

Preliminary Drafting Note

This section of the Unified Development Ordinance includes the basic framework for how zone districts will be applied and interpreted; the line-up of zone districts; and each district's purpose, dimensional standards, and district-specific requirements.

In this draft, we have focused on clarifying existing standards and developing the basic concepts for new zone districts. These include two higher density residential districts, one of which mirrors the City of Wilmington's R-5 district and the other which is intended to provide an alternative to the high density development permit for multifamily projects. A new commercial district is proposed—the Community Business (CB) zone, which can be an alternative to the current B-2 district.

While we are proposing limited changes for most current zoning districts, some districts have been removed—most notably the Exceptional Design Zoning District (EDZD). However, the incentives for exceptional design included in that district are intended to be incorporated into our general development standards, so they can be encouraged throughout the county's planning jurisdiction. Other zoning districts, such as the Conservation Overlay District (COD), should also be reflected in the updated development standards that will be discussed in Phase 2 of this project.

The standards proposed in this draft may be revised based on public comment and discussions that result from other phases of this project. We also anticipate that we may need to make revisions to maximize opportunities for coordination between the New Hanover County UDO and the City of Wilmington's updated LDC.

NEW HANOVER COUNTY UDO DRAFT ART. II ZONE DISTRICTS

PRELIMINARY PUBLIC REVIEW DRAFT | APRIL 2018

Table of Contents

Article 1: General Provisions	4
Section 1.1 Purpose	4
Section 1.2 Citation and Title.....	4
Section 1.3 Statutory Authority	4
Section 1.4 Applicability and Jurisdiction	4
Section 1.5 Relationship to County Plans	4
Section 1.6 Severability	4
Section 1.7 Relationship to Other Regulations, Conflicting Provisions	4
Section 1.8 Relationship to Third Party Private Agreements	4
Section 1.9 Transitional Regulations	4
Article 2: Zone Districts	5
Section 2.1 Zoning Map and Interpretation	5
Section 2.2 Zone Districts	6
Section 2.3 Residential Districts	7
Section 2.4 Mixed-Use Districts.....	26
Section 2.5 Commercial and Industrial Districts.....	29
Section 2.6 Special Districts and Overlay Districts.....	47
Section 2.7 Planned District.....	50
Article 3: Use and Structure Regulations	64
Section 3.1 Permitted Use Table	64
Section 3.2 Use Standards	64
Section 3.3 Special Use Standards.....	64
Section 3.4 Accessory Use Standards	64
Section 3.5 Temporary Use Standards	64
Section 3.6 Special Event Standards.....	64
Section 3.7 Nonconformities	64
Article 4: Development Standards	65
Section 4.1 General Provisions	65
Section 4.2 Parking and Loading.....	65
Section 4.3 Connectivity and Mobility.....	65
Section 4.4 Traffic and Access	65
Section 4.5 Landscaping, Screening, and Buffering.....	65

Section 4.6	Building and Streetscape	65
Section 4.7	Outdoor Lighting	65
Section 4.8	Sensitive Lands and Resource Protection	65
Section 4.9	Signs	65
Article 5:	Subdivision Design and Improvement	66
Section 5.1	General Provisions	66
Section 5.2	Layout and Design	66
Section 5.3	Streets	66
Section 5.4	Stormwater	66
Section 5.5	Water and Wastewater	66
Section 5.6	Utilities	66
Section 5.7	Parks and Open Space	66
Section 5.8	Easements and Dedications	66
Section 5.9	Construction and Acceptance of Improvements	66
Section 5.10	Improvement Guarantees	66
Article 6:	Administrative Procedures	67
Section 6.1	General Provisions	67
Section 6.2	Common Procedures	67
Section 6.3	Specific Procedures	67
Section 6.4	Plans and Permits	67
Article 7:	Recommending and Decision-Making Bodies	68
Article 8:	Violations and Enforcement	69
Article 9:	Measurements and Definitions	70
Section 9.1	Measurements	70
Section 9.2	Rules of Construction	70
Section 9.3	Definitions and Terms	70

Preliminary Draft Editing Note

The purpose of this draft is to allow for public review and discussion of the substantive contents of the proposed updates to the New Hanover County unified development ordinance. This draft will have incomplete cross-references and may have inadvertent numbering errors and typos. While the reading experience may be less pleasant for those of us who like our details addressed, we anticipate editing and moving sections of this document before it is finalized. Formatting, numbering, spelling, and grammatical issues will be subject to a thorough proof reading and will be cleaned-up in later drafts.

Thanks for your patience.

ARTICLE 1: GENERAL PROVISIONS

To be drafted

Section 1.1	Purpose
Section 1.2	Citation and Title
Section 1.3	Statutory Authority
Section 1.4	Applicability and Jurisdiction
Section 1.5	Relationship to County Plans
Section 1.6	Severability
Section 1.7	Relationship to Other Regulations, Conflicting Provisions
Section 1.8	Relationship to Third Party Private Agreements
Section 1.9	Transitional Regulations

ARTICLE 2: ZONE DISTRICTS

Section 2.1 Zoning Map and Interpretation

2.1.1 Official Zoning Map

The planning jurisdiction of New Hanover County is divided into zones, or districts, as described in this UDO and shown on the official zoning map. The zoning map is adopted by reference into this UDO. The most current official zoning map shall be maintained by the Planning and Land Use Department in digital or printed records and is available for view on the New Hanover County website. The official zoning map shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the county.

2.1.2 Maintenance and Replacement of Official Zoning Map

The official zoning map shall be maintained and periodically updated by the Planning and Land Use Department when district changes are approved in accordance with procedures set forth in Article 6. Updates will be produced in conjunction with amendments to the zoning districts or to correct documented errors or omissions and the date of the most recent update shall be identified on the public version of the official zoning map. All available records pertaining to its adoption or amendment shall be preserved according to the County's standard archiving procedures.

2.1.3 Rules for Interpretation of District Boundaries

A General Rules

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the rights-of-way or center lines of streets or highways, shall be construed to follow such center lines;

2. Boundaries indicated as approximately following the platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following the County boundary shall be construed as following such County boundary.
4. Boundaries indicated as approximately following town limits shall be construed as following such town limits;
5. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
6. Where district boundaries run to, but do not extend into water areas, and no separate Zoning District is shown over such waters and their minor land areas, they shall be considered to run into such water areas in a straight line, continuing the prevailing direction of the boundary as it approaches water, until they intersect other District boundaries or the jurisdictional limits. Boundaries which run through water courses, lakes, and other water areas, shall be assumed to be located midway in such water areas, unless otherwise indicated;
7. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in other circumstances not covered by subsections one through seven above, the Board of Adjustment shall interpret the district boundaries consistent with the intent of the district or standards in question and adopted plans or policies of the County.

B Rights-of-Way and Water Bodies

All areas within the jurisdiction of the County which are under water and are not shown as included within any district shall be subject to all of the regulations of the District which immediately adjoins the water area. If the

water area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water in a straight line until they meet the boundaries of another district or the jurisdictional limit

Section 2.2 Zone Districts

For the purposes of this UDO, portions of the unincorporated area of New Hanover County are hereby divided into the following zone districts:

Table 2-1: Zone Districts	
District	Abbreviation
Residential	
Rural Agricultural	RA
Airport Residential	AR
Residential 20S	R-20S
Residential 20	R-20
Residential 15	R-15
Residential 10	R-10
Residential Medium Density	R-7
Residential Medium-High Density	R-5
Residential Multifamily	RMF
Main Street Mixed-Use	MSMU
Town Center Mixed-Use	TCMU
Riverfront Mixed-Use	RFMU

New Hanover County Mixed-Use	NHCMU
Neighborhood Business	B-1
Community Business	B-2
Highway Business	B-3
Office & Institutional	O&I
Airport Commercial	AC
Light Industrial	I-1
Heavy Industrial	I-2
Planned Development	PD

2.2.1 Conformance to Standards

New development and changes to existing development shall conform to the applicable requirements of this UDO.

2.2.2 Minimum Regulations

The regulations set by this UDO within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

Section 2.3 Residential Districts

2.3.1 Intent

The residential zoning districts are intended to:

1. Provide appropriately located areas for residential development that are consistent with the adopted New Hanover County comprehensive plan and with the public health, safety, and general welfare;
2. Ensure adequate light, air, and privacy for all dwelling units;
3. Protect the scale and character of existing residential neighborhoods and the community;
4. Establish standards and dimensions for the creation of smaller lot, more dense neighborhoods adjacent to the City of Wilmington and in other areas of the unincorporated county as appropriate;
5. Provide appropriate size and locational requirements for uses that would generate traffic or create congestion on neighborhood streets other than the normal traffic that serves the residents of the district; and
6. Discourage any use that, because of its character or size, would create additional requirements and costs for public services that are in excess of such requirements and costs if the district were developed solely for the intended type of residential uses.



2.3.2 Rural Agricultural (RA)

A Intent

The intent of the Rural Agricultural district is to: (1) allow very low density single family residential development that is compatible in scale and character to rural and agricultural settings, (2) encourage rural farming activities and the preservation of open space, and (3) preserve the rural areas and development patterns of New Hanover County through the continued review of the impact of proposed development. The district is designed to promote exurban, low density residential development not requiring public infrastructure or services while maintaining prime farm land and a rural life style.

B Dimensions

Development in the RA district shall conform to the following standards unless modified by a performance subdivision approval pursuant to Section xx.xx.:

Table 2.3-1: Rural Agricultural (RA) Dimensional Standards

Dimensional and Density Requirements ¹	
Conventional Lot	
Setbacks (min., ft)	SF Detached
Front	40
Side street	
Side interior	20
Rear	30
Lot Requirements	
Density (max., du/acre)	
Lot area (min.)	30,000 sf
Lot width (min. ft)	115
Performance Lot [1]	
Setbacks (min. ft)	SF Detached
Perimeter [2]	20
Building Separation (min., ft)	
SF detached to SF detached	10
SF detached to SF attached	20
Lot Requirements	
Density (max., du/acre)	1
Structure Size (max.)	
Height (ft) [3]	35
Non-residential, non-farm footprint	
Notes	

[1] See Section xx.xx for performance density calculation standards.

[2] Perimeter setback shall be applied in-lieu of all other lot setbacks and for areas of a development where no setback is identified, such as open space areas.

[3] Max height in Special Flood Hazard Areas (VE zones) is the base flood elevation (BFE) plus the district maximum height plus two feet.

C Additional Standards

¹ This table reflects current standards and may be revised as discussions continue. Areas shaded in gray are places where new dimensional standards may be added.

Development in the RA district may also need to comply with requirements in the following sections:

Additional Standards			
Standard	Section	Standards	Section
Uses, Permitted		Traffic and Access	
Uses, Accessory		Traffic Impact	
Uses, Nonconforming		Landscaping,	
Uses, Temporary		Building Design	
Use Standards		Outdoor Lighting	
Parking and Loading		Resource Protection	
Bicycle Parking		Stormwater	
Connectivity		Signs	

2.3.3 Airport Residential

A Intent

The Airport Residential District is established for the purpose of limiting the development of land within the vicinity of the New Hanover County Airport to low density residential development. In promoting the general purpose of this Ordinance, the specific intent of this Section is: to minimize aircraft hazards by excessive density; to prohibit the development of places of assembly such as schools, hospitals, rest homes or other uses which tend to concentrate large numbers of people; and, to promote the health safety and general welfare of the inhabitants of New Hanover County by preventing the creation of hazards to the Airport, thereby protecting the lives and property of the users of the Airport and of occupants in the vicinity and preventing destruction or impairment of the utility of the Airport and the public investment therein.

