for mixed-use districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	UMX	RO	CBD
Commercial				
Commercial parking	Section 18-132			C
Commercial recreation, indoor				
Drop-in childcare		P		P
Electronic gaming establishment	Section 18-142			C
General, large: building footprint greater than 2,000 sq. ft.		P		P
General, small: building footprint up to and including 2,000 sq. ft.		P		P
Commercial recreation, outdoor				
General, small: building footprint up to and including 5,000 sq. ft.		P		P
Crematory		P		P
Equipment repair	Section 18-143	P		C
Exterminating services		P		
Farmers' market		C		P
Food catering services		P		P
Funeral home and mortuary				P

Table 18-42: Use table for mixed-use districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	UMX	RO	CBD
Commercial				
Commercial business services	Section 18-146	C	C	P
Commercial personal services		P	P	P
General retail	Section 18-147			
Large: building footprint 40,001 sq. ft. or larger				P
Medium: building footprint 5,001 sq. ft. - 40,000 sq. ft.		P		P
Small: building footprint up to and including 5,000 sq. ft.		P	C	P
Home maintenance services	Section 18-152	C		
Laboratory				P
Laundry service		P		P
Lodging	Section 18-157			
Bed and breakfast		C		C
Homestay		C	C	C
Hotel/motel		P		P
Whole house		C		C

Table 18-42: Use table for mixed-use districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	UMX	RO	CBD
Commercial				
Marina	Section 18-158	S		P
Movie theater				P
Nightclub	Section 18-161	C		P
Offices		P	P	P
Recreation facility, neighborhood		P		P
Recreation facility, private		P		P
Restaurant		P		P
Spas and health clubs		P		P
Studio, performing art, fine art, dance, martial arts		P	P	P
Urban farm	Section 18-174	C		
Vehicle renting	Section 18-175	C		C
Vehicle sales/leasing	Section 18-177	C		C
Vehicle towing	Section 18-178			C
Vehicle wash	Section 18-179			C
Water transportation				P

Table 18-42: Use table for mixed-use districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	UMX	RO	CBD
Industrial				
Brewery or distillery	Section 18-129			
Micro		C		C
Small/regional		C		C
Bus and taxi service		P		P
Express and parcel delivery services				P
Light manufacturing, general	Section 18-156	C		
Motion picture production and distribution	Section 18-159	C		
Railroad facilities, passenger	Section 18-164			C
Utility and public facility	Section 18-173			
Major		S	S	C
Minor		C	P	C
Wireless telecommunication facility	Section 18-183	C	C	S

Table 18-42: Use table for mixed-use districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

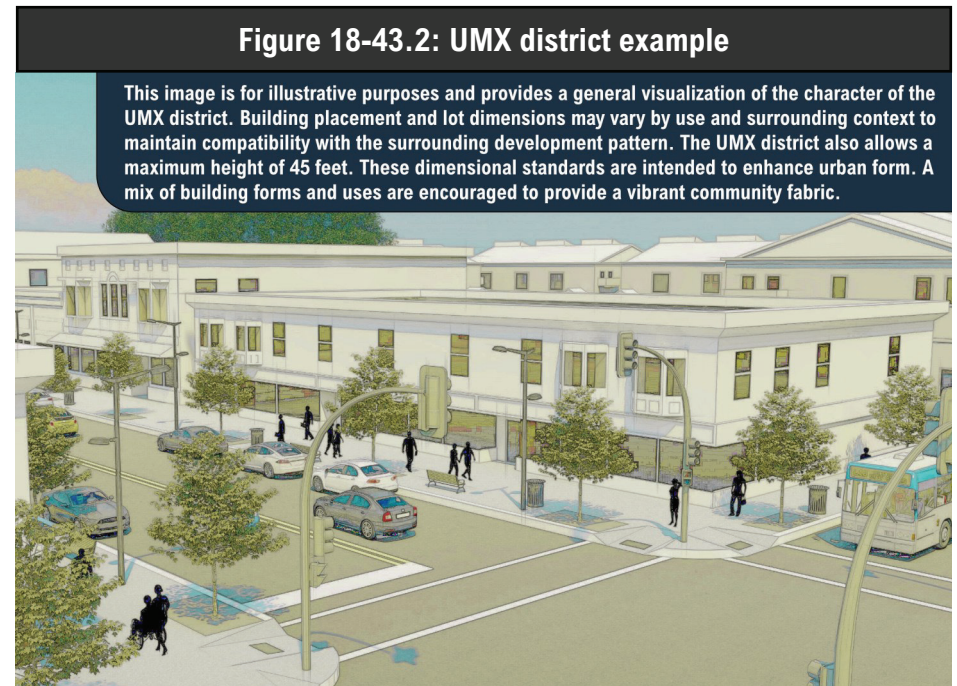
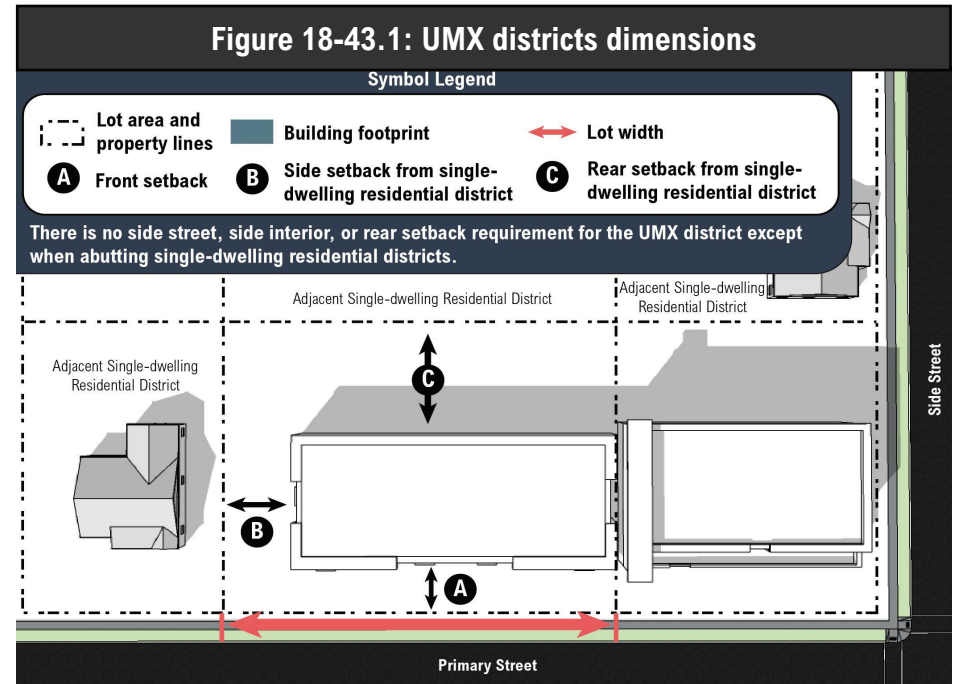
Principal use	Additional standards	UMX	RO	CBD
Residential				
Assisted living residence	Section 18-127	S	S	P
Continuum of care community	Section 18-135	P		
Dwelling unit	Section 18-141			
Attached: duplex		P	P	
Attached: multiple		P		P
Attached: townhouse		P		P
Attached: triplex, quadplex		P	P	P
Detached: single		P	P	
Family care home	Section 18-144	C	C	C
Group home residential	Section 18-149	S	S	S
Group home supportive	Section 18-150			
Large		C	C	C
Medium		C	C	C
Small		C	C	C

Section 18-43: Dimensional standards

A. Urban mixed-use district

Development and new lots in the UMX district shall conform to the standards prescribed in Table 18-43.1. Relevant district-specific standards shall also apply (see figures 18-43.1 UMX district dimensions and 18-43.2 UMX district example).

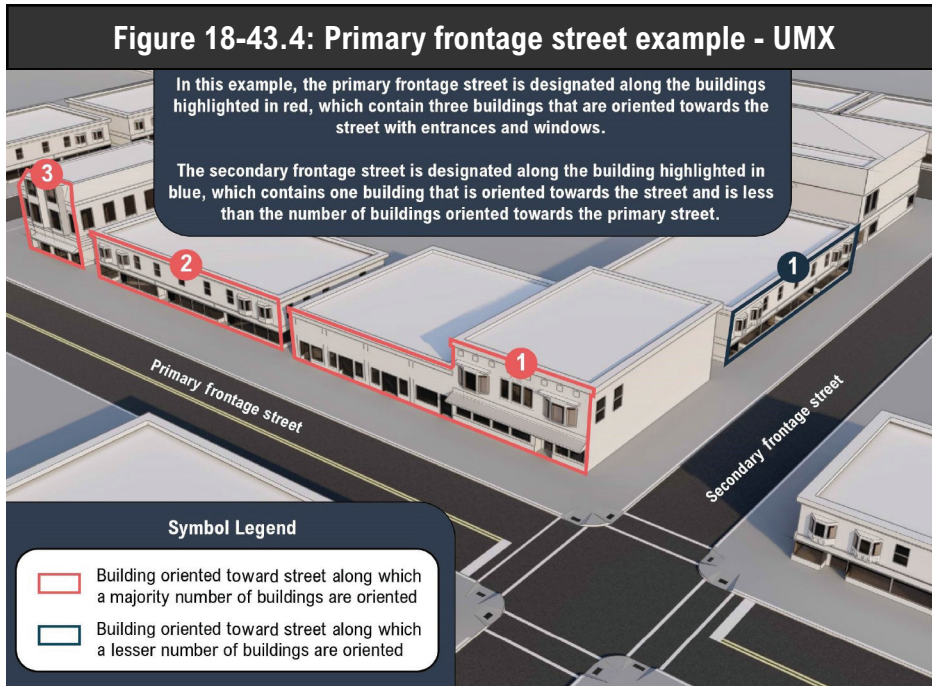
Table 18-43.1: Urban mixed-use district dimensional standards			
	Single dwelling	Single-use building	Vertically-integrated mixed-use building
Lot requirements			
Maximum density (units/acre)	15	25	None
Minimum lot width (feet)	33	33	33
Minimum lot area (feet)	4,000	10,000	n/a
Building placement			
Setbacks (feet)			
Front (maximum)	10	10	10
Side	None required		
Rear	None required		
Minimum setbacks (feet) when abutting single-dwelling residential			
Side	5	5	5
Rear	5	5	5
Building size			
Maximum height (feet)	45	45	45
Maximum building footprint	None		



1. If a site is developed with at least one vertically-integrated mixed-use building, the vertically integrated mixed-use building standards shall be applied.
2. If a site is developed with only single-use building(s), including only commercial or only multiple dwelling uses in a single building, the single-use building standards shall be applied.
3. If a site is developed with only single-dwelling uses, the single dwelling standards shall be applied.
4. The required setbacks adjacent to single-dwelling residential zoning are not applicable when the UMX district is separated from the single-dwelling district by a street or alley.
5. Strict adherence to the 10-foot maximum setback may be waived by the technical review committee where an existing easement or natural feature exists, where conflicts with sight distance triangles exist, or where the predominant setback of the block face exceeds 10 feet. If the predominant setback of the block face exceeds 10 feet, the proposed building shall align to within five feet of the predominant setback.
6. Sites with one or more of the following characteristics shall designate all corresponding street frontages as a “primary frontage:”
 - a. Any identified street type shown in Figure 18-43.3: Primary frontage streets—UMX;
 - b. A block face along which the majority of buildings are oriented toward that block (see Figure 18-43.4: Primary frontage street example —UMX).

Figure 18-43.3: Primary frontage streets - UMX

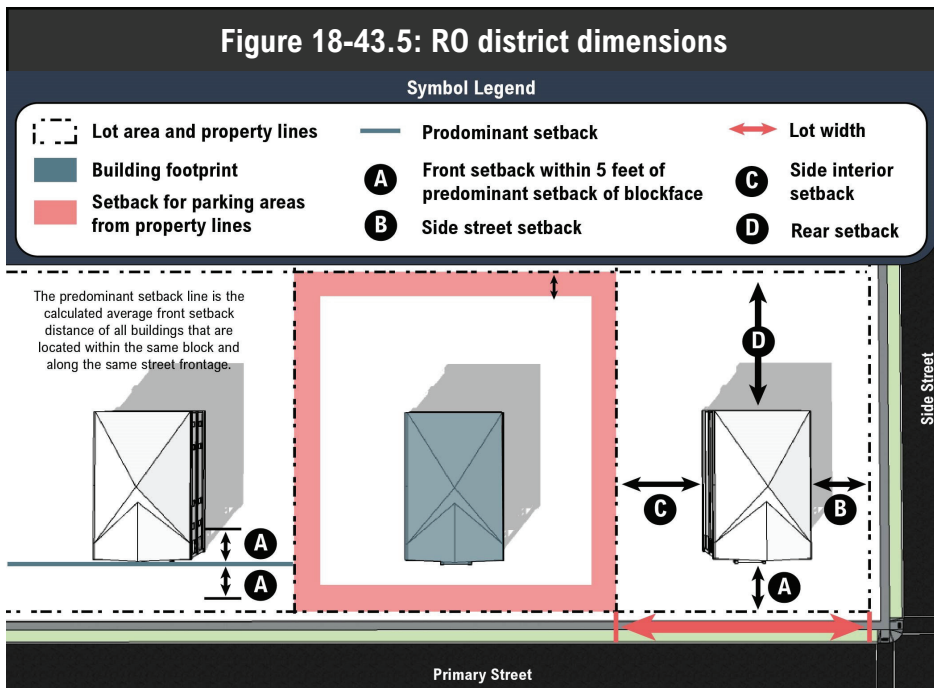




B. Residential office district

Development and new lots in the RO district shall conform to the standards prescribed in Table 18-43.3. Relevant district-specific standards shall also apply (see figures 18-43.5: RO district dimensions and 18-43.6: RO district example)

Table 18-43.3: Residential office district dimensional standards	
	RO
Lot requirements	
Maximum residential density (units/acre)	6
Minimum lot area (square feet)	15,000
Minimum lot width (feet)	80
Maximum lot width (feet)	160
Setbacks (feet)	
Front (maximum)	Within 5 feet of predominant setback on blockface
Side street (minimum)	15
Side interior (minimum)	10
Rear (minimum)	25
Setback for parking areas from all property lines (minimum, feet)	5
Building size	
Maximum height (feet)	35 feet and two stories



C. Central business district

Development and new lots in the central business district shall conform to the standards prescribed in Table 18-43.4. In some cases, standards specific to the special character areas and lots with three or more street frontages shall also apply (see figures 18-43.7 CBD district dimensions and 18-43.8 CBD district example).

1. 1. Maximum setbacks may be adjusted if a pedestrian-oriented area is provided according to Section 18-44: District-specific standards, subsection C.
2. There is no minimum or maximum rear setback when not adjacent to single-dwelling residential zoning or an alley.

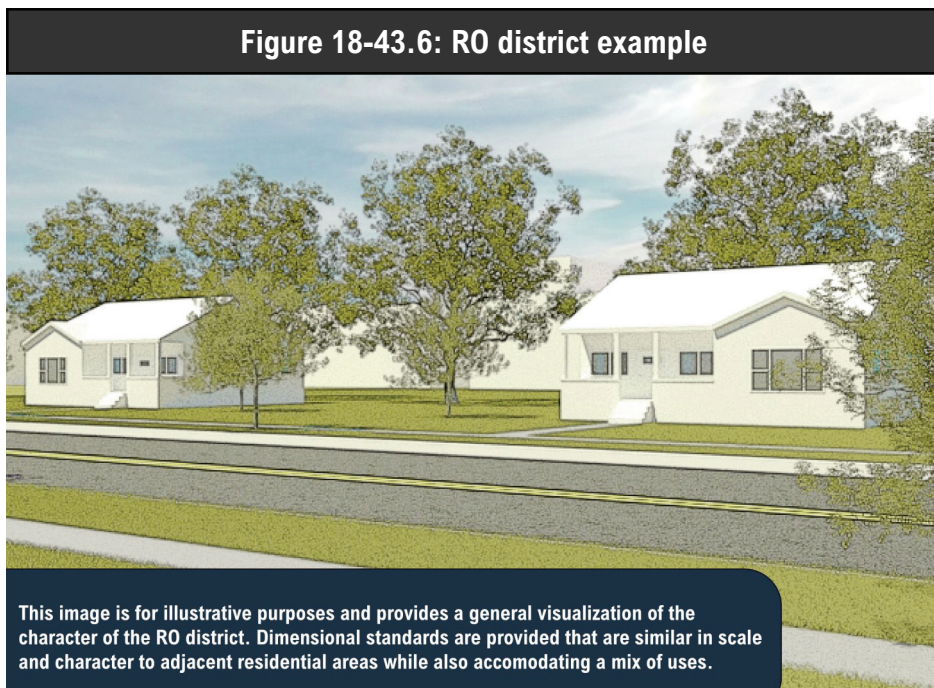


Table 18-43.4: Central business district dimensional standards

CBD	
Lot requirements	
Maximum residential density (units/acre)	None
Minimum lot area (square feet)	None
Minimum lot width (feet)	20
Maximum lot width (feet)	0
Setbacks (feet)	
Front (maximum)	5
Side street (maximum)	5
Side interior, residential adjacent (minimum)	5
Rear (minimum), single-dwelling zoning adjacent	5
Rear, alley adjacent (minimum)	5
Building size	
By-right height (feet)	See Figure 18-43.9: CBD height map
Minimum ground floor height (feet)	13