B Dimensions

Development in the AR district shall conform to the following standards:

Table 2.3-2: Airport Residential (AR) Dimensional Standards²

Dimensional and Density Requirements	
Conventional Lot	
Setbacks (min., ft)	SF Detached
Front	25
Side street	
Side interior	20
Rear	30
Lot Requirements	
Density (max., du/acre)	
Lot area (min., sf)	43,560
Lot width (min., ft)	100
Structure Size (max.)	
Height (ft) [1]	35
Non-residential footprint	
Notes	
[1] Max height in Special Flood Hazard Areas (VE zones) is the base flood elevation (BFE) plus the district maximum height plus two feet.	

C District Specific Regulations

The following special requirements shall apply to each permitted or special use:

1. Lighting
 - a. A pulsating, flashing, rotating, oscillating, or other type of light intended as an attention-getting device shall be expressly prohibited.
 - b. Flood lights, spot lights, or other lighting device shall be so arranged or shielded as not to cast illumination in an upward direction above an imaginary line extended from the light source parallel to the ground.

² This table reflects current standards and may be revised as discussions continue. Areas shaded in gray are places where new dimensional standards may be added.

2. Radio and electronic

- a. Any radio or electronic device shall be permitted only in conjunction with a valid license or other authorization as may be issued by the Federal Communications Commission.
- b. Any radio or electronic device, the operation of which would violate any rules or regulations of the Federal Communications Commission is expressly prohibited.

3. Visual hazards

Any operation or use which emits smoke, dust, or creates glare or other visual hazards is expressly prohibited.

D Additional Standards

Development in the AR district may also need to comply with requirements in the following sections:

Additional Standards			
Standard	Section	Standards	Section
Uses, Permitted		Traffic and Access	
Uses, Accessory		Traffic Impact	
Uses, Nonconforming		Landscaping,	
Uses, Temporary		Building Design	
Use Standards		Outdoor Lighting	
Parking and Loading		Resource Protection	
Bicycle Parking		Stormwater	
Connectivity		Signs	

2.3.4 Residential 20S (R-20S)

A Intent

The R-20S Residential District is established as a district in which the principal use of land is for very low density single-family residential purposes. The regulations of this district are to permit development compatible with the preservation of its character and providing limited growth. It is designed to accommodate residential opportunities for those who desire an exurban, low-density lifestyle and are willing to assume the costs of providing many of their own services and amenities while maximizing the protection of resources and the conservation of open space

B Dimensions

Development in the R-20S district shall conform to the following standards:

Table 2.3-3: Residential 20S Dimensional Standards³

Dimensional and Density Requirements	
Conventional Lot	
Setbacks (min., ft)	SF Detached
Front	30
Side street	
Side interior	15
Rear	25
Lot Requirements	
Density (max., du/acre)	
Lot area (min., sf)	20,000
Lot width (min., ft)	90
Performance Lot	
	n/a
Structure Size (max.)	
Height (ft) [3]	35
Non-residential footprint	
Notes	
[1] See Section xx.xx for performance density calculation standards.	
[2] Perimeter setback shall be applied in-lieu of all other lot setbacks and for areas of a development where no setback is identified, such as open space areas.	
[3] Max height in Special Flood Hazard Areas (VE zones) is the base flood elevation (BFE) plus the district maximum height plus two feet.	

C Additional Standards

Development in the R-20S district may also need to comply with requirements in the following sections:

Additional Standards			
Standard	Section	Standards	Section
Uses, Permitted		Traffic and Access	
Uses, Accessory		Traffic Impact	

³ This table reflects current standards and may be revised as discussions continues. Areas shaded in gray are places where new dimensional standards may be added.

Additional Standards			
Standard	Section	Standards	Section
Uses, Nonconforming		Landscaping,	
Uses, Temporary		Building Design	
Use Standards		Outdoor Lighting	
Parking and Loading		Resource Protection	
Bicycle Parking		Stormwater	
Connectivity		Signs	

2.3.5 Residential 20 (R-20)

A Intent

The R-20 Residential District is established as a district in which the principal use of land is for very low density residential and recreational purposes. The regulations of this district are intended to discourage any use which, because of its character, would substantially interfere with the development of residences and which would be detrimental to the quiet residential nature of the areas included within this district.

B Dimensions

Development in the R-20 district shall conform to the following standards:

Table 2.3-4: Residential 20 Dimensional Standards⁴

Dimensional and Density Requirements		
Conventional Lot		
Setbacks (min., ft)	SF Detached	SF Duplex
Front	30	30
Side street		
Side interior	15	15 [1]
Rear	25	25
Lot Requirements		
Density (max., du/acre)		
Lot area (min., sf)	20,000	35,000 per structure
Lot width (min., ft)	90	90
Performance Lot [2]		
Setbacks (min. ft)	SF Detached	SF Duplex
Front		
Side street		
Perimeter [3]	20	20
Building Separation (min., ft)		
SF detached to SF detached	10	10
SF detached to SF attached	20	20
Lot Requirements		
Density (max., du/acre)	1.9	1.9
Structure Size (max.)		
Height (ft) [4]		35
Non-residential footprint		
Notes		

[1] Applicable to the exterior of the structure, not between individually attached units.

[2] See Section xx.xx for performance density calculation standards.

[3] Perimeter setback shall be applied in-lieu of all other lot setbacks and for areas of a development where no setback is identified, such as open space areas.

[4] Max height in Special Flood Hazard Areas (VE zones) is the base flood elevation (BFE) plus the district maximum height plus two feet.

⁴ This table reflects current standards and may be revised as discussions continue. Areas shaded in gray are places where new dimensional standards may be added.

C Additional Standards

Development in the R-20 district may also need to comply with requirements in the following sections:

Additional Standards			
Standard	Section	Standards	Section
Uses, Permitted		Traffic and Access	
Uses, Accessory		Traffic Impact	
Uses, Nonconforming		Landscaping,	
Uses, Temporary		Building Design	
Use Standards		Outdoor Lighting	
Parking and Loading		Resource Protection	
Bicycle Parking		Stormwater	
Connectivity		Signs	

2.3.6 Residential 15 (R-15)

A Intent

The intent of the R-15 Residential District is the development of very low-to low-density residential lots at a base density of approximately three units per acre. R-15 zoning is appropriate for existing neighborhoods developed at this scale and can serve as a transition between very low density rural development patterns and smaller lot, more dense residential areas of New Hanover County.

B Dimensions

Development in the R-15 district shall conform to the following standards:

Table 2.3-5: Residential 15 Dimensional Standards⁵

Dimensional and Density Requirements		
Conventional Lot		
Setbacks (min., ft)	SF Detached	SF Duplex
Front	25	25
Side street		
Side interior	10	10 [1]
Rear	20	20
Lot Requirements		
Density (max., du/acre)		
Lot area (min., sf)	15,000	25,000 per structure
Lot width (min., ft)	80	80
Performance Lot [2]		
Setbacks (min. ft)	SF Detached	SF Duplex
Front		
Side street		
Perimeter [3]	20	20
Building Separation (min., ft)		
Single family detached to single family detached	10	10
SF detached to SF attached	20	20
Multifamily to all other dwellings	20	20
Lot Requirements		
Density (max., du/acre)	2.5	2.5
Structure Size (max.)		
Height (ft) [4]		35
Non-residential footprint		
Notes		

[1] Applicable to the exterior of the structure, not between individually attached units.

[2] See Section xx.xx for performance density calculation standards.

[3] Perimeter setback shall be applied in-lieu of all other lot setbacks and for areas of a development where no setback is identified, such as open space areas.

[4] Max height in Special Flood Hazard Areas (VE zones) is the base flood elevation (BFE) plus the district maximum height plus two feet.

⁵ This table reflects current standards and may be revised as discussions continue. Areas shaded in gray are places where new dimensional standards may be added.

A Additional Standards

Development in the R-15 district may also need to comply with requirements in the following sections:

Additional Standards			
Standard	Section	Standards	Section
Uses, Permitted		Traffic and Access	
Uses, Accessory		Traffic Impact	
Uses, Nonconforming		Landscaping,	
Uses, Temporary		Building Design	
Use Standards		Outdoor Lighting	
Parking and Loading		Resource Protection	
Bicycle Parking		Stormwater	
Connectivity		Signs	

2.3.7 Residential 10 (R-10)

A Intent

The intent of the R-10 Residential District is permit the development of new residential neighborhoods and encourage the conservation of existing residential lots and neighborhoods. R-10 neighborhoods are relatively low density in character and include a limited mix of single family and duplex housing types in general residential areas across New Hanover County. If public water is not available, then the water system infrastructure must be installed in accordance with County standards and connected when a public supply becomes available. Consideration should be given to locating new or expanded R-10 development in proximity to neighborhood or community commercial districts to encourage the establishment of walkable development patterns.

B Dimensions

Development in the R-10 district shall conform to the following standards:

Table 2.3-6: Residential 10 Dimensional Standards⁶

Dimensional and Density Requirements		
Conventional Lot		
Setbacks (min., ft)	SF Detached	SF Duplex
Front	25	25
Side street		
Side interior	5	5 [1]
Rear	20	20
Lot Requirements		
Density (max., du/acre)		
Lot area (min., sf)	10,000	15,000 per structure
Lot width (min., ft)	70	70
Performance Lot [2]		
Setbacks (min. ft)	SF Detached	SF Duplex
Front		
Side street		
Perimeter [3]	20	20
Building Separation (min., ft)		
Single family detached to single family detached	10	10
SF detached to SF attached	20	20
Lot Requirements		
Density (max., du/acre)	3.3	3.3
Structure Size (max.)		
Height (ft) [4]		35
Non-residential footprint		
Notes		

[1] Applicable to the exterior of the structure, not between individually attached units.

[2] See Section xx.xx for performance density calculation standards.

[3] Perimeter setback shall be applied in-lieu of all other lot setbacks and for areas of a development where no setback is identified, such as open space areas.

⁶ This table reflects current standards and may be revised as discussions continue. Areas shaded in gray are places where new dimensional standards may be added.

[4] Max height in Special Flood Hazard Areas (VE zones) is the base flood elevation (BFE) plus the district maximum height plus two feet.

B Additional Standards

Development in the R-10 district may also need to comply with requirements in the following sections:

Additional Standards			
Standard	Section	Standards	Section
Uses, Permitted		Traffic and Access	
Uses, Accessory		Traffic Impact	
Uses, Nonconforming		Landscaping,	
Uses, Temporary		Building Design	
Use Standards		Outdoor Lighting	
Parking and Loading		Resource Protection	
Bicycle Parking		Stormwater	
Connectivity		Signs	

2.3.8 Residential Medium Density (R-7)

A Intent

The intent of this district is to encourage moderate density development in a range of housing types throughout New Hanover County. R-7 development is intended to facilitate the creation of relatively compact neighborhoods that can incorporate a greater range of lifestyles and income levels, including high quality affordable housing, located in walkable distances from jobs, shopping, and entertainment venues. Residential development at this scale can provide for the efficient delivery of public services and to increase residents' accessibility to employment, transportation, and shopping. R-7 districts should be located to serve as a buffer and transition areas between more intensively developed areas and lower density residential areas.

B Dimensions

1. Development in the R-7 district shall conform to the following standards:

Table 2.3-7: Residential Medium Density Dimensional Standards⁷

Dimensional and Density Requirements	
Conventional Lot	
Setbacks (min., ft)	
Front	25
Side street	
Side interior	8 [1]
Rear	20
SF attached to SF detached separation	35 [2]
Lot Requirements	
Density (max., du/acre)	
Lot area (min., sf)	7,000
Lot width (min., ft)	50
Performance Lot [3]	
Setbacks (min. ft)	
Front	
Side street	
Perimeter [4]	25
Building Separation (min., ft)	
SF detached to SF detached	10
SF detached to SF attached	20
Lot Requirements	
Density (max., du/acre)	6
Structure Size (max.)	
Height (ft) [5]	35
Non-residential footprint	
Notes	

[1] Applicable to the exterior of the structure, not between individually attached units.

[2] Not including mobile home parks, high density, planned development, or other R-7 development.

[3] See Section xx.xx for performance density calculation standards.

[4] Perimeter setback shall be applied in-lieu of all other lot setbacks and for areas of a development where no setback is identified, such as open space areas.

⁷ This table reflects current standards and may be revised as discussions continue. Areas shaded in gray are places where new dimensional standards may be added.

[5] Max height in Special Flood Hazard Areas (VE zones) is the base flood elevation (BFE) plus the district maximum height plus two feet.

C Additional Standards

Development in the R-7 district may also need to comply with requirements in the following sections:

Additional Standards			
Standard	Section	Standards	Section
Uses, Permitted		Traffic and Access	
Uses, Accessory		Traffic Impact	
Uses, Nonconforming		Landscaping,	
Uses, Temporary		Building Design	
Use Standards		Outdoor Lighting	
Parking and Loading		Resource Protection	
Bicycle Parking		Stormwater	
Connectivity		Signs	

2.3.9 Residential Medium-High Density (R-5)

A Intent

The intent of the Residential Medium-High Density district is to provide moderate-to-high density residential development on smaller lots with a compact and walkable development pattern. R-5 zoning permits a range of residential housing types and can be developed in conjunction with a non-residential district to create a mixed-use development pattern as well as serve as a transitional district between mixed-use or commercial development and medium intensity residential development, such as R-7 and R-10 districts. R-5 zoning is also appropriate adjacent to similarly zoned neighborhoods inside the Wilmington city boundary.

B Dimensions

Development in the R-5 district shall conform to the following standards:

Table 2.3-8: Residential Medium-High Density Dimensional Standards⁸

Dimensional and Density Requirements	
Conventional Lot	
Setbacks (min., ft)	
Front	
Side street	
Side interior	
Rear	
Lot Requirements	
Density (max., du/acre)	
Lot area (min., sf)	
Lot width (min., ft)	
Performance Lot [2]	
Setbacks (min. ft)	
Front	
Side street	
Perimeter [3]	
Building Separation (min., ft)	
SF detached to SF detached	
SF detached to SF attached	
Multifamily to all other dwellings	
Lot Requirements	
Density (max., du/acre)	
Structure Size (max.)	
Height (ft) [4]	
Non-residential footprint	
Notes	
[1] Applicable to the exterior of the structure, not between individually attached units.	
[2] See Section xx.xx for performance density calculation standards.	
[3] Perimeter setback shall be applied in-lieu of all other lot setbacks and for areas of a development where no setback is identified, such as open space areas.	
[4] Max height in Special Flood Hazard Areas (VE zones) is the base flood elevation (BFE) plus the district maximum height plus two feet.	

⁸ This is a new proposed zoning district intended to mirror the City of Wilmington's R-5 district. The dimensional standards for the R-5 will be coordinated with the City's update to their development code to ensure the regulations are consistent.

D Additional Standards

Development in the R-5 district may also need to comply with requirements in the following sections:

Additional Standards			
Standard	Section	Standards	Section
Uses, Permitted		Traffic and Access	
Uses, Accessory		Traffic Impact	
Uses, Nonconforming		Landscaping,	
Uses, Temporary		Building Design	
Use Standards		Outdoor Lighting	
Parking and Loading		Resource Protection	
Bicycle Parking		Stormwater	
Connectivity		Signs	

2.3.10 Residential Multifamily (RMF) ⁹

A Intent

The intent of the Residential Multifamily district is to encourage a mix of attached and multifamily residential housing types in a compact and walkable development pattern. RMF zoning can be used to create horizontal mixed-use developments when located adjacent to existing commercial districts. At mid-range densities and heights, it can also serve as a transition and buffer between higher intensity districts (mixed-use, commercial, and industrial districts) and lower intensity single family residential districts

B Dimensions

Development in the RMF district shall conform to the following standards:

Table 2.3-9: Residential Multifamily Dimensional Standards

Dimensional and Density Requirements	
Building Placement	
Setbacks (min. ft)	
Perimeter	
Building Separation (min., ft)	
SF detached to SF detached	
SF detached to SF attached	
Multifamily to all other dwellings	
Lot Requirements	
Density (max., du/acre)	
Structure Size (max.)	
Height (ft) [1]	
Non-residential footprint	
Notes	
[1] Max height in Special Flood Hazard Areas (VE zones) is the base flood elevation (BFE) plus the district maximum height plus two feet.	

C Additional Standards

Development in the RMF district may also need to comply with requirements in the following sections:

Additional Standards			
Standard	Section	Standards	Section
Uses, Permitted		Traffic and Access	
Uses, Accessory		Traffic Impact	
Uses, Nonconforming		Landscaping,	
Uses, Temporary		Building Design	
Use Standards		Outdoor Lighting	
Parking and Loading		Resource Protection	
Bicycle Parking		Stormwater	
Connectivity		Signs	

⁹ This new zoning district is intended to be an alternative to the current high density development permit.

D Residential Multifamily – Commercial Option (RMF-CO)¹⁰

Commercial development is a permitted with prescribed conditions within the RFM district. Commercial development shall be part of a mixed-use development established to provide innovative opportunities for an integration of diverse but compatible uses into a single development. The development shall be unified by distinguishable design features with amenities and walkways to increase pedestrian activity.

E Standards to be drafted

¹⁰ This option is intended to mirror the City of Wilmington’s commercial option in multi-family districts. The process and standards to allow limited commercial uses within multi-family developments will be coordinated with the City’s update to their development code to ensure the regulations are consistent.

Section 2.4 Mixed-Use Districts

2.4.1 Intent

Mixed-use zone districts are intended to:

1. Implement the mixed-use development patterns of the adopted New Hanover County comprehensive land use plan;
2. Promote higher-density residential development near and within traditional main street corridors and urban centers in New Hanover County;
3. Concentrate higher-intensity commercial and office employment growth efficiently in and around the centers of community activity to provide accessibility and maximize public infrastructure investment;
4. Encourage mixed-use redevelopment, conversion, and reuse of aging and underutilized areas, and increase the efficient use of land in the County;
5. Create pedestrian-oriented environments that encourage pedestrian access, bicycle use, and more sustainable land use patterns;
6. Encourage the creation of public and civic spaces for the use and enjoyment of County residents and visitors; and
7. Ensure that the appearance and function of residential and nonresidential uses are of high and unique aesthetic character and quality, and are integrated with one another and the character of the area in which they are located.



Preliminary Drafting Note

In order to encourage development patterns that provide more convenient options for residents to meet their daily needs, staff is working to create new mixed-use zone districts. These new districts will give us the tools we need to allow for a greater mix of uses in targeted areas of the county outside of city limits.

The districts below are concepts of the types of new districts we are likely to need. As we get public comment on these concepts, we will be continuing to work to build the standards and incentives for these districts so they will be used and can enhance existing communities.

Main Street Mixed Use (MSMU)

B Intent

The intent of the Main Street Mixed-Use zoning district is to retain and enhance a traditional main street development pattern and context where these commercial and mixed-use areas currently exist in New Hanover County while also ensuring that infill development and redevelopment do not adversely affect the physical character and context of such intact areas. The MSMU district is also designed to encourage the development of new mixed-use corridor development at a traditional main street scale in areas of the County where mixed-use, pedestrian-oriented development will encourage economic development and enhance the character of the area. MSMU development should be designed on placemaking principals that encourage welcoming public and civic spaces, parking designed in keeping with a preference for pedestrian circulation, and structures that contribute to the long-term health of and investment in the area.

C District content to be drafted

2.4.2 Town Center Mixed-Use (TCMU)

A Intent

Town Center Mixed-Use districts are intended for areas of the County identified for dense, nodal development. They support a mix of residential, commercial, employment, and recreation uses in order to create community destination areas. These districts should be located so as to support the provision of regional and community services near major intersections and/or accessible to multiple neighborhoods. To encourage greater activity and walkability, Town Center Mixed Use districts require a well-designed and inviting public realm that includes safe and inviting pedestrian amenities. Common TCMU development patterns include active uses such as retail, restaurants, and services at the street level, with residential or office spaces above.

B District content to be drafted

2.4.3 New Hanover County Mixed Use (NHCMU)

A Intent

The New Hanover County Mixed-Use District is intended to accommodate mixed-use development in areas of the County with environmentally sensitive lands, wetlands, and places where development design will need to reflect significant stormwater runoff and drainage issues.

NHCMU development will be walkable in a more suburban-to-rural setting and will incorporate roadway connectivity to the extent possible given site conditions. Development in this district can be designed at a smaller, neighborhood-oriented scale to serve as a commercial center for surrounding larger lot residential development. NHCMU can serve as transitional zoning between rural, lower density development and higher density residential or commercial development.

B District content to be drafted

Section 2.5 Commercial and Industrial Districts

A Intent

The commercial and industrial districts are intended to:

- Help implement the adopted New Hanover County comprehensive plan by accommodating a full range of office, retail, commercial, service, and mixed-uses needed by New Hanover County's residents, businesses, visitors, and workers;
- Maintain and enhance the County's economic base and provide shopping, entertainment and employment opportunities close to where people live and work;
- Preserve, protect, and promote employment-generating uses;
- Create suitable environments for various types of commercial and industrial uses and protect them from the adverse effects of incompatible uses;
- Allow flexibility to encourage redevelopment and positive improvements to existing businesses and residences;
- Minimize potential negative impacts of heavy impact nonresidential development on adjacent residential areas;
- Provide suitable locations for public and semipublic uses needed to compliment nonresidential development; and
- Encourage site planning, land use planning, and architectural design that create an interesting, pedestrian-friendly environment where appropriate.



2.5.2 Neighborhood Business (NB) (was B-1)

A Intent

The intent of the Neighborhood Business district is to encourage the convenient location of local shopping facilities primarily of necessity goods and personal services required to serve adjacent neighborhoods, preferably through a mix of walkable and vehicular access. NB structures should have a very limited size footprint that is proportionate with the adjacent neighborhoods.