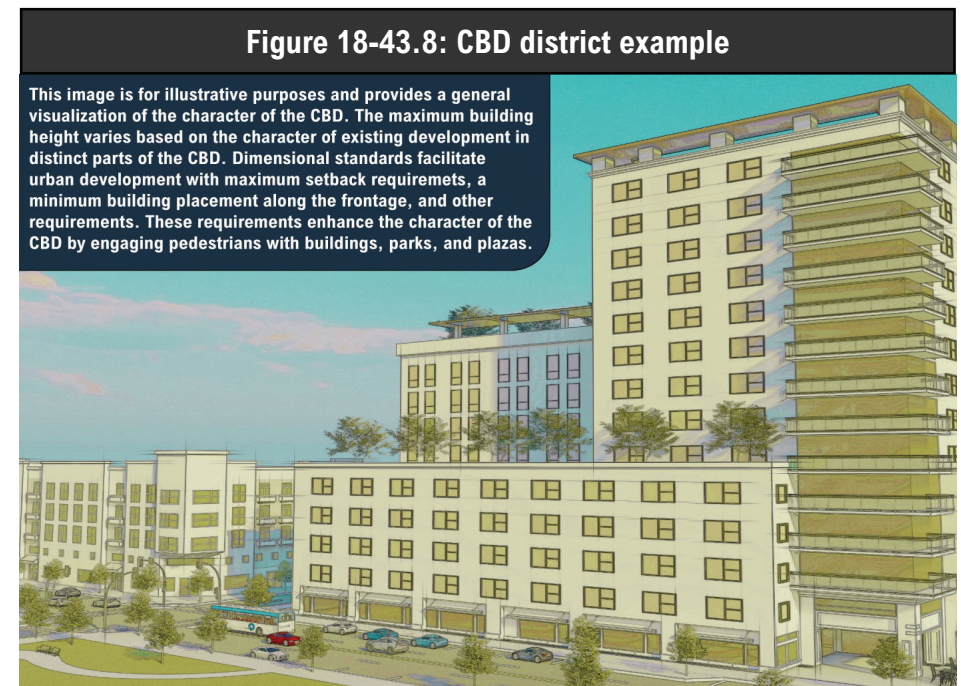
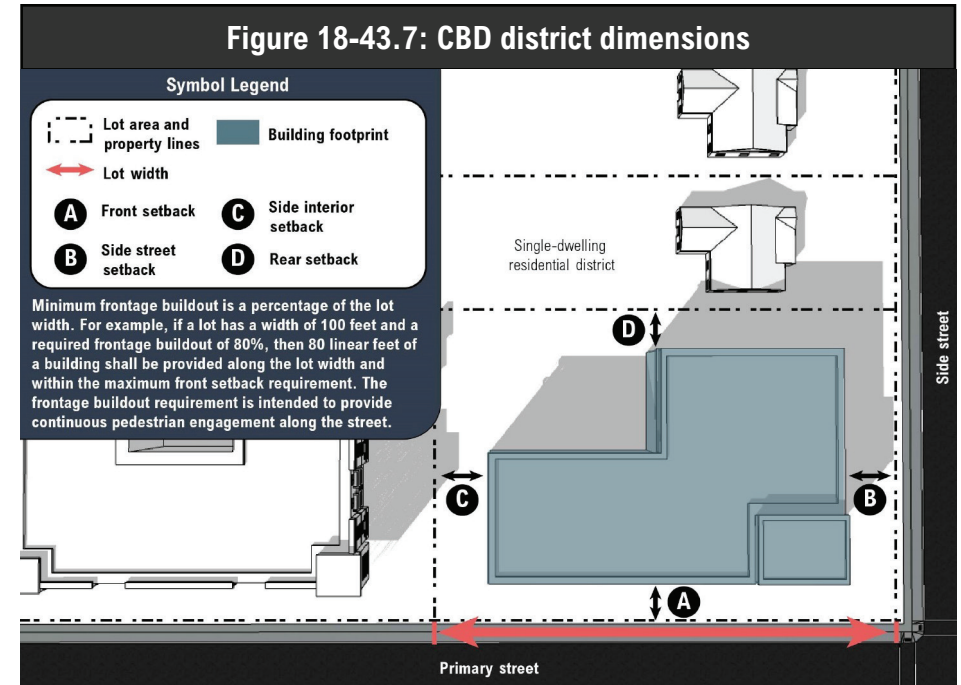
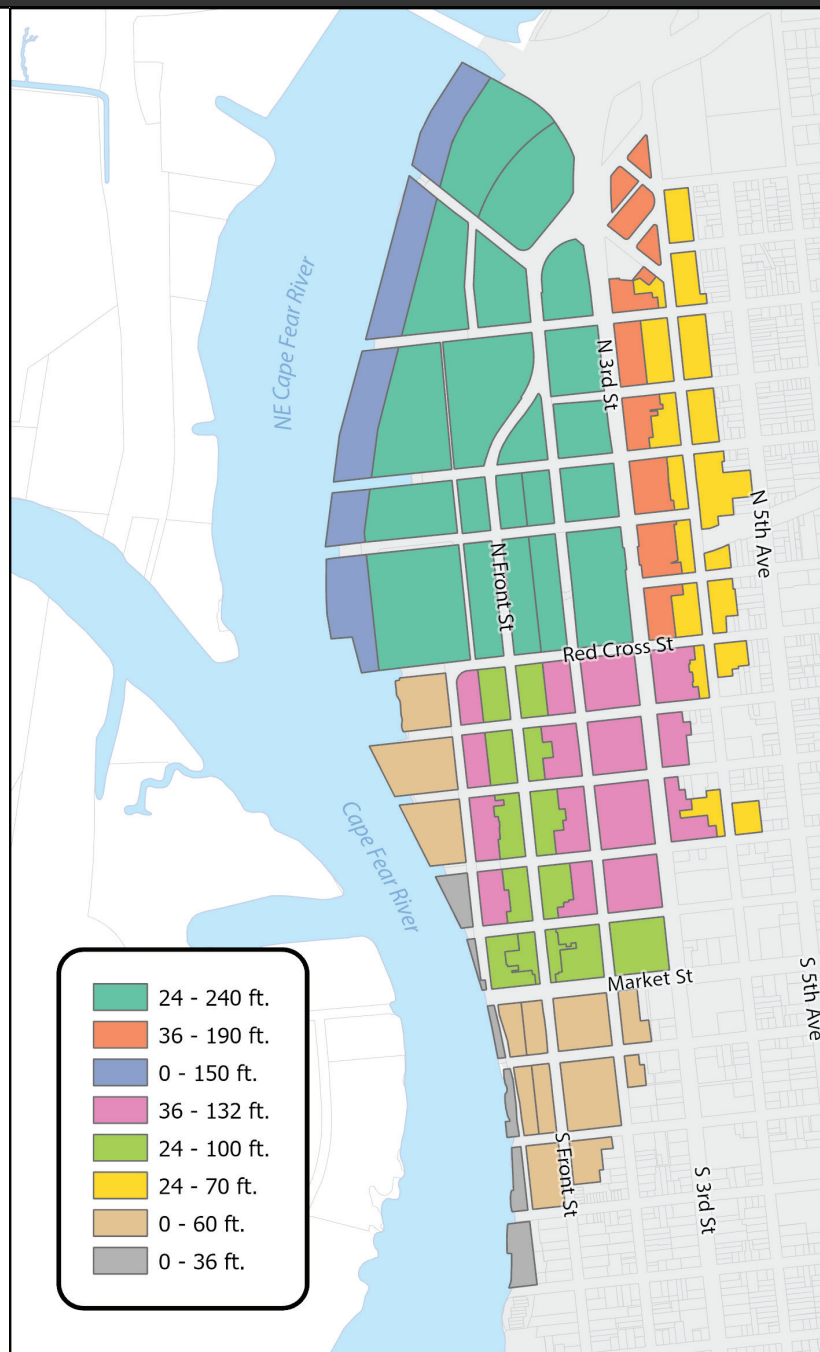


Figure 18-43.9: CBD height map



Section 18-44: District-specific standards

A. UMX district

The following standards apply to all UMX development. Along certain streets, applicable frontage standards shall also be applied.

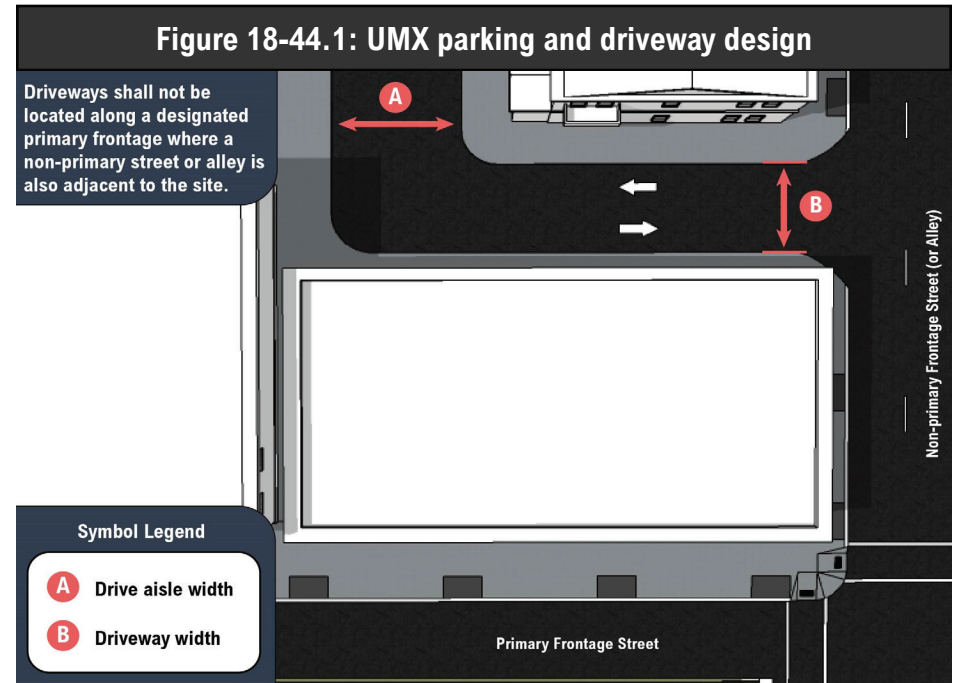
1. Parking and driveway requirements

- a. Except for bicycle parking, there are no minimum parking requirements. Parking shall not exceed the maximum parking requirements established for any use in article 5 of this chapter.
- b. Where alleyways exist or are created that can accommodate automobile access to and from a site, parking shall be accessed via alleyways.
- c. Parking facilities shall not occupy the corner of a block for a distance of at least 35 feet away from the corner, nor within 20 feet of a right-of-way. This requirement may be waived by the technical review committee when a site is already developed with a building that will be adaptively reused.
- d. Pervious pavement materials, vegetated bio-infiltration parking lot islands, or infiltration systems shall be used to minimize pollutant run-off from surface parking areas to the extent that soil permeability, depth to ground water, or site constraints allow.
- e. Driveway and parking lot design may be exempt from the requirements of the Technical Standards and Specifications Manual, as approved by the technical review committee.
 - i. Driveways shall not be located along a designated primary frontage if the site also has non-primary street or alley access.

- ii. Driveway widths along primary frontages shall not exceed 24 feet and may be reduced to 18 feet. Strict adherence to this may be waived only if conflicting requirements are imposed by the North Carolina Department of Transportation.
- iii. Drive aisle width shall not exceed 24 feet (see Figure 18-44.1: UMX parking and driveway design).

2. Building design

- a. All new construction, excluding detached single-dwelling and duplex dwelling units, shall comply with the following design standards, where applicable.
- b. Entrances
 - i. Primary building entrances shall be clearly defined and distinctive by using at least two of the following architectural elements (See Figure 18-44.2: Primary building entrance architectural elements):
 1. A recession of the entrance of at least five feet;
 2. Entrance roofs such as awnings, overhangs, canopies, or eaves;
 3. A chamfered corner;
 4. Sidelight, transom, or adjacent windows;
 5. Additional moldings with expression lines; or
 6. A bay of unique width.



- ii. Primary building entrances shall be oriented toward public sidewalks along primary street frontages.
- iii. For buildings on corner lots, the primary entrance(s) shall be located within 10 feet of the corner of intersecting streets (see Figure 18-44.3: Primary entrances distance).

c. Facade

Building facades along rights-of-way shall incorporate periodic transitions across the facade (see Figure 18-44.4 Building facade transitions).

- i. Along rights-of-way, building facades exceeding 30 feet in width shall be divided into distinct areas utilizing methods including, but not limited to, facade offsets, pilasters, change in materials, or fenestration.
- ii. Transition elements shall be no farther apart than two-thirds of the height of the facade.

d. Fenestration

- i. A street-level facade that faces a public street, riverwalk, or sidewalk shall have fenestration for a minimum 50 percent of the facade area (see Figure 18-44.5: Building fenestration).
- ii. Windows may extend from a sill or base. Any sill or base shall not exceed four feet in height from the adjacent grade.
- iii. Glass shall be transparent with a maximum 15 percent reflectivity. Window tinting and interior affixed window shades that create a permanently opaque or translucent condition are prohibited. Spandrel or colored glass may be used in transom areas above door headers only.
- iv. Exterior burglar bars, fixed riot shutters, or similar security devices shall not be visible from the public right-of-way.

e. Exterior building materials

Unparged concrete block or concrete masonry units shall not be permitted along any street frontage.

Figure 18-44.2: Primary building entrance architectural elements

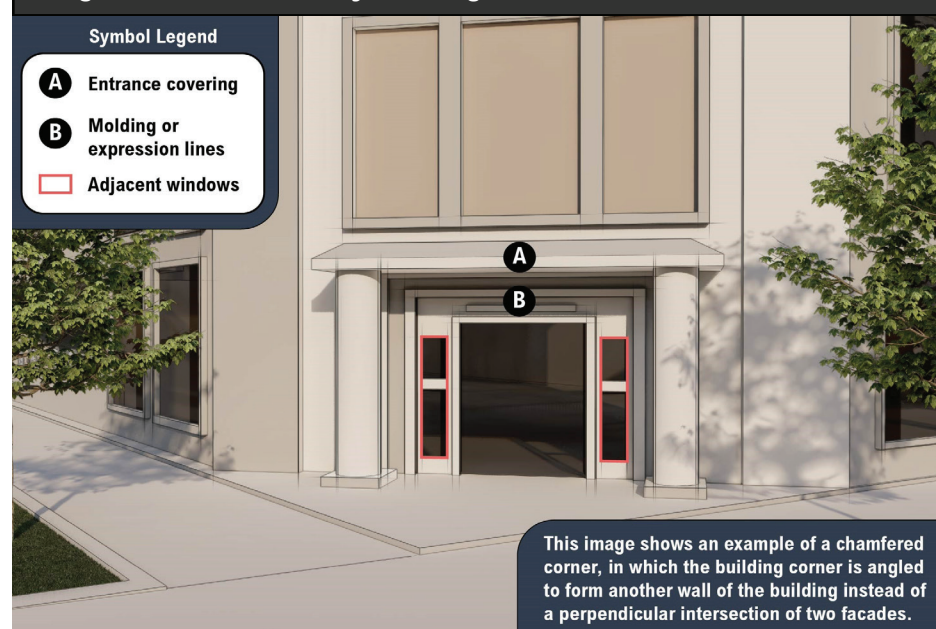


Figure 18-44.3: Primary entrances distance



3. General site design

a. Multimodal Transportation

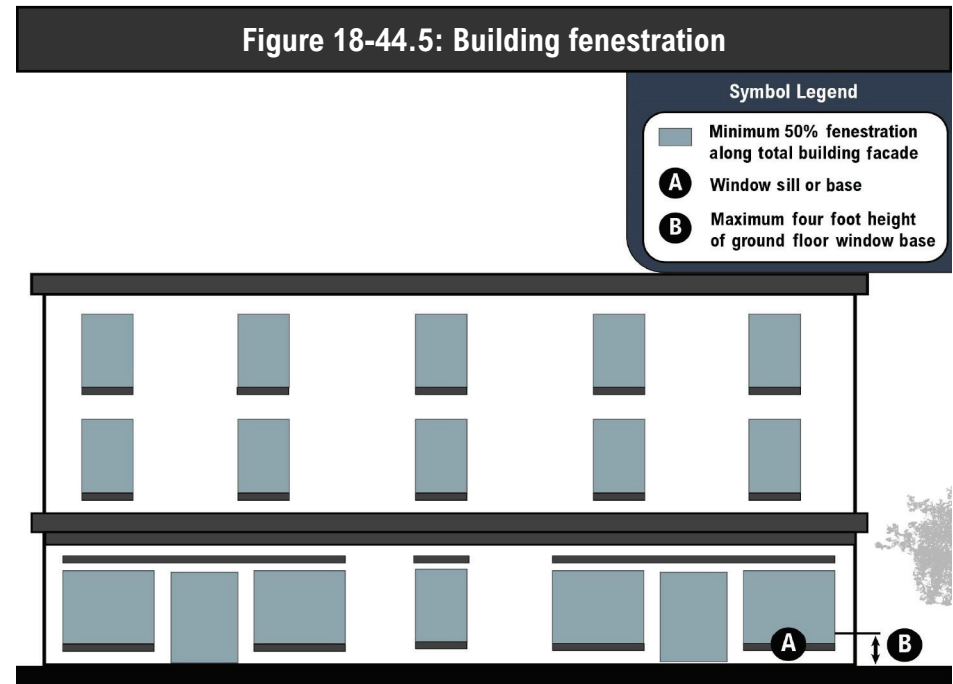
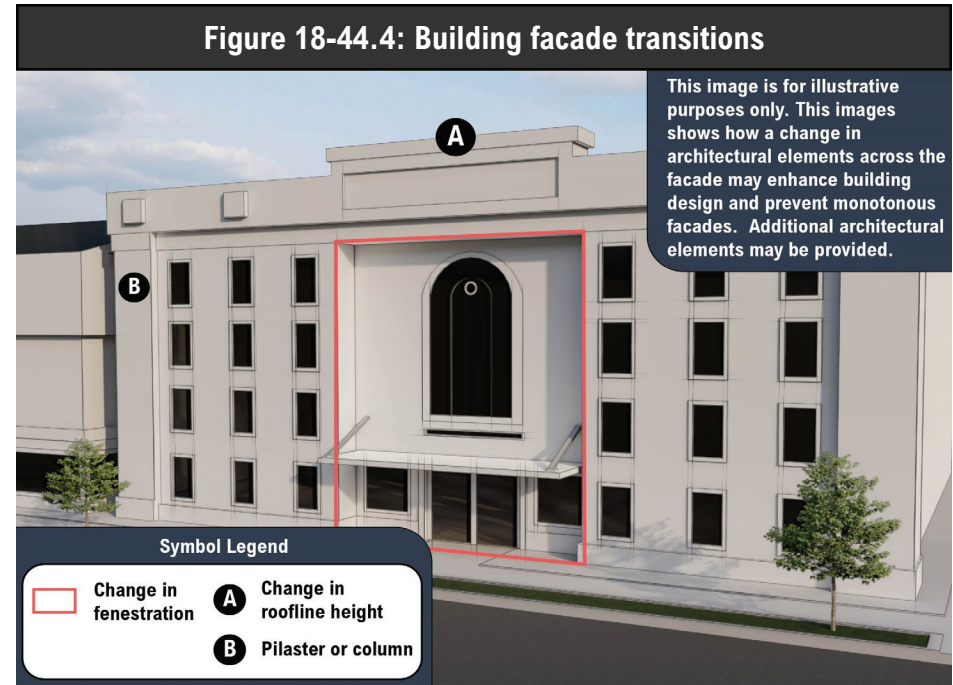
- i. Pedestrian circulation shall be defined with paving materials and landscaping and shall connect all uses to one another and to the public sidewalk system.
- ii. Bicycle or pedestrian connectivity to adjacent developments is required.
- iii. Where no sidewalks currently exist, sidewalks shall be installed with the right-of-way between the property line and the back of the curb.
- iv. The minimum width of newly installed sidewalk shall be five feet, except where sidewalks exist on the same side of the block, in which case, the width of newly installed sidewalks shall align with the existing sidewalk width.

- b. When new streets are installed, the establishment or continuation of a grid street pattern shall be required. Block lengths within the grid pattern shall not exceed 400 feet between intersecting streets.

4. Trash containment screening

All developments within the UMX are exempt from the buffering and screening requirements of article 5 of this chapter and are instead subject to the following screening requirements:

- a. Trash containment areas shall be located within or behind a building.
- b. If trash containment, including areas for holding recycling, cannot be accommodated within a building, it shall be placed on the rear or side of the building and shall be completely enclosed and screened from view from rights-of-way, excluding alleys, with an opaque fence or wall. The enclosure shall be at least one foot taller than the highest point of the



trash receptacle. Chain link fencing and exposed concrete blocks shall be prohibited.