B Dimensions

Development in the NB district shall conform to the following standards:

Table 2.5-1: Neighborhood Business (NB) Dimensional Standards¹¹

Structure/Use	All
Lot Requirements	
Lot area (min.)	Must meet setback and height standards
Lot width (min.)	
Building Placement	
Setbacks (min., ft)	
Front	50 /35 [1]
Side street	
Side interior, adj. to non-residential uses	
Side interior, adj. to residential uses	
Rear, adj. to non-residential uses	
Rear, adj. to residential uses	
Structure Size	
Height (max., ft))	35
Notes	
[1] Larger setback required along US and NC numbered highways and major thoroughfares as designated on the WMPO Functional Classification Map. ¹²	

C District Specific Standards

Residential development may be permitted in NB pursuant to Section 2.5.4, Business Mixed-Use.¹³

D Additional Standards

Development in the NB district may also need to comply with requirements in the following sections:

Additional Standards			
Standard	Section	Standards	Section
Uses, Permitted		Traffic and Access	
Uses, Accessory		Traffic Impact	
Uses, Nonconforming		Landscaping,	

¹¹ This table reflects current standards and may be revised as discussions continue. Areas shaded in gray are places where new dimensional standards may be added.

¹² We are assessing the relationship between land use and street functional classification in all of the districts where it is currently used. This standard may be revised in the next round of drafting to better address traffic concerns.

¹³ This provision is intended to mirror the City of Wilmington's option to allow some limited residential uses in commercial districts. The process and standards to allow this will be coordinated with the City's update to their development code to ensure the regulations are consistent.

Additional Standards			
Standard	Section	Standards	Section
Uses, Temporary		Building Design	
Use Standards		Outdoor Lighting	
Parking and Loading		Resource Protection	
Bicycle Parking		Stormwater	
Connectivity		Signs	

2.5.3 Community Business (CB) (new)

A Intent

The intent of the Community Business district is to provide for the development, growth, and continued operation of businesses that serve surrounding single and multifamily residential neighborhoods with goods and services needed for a variety of daily and longer-term purposes. Community business development should be designed in a format and scale that is both walkable and vehicle accessible. Community business should be located within New Hanover County at intersections and along streets that will allow multiple neighborhoods access to the district businesses. Community Business zoning can serve as a buffer between higher density/intensity development and multifamily neighborhoods.

B Dimensions

Development in the CB district shall conform to the following standards:

Table 2.5-2: Community Business Dimensional Standards

Structure/Use	All
Lot Requirements	
Lot area (min.)	
Lot width (min.)	
Building Placement	
Setbacks (min.)	
Front [1]	
Side street [1]	
Side interior, adj. to non-residential uses	
Side interior, adj. to residential uses	
Rear, adj. to non-residential uses	
Rear, adj. to residential uses	
Structure Size	
Height (max., ft.)	
Notes	
[1] Larger setback required along US and NC numbered highways and major thoroughfares as designated on the WMPO Functional Classification Map.	

C District Specific Standards

1. Primary access to a CB development should be taken from non-local streets to avoid creating traffic conflicts for local residents.¹⁵
2. Residential development may be permitted in CB pursuant to Section 2.5.4, Business Mixed-Use.¹⁶

D Additional Standards

¹⁴ We are assessing the relationship between land use and street functional classification in all of the districts where it is currently used. This standard may be revised in the next round of drafting to better address traffic concerns.

¹⁵ See note 14 above.

¹⁶ This option is intended to mirror the City of Wilmington's option to allow some limited residential uses in commercial districts. The process and standards to allow this will be coordinated with the City's update to their development code to ensure the regulations are consistent.

Development in the CB district may also need to comply with requirements in the following sections:

Additional Standards			
Standard	Section	Standards	Section
Uses, Permitted		Traffic and Access	
Uses, Accessory		Traffic Impact	
Uses, Nonconforming		Landscaping,	
Uses, Temporary		Building Design	
Use Standards		Outdoor Lighting	
Parking and Loading		Resource Protection	
Bicycle Parking		Stormwater	
Connectivity		Signs	

2.5.4 Business – Residential Option (B-RO)¹⁷

A Intent

Residential uses are permitted in an NB, HB, or CB district with prescribed conditions. The residential uses shall be part of a mixed-use development established to provide innovative opportunities for an integration of diverse but compatible uses into a single development that is unified by distinguishable design features with amenities and walkways to increase pedestrian activity.

B Standards to be drafted

¹⁷ This option is intended to mirror the City of Wilmington’s commercial option in multi-family districts. The process and standards to allow limited commercial uses within multi-family developments will be coordinated with the City’s update to their development code to ensure the regulations are consistent.

2.5.5 Highway Business (HB) (was B-2)

A Intent

The intent of the Highway Business district is to provide for the proper site layout and development of larger-format or larger structure size business uses, including big box stores and automobile dealers. HB businesses tend to be more auto-oriented than CB businesses and the intent of the Highway Business district is to accommodate the needs of both customers and businesses safely and in a manner that encourages big box and heavy auto volume businesses to meet the community's site layout and design expectations.

B Dimensions

Development in the HB district shall conform to the following standards:

Table 2.5-3: Highway Business Dimensional Standards¹⁸

Structure/Use	Non-Residential
Lot Requirements	
Lot area (min.)	Must meet setback and height standards
Lot width (min.)	
Building Placement	
Setbacks (min.)	feet
Front [1]	50/35
Side street [1]	50/35
Side interior, adj. to non-residential uses	0
Side interior, adj. to residential uses	30
Rear, adj. to non-residential uses	0
Rear, adj. to residential uses	35
Structure Size	
Height (max., ft) [2]	40
Notes	
[1] Larger setback required along US and NC numbered highways and major thoroughfares as designated on the WMPO Functional Classification Map.	

C Additional Standards

Development in the HB district may also need to comply with requirements in the following sections:

Additional Standards			
Standard	Section	Standards	Section
Uses, Permitted		Traffic and Access	
Uses, Accessory		Traffic Impact	
Uses, Nonconforming		Landscaping,	
Uses, Temporary		Building Design	

¹⁸ This table reflects current standards and may be revised as discussions continue. Setbacks adjacent to residential uses are based on current minimum setback requirements in Section 60.3.

¹⁹ We are assessing the relationship between land use and street functional classification in all of the districts where it is currently used. This standard may be revised in the next round of drafting to better address traffic concerns.

Use Standards	Outdoor Lighting
Add. Dimensional Standards ²⁰	Resource Protection
Parking and Loading	Stormwater
Bicycle Parking	Signs
Connectivity	

²⁰ Current regulations regarding options for increasing height over district maximum will be moved to the development standards sections. They are intended to encourage parking structures instead of large parking lots and may apply for additional districts.

2.5.6 Office and Institutional (O&I)

A Intent

The intent of the Office and Institutional District is to provide areas in New Hanover County where institutional uses, professional office uses, and other uses compatible to uses of an office or institutional nature can be encouraged to locate in an economic cluster. Uses in the O&I district can share accessory retail uses such as restaurants and tech retail and office and institutional structures can be designed to encourage a site layout that incorporates shared and well-located parking to the greatest extent possible. O&I zoning should be located in areas with more intense uses and higher density development patterns to support economic clusters in appropriate locations. The district's principal means of ingress and egress shall be along collector roads, minor arterials, and/or major arterials as designated on the County's Thoroughfare Classification Plan.²¹

B Dimensions

Development in the O&I district shall conform to the following standards:

Table 2.5-3: Office and Institutional Dimensional Standards²²

Structure/Use	Non-Residential
Lot Requirements	
Lot area (min.)	15,000 sf
Lot width (min.)	90'
Building Placement	
Setbacks (min., ft)	
Front	25
Side street	
Side interior, adj. to non-residential uses	0
Side interior, adj. to residential uses	25
Rear, adj. to non-residential uses	0
Rear, adj. to residential uses	30
Performance Lot	
	n/a
Structure Size	
Height (max., ft))	40

C Additional Standards

Development in the O&I district may also need to comply with requirements in the following sections:

Additional Standards			
Standard	Section	Standards	Section
Uses, Permitted		Traffic and Access	
Uses, Accessory		Traffic Impact	
Uses, Nonconforming		Landscaping,	

²¹ We are assessing the relationship between land use and street functional classification in all of the districts where it is currently used. This standard may be revised in the next round of drafting to better address traffic concerns.

²² This table reflects current standards and may be revised as discussions continue. Setbacks adjacent to residential uses are based on current setback requirements in Section 60.3. Areas shaded in gray are places where new dimensional standards may be added.

Uses, Temporary	Building Design
Use Standards	Outdoor Lighting
Parking and Loading	Resource Protection
Bicycle Parking	Stormwater
Connectivity	Signs

prelim. draft 040518

2.5.7 Airport Commercial (AC) (was AI)

A Intent²³

The Airport Commercial District is established as a planned restricted industrial district in which the principal use of land is for indoor manufacturing and distributive type operations that are compatible with airport facilities and which require sites adjacent to railroads and/or major thoroughfares. In promoting the general purpose of this ordinance, the specific intent of this section is: to encourage the types of development having maximum compatibility with aircraft operations; to protect and to promote the public utility of the Airport; and, to promote the health, safety and general welfare of the inhabitants of New Hanover County by preventing the creation of hazards to the Airport, thereby protecting the lives and property of the users of the Airport and of occupants in the vicinity and preventing destruction or impairment of the utility of the Airport and the public investment therein.

B Dimensions

Development in the AC district shall conform to the following standards:

Table 2.5-4: Airport Commercial Dimensional Standards²⁴

Structure/Use	All
Lot Requirements	
Lot area (min.)	43,560
Lot width (min.)	150'
Building Placement	
Setbacks (min., ft)	
Front	50
Side street	
Side interior, adj. to non-residential uses	0
Side interior, adj. to residential uses	35
Rear, adj. to non-residential uses	0
Rear, adj. to residential uses	40
Structure Size	
Height (max., ft))	35

C District-Specific Standards

1. It is required, in order to protect and promote existing or future residential development, that any means of direct access to or from any use or structure in the AC zone shall not be through any residentially zoned or developed area or along any street or road in any residential subdivision.
2. Radio and Electronic Devices

²³ This statement may be revised to be more consistent with current facility plans for Wilmington International Airport and its business park.

²⁴ This table reflects current standards and may be revised as discussion continue. Setbacks adjacent to residential uses are based on current minimum setback requirements in Section 60.3. Areas shaded in gray are places where new dimensional standards may be added.

- i. Any radio or electronic device shall be permitted only in conjunction with a valid license or other authorization as may be issued by the Federal Communications Commission.
- ii. Any radio or electronic device, the operation of which would violate any rules or regulations of the Federal Communications Commission is expressly prohibited.

3. Visual hazards

Any operation or use which emits smoke, dust, or creates glare or other visual hazards is expressly prohibited.

D Additional Standards

Development in the AC district may also need to comply with requirements in the following sections:

Additional Standards			
Standard	Section	Standards	Section
Uses, Permitted		Traffic and Access	
Uses, Accessory		Traffic Impact	
Uses, Nonconforming		Landscaping,	
Uses, Temporary		Building Design	
Use Standards		Outdoor Lighting	
Parking and Loading		Resource Protection	
Bicycle Parking		Stormwater	
Connectivity		Signs	

2.5.8 Light Industrial (I-1)

A Intent

The I-1 zoning district is established to preserve land within the county for light industrial uses and associated operations, including assembly, fabrication, packaging, and transport, where operations are conducted primarily indoors and where suitable sites are served by rail, waterway, highway transportation systems as well as readily available utilities. Heavy industrial uses in which raw materials are converted into products for subsequent assembly or fabrication or where uses create an excessive amount of noise, odor, smoke, dust, air borne debris, or other objectionable characteristics which might be detrimental to surrounding areas are not appropriate in this district.