5. Multiple frontage lots

The following standards apply to lots with three or more frontages.

- a. If a lot has frontage along multiple streets, the required primary street shall be that as shown in Figure 18-43.3: UMX primary frontage streets.
 - i. Where a property does not have frontage abutting a primary street, as shown in Figure 18-43.3: UMX primary frontage streets, one of the frontages shall be designated as the primary frontage along any of the abutting streets.
 - ii. Where a property has all frontages abutting a primary street as shown in Figure 18-43.3: UMX primary frontage streets, the primary building orientation shall be along the street with predominant primary frontage treatment on adjacent properties (see Figure 18-43.4: Primary frontage treatment). One frontage may be designated as a secondary frontage.
 - iii. Frontages not designated as primary shall be designated as secondary frontages. Utilities and parking shall be located along secondary frontages.

6. Open space

For lots of one acre or more in area, a minimum of 10 percent of total contiguous area shall be set aside as open space.

7. Fences and walls

- a. Open wire fencing, including chain link, hurricane fencing, barbed wire, and exposed or unparged concrete block shall be prohibited.
- b. In front of buildings, fence height shall not exceed four feet.

B. RO district.

The following standards apply to all RO development.

1. Utility and equipment screening

Dumpsters shall be prohibited. Trash shall be stored inside or fully behind a principal building until collection.

2. Parking and driveway requirements

a. Driveway access controls

Except for detached single-dwelling and duplex dwelling units, cross-access and shared driveways are required, according to the following standards.

- i. No more than one driveway access per lot shall be permitted on Oleander Drive.
- ii. Along Oleander Drive, access shall be shared with all adjacent RO-zoned lots whenever access to Oleander Drive is proposed through the provision of an easement to the adjacent RO-zoned property.
- iii. When driveway access is available on an abutting property, the proposed use shall utilize this access.
- iv. When the nearest edge of an existing driveway on an adjacent RO-zoned lot with frontage on Oleander Drive is within 50 feet of the proposed use, the proposed use shall utilize the driveway on the adjacent tract as a shared access, with an easement to be recorded granting access.
- v. The shared driveway shall be the sole access to the site from Oleander Drive and any existing driveway(s) accessing Oleander Drive shall be eliminated.
- vi. Shared access shall not be required when all possible interconnections between two abutting lots would cross 20 linear feet or more of wetlands or floodplains.

vii. Shared access via new or existing driveway on a property when shared access cannot be provided via an existing driveway consistent with the requirements of this section, a maximum of one driveway to Oleander Drive shall be permitted on the property. This driveway shall be installed to maximize potential shared access in the future.

1. The driveway shall be located to maximize connectivity between lots, as approved by the technical review committee. To accommodate required sight distances or preserve environmental features, the driveway shall not be set back from the nearest side lot line more than 40 feet. Shared access shall not be required when all possible interconnections between two abutting lots would cross 20 feet or more of wetlands or floodplains.
2. Each use shall provide a linear cross-access easement to this driveway guaranteeing access to all abutting lots zoned RO. An accessway may not be blocked off, parked in, or otherwise obstructed. The access easement shall provide access from the closest adjacent property line to the driveway. The easement between the driveway and the closest adjacent lot shall be in a location best suited for connection to the adjacent lot, shall be located behind the primary building, and shall be a minimum of 12 feet wide. The technical review committee may waive the cross access requirement if it would cause five or more contiguous lots to be interconnected.
3. Existing driveways not meeting the requirement of this section shall be eliminated during the redevelopment/ conversion of the property.

4. The location of the driveway intersection with Oleander Drive and with the easement connection to the adjacent lot shall be subject to approval by the technical review committee based on the potential to minimize the need for future driveways, preserve existing buildings and trees, and maximize the distance from the existing street and driveway intersection, including consideration of safe sight distances.

5. Parking shall not be permitted along shared driveways between Oleander Drive and the rear edge of the easement granting access to the abutting lot.

b. Access to alley

For lots along the north side of Oleander Drive that are redeveloped/converted to nonresidential uses, motor vehicle access to the alley is not permitted.

c. Access easements

Access easements for parking aisles and driveways guaranteeing access and use to all abutting lots within the RO district shall be required, except for detached single dwelling and duplex units.

d. Parking standards

i. Parking is not permitted between the principal building and Oleander Drive. Where building placement and any required minimum buffer do not allow a minimum of 20 feet in width to provide driveway access to the rear site and a shared driveway is not possible, this requirement may be waived by the technical review committee.

- ii. Off-street parking surfaces shall be of pervious materials where soils are suitable.
- iii. All parking areas shall be screened from any adjacent single-dwelling zoned lots and along the alley north of Oleander Drive. Screening shall be a minimum of a 10-foot-wide vegetative buffer and solid six-foot tall wood fence. A minimum of one row of planted materials consisting of a combination of trees and shrubs shall be provided at a minimum height of three feet at planting and give at least 50 percent opacity of the fence at planting. To provide a variety of height and depth, at least one tree on average shall be planted for every 30 linear feet of screening.

3. Nonresidential uses and conversions

Existing exterior features, including roof pitch, building setback, fenestration, massing, and scale shall be retained when buildings are converted or redeveloped.

4. Grading

Grading of a site to modify topography is not permitted except to correct drainage problems, as approved by the technical review committee.

5. Building design

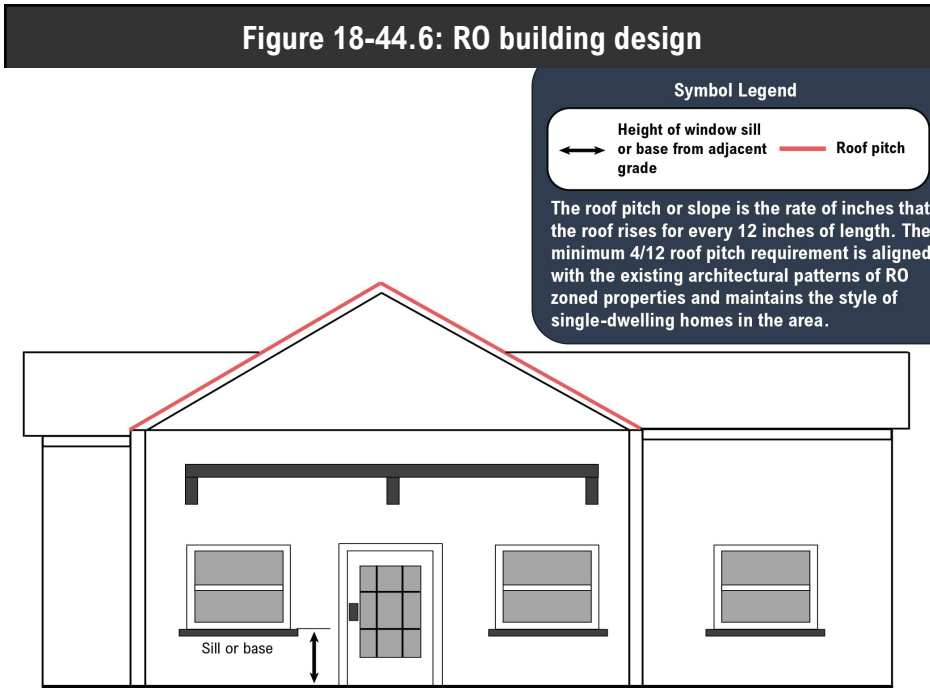
New construction, including additions to existing buildings, shall comply with the following (see Figure 18-44.6 RO building design):

- a. No additions to existing buildings shall be made to the front or side(s) of the building.
- b. The maximum building footprint for any new principal building shall be 2,100 square feet, whether by an addition or by new

construction. The building footprint may be increased to 3,000 square feet, whether by new construction or addition, if:

- i. The lot area is at least 20,000 square feet; and
 - ii. All parking is located behind the building.
- c. Additions and extensions shall maintain the character of the existing buildings and shall include design elements that are consistent with the block in terms of massing, scale, fenestration, and roof pitch. Except for detached singledwelling and duplex dwelling units:
- i. The Oleander Drive-facing elevation shall be the primary entrance and shall include a functional pedestrian entrance.
 - ii. Roof pitch shall be at least 4/12.
 - iii. Windows shall extend from a sill or base not to exceed four feet in height above the adjacent grade. Darkly tinted, mirrored, and opaque windows that block two-way visibility are prohibited along street-level facades.
 - iv. Exterior burglar bars, fixed riot shutters, and similar security devices shall not be visible from the public right-of-way. Mirrored and reflective glass shall be prohibited.
 - v. For at least 51 percent of the exterior of the building facade, building materials shall be limited to:
 - 1. Wood siding or shingles;
 - 2. Brick;
 - 3. Stacked stone; and
 - 4. Fiber cement siding or shingles.

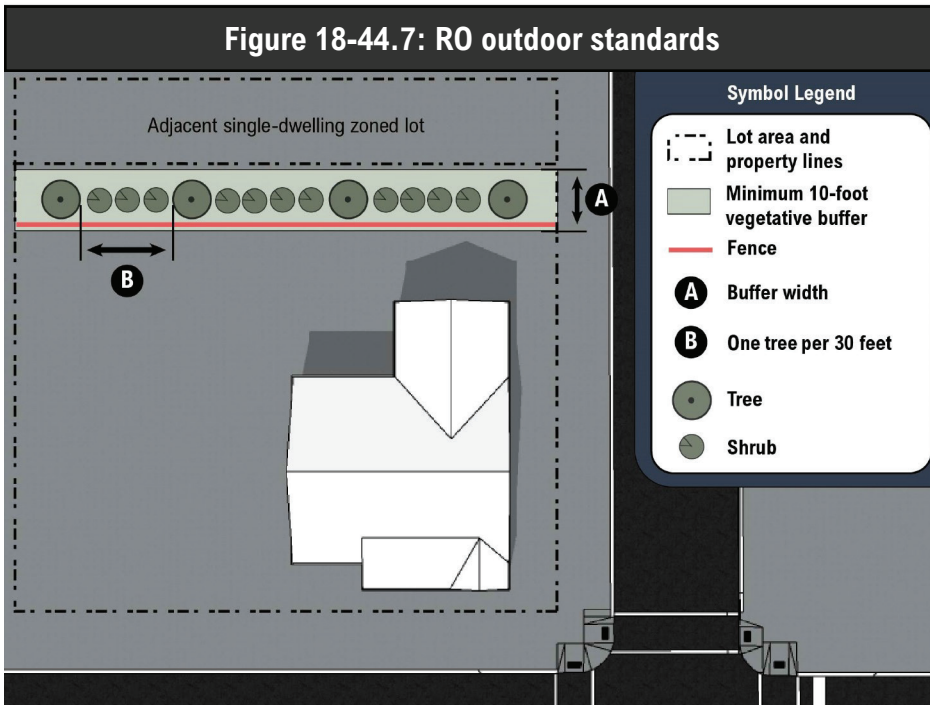
Figure 18-44.6: RO building design



6. Landscaping and buffers

- a. Any redevelopment or conversion of a building to triplex, quadraplex, or nonresidential use shall be subject to the parking lot landscaping of Section 18-321: Parking lot landscaping, and Section 18-319: Streetscape landscaping requirements. Preservation of natural stands of trees and native vegetation may be substituted for interior landscaping requirements when the square footage of the preserved areas is at least equal to the minimum square footage for new landscaping.
- b. Any redevelopment or conversion of a building to nonresidential use shall require a buffer of at least 10 feet in width of vegetation and a solid six-foot tall wood fence adjacent to single-dwelling zoned lots. A minimum of one row of planted materials consisting of a combination of trees and shrubs shall be provided at a minimum height of three feet at planting and be at least 50 percent opaque at the time of planting. To provide a variety of height and depth, at least one tree on average shall be planted for every 30 feet of buffer (see Figure 18-44.7: RO outdoor standards).

Figure 18-44.7: RO outdoor standards



C. CBD district. The following standards apply to all CBD development.

1. Building placement

a. Pedestrian-oriented spaces

Maximum setbacks may be voluntarily increased and minimum frontage buildouts may be decreased to provide one of the following types of pedestrian-oriented spaces, provided that a forecourt, plaza, or arcade is installed, subject to the following criteria:

i. Forecourt

1. Up to 50 percent of the building wall may setback a maximum depth of 15 percent of the building height (see figures 18-44.8: Forecourt dimensions and 18-44.9: Forecourt example).
2. Non-planter areas of the forecourt shall be surfaced with materials approved by the city engineer, such as concrete, brick, or stone pavers.

ii. Plaza

1. Plazas shall not occupy more than 25 percent of the lot area (see figures 18-44.10: Plaza dimensions and 18-44.11: Plaza example).
2. Plazas shall be surfaced with materials approved by the city engineer, such as concrete, brick, or stone pavers.
3. Non-paved areas of the plaza shall be landscaped.
4. Canopy or understory trees may be provided at a maximum rate of one tree per 1,200 square feet of plaza area.

Figure 18-44.8: Forecourt dimensions

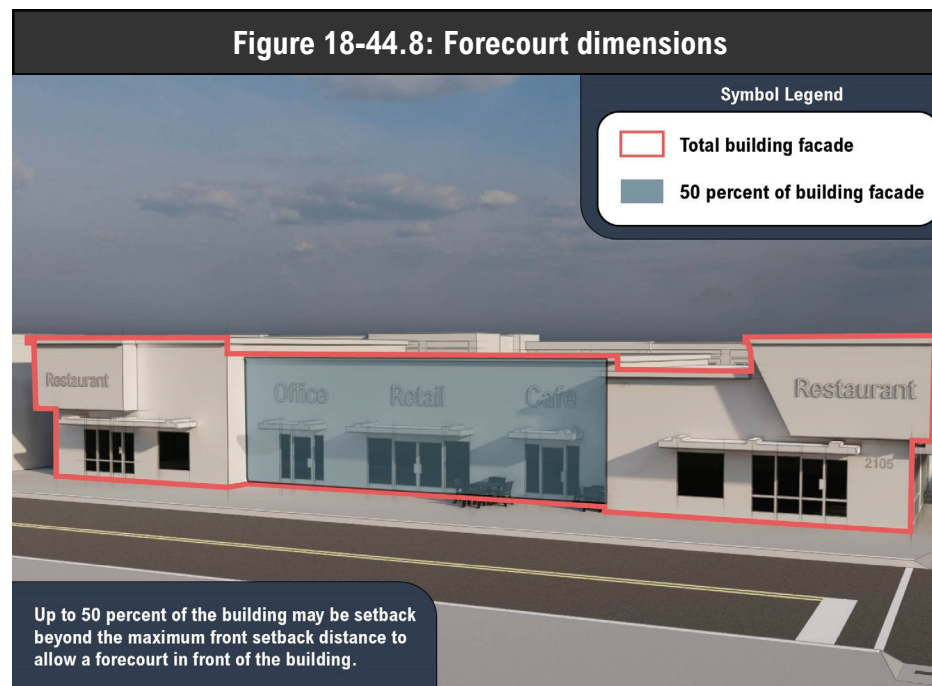
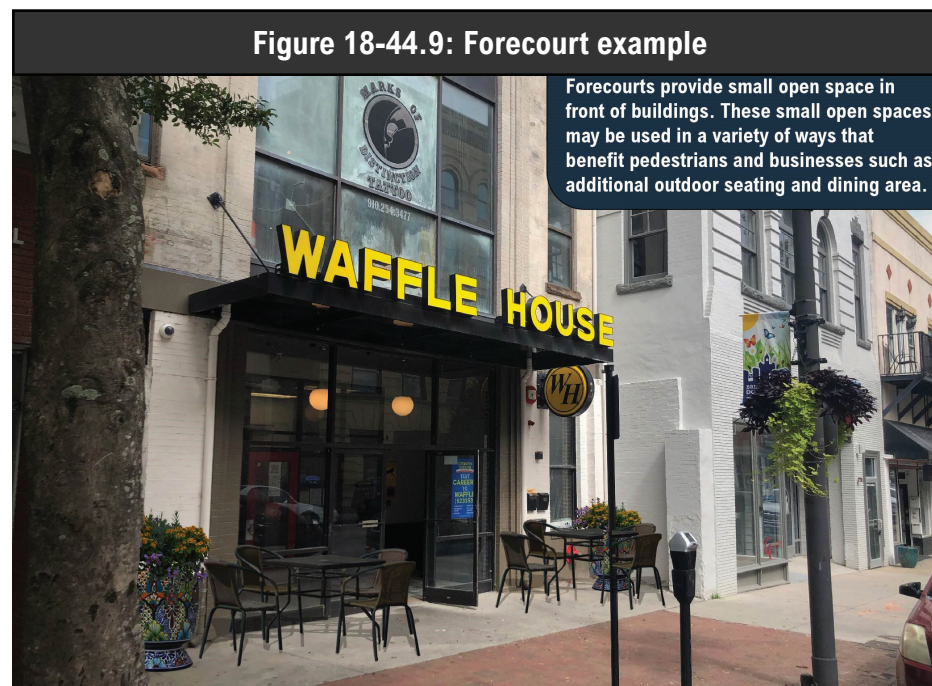


Figure 18-44.9: Forecourt example



5. Trees and additional vegetation in the plaza shall meet the general landscaping requirements of article 5 of this chapter.
6. Seat deterrents such as spikes or rails are prohibited.
7. No driveways, parking spaces, passenger drop-off, garage entrances, loading areas, mechanical equipment, dumpsters, or trash compactors shall be located within a plaza.

iii. Arcade

1. The ground floor building face may be recessed up to 20 feet from the property line (see Figure 18-44.12 Arcade dimensions and 18-44.13 Arcade example).
2. There shall be a minimum of 10 feet of clearance between the ground surface and the underside of the arcade roof.
3. Arcades shall not encroach on a public right-of-way.

2. Sidewalks

- a. North of Red Cross Street, where no sidewalks currently exist, sidewalks shall be installed within the right-of-way at a minimum width of 12 feet between the property line and the back of the curb (see Figure 18-44.14: CBD sidewalks north of Red Cross Street).
- b. Within the CBD, where sidewalks exist on the same side of the block, the width of newly installed sidewalks, including existing sidewalk that is removed and replaced, shall align with or be greater than the existing sidewalk width.

Figure 18-44.10: Plaza dimensions

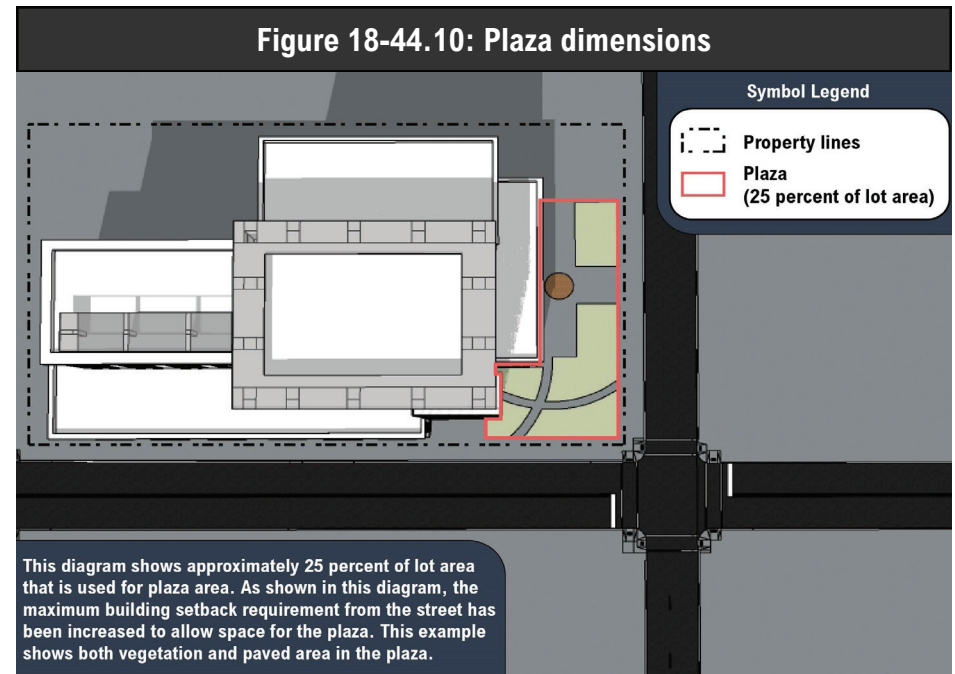
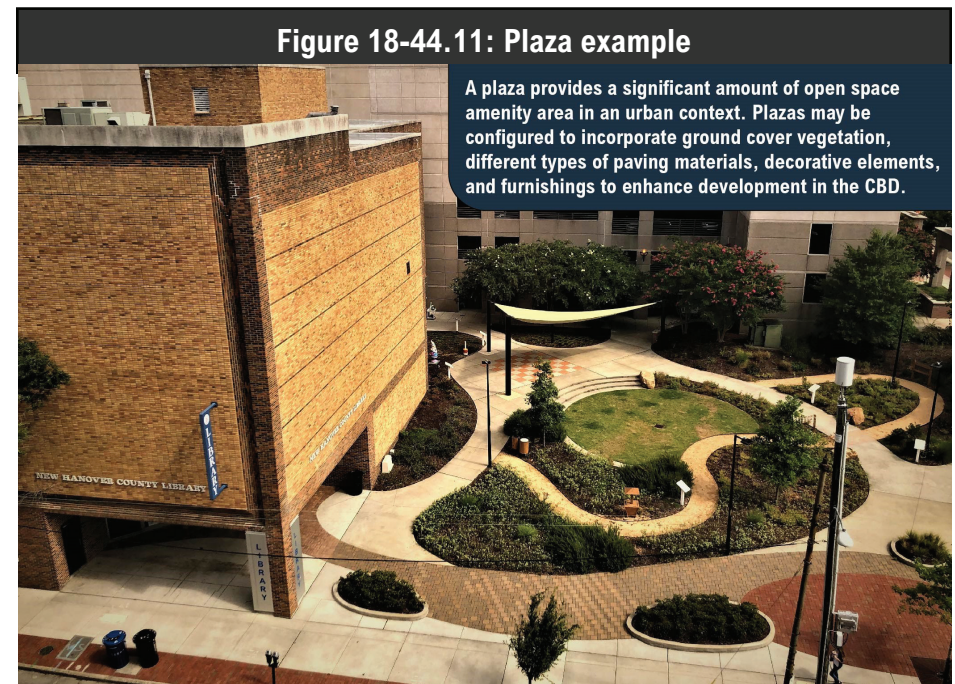


Figure 18-44.11: Plaza example



3. Building height

- a. Except for the provisions for build-back following demolition of contributing buildings, building heights shall be permitted according to Figure 18-43.9: CBD by-right height map.
- b. Height restriction for demolition of buildings with contributing historic resource status. If the owner of a building identified as contributing in the National Register of Historic Places inventory elects to demolish it, building height for new construction shall be limited. Any new building or portion thereof within the footprint of the demolished contributing historic building shall be subject to the following additional restrictions:
 - i. The height of any new building shall be restricted to the height of the demolished historic building plus half of the difference between the height of the demolished building and the by-right height prescribed in figure 18-49.9: CBD by-right height map.
 - ii. For the purposes of this section, the height of the existing building shall be measured from the average adjacent sidewalk elevation to the highest point of the parapet, or in the case of a building with a sloped roof, to the average roof height.
 - iii. Properties located within the CBD-historic district overlay (CBD-HDO) shall be subject to review by the historic preservation commission, per article 7 of this chapter.
 - iv. Removal of build-back height restriction
- c. To retain all allowable building height, a property owner demolishing a contributing building may make application to remove the height restriction according to the steps outlined in Section 18-597: Historic preservation.

Figure 18-44.12: Arcade dimensions

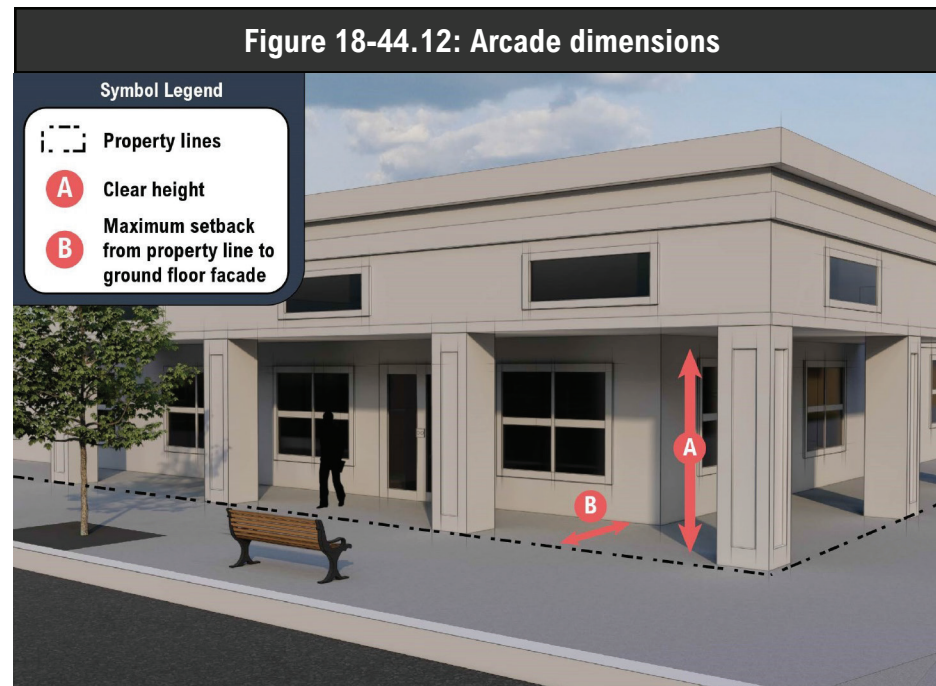
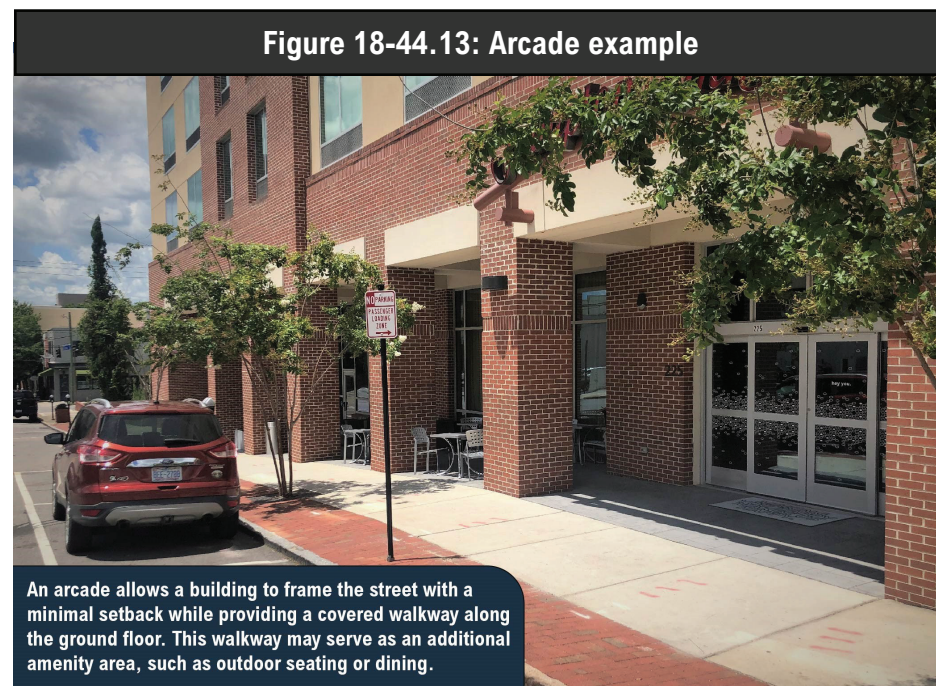


Figure 18-44.13: Arcade example

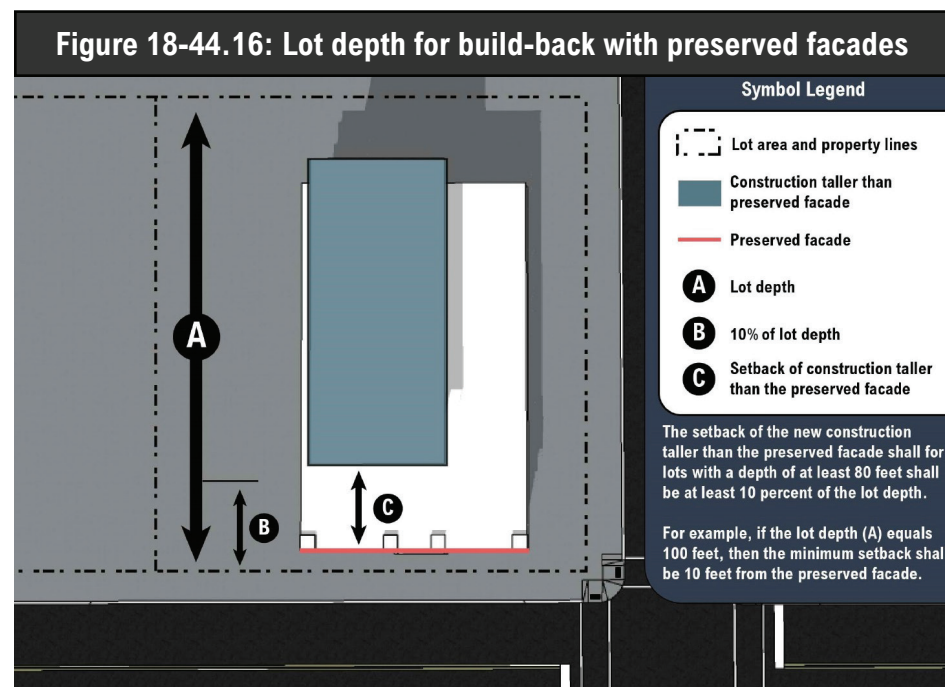


- d. If height restriction is removed, the by-right height prescribed on the CBD by-right height map (Figure 18-43.9) may be allowed for new construction.
- e. If the city adopts a condemnation ordinance for the building pursuant to the provisions of Chapter 16 of the city of Wilmington Code of Ordinances, the contributing historic resource status shall be removed for the purpose of this section upon adoption of the ordinance.
- v. Redevelopment with preservation of historic building facades
 - a. To retain all allowable building height, building facade(s) fronting on any public street shall be preserved. For purposes of this section, a facade includes the building's exterior finish materials and veneer, fenestration, exterior embellishment, and the wall structure that serves as the substrate for the aforementioned items.
 - b. Within the CBD-HDO, demolition and new building design must be approved by the historic preservation commission.
 - c. The height of any new construction above and behind the preserved facade(s) shall be allowed up to the maximum building height shown in Figure 18-43.9: CBD by-right height map.
 - d. For the purposes of this section, construction that is taller than the preserved historic facade(s) shall be stepped back a minimum of eight feet from the face of the facade(s).



- e. If the depth of the lot is greater than 80 feet, the new construction that is taller than the preserved facade(s) shall be stepped back a distance equal to 10 percent of the depth of the lot up to a maximum 20 feet (see figures 18-44.15: Building step-back with preserved facades and 18-44.16: Lot depth for build-back with preserved facades).

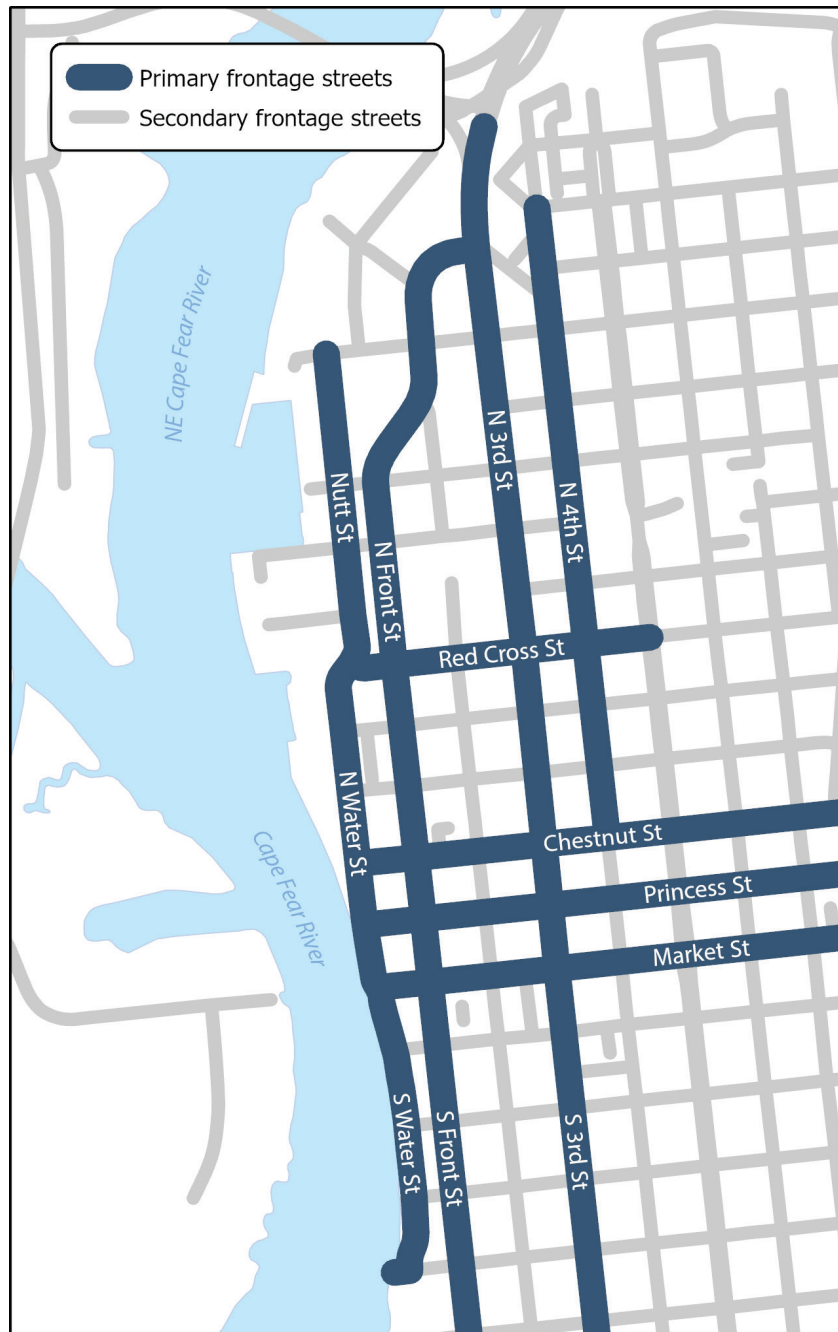
- vi. The height of any new construction above and behind the preserved facade(s) shall be allowed up to the maximum building height shown in Figure 18-43.9: CBD by-right height map.
- vii. For the purposes of this section, construction that is taller than the preserved historic facade(s) shall be stepped back a minimum of eight feet from the face of the facade(s).
- viii. If the depth of the lot is greater than 80 feet, the new construction that is taller than the preserved facade(s) shall be stepped back a distance equal to 10 percent of the depth of the lot up to a maximum 20 feet (see figures 18-44.15: Building step-back with preserved facades and 18-44.16: Lot depth for build-back with preserved facades).
- ix. If more than one facade of a building fronts on a right-of-way, the 10 percent step-back (with 20 feet maximum) shall apply to new construction behind the facade fronting the greater property depth and only an eight-foot setback shall apply to construction behind any other facade fronting a right-of-way.
- x. In the case of recombined lots of varying depth, an average depth measurement may be utilized in determining the step back, or alternatively, the new construction above the preserved facade may have varying step backs relative to the property depths.
- xi. Balconies and other similar architectural elements may encroach into the required new construction step back up to a distance equal to 25 percent of the step back depth, but in no case may these elements encroach into the eight-foot minimum step back.



- xii. The roof of the contributing building that is within the step back area may be utilized as an open air, aboveground plaza unless historic features of the building would be obscured by any physical elements necessitated by the use.
 - xiii. If the lot is developed with a contributing historic building that is a one-story or two-story wood frame dwelling, the dwelling may be relocated in lieu of preserving the facade in order to preserve the maximum permitted building height.
- f. Demolition requirements and procedures. For demolition of all or a portion of a contributing historic building for which the contributing status has not been removed, the following requirements and procedures shall apply.
- i. Prior to city sign-off of a demolition permit, the following shall be required:
 - 1. Either a site plan or a greenspace plan shall be submitted to and approved by the technical review committee.
 - 2. A site plan shall be submitted that complies with the provisions of Section 18-588: Site plans and all other applicable provisions of this chapter, and the *Technical Standards and Specifications Manual*.
 - 3. A greenspace plan shall indicate seeding or sod over at least 80 percent of the lot, grading to prevent significant ponding of water, and retention of existing sidewalks or replacing if damaged or removed. The greenspace shall remain in place until such time as the site is developed.
 - 4. A financial guarantee or surety in an amount satisfactory to replace sidewalks and curbing, install erosion control features and grass, and maintain
 - ii. During and after demolition, the following shall be required:
 - 1. All slabs and foundations shall be removed during building demolition unless they are to be incorporated into the new construction or unless a report of structural inadequacy prepared and sealed by a structural engineer licensed in the State of North Carolina demonstrates that removal would create a public safety hazard.
 - 2. Silt fencing sufficient to prevent silt from washing into the public right-of-way until permanent seeding is established shall be installed immediately following demolition.
 - 3. The site shall be graded level to within one-tenth of a foot and install other erosion control measures, including temporary seeding of grass of a type approved by the city manager, within 30 days following completion of demolition.
 - 4. Construction shall begin on the new development within 180 days of completion of demolition, with one 30-day extension allowed for circumstances beyond the control of the property owner as determined by the city manager. For purposes of this subsection, a parking lot as approved by the city is considered new development, but in no case shall the unimproved site be used for vehicle parking or storage.
- the site as a green space for a period of two years from submittal of the financial guarantee to the city. The financial guarantee or surety shall be in a form approved by the city attorney.