B Dimensions

Development in the I-1 district shall conform to the following standards:

Table 2.5-5: Light Industrial Dimensional Standards²⁵

Structure/Use	All
District Requirements	
Area to rezone (min.)	5 ac.
Lot Requirements	
Lot area (min.)	Must meet setback and height standards
Lot width (min.)	
Building Placement	
Setbacks (min., ft))	
Front	50
Side street	
Side interior, adj. to non-residential uses	0
Side interior, adj. to residential uses	35
Rear, adj. to non-residential uses	0
Rear, adj. to residential uses	40
Structure Size	
Height (max., ft))	40
Notes	

C District Specific Regulations

1. Within the I-1 district, all operations conducted and all materials used or held in storage shall be contained within enclosed buildings, solid wall, fence, or planting of such nature and height as to conceal such

operation or materials from view from any roadway or adjacent properties.

²⁵ This table reflects current standards and may be revised as discussions continue. Setbacks adjacent to residential uses are based on current minimum setback requirements in Section 60.3. Areas shaded in gray are places where new dimensional standards may be added.

2. Height Over District Maximum ²⁶

Buildings located within the Employment Center or Commerce Zone place types and fronting along a Collector, Minor Arterial, or Principal Arterial as indicated on the Wilmington Metropolitan Planning Organization's most current Roadway Functional Classification Map, may exceed 40 feet provided their FAR does not exceed 1.0.

3. Existing Industrial Uses

- a. These standards and any requirement for a special use permit shall apply to all new proposals in I-1 districts as shown on the Table of Permitted Uses. The term "existing industrial uses" shall mean industries in active operation and open for business on a tax parcel zoned I-1 and developed for that particular use as of the day prior to the date of adoption of this section. Any existing industrial uses which did not require a special use permit as of the day prior to the date of adoption of this section would be considered a conforming use and shall not require a special use permit in order to continue operations.
- b. Modifications and/or Expansions of Existing Industrial Uses: For modifications and/or expansions of existing industrial uses whose site conditions were in conformity with the requirements of this ordinance as of the day prior to the date of adoption, the following conditions must be met. If these conditions are not met, or if the existing industrial use is classified within the Intensive Manufacturing category, and the modification and/or expansion changes the particular use within that category, a special

use permit will be required for the modification and/or expansion.

- i. Modifications and/or Expansions on the Same Parcel: Modifications and/or expansions of existing industrial uses shall be allowed if fully contained on the tax parcel currently developed for and operating as such use and provided the following:
 - (1) If the expansion and/or modification is for the same existing industrial use that was in active operation and open for business as of the day prior to the date of adoption of this section.
 - (2) If the expansion and/or modification is for a less intensive industrial use than was in active operation and open for business as of the day prior to the date of adoption of this section. (Ex. An existing Intensive Manufacturing use could transition to a use in the Artisan, Limited or General Manufacturing category).
 - (3) If the existing industrial use is classified within the General, Limited or Artisan Manufacturing categories, the use may expand and/or modify to a different use within that same category.
- c. Modifications and/or Expansions onto Adjacent or Contiguous Parcels: Modifications and/or expansions of existing industrial uses shall be allowed on tax parcels adjacent or contiguous (excluding rights of way) to the current use, if properly zoned, and held in the same ownership as on the day prior to the date of adoption of this

²⁶ Current regulations regarding options for increasing height over district maximum for the HB zone district will be moved to the development standards sections, and these could be moved as well. They are intended to encourage parking structures instead of large parking lots and may apply for additional districts. All references to comprehensive plan place types should be removed from

the zoning ordinance as they are only intended to provide guidance for board decisions. We are assessing the relationship between land use and street functional classification in all the districts where its currently used, so this standard may be revised in the next round of drafting.

section (including successor ownership) and provided the following:

- i. If the expansion and/or modification is for the same existing industrial use that was in active operation and open for business as of the day prior to the date of adoption of this section.
- ii. If the expansion and/or modification is for a less intensive industrial use than was operating as of the day prior to the date of

adoption of this section. (E.g., an existing Intensive Manufacturing use could transition to a use in the Artisan, Limited or General Manufacturing category).

- iii. If the existing industrial use is classified within the General, Limited or Artisan Manufacturing categories, the use may expand and/or modify to a different use within that same category.

D Additional Standards

Development in the I-1 district may also need to comply with requirements in the following sections:

Additional Standards			
Standard	Section	Standards	Section
Uses, Permitted		Traffic and Access	
Uses, Accessory		Traffic Impact	
Uses, Nonconforming		Landscaping,	
Uses, Temporary		Building Design	
Use Standards		Outdoor Lighting	
Parking and Loading		Resource Protection	
Bicycle Parking		Stormwater	
Connectivity		Signs	

2.5.9 Heavy Industrial (I-2)

A Intent

The I-2 zoning district is established to set aside areas of the county for a full range of manufacturing, fabrication, assembly, warehousing, and distribution uses associated with heavy industrial land uses where heavy industry can find suitable sites served by rail, waterway, and highway transportation. The district is also established to subsequently protect nonindustrial districts situated outside the district and minimize environmental impacts caused by the uses within the district. Outdoor operations and storage are appropriate for this district provided that the district standards are met. Certain uses within the I-2 district shall require a special use permit as specified in the Table of Permitted Uses.

B Dimensions

Development in the I-2 district shall conform to the following standards:

Table 2.5-6: Light Industrial Dimensional Standards²⁷

Table 210-10 Light Industrial Dimensional Standards	
Structure/Use	All
District Requirements	
Area to rezone (min.)	5 ac.
Lot Requirements	
Lot area (min.)	Must meet setback and height standards
Lot width (min.)	
Building Placement	
Setbacks (min., ft))	
Front	50
Side street	
Side interior, adj. to non-residential uses	0
Side interior, adj. to residential uses	40
Rear, adj. to non-residential uses	0
Rear, adj. to residential uses	45
Structure Size	
Height (max., ft))	--
Notes	

C District Specific Regulations

1. Existing Industrial Uses

- a. These standards and any requirement for a special use permit shall apply to all new proposals in I-2 districts as shown on the Table of Permitted Uses. The term “existing industrial uses” shall mean industries in

active operation and open for business on a tax parcel zoned I-2 and developed for that particular use as of the day prior to the date of adoption of this section. Any existing industrial uses which did not require a special use permit as of the day prior to the date of adoption of this section would be considered a conforming use and shall not

²⁷ This table reflects current standards and may be revised as discussions continue. Setbacks adjacent to residential uses are based on current minimum setback requirements in Section 60.3, and the minimum acreage to rezone is currently included in Section 53.3-1. Areas shaded in gray are places where new dimensional standards may be added.

require a special use permit in order to continue operations.

- b. Modifications and/or Expansions of Existing Industrial Uses: For modifications and/or expansions of existing industrial uses whose site conditions were in conformity with the requirements of this ordinance as of the day prior to the date of adoption, the following conditions must be met. If these conditions are not met, or if the existing industrial use is classified within the Intensive Manufacturing category, and the modification and/or expansion changes the particular use within that category, a special use permit will be required for the modification and/or expansion.
- c. Modifications and/or Expansions on the Same Parcel: Modifications and/or expansions of existing industrial uses shall be allowed if fully contained on the tax parcel currently developed for and operating as such use and provided the following:
 - i. If the expansion and/or modification is for the same existing industrial use that was in active operation and open for business as of the day prior to the date of adoption of this section.
 - ii. If the expansion and/or modification is for a less intensive industrial use than was in active operation and open for business as of the day prior to the date of adoption of this section. (Ex. An existing Intensive Manufacturing use could transition to a use in the Artisan, Limited or General Manufacturing category).²⁸

- iii. If the existing industrial use is classified within the General, Limited or Artisan Manufacturing categories, the use may expand and/or modify to a different use within that same category.²⁹

- d. Modifications and/or Expansions onto Adjacent or Contiguous Parcels: Modifications and/or expansions of existing industrial uses shall be allowed on tax parcels adjacent or contiguous (excluding rights of way) to the current use, if properly zoned, and held in the same ownership as on the day prior to the date of adoption of this section (including successor ownership) and provided the following:

- i. If the expansion and/or modification is for the same existing industrial use that was in active operation and open for business as of the day prior to the date of adoption of this section.
- ii. If the expansion and/or modification is for a less intensive industrial use than was in active operation and open for business as of the day prior to the date of adoption of this section. (Ex. An existing Intensive Manufacturing use could transition to a use in the Artisan, Limited or General Manufacturing category).
- iii. If the existing industrial use is classified within the General, Limited or Artisan Manufacturing categories, the use may expand and/or modify to a different use within that same category.

D Additional Standards

²⁸ These category names have changed, and this language should be revised.

²⁹ See note 31.

Development in the I-2 district may also need to comply with requirements in the following sections:

Additional Standards			
Standard	Section	Standards	Section
Uses, Permitted		Traffic and Access	
Uses, Accessory		Traffic Impact	
Uses, Nonconforming		Landscaping,	
Uses, Temporary		Building Design	
Use Standards		Outdoor Lighting	
Parking and Loading		Resource Protection	
Bicycle Parking		Stormwater	
Connectivity		Signs	

Section 2.6 Special Districts and Overlay Districts

2.6.1 Conditional Zoning District

A Intent

The Conditional Zoning District provides a procedure to address situations where a particular land use would be consistent with the New Hanover County Land Use Plan and the objectives of this UDO based on the specific use or uses is proposed for the development. The Conditional Zoning District procedure is intended primarily for use with transitions between zoning districts of very dissimilar character (e.g., R-15 and B-3) where a particular use or uses, with restrictive conditions to safeguard adjacent land uses, can create a more orderly transition benefiting all affected parties and the community-at-large. This procedure is intended only for voluntary proposals submitted in the names of the owners of all property included in the petition/application. This procedure is intended only for firm development proposals, and shall not be used for tentative projects without definitive plans.

B Uses and Permit Conditions

1. Only uses allowed by right in the corresponding general use district are eligible for Conditional Zoning District consideration and any such use within a Conditional Zoning District shall, as a minimum requirement,

satisfy all the regulations of the corresponding general use district.

2. Within a Conditional Zoning District, the permit may specify additional conditions and requirements which represent greater restrictions on development and use of the tract than the corresponding general use district regulations, or other limitations on land that may be regulated by state law or local ordinance. Applicable conditions and requirements shall be objective, specific and detailed to the extent necessary to accomplish their purpose, and shall relate rationally to making the permit compatible with the New Hanover County Land Use Plan, and other pertinent requirements of the UDO and to securing the public health, safety, morals, and welfare. Applicable conditions and requirements shall not specify ownership status, race, religion, character, or other exclusionary characteristic of occupant.

C Application Process

The Conditional Zoning District application process is identified in Section xx.xx.