5. The site shall be maintained in a well-kept manner and shall not create a public nuisance as set forth in chapter 10 of the city of Wilmington Code of Ordinances. Maintenance of the site includes, but is not limited to, removal of debris and trimming and upkeep of grass.
 6. If, after 180 days from demolition and the expiration of any approved extensions, no construction has begun, the property owner shall replace any sidewalks that were removed or damaged, as well as remove chain link or other construction fencing and replace with a railing or fencing type approved by the city, within 30 days.
- iii. Post-demolition procedures. After demolition, the following procedures shall be required for the site:
1. Implementation of the approved green space plan shall occur within 60 days of demolition, including planting and maintaining permanent seeding or sod, grading, and replacing sidewalks, as indicated on the approved plan; and
 2. Any slopes or drop-offs exceeding five percent shall be cordoned with a railing, as approved by the technical review committee on the site or greenspace plan. If fencing is needed for screening or security, the fence shall be indicated on the site or greenspace plan and approved by the technical review committee. Chain link fencing shall be prohibited for this purpose.
4. Multiple frontage lots
 - a. Primary frontage streets For lots with three or more street frontages, one street frontage shall be designated as a primary frontage street that applies front facade standards.
 - i. The following factors shall be used to determine which streets shall be designated as primary frontage streets:
 1. Any street shown as a primary frontage street in Figure 18-44.15: CBD primary and secondary frontage streets shall be designated as a primary frontage street.
 2. If a lot has no adjacent primary frontage street designated in Figure 18-44.17, a primary frontage street shall be designated on the street adjacent to the blockface with the greatest number of buildings with street frontage (see Figure 18-44.18: Blockface orientation).
 3. If all the streets adjacent to a lot are designated as primary frontage streets in Figure 18-44.15, a secondary frontage street shall only be designated along the blockface with the least number of buildings with street frontage (see Figure 18-44.16: Blockface orientation).

Figure 18-44.17: CBD primary and secondary frontage streets



- ii. The following shall be prohibited along primary street frontages:
 1. New alleys;
 2. New driveways;
 3. Ground-floor parking, structured or surface within 20 feet of the primary street frontage; parking decks shall be permitted if the ground-floor, street-facing facade is lined with active uses;
 4. Dumpsters; and
 5. Trash compactors.
- b. Secondary frontage streets

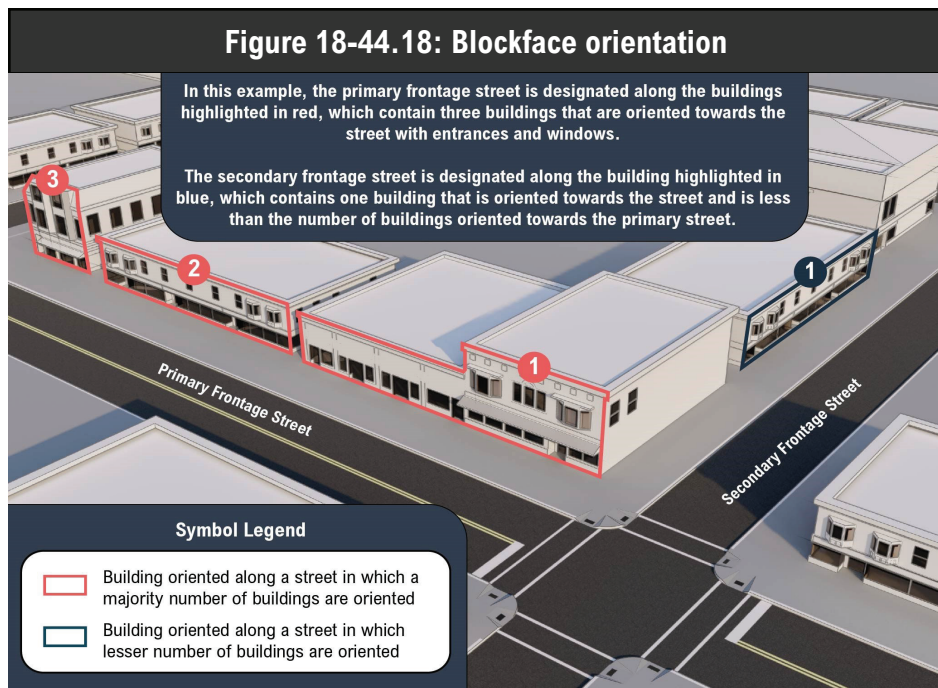
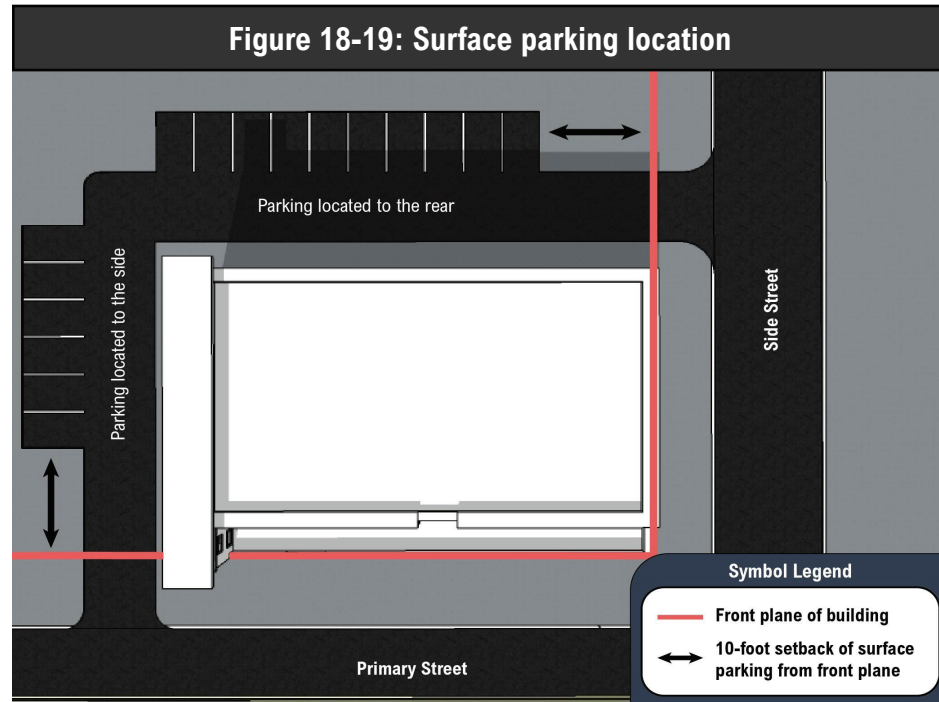
Non-primary frontage streets shall be designated as secondary frontage streets to which secondary street standards are applied.

 - i. One secondary frontage street may be exempt from meeting the maximum side street setback and minimum frontage buildout requirements.
 - ii. The minimum fenestration requirement outlined in Section 18-44-C.2.d: Fenestration may be reduced from 50 percent to 30 percent along one secondary frontage street with the inclusion of additional architectural treatment to the facade outlined in this section.

4. Parking

All off-street parking shall adhere to the following requirements.

- a. Surface parking shall be set back a minimum of 10 feet from the front plane of all street-facing facades (see Figure 18- 44.19: Surface parking location) and shall not be located between a building and the street.
- b. Parking at the street level shall be screened from public streets by permanent walls, shrubbery, or hedges at least three feet but not more than five feet in height (see figure 18-44.20: Surface parking illustration).
- c. Surface parking shall be accessed via existing public or private alleyways, where they exist or are proposed.
- d. All surface parking lots shall meet the parking lot landscaping requirements of Section 18-321: Parking lot landscaping.



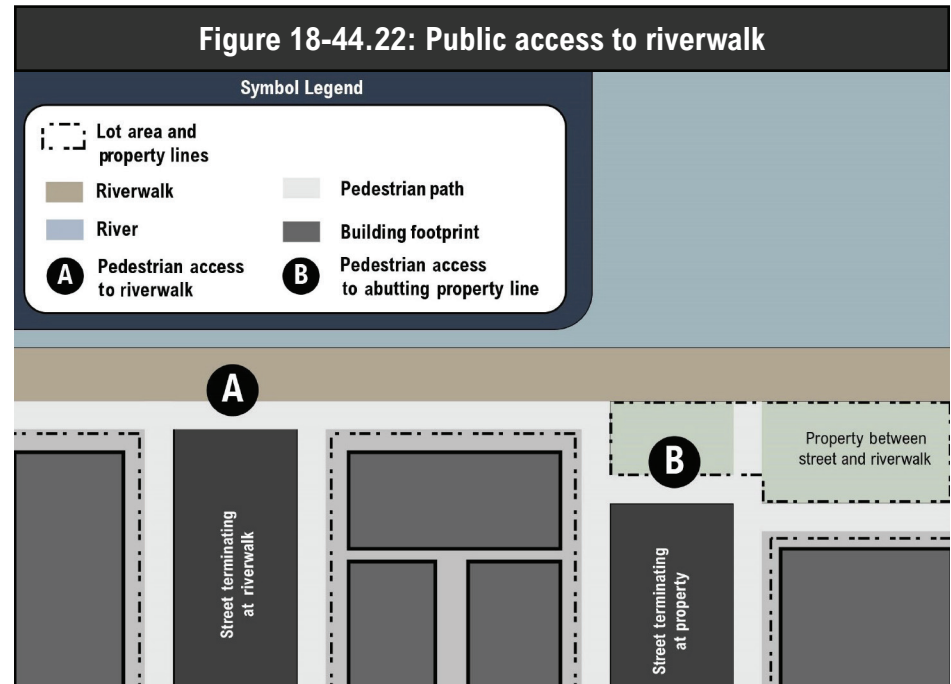
5. View corridors

- a. All developments shall provide and protect view corridors of the Cape Fear River along existing or proposed streets that terminate at the river.
- b. View corridors shall remain fully unobstructed by buildings or structures from the ground to the sky.
- c. Along any new street that terminates within 50 feet of the riverwalk, a clearly defined, publicly accessible pedestrian path shall be provided as an entry point to the riverwalk. In the case where a property is located between the street and the riverwalk, a pedestrian path shall be provided from the street to the abutting property line (see figures 18-44.21: View corridors and 18-44.22: Public access to riverwalk).

6. Trash equipment screening

All developments within the CBD are subject to the following screening requirements.

- a. Trash and recycling containment areas shall be located within a building.
- b. If trash and recycling containment cannot be accommodated within a building, it shall be placed on the rear or side of the building and screened from view from the right-of-way, subject to the provisions of Section 18-324: Screening for dumpsters, equipment, and outdoor storage areas.



7. Electric and communication utilities
 - a. Any required utility easements shall be along rear or side lot lines.
 - b. The width of such easements shall be based upon the type of utility installed and the area required for adequate maintenance of those utilities.
 - c. Electric power lines shall be buried unless the following criteria are met:
 - i. The power lines existed above ground at the time of first approval of the development plan, whether the lines are subsequently relocated during the construction of the development plan; and
 - ii. The power lines are located outside the boundaries of the subject lot or lots containing the development.
8. Building design
 - a. All new construction in the CBD shall comply with the following design standards where applicable. Within the historic district overlay, building design is subject to review by the historic preservation commission.
 - b. Exceptions to these standards may be approved by the design adjustment committee.
 - c. When considering exceptions to these standards, the design adjustment committee shall consider whether adequate and safe public access would be provided, any demonstrated historic development or design patterns based on photographic or other evidence, and the character of the surrounding area.
 - d. Building entrances
 - i. Primary building entrances
 1. Primary building entrances shall be provided along street fronting facades at a minimum rate of one entrance per 100 feet (See Figure 18-44.23: Primary building entrance rate along facade).
 2. Primary building entrances shall be clearly defined and distinctive by using at least two of the following architectural elements (see Figure 18-44.22: Primary building entrance architectural elements):
 - i. A recession of the entrance of at least five feet;
 - ii. Entrance cover, no higher than the second story, such as awnings, overhangs, canopies, or eaves;
 - iii. A chamfered corner;
 - iv. Sidelight, transom, or adjacent windows;
 - v. Additional moldings with expression lines; or
 - vi. A bay of unique width.
 - ii. Secondary outside building entrances to upper floors, if located on the front facade, shall align with the outermost window on the front facade (see figures 18-44.24 and 18-44.25: Aligned second story entrance examples).
 - e. Massing and scale
 - i. Expanses of blank walls facing streets (excluding alleys) or public civic spaces may not exceed 20 feet in length.
 - ii. Building facades shall incorporate periodic transitions across the facade as stated by incorporating the following elements:

1. Building facades shall be divided into distinct massing elements utilizing at least two methods including, but not limited to:
 - i. Facade offsets with each offset between 20 percent and 30 percent of the total length of the facade;
 - ii. Building projections such as pilasters, columns, and awnings;
 - iii. Change in building materials;
 - iv. Change in roofline; and
 - v. Change in fenestration (see Figure 18-44.26: Massing and scale).
2. Transitions shall be no farther apart than two thirds of the height of the facade.

vi. Upper floor step backs

1. Buildings with more than eight floors shall step back the upper floors of the building a minimum 15 feet from street facing facades.
 2. The upper floor step back shall begin between the fourth and eighth floors (see Figure 18-44.27: Upper floor step backs).
- vii. The exterior expression of the ground floor shall be delineated by methods including, but not limited to:
1. Incorporation of a distinct horizontal architectural member;
 2. Facade offsets; or

Figure 18-44.23: Primary building entrance rate along facade

Primary building entrances shall be provided at a minimum rate of one entrance per 100 linear feet along street fronting facades.

Primary building entrances placed at multiple locations along large buildings increases pedestrian accessibility. Furthermore, multiple options for ingress and egress are provided in case of an emergency.

Symbol Legend

- Primary building entrance
- Distance between entrances



Figure 18-44.24: Aligned second story entrance example

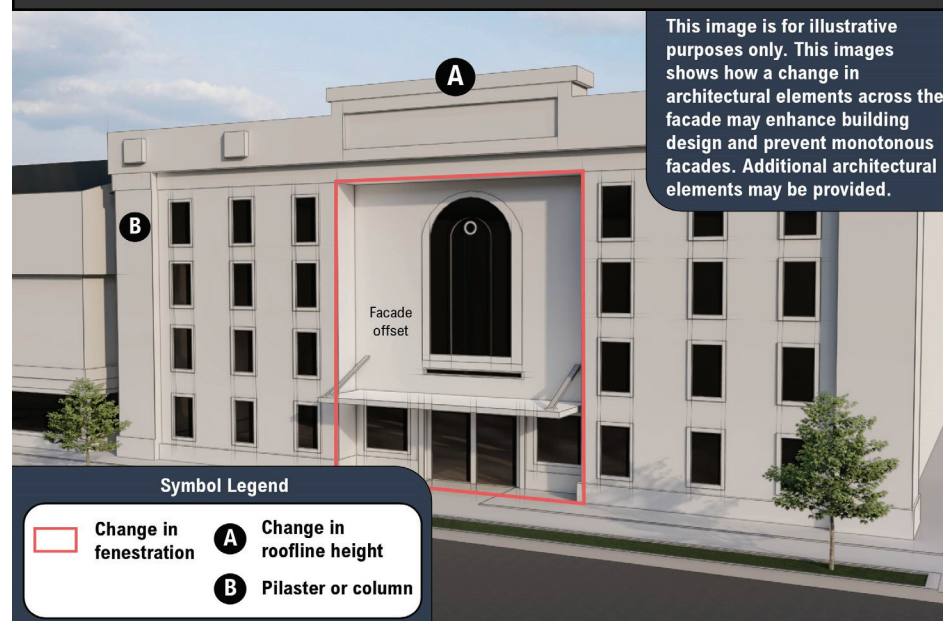


3. A change in materials (not solely color) or fenestration.
- viii. A vertical transition shall be provided between the ground floor and upper stories by utilizing one of the following methods:
1. Building projections such as pilasters, columns, and awnings; or
 2. Additional moldings with expression lines.
- ix. Flat roofs shall be enclosed by a parapet that is a minimum of three feet in height.
- f. Street-level facades
- i. New buildings shall front onto public sidewalks to reinforce pedestrian activity along public streets and pedestrian ways in at least one of the following ways:
 1. Architectural treatment as outlined in this section; or
 2. Providing pedestrian-oriented space outlined in this section.
 - ii. Fenestration
 1. A street-level facade that faces a public street, riverwalk, or sidewalk shall have a minimum fenestration area of 50 percent of the facade area (see figure 18-44.28: Fenestration).
 2. Windows may extend from a sill or base. Any sill or base shall not exceed four feet in height from the adjacent grade.
 3. Glass shall be transparent with a maximum 15 percent reflectivity. Window tinting and interior affixed window shades that create a permanently opaque

Figure 18-44.25: Aligned second story entrance example detail



Figure 18-44.26: Massing and scale



or translucent condition are prohibited. Spandrel or colored glass may be used in transom areas above door headers only.

4. Exterior burglar bars, fixed riot shutters, or similar security devices shall not be visible from the public right-of-way.
- iii. Residential uses shall be prohibited on the ground floor fronting the Riverwalk. North of Orange Street, residential uses shall be prohibited on the ground floor fronting Water and Front streets.

g. Exterior building materials

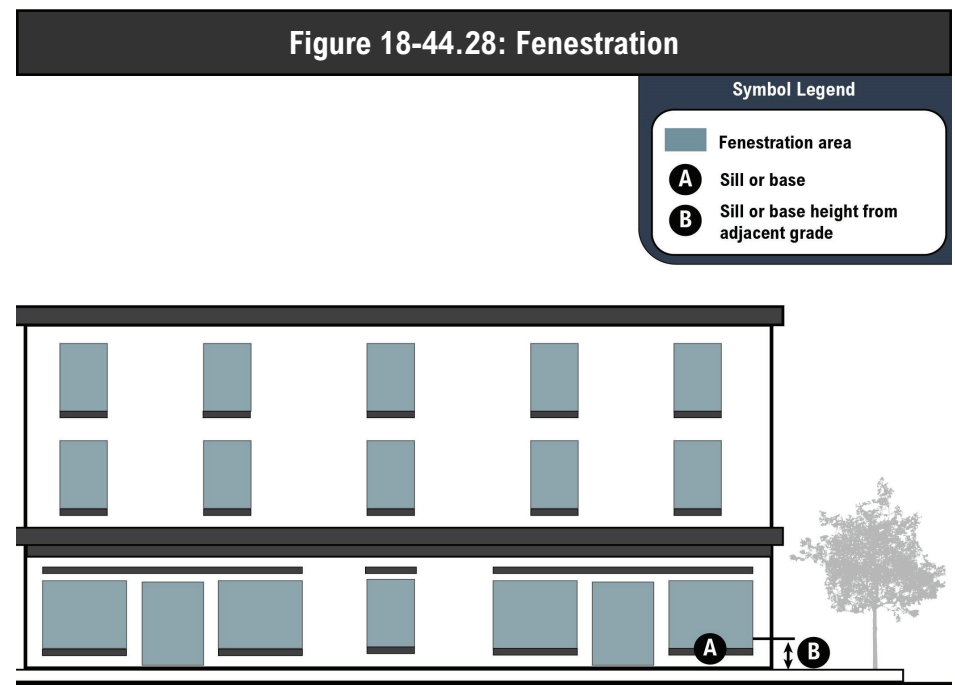
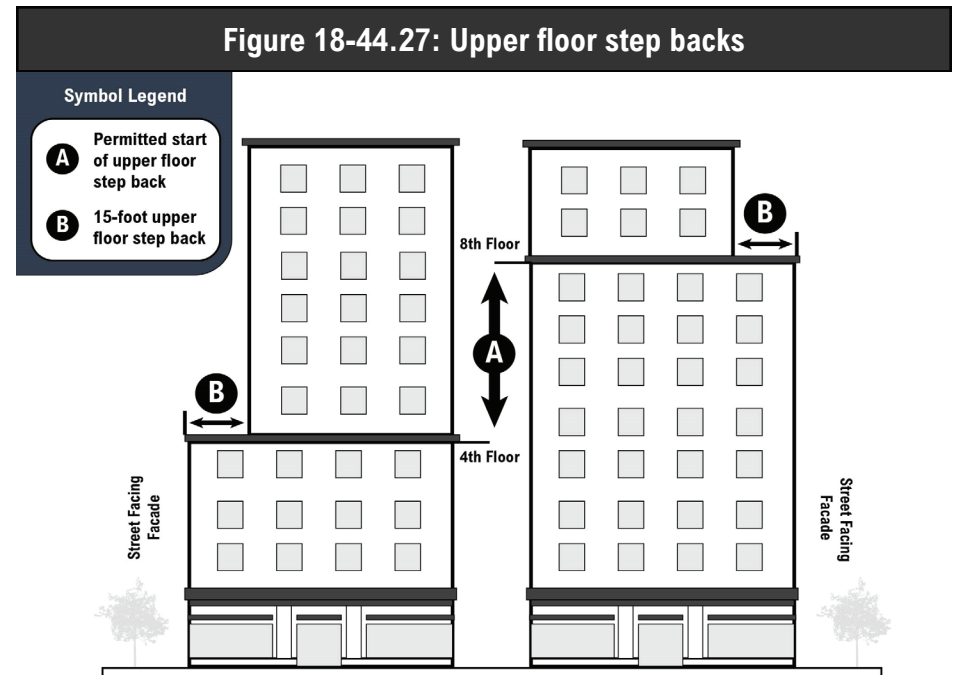
The following materials are prohibited as primary building materials:

- i. Vinyl siding;
- ii. Shingle siding;
- iii. Faux wood-grained materials;
- iv. Metal; and
- v. Unparged concrete block.

h. Alterations to historic facades

Alterations or additions to buildings and structures that are designated as contributing resources to the Wilmington National Register Historic District or are more than 50 years old, should apply the Secretary of the Interior's Standards for Rehabilitation. These standards are included in the *Wilmington Design Standards for Historic Districts and Landmarks*.

i. Additional treatments

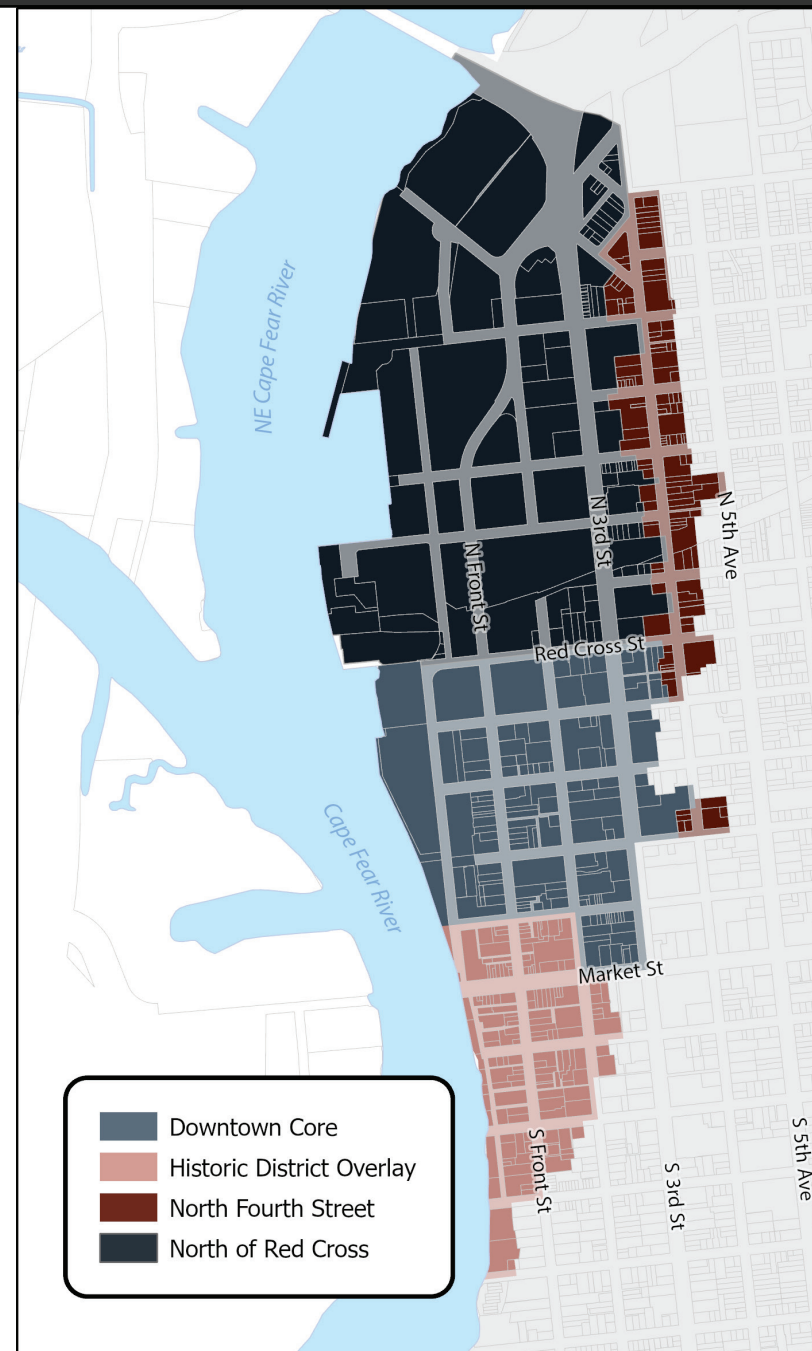


- i. Heating, ventilation, and air conditioning equipment, air conditioning window units, and other electrical equipment shall not be located on street frontages.
 - ii. All such equipment shall be placed in the side interior of the building, in the rear of the building, or on the roof of the building and screened from the right-of-way.
 - iii. Through-wall mechanical units are permitted on any facade if they are incorporated into the design of the building, flush with the facade on which they are located, concealed by a vent cover, and have an internal drip system for condensation.
 - iv. Utility meters, transformers, and fixed trash disposal receptacles that cannot be concealed from the public right-of-way shall be screened with an opaque fence or wall.
3. Special character areas

Four distinct character areas comprise the CBD: downtown core, historic district overlay, N. 4th Street, and north of Red Cross Street (see Figure 18-44.29: CBD special character areas). These special character areas are subject to the following additional provisions.

- a. North of Red Cross Street
 - i. In the area north of Red Cross Street, lots are often large, sometimes all or most of a block. This area is suited for dense development with a mix of prominent buildings and grand public spaces that define the urban landscape (see Figure 18-44.30: North of Red Cross Street example).
 - ii. All residential uses shall be prohibited on the ground floor facing any right-of-way.

Figure 18-44.29: CBD special character areas



Section 18-44

Figure 18-44.30: North of Red Cross Street example



- iii. For development of one acre or more in area, a minimum 10 percent of total contiguous area under single ownership or under the control of a property owner's association shall be provided as public or private open space including but not limited to, parks, greenways, plazas, and on-site amenities such as recreation areas.
- iv. Pedestrian paths shall be provided within the development between principal uses and destinations including but not limited to, parking, adjoining streets, mailboxes, waste disposal, adjoining sidewalks or greenways, the riverwalk, and on-site amenities such as recreation areas.

b. Downtown core

- i. The downtown core is the historic urban center of the CBD with a mix of dense development that engages the community at the pedestrian level. Alluring shopfronts interspersed with focal community gathering spaces

Figure 18-44.31: Downtown core example



Figure 18-44.32: North 4th Street example



align each block in this area in order to create a vibrant and vivacious urban environment (see Figure 18-44.31: Downtown core example).

- ii. Residential uses shall be prohibited on the ground floor fronting any street right-of-way and the riverwalk.

c. North 4th Street

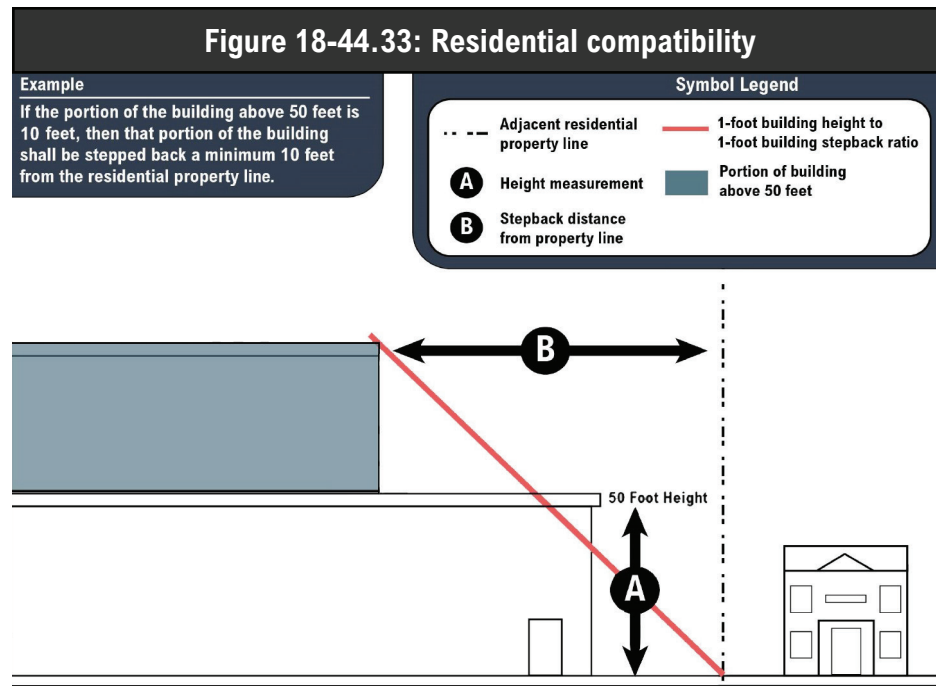
- i. Moderately-scaled development with diverse architectural styles make up the area along North 4th Street. This pattern provides a unique and appropriate transition to the adjacent residential development bordering the CBD (see Figure 18-44.32: North 4th Street example).

ii. Residential compatibility

When nonresidential uses are proposed on lots adjacent to a single-dwelling zoned lot, the following standards shall apply:

- a. New buildings or developments that increase the building height above 50 feet shall provide a development transition using a graduated building height and mass by stepping back the portion of the building above 50 feet (see Figure 18-33: Residential compatibility).
- b. The portion of the building above 50 feet shall be stepped back from residentially-zoned lot lines at a ratio of one foot for every additional foot of building height.

Figure 18-44.33: Residential compatibility



iii. Historic district overlay

- a. The historic district overlay (HDO) is adjacent to the traditional urban neighborhood development patterns of historic residences. The overlay is developed primarily with smaller scale development that serves as a transition from the downtown core to the historic residences just outside of the CBD.
- b. Historic Preservation Commission review
Within the HDO, building design is subject to historic preservation commission review. Approvals for projects within the HDO may necessitate the meeting of a more restrictive standard than required by this section. The HPC shall not have the authority to waive the requirements of this section.

(Ord. No. O-2021-75, §1, 11-3-2021)

ARTICLE 2. DIVISION 4.

HISTORIC DISTRICTS

Section 18-56: Purpose statements

A. HDR, Historic district - residential

Historic district – residential is intended to protect, preserve, and maintain Wilmington’s historic residential architecture from the high style to the vernacular. Preservation of the public and private historic fabric of the district, and the cultural, social, economic, and architectural development it represents is a priority for the community. This district serves as a mechanism to promote the integrity of the residential character of the district by ensuring existing and future uses are compatible with one another and that historic character is retained.

B. HDMU, Historic district - mixed use

Historic district – mixed use is intended to protect and keep the heritage of the city by preserving the district, and individual buildings within the district. This district allows blocks of early existing office and business uses outside of the central business district to thrive. The HDMU allows infill development consistent with historic fabric and supports a mix of uses that are compatible in scale to stabilize and enhance property values throughout the district.

C. HD, Historic district

The historic district, also known as the Theater Historic District, is intended to promote the educational and cultural resources of the city, and to keep Wilmington’s architectural heritage by preserving the district as a whole, as well as individual buildings within the district that embody the important elements of the city’s social, economic, political, cultural, ecclesiastical, and architectural history.

The goal is to sustain the continued viability of historic neighborhoods, allow infill development consistent with historic fabric, and support a mix of uses that are compatible in scale to stabilize and enhance property values throughout the district.

Section 18-57: Historic districts use table

The following uses are permitted as principal uses in the mixed-use districts if required applicable conditions and approvals are met. Uses not listed in this table are prohibited in these districts, pursuant to Section 18-19: Uses. For permitted accessory uses and temporary uses, refer to article 3 of this chapter.

Table 18-57: Use table for historic districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD
Civic and institutional				
Assembly	Section 18-126			
Civic club or lodge, private			S	S
Community center				
Building footprint up to 5,000 sq. ft.		S	S	S
With outdoor facilities		S	S	S
Entertainment and trade			C	S
Religious		C	C	C
Community garden	Section 18-134	C	C	C
Daycare, adult or child	Section 18-135		S	S
Domestic violence shelter	Section 18-139	C	C	C
Dormitory, fraternity, or sorority house	Section 18-140		S	
Government facility excluding of rights-of-way	Section 18-148		C	C
Library	Section 18-155		C	S
Public parks, playgrounds, boat ramps		P	P	P

Table 18-57: Use table for historic districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD
Civic and institutional				
School	Section 18-167			
College or university			C	S
Primary and secondary		C	C	C
Trade, business, technical, and vocational			C	C
Commercial				
Alternative financial services	Section 18-123		S	S
Art gallery			P	P
Artisan food and beverage production	Section 18-125		C	C
Banks and financial institutions			P	P
Commercial recreation, indoor				
General, large: building footprint greater than 2,000 sq. ft.			P	P
General, small: building footprint up to and including 2,000 sq. ft.			P	P
Crematory			P	P
Equipment repair	Section 18-143		C	C
Funeral home and mortuary			P	P
General business services	Section 18-146		C	C

Table 18-57: Use table for historic districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD
Commercial				
General personal services			P	P
General retail				
Small: building footprint up to 5,000 sq. ft.			P	
Home maintenance service	Section 18-152		C	C
Lodging	Section 18-157			
Bed and breakfast		C	C	C
Homestay		C	C	C
Whole house		C	C	C
Offices			P	P
Restaurant	Section 18-166		C	C
Spa and health club	Section 18-171		S	S
Studio, performing art, fine art, dance, martial arts			P	P
Industrial				
Utility and public facility	Section 18-173			
Major			S	S
Minor		C	C	C

Table 18-57: Use table for historic districts

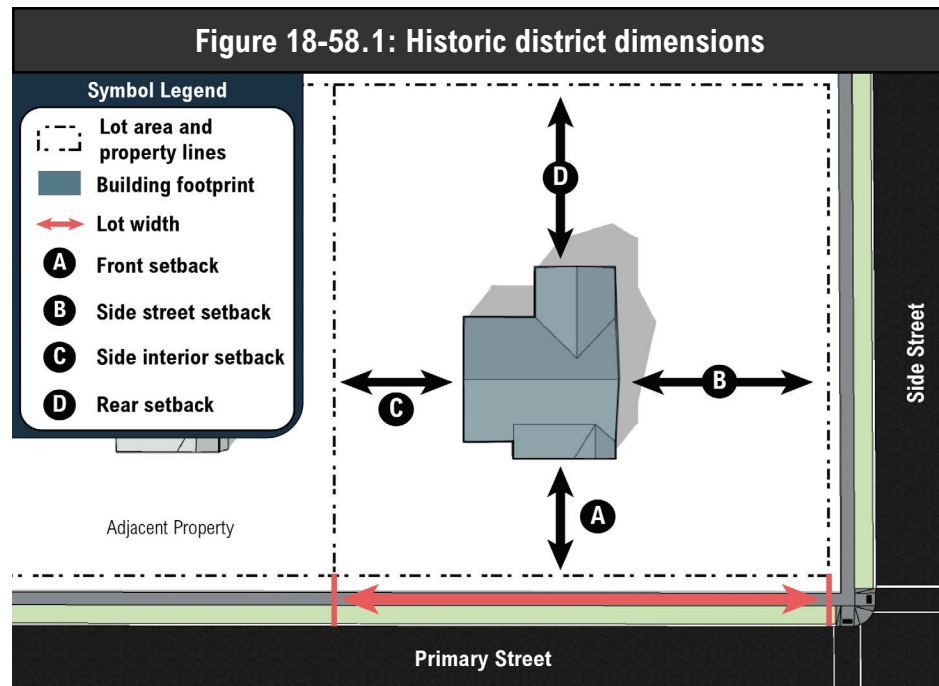
Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD
Industrial				
Wireless communication facility	Section 18-183	C	C	C
Residential				
Assisted living residence	Section 18-127		S	S
Dwelling unit	Section 18-141			
Attached: duplex		P	P	P
Attached: multiple		S	C	C
Attached: townhouse		S	C	C
Attached: triplex, quadplex		C	C	C
Detached: single		P	P	P
Family care home	Section 18-144	C	C	C
Group home residential	Section 18-149	S	S	S
Group home supportive	Section 18-150			
Large			S	S
Medium		C	C	C
Small		C	C	C

Section 18-58: Dimensional standards

Development and new lots in the historic districts shall conform to the following standards. Relevant district-specific standards shall also apply (see figures 18-58.1: Historic districts dimensions and 18-58.2: Historic districts example).

Table 18-58: Historic districts dimensional standards			
	HDR	HDMU	HD
Lot requirements			
Minimum lot area (square feet)			
Dwelling, detached	2,000	2,000	2,000
Dwelling, duplex (total lot area)	4,000	4,000	4,000
Dwelling, triplex, quadraplex (per unit)	2,000	2,000	2,000
Dwelling, townhouse (per unit)	2,000	3,000	3,000
Multiple	10,000	10,000	10,000
Minimum lot width (feet)	33	33	33
Minimum setbacks (feet)			
Front	Established by the Historic Preservation Commission		
Side street			
Side interior			
Rear			
Building size			
Maximum height (feet)	35	55	55



Section 18-59: District-specific standards

The following standards apply to all historic district development.

A. Certificate of appropriateness

All development and exterior changes are subject to review as specified in Section 18-597: Historic preservation.