2.6.2 Special Highway Overlay District

A Intent

The intent of the Special Highway Overlay District (SHOD) is to protect the natural beauty and scenic vista that exists along interstate highways and other specially designated roadways that serve as major access ways and gateways into New Hanover County. Protection of these roadways is important and necessary to maintain and preserve the county's undisturbed roadsides that are characterized by their natural woodlands and open spaces. The continued protection of these scenic highways is also a valuable asset to the county's tourism economy and enhances

the attractiveness of the area for trade and investment.

The Special Highway District shall be in addition to any other zoning districts where applied so that any parcel of land lying in a SHOD may also lie in one or more of the zoning districts provided for by this UDO. The development of all uses permitted by right or by special use permit in the underlying district, if any, shall be subject to the requirements of both the SHOD and the underlying district, if any. In the event the SHOD requirements conflict with the underlying district requirements, the requirements of the SHOD shall take precedence. If requirements for a particular

item are not specified in the SHOD but are specified by the underlying district, then the requirements of the underlying district shall be followed.

Applicability - It is hereby required that all non-residential structures, buildings and improvements to property located within the SHOD comply with the following regulations. Access roads and utility (communications, gas, electrical, sanitary services) structures are exempted from these controls.

B Development Standards

1. Setback Requirements

- a. *[SHOD setbacks will be revised to conform to HB setbacks when the HB setbacks are finalized.]*
- b. No building shall be located less than 25 feet from any property line. The required setback may be reduced for buildings, accessory uses, and off-street parking by a maximum of 25% if additional plantings are provided along the right-of-way.
 - i. At a minimum, these plantings shall consist of one deciduous or evergreen tree at least 2.5"-3" caliper for every 40 feet of road frontage. These streetscape trees must be selected and planted in accordance with Section 62.
 - ii. Plantings must be located in the first ten feet of land adjacent to and parallel to the right-of-way; that plantings may be moved outside this area if it is determined that overhead power lines would interfere with the trees natural growth.

2. Enclosed Facilities

All manufacturing, storage, offices, wholesaling, retail sales or similar uses shall be conducted within an enclosed building.

3. Outside Storage

- a. Outside storage may be permitted if it is located directly to the rear of the principal building and is not visible from the designated highway.

- b. The outside storage area shall not occupy an area wider than the principal building or larger than one-half the area of the principal building.
- c. A three row screen shall be provided in accordance with the Landscape standards of Section 62.
- d. No storage shall be permitted above the height of the screen.
- e. Junk yards and scrap processors shall not be permitted.

4. Parking and Loading

- a. Parking and loading shall be provided in accordance with the provisions set forth in Article VIII and Section 62. All loading shall be from the side or rear of the principal structure as viewed from the designated highway. If loading is performed on the side of the building, as viewed from the designated highway, a three row screen shall be provided in accordance with the Landscape Standards of Section 62.
- b. No vehicular or equipment parking except automobile parking shall be permitted in the yard area adjacent to the designated highway. All automobile parking shall be set back at least 100 feet from the right-of-way of the designated highway if such highway is an interstate or thoroughfare with controlled access. Other US and NC numbered highways shall require a 50-foot setback for automobile parking.

5. Lot Coverage

The total ground area covered by principal buildings and all accessory buildings shall not exceed 50 percent of the site.

6. Signs

Signs shall be in accordance with Article IX except that only one free standing ground sign not to exceed six feet in height and a maximum surface area of 150 square feet may

be permitted within the 100-foot setback. No outdoor advertising signs shall be permitted.

7. Any parcel of land that falls within overlapping Special Highway Overlay Districts shall be subject to all of the setback requirements of

this section for one of the two designated highways. Setbacks from the right of way of the secondary highway frontage as determined by the applicant may be reduced by 50 percent.

prelim. draft 040518

Section 2.7 Planned District

Preliminary Drafting Notes

PD: The Planned Development district will be scaled back to reflect the new zone district line-up and to limit the PD purpose to sites that are otherwise undevelopable under these regulations. A new draft of the PD will be provided for review with the Administrative Procedures section.

RFMU: We anticipate that many of the development standards currently identified in the RFMU district will be addressed in the Phase II development standards. We will hold the redrafting of this district until the development standards have been drafted and the RFMU will be updated to address issues specific to riverfront development

2.7.1 Planned Development (PD)

The PD District is established to foster the mixing of various land uses, under, an integrated development plan that would otherwise not be possible under general district requirements. It is designed to: promote economical and efficient patterns of land use which are sensitive to natural features and site amenities and which decrease automobile travel time and trip length, encourage trip consolidation and transit opportunities, foster bicycle and pedestrian movements, reduce energy consumption and demands, and encourage unified and compatible development between land uses for the benefit of all County residents. The PD District is intended to provide flexibility in permitting large-scale planned urban development within the constraints of the County's Land Use Plan, in situations where the owners of the property present a development plan which is found to be in the public interest and which provides necessary urban services and improvements required by this Ordinance and the County's Policies for Growth and Development.

The PD District requires approval of a master land use plan whereby flexibility in building design, layout and siting, mixtures in housing types and land uses, usable open space, and the preservation of significant natural features is permitted.

2.7.2 Riverfront Mixed Use District (RFMU)

A Purpose

The Cape Fear River is one of the region's most valuable natural resources and is the focal point of activity in downtown Wilmington. The Riverfront Mixed Use District is established to support seven main objectives: to enhance and preserve environmentally sensitive areas along the river; to protect public access to the river through the creation of quality public spaces, to preserve cultural and natural resources, to effect quality design and a variety of built forms that result in a pedestrian scale as well as a compelling skyline; to promote and enhance transit options, particularly pedestrian and water-oriented transportation options; to provide an opportunity for intensive development consistent with the urban form; and to encourage a mix of uses that foster a sense of community and create a destination for residents and visitors alike.

The RFMU is an elective district available only to parcels of land fronting the Cape Fear and Northeast Cape Fear Rivers east of Hwy. 421, between the Holmes Bridge and the Memorial Bridge in Unincorporated New Hanover County. A height restriction overlay for the area directly across from the Wilmington Historic District is subject to additional restrictions on building height. In the event of conflict between regulations for riverfront mixed use developments and those in other sections of the Zoning Ordinance, the Riverfront Mixed Use regulations shall supersede unless specifically stated otherwise.

B Mix of Uses

1. All RFMU developments must contain uses from at least two of the following categories:
 - a. Residential
 - b. Office
 - c. Commercial
 - d. Institutional, quasi-public, public
 - e. Entertainment and lodging
2. The total floor area of any RFMU development shall constitute no less than five percent of non-residential uses.
3. Single-story structures shall not exceed 25 percent of the gross building footprint of all buildings within any RFMU development.
4. All buildings greater than 35 feet in height must incorporate more than one use.
5. All buildings with riverfront and right-of-way facing facades shall incorporate non-residential uses on no less than 50 percent of the ground floor. Parking shall not be used to satisfy any part of this requirement.
6. The requirements for mix of uses may be waived by the Technical Review Committee (TRC) for projects of exceptional design or merit.

C Permitted Uses

1. Principal uses: All uses in this list shall be considered permitted uses within the RFMU district. Ground floor non-residential uses should encourage a lively pedestrian experience by offering a diversity of uses which utilize multiple storefronts and engaging public spaces. Uses from the category of “adult establishments” are prohibited. Uses are categorized based on similar impacts and to ensure diversity of uses.
 - a. Residential category
 - i. Family care homes
 - ii. Group home supportive
 - iii. Single family dwelling, attached
 - b. Office category
 - i. Banking services, without drive-through
 - ii. Offices, Medical
 - iii. Offices, Professional
 - c. Commercial category
 - i. Convenience food store, without gasoline sales
 - ii. Farmers’ market
 - iii. Grocery store less than 40,000 square feet.

- iv. Marina, with or without fueling facilities
- v. Night club (night clubs shall not abut an existing place of worship or be within 1,500 feet of existing residential uses or districts.
- vi. The following personal service establishments are permitted:
 - (1) Beauty salon
 - (2) Barber shop
 - (3) Clothing alterations
 - (4) Laundry, Laundromat services, and drop off dry cleaning only
- vii. Photography studio
- viii. Recreation facilities: private indoor or outdoor
- ix. Restaurant without drive-through windows
- x. Retail sales establishment less than 40,000 square feet
- xi. Ship chandler
- xii. Spas and health club
- d. Institutional, quasi-public use, or public use category. The following uses shall not be accessed from or face riverfront facades.
 - i. Adult day care and child day care center
 - ii. Clubs, lodges and recreation facilities
 - iii. Government facility, not to include correctional or operational facilities
 - iv. Nursing and personal care by special use permit
 - v. Religious institution
 - vi. Retirement center and life care community by special use permit
- e. Entertainment and lodging category.
 - i. Amphitheater, located within 1,320 feet of a facility that provides public parking with the capacity to accommodate 100 percent of required parking
 - ii. Aquarium, located within 1,320 feet of a facility that provides public parking with the capacity to accommodate 100 percent of required parking
 - iii. Art gallery/studio
 - iv. Cultural arts center including theaters
 - v. Hotels and motels, except that hotels and motels do not satisfy the “non-residential” requirement
 - vi. Meeting and events centers
 - vii. Movie theaters
 - viii. Museum

2. Supporting Uses: The uses listed below are considered supporting uses to the required categories. While the following uses are allowed by right, they shall not count towards the minimum required mix of uses. Even though the development may contain one or more of the following uses, it must still include at least two of the five categories (residential, office, commercial, institutional/quasipublic/public, entertainment and lodging) listed above.
 - a. Accessory buildings
 - b. Accessory and auxiliary uses
 - c. Commercial parking facility, provided the requirements of 59.9-4(10) below are met
 - d. Helipads, rooftop only
 - e. Public park, playground and associated facilities

D General Regulations

The prevalence of environmentally sensitive areas located along the riverfront requires that flexible development standards be established to maximize natural resource protection and land development potential.

1. Riverfront access - All RFMU developments shall have direct access to navigable waters. A minimum of one pedestrian access shall be provided. Pedestrian access shall be provided in intervals no greater than one access every 200 linear feet of shoreline.
2. Lot coverage- Maximum lot coverage in the RFMU district shall not exceed 50 percent.
3. Building Base - Delineation of the building base is required for buildings exceeding building base height (See definitions in 54.3-7).
4. Maximum Building height - Building height in the RFMU district shall not exceed 150 feet not including up to 60 feet utilized for structured parking. Additional height up to a maximum of 30 feet may be permitted based on compliance with the following performance option:
 - a. Dedication of private land area for public use greater than the required minimum of 10 percent. For every five percent of additional permanently designated public space, building height may be increased by 15 feet.
 - b. Buildings in the height restriction overlay district are subject to a maximum building height of 75 feet.
5. Building envelope - All buildings exceeding the maximum base height elevation shall reduce building mass by no less than 25 percent of the total mass above the base elevation, as measured from the maximum base height to the overall height of the building, multiplied by the total area of the building footprint using the following equation:
$$(\text{Proposed Height} - \text{Base Height}) \times (\text{Footprint}) \times (0.25) = \text{Minimum Building Mass Reduction (Above base height)}$$
6. Building setbacks and separations - All buildings shall be set back a minimum of 16 feet from public rights-of-way and private streets. Setback from the river shall be in compliance with the NC Division of Coastal Management buffer rules. All buildings less than 50 feet in height adjacent to single family residentially zoned and developed properties, excluding those separated by public rights-of-way, shall have a minimum setback from adjacent single family residential equal to the height of the building. Buildings over 50 feet in

height, excluding those separated by public rights-of-way, shall have a minimum setback from adjacent single family residential of 50 feet.