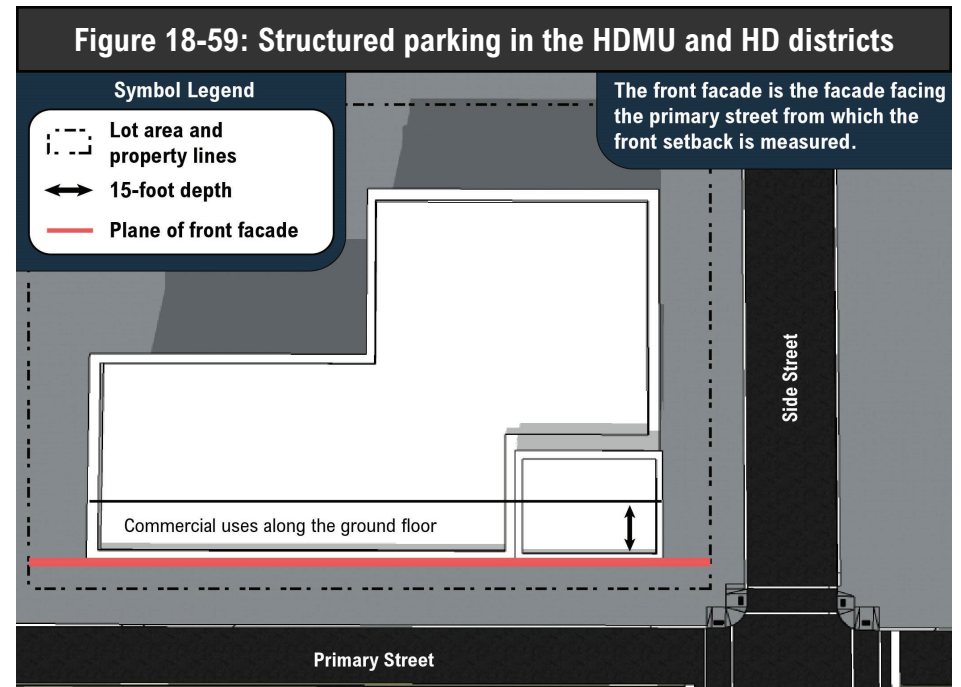
B. Residential uses and conversions

Conversion of residential buildings to higher density shall meet the density standards for new construction.

C. Building design

1. The historic preservation commission may require a building height less than the established maximum height but may not allow a building to exceed the maximum building height.
2. Any structured parking in the HDMU and HD districts shall be lined with commercial uses for a minimum depth of 15 feet from the plane of the front facade on the ground floor (see Figure 18-59: Structured parking in the HDMU and HD districts).

Sections 18-60 - 18-70: Reserved



ARTICLE 2. DIVISION 5.

COMMERCIAL DISTRICTS

Section 18-71: Purpose statements

A. CB, Community business

This district is intended to integrate appropriately scaled office, retail, and personal service uses with adjacent or surrounding residential neighborhoods. The purpose of the CB district is to create convenient, walkable nodes that serve the day-to-day needs of nearby residents. Ideally, these nodes should be located at street intersections and may be created on infill sites or through redevelopment. To ensure that the allowed uses are compatible with the surroundings and consistent with this intent, building size limits may be imposed, along with other spatial standards, to regulate the scale of the development and minimize additional vehicular traffic.

B. RB, Regional business

This district is intended to accommodate the range of retail and service uses serving the broad needs of the community and surrounding region. Larger-scaled retailers, auto-related businesses, and similar uses, not generally appropriate for or out of character with the CB district, are permitted. While the RB district should be located primarily along arterial roadways, care should be taken to ensure compatibility with adjacent uses, allow for pedestrian movement, and minimize conflicts with traffic along abutting streets. Generally, these areas are already developed and are likely to undergo change only through business turnover, infill, or redevelopment.

C. CS, Commercial services

This district is intended to accommodate intense business uses that frequently require outdoor storage, may involve machinery, and have minimal customer traffic. Uses include building contractors, repair services, wholesaling, and some light industry. The CS district is intended to be located near industrial areas and may serve as a transitional district between industrial and commercial uses.

D. O&I, Office and institutional

This district is intended to accommodate professional and medical offices, institutions of various sizes, places of assembly, and complementary uses without the added traffic and development intensity associated with broad commercial and retail activities. The O&I district is well suited to supporting higher education and health care centers and office uses, along with complementary uses such as small-scale retail, services, and restaurants. When appropriate conditions are met, residential uses, in combination with compatible office and institutional uses, are appropriate within this district to support a desirable live/work environment.

Section 18-72: Commercial use table

The uses prescribed in Table 18-72 are permitted as principal uses in commercial districts if required applicable conditions and approvals are met. Uses not listed in this table are prohibited in these districts, pursuant to Section 18-19: Uses. For permitted accessory and temporary uses, refer to article 3 of this chapter.

Table 18-72: Use table for commercial districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	CB	RB	CS	O&I
Civic and institutional					
Assembly					
Civic club or lodge, private		P	P	P	P
Community center		P	P	P	P
Entertainment and trade		P	P	P	P
Religious		P	P	P	P
Chemical dependency treatment facility		P			P
Daycare, adult or child	Section 18-138	C	C	C	C
Domestic violence shelter		P	P	P	P
Dormitory, fraternity, or sorority house	Section 18-140				C
Government facilities excluding of rights-of-way		P	P	P	P
Hospital	Section 18-153				C
Library		P	P	P	P
Nursing home		P			P
Public parks, playgrounds, boat ramps		P	P	P	P
Rehabilitation facility		P			P

Table 18-72: Use table for commercial districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	CB	RB	CS	O&I
Civic and institutional					
School	Section 18-167				
College or university					P
Primary and secondary		C	C		C
Trade, business, technical, and vocational			P	P	P
Commercial					
Alternative financial services	Section 18-123		C	C	
Animal hospital, veterinary clinic	Section 18-124				
No outdoor pens or runs		P	P	P	P
With outdoor pens or runs		C	C	C	C
Art gallery		P	P	P	P
Artisan food and beverage production	Section 18-125	C	C	C	
Auction house	Section 18-128		C	C	
Banks and financial institutions		P	P	P	P
Commercial parking	Section 18-132	C	C	C	C

Table 18-72: Use table for commercial districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	CB	RB	CS	O&I
Commercial					
Commercial recreation, indoor					
Drop-in childcare		P	P	P	P
Electronic gaming establishment	Section 18-142	C	C	C	
General, large: building footprint greater than 2,000 sq. ft.			P	P	
General, small: building footprint up to and including 2,000 sq. ft.		P	P	P	
Commercial recreation, outdoor	Section 18-133				
General, large: building footprint greater than 5,000 sq. ft.		P	P		
General, small: building footprint up to 5,000 sq. ft.		P	P		
Golf course			C		
Golf driving range			C	C	
Zoo			S	S	
Crematory		P	P	P	P
Equipment repair		P	P	P	
Exterminating services			P	P	
Farmers' market	Section 18-145	C	C	C	

Table 18-72: Use table for commercial districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	CB	RB	CS	O&I
Commercial					
Food catering services		P	P	P	
Funeral home and mortuary		P	P	P	P
General business services	Section 18-146	C	C	C	C
General personal services		P	P	P	P
General retail	Section 18-147				
Large: building footprint 40,001 sq. ft. or larger		C	C	C	
Medium: building footprint 5,001 - 40,000 sq. ft.		P	P	P	
Small: building footprint up to 5,000 sq. ft.		P	P	P	
Heavy equipment sales, rentals, services			P	P	
Home maintenance services		P	P	P	
Kennel, commercial	Section 18-154	C	C	C	
Laboratory			P	P	P
Laundry service		P	P	P	

Table 18-72: Use table for commercial districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	CB	RB	CS	O&I
Commercial					
Lodging	Section 18-157				
Homestay		C	C	C	C
Hotel/motel		P	P	P	P
Whole house		C	C	C	C
Marina		P	P	P	
Movie theater			P	P	
Nightclub	Section 18-161	C	P	P	
Offices		P	P	P	P
Recreation facility, private		P	P	P	P
Restaurant		P	P	P	P
Spas and health clubs		P	P	P	P
Studio, performing art, fine art, dance, martial arts		P	P	P	P
Truck stop	Section 18-172		C	C	
Urban farm	Section 18-174	C	C	C	
Vehicle renting	Section 18-175		C	P	

Table 18-72: Use table for commercial districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	CB	RB	CS	O&I
Commercial					
Vehicle repair and service	Section 18-176				
Major			C	C	
Minor		C	C	C	
Vehicle sales/leasing	Section 18-177		C	C	
Vehicle wash	Section 18-179		C	C	
Water transportation		P	P	P	P
Industrial					
Brewery or distillery	Section 18-129		C	C	
Micro		C	C	P	
Small/regional			C	C	
Manufacturing				C	
Building materials or product sales			P	P	
Bus and taxi services			P	P	
Contractor storage yard	Section 18-136		C	C	
Laundry services, industrial				P	
Motion picture production and distribution	Section 18-159			C	
Moving company	Section 18-160		C	P	

Table 18-72: Use table for commercial districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	CB	RB	CS	O&I
Industrial					
Nursery and greenhouse	Section 18-162				
Including retail sales		C	P	P	
Not including retail sales				P	
Outdoor storage	Section 18-163			C	
Railroad facilities	Section 18-164				
Freight				C	
Passenger		C	C	C	C
Self-storage facility	Section 18-168				
Indoor				C	
Outdoor				C	
Utility and public facility	Section 18-173				
Major			C	P	C
Minor		P	P	P	C
Warehouse and distribution center	Section 18-180			C	
Wholesale business	Section 18-181			C	
Wind energy conversion system	Section 18-182			S	

Table 18-72: Use table for commercial districts

Key: P = Permitted, C = Permitted with Conditions, S = Special Use Permit Required, Blank = Prohibited

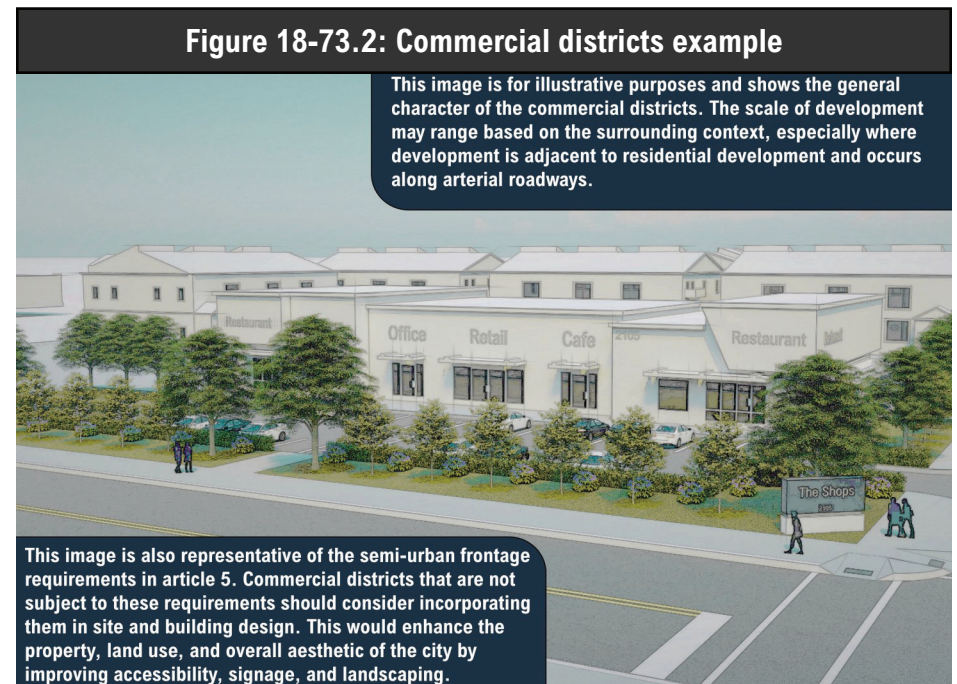
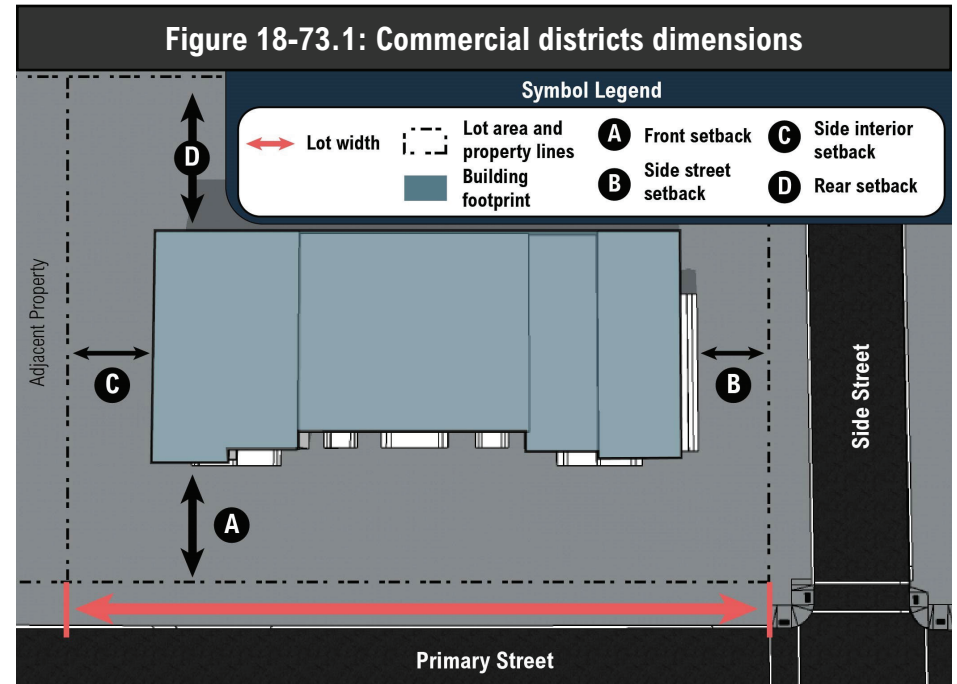
Principal use	Additional standards	CB	RB	CS	O&I
Industrial					
Wireless telecommunication facility	Section 18-183	C	C	C	C
Residential					
Assisted living residence	Section 18-127				C
Continuum of care community	Section 18-135	C			C
Dwelling unit					
Commercial district mixed use	Section 18-131	C	C		C
Family care home	Section 18-144				C
Group home residential	Section 18-149	S	S	S	S
Group home supportive	Section 18-150				
Large		C			C
Medium		C			C
Small		C			C

Section 18-73: Dimensional standards

A. Dimensional standards

Development and new lots in the commercial districts shall conform to the standards prescribed in Table 18-73: Relevant district-specific standards shall also apply (see figures 18-73.1: Commercial districts dimensions and 18-73.2: Commercial districts example). For lots subject to frontage standards per article 5, division 6 of this chapter, the frontage standards shall apply.

Table 18-73: Commercial districts dimensional standards				
	CB	RB	CS	O&I
Lot requirements				
Minimum lot area (square feet)	None	22,000	15,000	15,000
Minimum lot width (feet)	50	80	80	80
Minimum setbacks (feet)				
Front	10	20	20	20
Side street	10	20	20	20
Side interior	0	0	0	0
Side interior, residential adjacent	25	50	50	25
Rear	5	15	15	20
Rear, residential adjacent	25	25	25	25
Building size				
By-right height (feet)	45	45	35	45
Optional height increase (feet)		96		96
Maximum building footprint (percent of total lot area)	30	40		40
Residential requirements	See Section 18-131: Commercial districts - mixed use			



B. Optional building height increase

In the RB and O&I districts, building height may be increased above the by-right height. New buildings or developments that increase the by-right height shall provide a development transition using graduated building height and mass in the form of building step-backs.

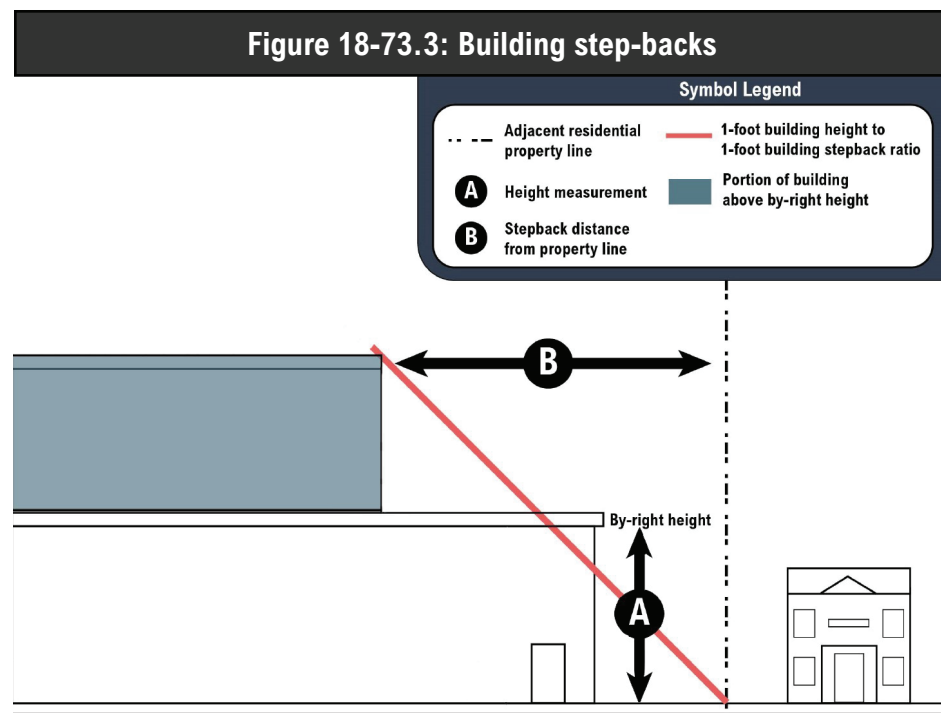
1. That portion of the building above the by-right height, shall be stepped back from front and side lot lines at a ratio of one foot for every foot of building height. For example, for a 60-foot-tall building, the portion of the building from 45.1 feet to 60 feet in height shall have a 60-foot step back from lot lines (see Figure 18-73.3 Building step backs).
2. When adjacent to single-dwelling residential zoning, step backs shall also be applied to any shared lot lines.

C. Residential compatibility standards

When nonresidential uses are proposed on lots adjacent to a lot zoned for single-dwelling residential use, the following standards shall apply:

1. The following uses or features shall be prohibited within 200 feet of single-dwelling residential zoning:
 - a. Outdoor amplified sound, including public address/loudspeaker systems; and
 - b. Outdoor storage.
2. Parking

Off-street parking shall be limited to one or more of the following locations. The locations are listed in priority order and shall be applied in the highest location from this list. For lots subject to frontage standards per article 5, the frontage standards shall apply.



- a. Adjacent to off-street parking lots serving nonresidential uses on abutting lots.
- b. Adjacent to lot lines shared with nonresidential zoning and development.
- c. Adjacent to lot lines shared with mixed-use development.
- d. Behind the building.
- e. In front of the building.
- f. Adjacent to lot lines shared with residential uses.
- g. Any parking designated for trucks, recreational vehicles, and other large vehicles shall not be located within 75 feet of a lot line shared with a single-dwelling zoned lot, nor within 25 feet of any street.