7. Underground utilities - All electric, cable television and telephone utilities, fire alarm conduits, streetlight wiring and other wiring conduits and similar utilities shall be placed underground by the developer or the appropriate utility company for all new RFMU developments.
8. Minimum landscaping
 - a. Shade trees are required along all streets. Shade trees shall be a minimum caliper of three inches (DBH), shall be located at a minimum 50 feet on center and must be single-stem canopy trees.
 - b. Public spaces and common areas shall be planted with a minimum of two single stem canopy trees per every 1,000 square feet. Canopy trees shall be a minimum caliper of three inches (DBH). Two canopy trees may be substituted with three understory trees per 1,000 square feet of public space or common area where overhead obstructions or other site limitations make canopy trees impractical.

The Technical Review Committee (TRC) may permit alternatives to strict conformance with the required location of landscaping under the following conditions. However, in all cases, RFMU developments shall provide at least the minimum square footage of landscaped area and number of trees required by this Chapter.

- i. Preservation of natural stands of trees and existing vegetation. Preservation of natural stands of trees may be substituted for landscaping requirements as long as the total square footage of interior landscaping meets the minimum required.
 - ii. Additional landscaping in key areas. Provision of at least 10 percent greater than the minimum landscaping area required in each of the following areas: along the waterfront, at project entrances, in public spaces.
 - iii. Provision of low impact development. Landscaping necessary to achieve low impact development standards as defined in **Article X** of this Chapter.
9. Signs - The following sign requirements shall apply to all RFMU developments:
 - a. All internal signs in areas designated RFMU shall meet the following requirements.
 - i. Directional signs - Not exceeding 30 inches in height and not exceeding four square feet in area which direct on-premises vehicular or pedestrian traffic and bearing no other identification or advertising matter shall not be limited in number.
 - ii. On-premises canopy or awning signs - A multi-family or nonresidential principal building may install signs on or hanging beneath canopies, awnings and hanging beneath overhangs or porch roofs provided:
 - (1) There is no projecting sign on the principal building.
 - (2) The combined total area of signs applied to canopies and awnings shall not exceed 20 percent of the aggregate area of the face of the canopy or awning.
 - (3) Signs that are attached below a canopy, awning, overhang or porch roof shall not extend beyond the width of such canopy, awning, overhang or porch roof and shall have a clearance of not less than nine feet above the pedestrian walkway and shall not exceed three square feet in area.

- iii. On-premises window signs - A multi-family or nonresidential principal building may install on-premises window signs provided:
 - (1) The area of such signs shall not exceed an aggregate area equal to 10 per cent of the total ground floor glassed window area of the building.
 - (2) Such signs, if located inside the window, may be neon signs.
 - (3) Such signs shall not be located above the second floor.
- iv. Special purpose signs
 - (1) A multi-family or nonresidential principal building may attach one special purpose sign to a facade or window provided such sign shall not be displayed more than 12 times in each calendar year for a maximum total of 60 days per calendar year.
 - (2) A single-family residential premises may erect one on-premises and/or one special purpose sign subject to the following restrictions:
 - (a) Such signs refer only to the name, home occupation, address and/or special purpose of the occupant therein.
 - (b) Such sign shall not exceed four square feet in area.
 - (c) Such sign shall be setback a minimum of five feet from any property line.
 - (d) Such sign shall not be located at a height above six feet.
 - (3) Incidental signs
 - (a) A multi-family or nonresidential principal building may display incidental signs provided:
 - (b) Such signs are flat mounted against the building, window or door.
 - (c) Such signs shall not exceed a total area of two square feet.
 - (4) Revolving signs - A revolving sign specifically that of a striped barber pole is allowed only in conjunction with a barber shop.
- v. External illumination, if used, shall not be blinking, fluctuating or moving. Light rays shall shine only upon the property within the premises and shall not spill over the property lines in any direction, except by indirect reflection.
- vi. Any premises or principal building may erect one real estate or construction sign advertising specific property for sale, rent, lease, development or construction, located on the premises, provided:
 - (1) Sale, rent or lease (real estate) signs shall not exceed six square feet in area.
 - (2) Development or construction signs shall not exceed 35 square feet in area.
- vii. Any premises may display one on-premises freestanding sign subject to the following restrictions:
 - (1) Area. Freestanding signs shall not exceed 35 square feet in area.
 - (2) Height. No freestanding sign shall exceed 10 feet in height.
- viii. Any principal building may display attached signs subject to the following restrictions:

- (1) One attached sign per each frontage shall be permitted.
 - (2) Any principal building may display on-premises attached signs provided:
 - (a) Such sign is mounted parallel to the building to which it is attached and projects no more than 18 inches from that building.
 - (b) Such signs shall not extend beyond the roofline of the building to which it is attached.
 - (c) The combined total area of such signs shall not exceed 20 percent of the total area of the wall to which the sign is attached, not to exceed 200 square feet in total area.
 - (3) Attached signs may be displayed on the side or rear of a building adjacent to an off-street parking area if the off-street parking area is 33 feet or more in width. Such signs shall be subject to the same regulations as attached signs on the street side of the building. However, the side or rear of the building adjacent to the off-street parking area shall not be included when calculating the area allowable to attached signs on the street side.
- ix. Any principal building may display one projecting sign subject to the following restrictions:
- (1) There is no detached sign on the premises.
 - (2) Such sign may project horizontally a maximum of six feet, but shall be setback at least two feet from the back face of the curb or outer edge of the pavement where there is no curb. Setback distances for projecting signs which front on state roads must be approved by the North Carolina Department of Transportation.
 - (3) Such signs shall be erected at a height of not less than nine feet above the sidewalk or other pedestrian passageway.
 - (4) Such sign shall not exceed beyond the roof line of the building to which it is attached.
 - (5) Such sign shall not exceed 15 square feet in area.
- x. Any premises or principal building may place sandwich board signs on the public sidewalk subject to the following restrictions:
- (1) Number of signs - Any premises, including those containing multiple businesses, may place only one sandwich board sign per street frontage.
 - (2) Area and height - Any sandwich board sign shall not exceed eight square feet per side in area. In addition, the width of the sign may not exceed two linear feet, with a maximum height of four feet. Within these specified maximum dimensions, creative shapes that reflect the theme of the business being advertised are encouraged (i.e. ice cream shop may display a sign in the shape of an ice cream cone).
 - (3) Display hours - Sandwich board signs shall be displayed only during operational hours of the business being advertised and shall not be lighted. These signs must be removed each day at the close of business. The hours of business operation shall be indicated on the inside surface of the sign board.
 - (4) Location - Sandwich board signs may be placed on the sidewalk directly in front of the associated use. Along streets with no parallel parking, sandwich board signs shall be placed on the sidewalk within four feet of the curb. Along streets with parallel parking, a two-foot step-out zone shall be provided, and sandwich board signs shall be placed on the sidewalk at least two feet from the curb but not more than

four feet from the curb. The location of any sandwich board sign shall be at least 20 feet from any intersection and at least five feet from any crosswalk or fire hydrant. No sandwich board sign may be placed where the unobstructed space for the passageway of pedestrians is reduced to less than four feet. Trees, poles, signs, hydrants, trash receptacles, tree grates, etc. are all considered obstructions.

- (5) Materials, appearance - The sign must be constructed of materials that present a finished appearance. Rough cut plywood is not acceptable. The sign lettering should be professionally painted or applied; a "yard sale" or "graffiti" look with hand painted or paint-stenciled letters is not acceptable, however, chalkboard signs shall be permitted. The written message of the sign should be kept to the minimum necessary to communicate the name of a business or a special message of the business.
- (6) Indemnification - Any person erecting a sandwich board sign shall indemnify and hold harmless New Hanover County and its officers, agents, and employees from any claim arising out of the presence of the sign on County property or public rights-of-way. The person erecting a sandwich board sign shall sign an indemnification agreement, approved by the County Attorney, prior to the issuance of a sign permit. The indemnification agreement shall be accompanied by evidence of insurance covering the liability assumed in this subsection and the agreement.
- (7) Determination of Location - Questions as to placement of sandwich boards shall be determined by the Planning and Land Use Director or Chief Zoning Official.
- xi. Freestanding signs, pole signs and outdoor advertising signs shall not be permitted.
- xii. Project entrance signs shall be integrated into site entry, structural, and landscape features and meet the following standards:
 - (1) The sign area shall not exceed 75 square feet and its vertical dimension shall not exceed four feet.
 - (2) The maximum height of any entry structure shall not exceed six feet.
 - (3) The sign and any structures shall be located so as to not obstruct the view of persons entering or leaving the development.
 - (4) The main and secondary entrances shall be designated on the site plan. Two monument signs are allowed at the main entrance way, one on each side of the road or driveway with a combined total area not to exceed 150 square feet and with a maximum vertical dimension of four feet. Secondary entranceways shall be restricted to one monument sign, not to exceed 18 square feet in area and with a vertical dimension of four feet. However, if secondary entrance way signs are incorporated within an entry wall or other entry feature, two signs are allowed, one on each side of the access road, not to exceed a combined total surface area of 27 square feet and a vertical dimension of four feet.
 - (5) The main entrance way sign text is limited to the development name and the name of one tenant. Sign area devoted to a tenant name is limited to 25 percent of any sign area. Secondary entrance way text is limited to the development name only.
 - (6) Internal illumination is prohibited except for kinetic signs in accordance with the following:
 - (a) Kinetic signs may be allowed on buildings housing amphitheaters, cultural arts centers including theaters, meeting and event centers, museums, and movie theaters except drive-ins provided that:
 - (b) the kinetic sign shall be displayed on only one wall of the building;

- (c) the wall on which the kinetic sign is displayed shall not front any thoroughfare or arterial road;
- (d) the kinetic sign shall not strobe or flash, or utilize graphics, letters, or text;
- (e) the area of the kinetic sign shall not exceed 1,200 square feet or 10 percent of the area of the building facade on which it is installed, whichever is less;
- (f) between the hours of 11:00 p.m. and 7:00 a.m., the kinetic sign color shall be stationary and restricted to one color; and
- (g) the kinetic sign shall be approved by the river front mixed use development property owners' association and shall be consistent with the architectural guidelines of the development.

10. Parking requirements -

- a. Surface parking may not exceed five percent of the total parking area provided or 50 spaces, whichever is less, for each RFMU development. A parking structure is considered part of the building footprint when a common wall is shared between them.
- b. Surface parking shall be located to the side or rear of buildings or in the interior of a block. Surface parking shall not be located on the riverfront side of buildings. Surface parking shall be reserved for non-residential uses including loading areas and emergency vehicle access and must be clearly designated as such.
- c. There is no minimum or maximum parking limit for residential uses.
- d. On-street parking is permitted but shall not be counted toward required parking for commercial uses.
- e. The design of all above-grade parking structures shall be visually compatible with surrounding structures and shall relate to the design context of the area. Exterior walls of parking structures shall be designed with materials, colors, and architectural articulation in a manner that provides a visual compatibility with adjacent buildings and environment. All parking structures shall be visually obscured from the river.
- f. Non-residential uses shall be included along first-floor street frontages. Active uses are encouraged on the sidewalk level of parking structures. Ground floor structured parking does not satisfy non-residential use requirements.