3. Relationship to surrounding uses
 - a. Multi-building developments shall be configured to place the tallest and largest buildings within the core of the site and provide a gradual decrease in building height and mass towards adjacent residential uses.
 - b. Pedestrian and bicycle connections to adjacent single dwelling residential uses shall be provided to facilitate non-motorized transportation between residential and nonresidential uses.
 - c. Nonresidential buildings exceeding 35 feet in height shall be broken up into modules or wings with the smaller or shorter portions of the building located adjacent to uses and the taller or larger portions away from single dwelling zoning.

4. Facade configuration

Service functions (e.g., refuse collection, incidental storage, etc.) shall be integrated into the architecture of the building unless an alternative location places these functions farther from adjacent single-dwelling zoning.

5. Operation

- a. Nonresidential uses with outdoor components (e.g., outdoor dining, performance areas) shall not be located within 200 feet of a residential zoning district, as measured from the component to the residentially-zoned lot line.
- b. Loading or unloading facilities shall not be located within 200 feet of any residential zoning district.

(Ord. No. O-2021-75, §2, 11-3-2021)

Section 18-74: District-specific standards

In the office and institutional district, the following standards shall apply:

- A. Exterior building materials for new construction shall be limited to the following materials, which may be used in any combination:
 1. Wood;
 2. Stucco, including synthetic stucco material;
 3. Brick;
 4. Shingles;
 5. Vinyl or fiber cement board designed to resemble wooden lap siding or shingles;
 6. Glass and glass framing materials;
 7. Architectural concrete and concrete products;
 8. Metal, not to exceed 49% of the area of the front facade;
 9. Natural or manufactured stone products; and
 10. Ceramic products.
- B. Roofing materials for new construction shall be limited to the following:
 1. Tile;
 2. Shingles;
 3. Metal; or
 4. A combination of the above-listed materials.

Sections 18-75 - 18-85: Reserved.

ARTICLE 2. DIVISION 6.

INDUSTRIAL DISTRICTS

Section 18-86: Purpose statements

A. LI, Light industry

This district is intended to accommodate light manufacturing, distribution, research, and appropriate support service. These types of light industrial operations range in size and intensity, with lower intensity operations compatible with other nonresidential uses.

B. IND, General industry

This district is intended to accommodate larger or more intensive manufacturing and distribution facilities and related support services. General industry sites typically have ready access to necessary utilities and transportation infrastructure. Characteristics of the uses in this district may include outdoor storage areas, truck traffic, production of goods from raw materials, multiple worker shifts, and low worker-to-land ratios.

Section 18-87: Industrial use table

The uses prescribed in Table 18-87 are permitted as principal uses in industrial districts if required applicable conditions and approvals are met. Uses not listed in this table are prohibited in these districts, pursuant to Section 18-19: Uses. For permitted accessory and temporary uses, refer to article 3 of this chapter.

Table 18-87: Use table for industrial districts			
Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited			
Principal use	Additional standards	LI	IND
Civic and Institutional			
Assembly	Section 18-126		
Religious		C	
Correctional facility	Section 18-137		C
Daycare, adult or child	Section 18-138	C	
Government facilities excluding of rights-of-way	Section 18-148	P	P
School	Section 18-167		
Trade, business, technical, and vocational		P	P
Commercial			
Animal hospital, veterinary clinic			
No outdoor pens or runs		P	
With outdoor pens or runs	Section 18-124	C	
Artisan food and beverage production	Section 18-125	C	
Auction house		P	
Commercial parking	Section 18-132	C	C

Table 18-87: Use table for industrial districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	LI	IND
Commercial			
Commercial recreation, indoor			
Drop-in childcare		P	
Electronic gaming establishment		P	
General, large: building footprint greater than 2,001 sq. ft.		P	
General, small: building footprint up to 2,000 sq. ft.		P	
Commercial recreation, outdoor			
General, large: building footprint greater than 5,001 sq. ft.		P	
General, small: building footprint up to 5,000 sq. ft.		P	
Crematory		P	P
Equipment repair	Section 18-143	C	P
Exterminating services		P	P
Food catering services		P	
General business services		P	P
General retail			
Small: building footprint up to 5,000 sq. ft.		P	

Table 18-87: Use table for industrial districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	LI	IND
Commercial			
Heavy equipment sales, rentals, services		P	P
Home maintenance services		P	
Kennel, commercial		P	
Laboratory		P	P
Marina		P	P
Nightclub	Section 18-161	C	
Offices		P	P
Restaurant	Section 18-166	C	
Sexually-oriented business	Section 18-169	C	C
Truck stop	Section 18-172	C	C
Urban farm	Section 18-174	C	
Vehicle renting	Section 18-175	C	
Vehicle repair and service	Section 18-176		
Minor		P	
Vehicle sales/leasing	Section 18-177	C	

Table 18-87: Use table for industrial districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	LI	IND
Commercial			
Vehicle towing	Section 18-178	C	C
Vehicle wash	Section 18-179	C	
Water transportation		P	P
Industrial			
Airport	Section 18-122	C	C
Boat building and repair		P	P
Brewery or distillery			
Micro		P	P
Small/regional		P	P
Manufacturing		P	P
Building materials or product sales		P	P
Bus and taxi service		P	P
Contractor storage yard	Section 18-136	C	P
Distribution facilities		P	P
Dry cleaning		P	P
Express and parcel delivery services		P	P
Freight and intermodal terminals		P	P
Fuel storage facility			P

Table 18-87: Use table for industrial districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	LI	IND
Industrial			
Heavy manufacturing, general			P
Heliports/helipads	Section 18-151	C	C
Laundry services, industrial		P	P
Light manufacturing, general		P	P
Manufactured homes sales		P	P
Metal coating, engraving, and allied services		P	P
Mills, sawing or planing		P	P
Motion picture production and distribution		P	P
Moving companies		P	P
Nursing and greenhouses			
Including retail sales		P	
Not including retail sales		P	P
Outdoor storage	Section 18-163	C	P
Petroleum and natural gas related industries			P

Table 18-87: Use table for industrial districts

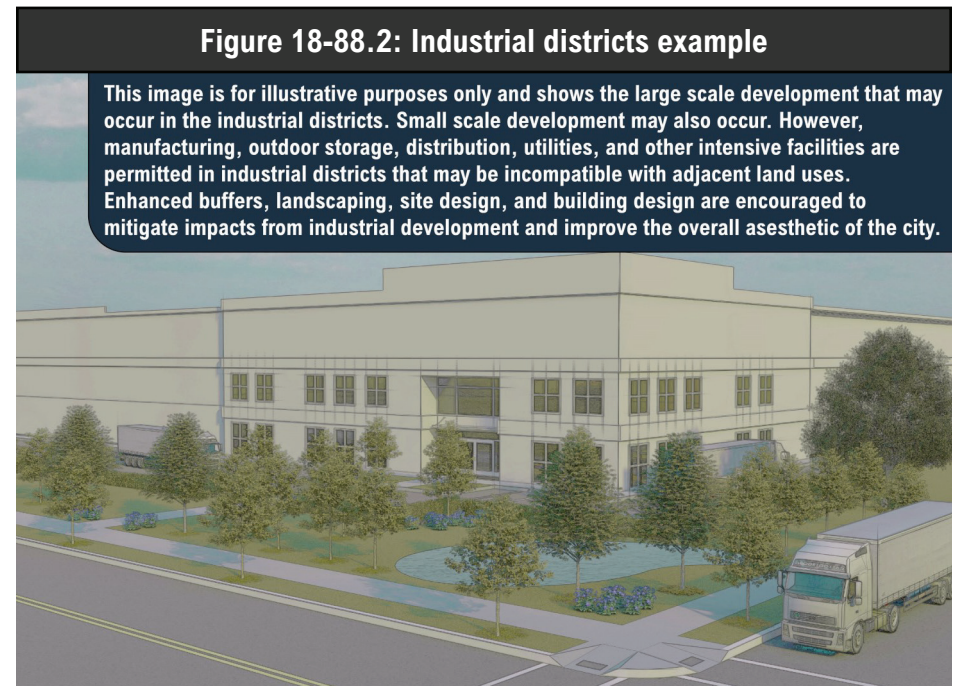
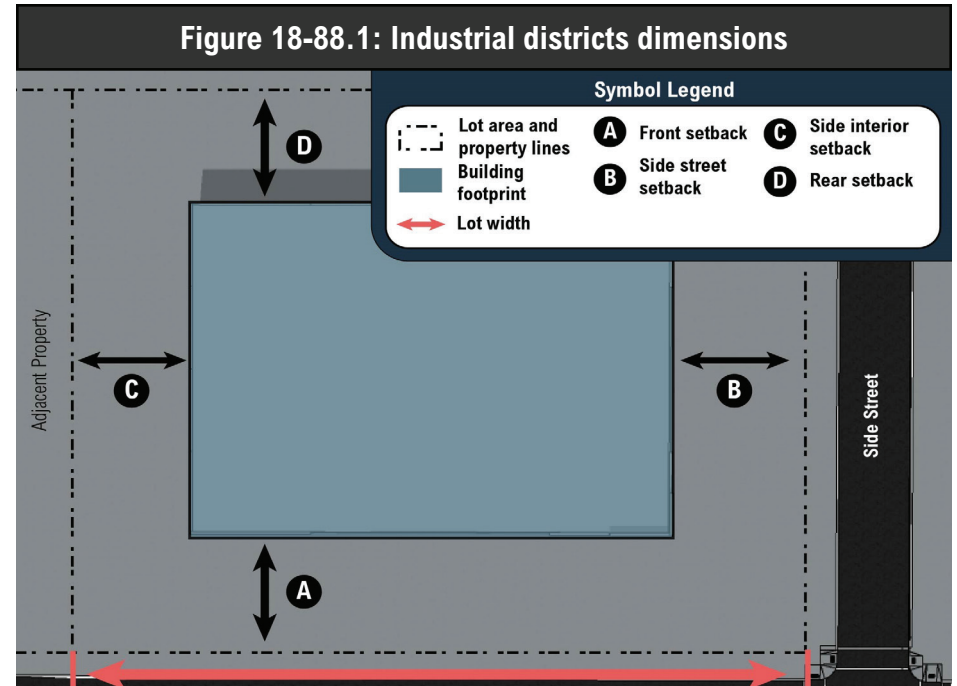
Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	LI	IND
Industrial			
Railroad facilities			
Freight		P	P
Passenger		P	P
Self-storage facility			
Indoor		C	C
Outdoor		C	C
Shipping container storage and sales		P	P
Solar farm	Section 18-170	C	C
Utility and public facility			
Major		P	P
Minor		P	P
Warehouse and distribution center		P	P
Welding repair		P	P
Wholesale business		P	P
Wind energy conversion system	Section 18-182	S	S
Wireless telecommunication facility	Section 18-183	C	C

Section 18-88: Dimensional standards

Development and new lots in the industrial districts shall conform to the standards prescribed in Table 18-58: Industrial districts dimensional standards. Relevant district-specific standards shall also apply (see figures 18-88.1 Industrial districts dimensions and 18-88.2 Industrial districts example).

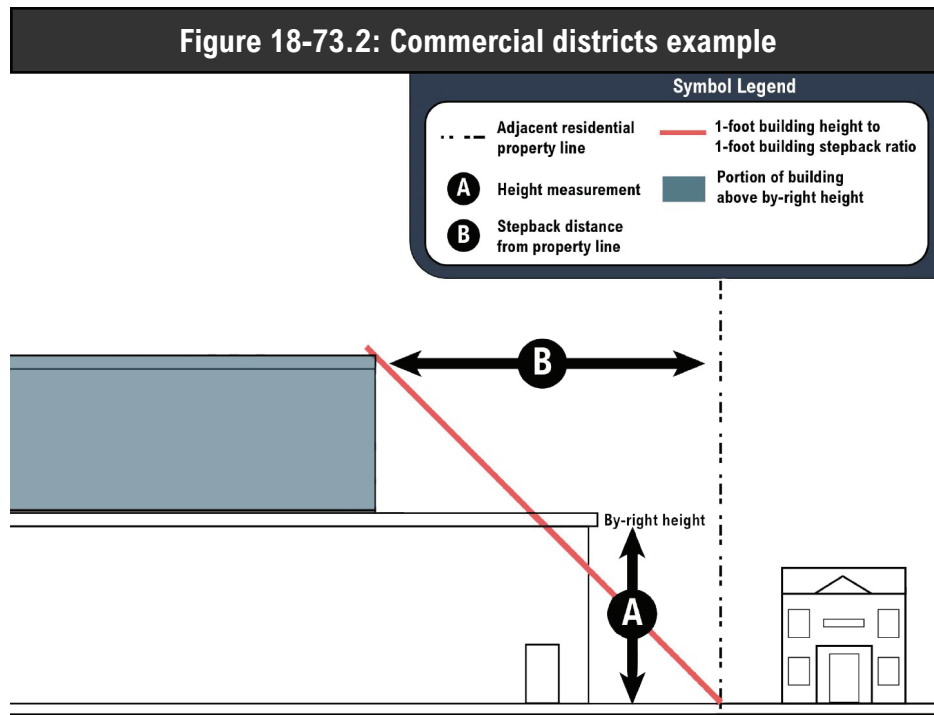
Table 18-58: Industrial districts dimensional standards		
	LI	IND
Lot requirements		
Minimum lot area	20,000 sq. ft.	1 acre
Minimum lot width (feet)	80	100
Minimum setbacks (feet)		
Front	35	35
Side street	35	35
Side interior	10	10
Side interior, residential adjacent	35	50
Rear	20	20
Rear, residential adjacent	35	50
Building size		
By-right height (feet)	45	45
Optional maximum height increase (feet)	96	96



A. Optional building height increase

In the LI and IND districts, building height may be increased above the by-right height. New buildings or developments that increase the by-right height shall provide a development transition using graduated building height and mass in the form of building step-backs.

1. That portion of the building above the by-right height, shall be stepped back from front and side lot lines at a ratio of one foot for every foot of building height. For example, for a 60-foot-tall building, the portion of the building from 45.1 feet to 60 feet in height shall have a 60-foot step back from lot lines (see Figure 18-88.3 Building step backs).
2. When adjacent to single-dwelling residential zoning, step backs shall also be applied to any shared lot lines.



B. Residential compatibility standards

When LI and IND uses are proposed on lots adjacent residential zoning, the following standards shall apply:

1. Use limitations
 - a. The following uses or features shall be prohibited within 200 feet of single-dwelling residential zoning:
 - i. Outdoor amplified sound, including public address/loudspeaker systems;
 - ii. Outdoor storage; and
 - iii. Uses for which delivery of inventory or merchandise is provided via tractor trailers.
 - b. Off-street parking shall not be located within 50 feet of a lot line shared with residential zoning.
2. Relationship to surrounding uses
 - a. Multi-building developments shall be configured to place the tallest and largest buildings within the core of the site and provide a gradual decrease in building height and mass towards adjacent residential uses.
 - b. Horizontally-integrated mixed-use developments shall locate nonresidential uses away from lots zoned for single-dwelling.
 - c. Pedestrian and bicycle connections to adjacent residential uses shall be provided in order to facilitate non-motorized transportation between residential and nonresidential uses.
 - d. Nonresidential buildings exceeding 35 feet in height shall be broken up into modules or wings with the smaller or shorter portions of the building located adjacent to single-dwelling uses and the taller or larger portions away from single dwelling zoning.

3. Facade configuration

Service functions (e.g., refuse collection, incidental storage, etc.) shall be integrated into the architecture of the building unless an alternative location places these functions farther from adjacent residential zoning.

(Ord. No. O-2021-75, §3, 11-3-2021)

Secs. 18-89-18-99: Reserved.

ARTICLE 2. DIVISION 7.

SPECIAL, OVERLAY, AND LEGACY DISTRICTS

Section 18-100: CEM, Cemetery district

A. Purpose

This district is intended to regulate the location of cemetery activities within the city and to ensure the compatibility of the cemetery with the surrounding land uses, thereby protecting the health, safety, and general welfare of the city residents.

B. Uses

The following uses are permitted as principal uses in the cemetery district if the required applicable conditions and approvals can be met. Uses not listed in this table are prohibited in this district, pursuant to Section 18-19: Uses. For permitted accessory and temporary uses, refer to article 3 of this chapter.

C. Dimensional standards

Development and new lots in the cemetery district shall conform to the dimensional standards in Table 18-100.2: Cemetery district dimensional standards.

Table 18-100.1: Use table for cemetery districts

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited	
	CEM
Principal use	
Cemetery	P
Crematory	P
Funeral home and mortuary	P

Table 18-100.2: Cemetery districts dimensional standards

	CEM
Lot requirements	
Minimum lot area (acres)	2 acres
Minimum lot width (feet)	100
Minimum setbacks (feet)	
Front	30
Side street	30
Side interior	10
Rear	25
Building size	
Maximum height (feet)	35

Section 18-101: HDO, Historic district overlay

A. Purpose

The purpose of the historic district overlay is to protect and preserve areas which, because of their architectural significance, historic importance, and overall aesthetic qualities, are important elements of the community’s character and enhance the overall heritage of the city, county, and state. A historic district overlay may be established to safeguard the qualities of an area and individual property to promote important elements of the community’s social, economic, cultural, and architectural traditions; promote the conservation of the city’s neighborhood resources for the continued use, education, pleasure, and enrichment of the residents of the city, county, and state; and stabilize property values within the area as a whole, and thereby contribute to the improvement of the general welfare of the city of Wilmington. In a historic district overlay, the underlying zoning district regulates use while an added level of design review is exercised to safeguard the historic, architectural, and cultural importance of the properties and buildings located in the overlay.

B. Provisions

A historic district overlay overlaps other zoning districts established by this chapter. The extent and boundaries of an overlay shall be indicated on the official zoning map for the city of Wilmington. While a historic district overlay may overlap any zoning district, the existing land use provisions of the underlying district shall prevail in the development of any property within such district. Before any construction, alteration, demolition, relocation, or any exterior change commences on a property in the historic district overlay, a certificate of appropriateness shall be issued by the historic preservation commission.

C. Design exceptions

Only alterations, restoration, reconstruction, new construction, relocation, or demolition visible from public rights-of-way, except that which is visible only from a public alley, shall be required to obtain a certificate of appropriateness. Any principal building used as a residence shall not require a certificate of appropriateness for paint color.

Section 18-102: Legacy districts

Upon the effective date of this ordinance, the following districts shall become legacy districts. Any property zoned as legacy district, zoned as such prior to the adoption of this ordinance, shall conform to the standards of the land development code in effect as of November 30, 2021. Any property zoned as a legacy district shall be shown on the official zoning map with an (L) following the zoning district name (e.g., R-20(L), MF-H(L)). New legacy districts shall not be added to the zoning map.

Table 18-102: Legacy districts	
Legacy district	Comparable alternative district
MX, Mixed-use district	Commercial district with mixed-use option
UMX, Urban mixed-use district	Commercial district with mixed-use option
MF-MH, Multiple family residential, medium-high density	MF-17
MF-H, Multiple family residential, high density	MF-17
R-20 Residential district	R-15

Section 18-103 - 18-113: Reserved.