11. General site design - Each of the following components shall be included in RFMU developments. The site plan submitted for review shall include a narrative describing how the project will incorporate each of these components:

- a. Clearly defined common spaces - Plazas, courtyards, riverwalks and other areas are necessary to provide for public gathering and interaction. Amenities such as benches, planters, lighting, fountains, art and landscaping that further the design theme of the project and encourage interaction are required.
- b. View corridors - Views of the Cape Fear River shall not be significantly obstructed by buildings or other structures. All developments shall provide view corridors along streets connecting to the river. Any street that terminates within 50 feet of the riverwalk shall provide a public space, park or access area that is a clearly defined entry point to the required riverwalk.
- c. Multi-modal transportation opportunities - Public boating, walking, bicycling, or water taxi services and the facilities necessary for such uses.

- i. Pedestrian accessibility and concentration of development (critical mass) within a compact, walkable area. Pedestrian circulation shall be clearly defined with paving materials and/or landscaping and shall connect all uses.
 - ii. Bicycle and/or pedestrian connectivity to adjacent or nearby developments is required, when feasible.
 - iii. Sidewalks are required on each side of rights-of-way and private streets throughout the development and are to be installed along all building frontages. Sidewalks shall maintain a minimum width of 12 feet. Sidewalk width may be reduced on internal private streets with TRC approval. Sidewalks may be limited to a single side of rights-of-way or private streets or sidewalk width may be reduced when right-of-way or private street abuts streams, ponds, or wetlands or when contextual design constraints dictate, as determined by the TRC.
- d. Integrated design of the project - Projects require special attention to building design because of the intermixing of land uses. Functional integration of residential and commercial uses shall be considered during design of RFMU projects. The following standards are intended to guide development of such projects:
- i. Primary building entrances shall be oriented toward public sidewalks along primary street or riverwalk frontages. Development along new or existing public streets should provide inviting facades and through appropriate scale and quality materials should foster a walkable and enjoyable pedestrian environment.
 - ii. Massing and development scale: No visible facade shall be “blank” or without features or detail. For buildings greater than 33 feet in width, visible facades shall incorporate periodic transitions no farther apart than two-thirds of the building height in order to create a vertical orientation. This transition may be achieved by utilizing at least two methods including, but not limited to the use of facade offsets, recesses, pilasters or change in materials. For buildings exceeding four stories or 50 feet, whichever is less, facades shall incorporate a visual transition to distinguish the building base from the upper floors of the building. This transition may be achieved by utilizing at least two methods including, but not limited to the use of building facade offsets, cornices, belt courses, moldings or other linear motifs.
 - iii. For buildings greater than 50 feet in width, facades shall be expressed as two or more separate building facades no greater than 50 feet in width utilizing the aforementioned methods. The predominant orientation of fenestration (window arrangement) within the facade shall also be vertical. Horizontal bands or “ribbons” of windows shall not be permitted within the first four stories or 50 feet of building height. At least 50 percent of the ground-level façade shall be constructed of transparent materials or otherwise designed to allow pedestrian view of inside activities.
 - iv. Height relationships: The exterior expression of any building facade must be distinguished at a point not less than 13 feet, six inches above the ground level at the front facade. This distinction may be accomplished by incorporating features including but not limited to, horizontal architectural members such as molding, belt courses, or a change in materials or fenestration.
 - v. Screening: All dumpsters, outside storage areas and any ground level mechanical equipment shall be screened. Screening shall be a minimum of six feet in height and shall consist of living and non-living material as specified in Article VIII of this Chapter. Generic chain link fencing shall not be permitted as a screening alternative.
- e. Dwelling unit size - Minimum residential unit size shall be 750 square feet.

- f. Connection to the surrounding community - RFMU projects shall be designed as an integral part of the surrounding community and not as an isolated development. RFMU developments shall not be gated and shall be interconnected to any surrounding developments with pedestrian and vehicular connections. Developments shall include plans for future pedestrian and vehicular connections to adjacent undeveloped properties.
- g. Phasing - RFMU projects may be phased. Site plan submittals meeting all requirements of this UDO and other applicable sections of the County Zoning Ordinance shall be considered to be a “phase”. Additional phases shall become part of the existing development. The entire project, including the first phase and all subsequent phases, shall meet all ordinance requirements as a unified development at all times. The Technical Review Committee (TRC) may require all external street interconnections, stormwater systems, utilities and other public improvements to be constructed in the first phase to ensure that the phase will function as a stand-alone mixed use development. The first phase of construction shall commence within 12 months of project approval.

E Public Space

- 1. Purpose - It is intended that RFMU developments incorporate public spaces, including but not limited to: natural wetlands, forested areas, atriums, parks, the riverwalk, internal courtyards, plazas, or other undisturbed or improved spaces.
 - a. Each RFMU project shall contain a minimum 10 percent functional public space, in addition to a riverwalk as defined in 54.3-5(2) of this section. Rights-of-way, other than street sidewalks, may be included within public space calculations only if the right-of-way serves a primarily pedestrian function.
 - b. Public spaces shall be pedestrian-oriented and shall shape the design and character of the project through a connecting system of pedestrian areas that create a relationship among the various components of the built environment. The pedestrian spaces shall include features such as landscaping, gardens, benches, artwork, sculpture and water features to improve their appeal. These spaces shall also provide a pleasant gathering place for transit users. Public space areas shall provide adequate amenities for comfort and convenience such as seating, lighting, directional signage, bicycle racks, drinking fountains, shelters, trash receptacles, or public restrooms.
 - c. To ensure that public spaces are well used, they shall be visible, easily accessible by the public and barrier free with multiple points of entry from public areas (streets, sidewalks, walkways, the riverwalk, and bike paths). Public space shall be oriented to maximize exposure to the water and scenic views. Streets perpendicular to the river shoreline shall be designed as landscaped corridors that terminate with pedestrian access to the river. Public spaces may be either natural or recreational. “Natural” public spaces are intended to protect natural resources, protect water quality and provide habitat for wildlife. “Recreational” public spaces are intended to provide active or passive recreation opportunities. Public spaces shall have linkages that reinforce pedestrian movement. Merchandise and eating areas shall be designed to be contiguous with public spaces and pedestrian ways.
 - d. Plants used in landscaping areas shall be native species, of the highest quality and of sufficient quantity and scale to make a visual impact. Plantings shall be selected and located so that their functional and aesthetic qualities can be maximized. Public space shall provide areas shaded by trees and/or structures. Small-scale storm water treatment shall be integrated into the landscaping wherever possible, including

recessed landscaped areas with curb openings or sloped curbs to serve as rain gardens or bio infiltration areas. Restoration of wetland vegetation is encouraged along the riverfront.

- e. Sites of historic interest or sites providing an opportunity and context for historical interpretation along the riverfront shall be incorporated into public space areas and appropriately commemorated and marked with interpretive signage.
 - f. Development in the district shall integrate artwork into public space settings wherever possible. Artwork may consist of free-standing pieces (e.g. sculptures and fountains) or may be integrated with surroundings (e.g. relief sculpture embedded into pavement or wall, mosaics, murals, decorative fixtures, etc.) to create a strong visual interest. Artwork should be context-appropriate and custom-made utilizing local artisans, reinforcing and complementing the character of the riverfront. Public spaces designed to accommodate live performing arts and public gatherings should be integrated into the development whenever feasible.
2. Riverwalk - Riverfront properties possess the unique opportunity to provide public space adjacent to and along the Cape Fear River corridor. A riverwalk not only provides public access to the river but also accents significant community asset and draws activity to and along the river corridor. To serve the purpose of public access to the riverfront, all RFMU developments shall dedicate the land necessary to provide for the construction of a continuous and contiguous public riverwalk along the river's edge for a length as defined by the development's boundaries adjacent to the riverfront.
- a. Easement and access: Public access across the property, between the river's edge and the public right-of-way, Private Street or structure running parallel with the river's edge, shall be provided at a minimum width of 10 feet. This access shall be granted through an easement or other property interest as approved by the County Attorney. The access shall meet ADA Design Standards.
 - i. Developments shall provide public access connections to a riverwalk, perpendicular to the shoreline at intervals of no more 200 feet. These walkways should be intensively activated with ground level retail activities, landscaping, and be designed with a series of public spaces to accentuate the pedestrian experience. This access shall be granted through an easement or other property interest as approved by the County Attorney. The access shall meet ADA Design Standards.
 - ii. The "river's edge" shall be defined as the "Normal High Water" (NHW) level measured from the water's edge to the proposed building elevation closest to and facing the river. "Normal High Water" is established by a field representative from the Division of Coastal Management or by the New Hanover County Local Permit Officer when an application for a CAMA permit has been submitted.
 - b. Riverfront facilities shall provide multi-modal transportation opportunities, including public boating, walking, bicycling, and public bus or water taxi uses and the facilities necessary for such uses. Private dock space shall not restrict public access to the riverwalk.
 - c. Construction plans for riverwalk shall be approved by the County Manager or designee, in consultation with the County Engineer, and shall be designed to accommodate future connections to adjacent parcels.
3. Dock space - Private dock space shall not restrict public access to the riverwalk.

F Procedural requirements for the establishment of a RFMU District

- 1. Proposals for a RFMU District shall be processed in three stages: 1) conceptual review, 2) rezoning application/preliminary site plan; and 3) final plan/site plan.

2. The conceptual plan shall represent the applicant's general sketch and impression of the anticipated pattern of development planned for the development.
3. The Rezoning application/Preliminary Site Plan:
 - a. Application for an RFMU district shall be filed with the County Planning and Land Use Department. The County Planning and Land Use Department and the Technical Review Committee shall review the Preliminary Site Plan and RFMU district rezoning petition in the nature of an amendment to the County's Official Zoning Map. Such an amendment shall be processed pursuant to the general requirements of Article XI of this UDO. Upon receipt of all necessary application materials, including the TRC recommendations, the Planning and Land Use Director shall schedule the petition before the County Planning Board.
 - b. The preliminary site plan shall be reviewed by the Technical Review Committee prior to submission of an application for Planning Board agenda and shall contain the following information:
 - i. Tract boundaries and total area and location of adjoining land parcels and roadways;
 - ii. Existing zoning of the tract and neighboring parcels and proposed tract zoning;
 - iii. Proposed use of land, structures and other improvements. For residential uses, this shall include number, height and type of units and site plan outlining area to be occupied by each structure and/or subdivided lot boundaries. For non-residential uses, this shall include approximate square footage and height of each structure, an outline of the area it will occupy and the specific purpose for which it will be used;
 - iv. Development schedule including proposed phasing;
 - v. Traffic and Parking Plan to include a statement of impact concerning local traffic near the tract, proposed right-of-way dedication, plans for access to and from the tract, location, width and right-of-way for internal streets and location, arrangement and access provisions for parking areas; A transportation information sheet is required for any development that will generate more than 100 trips during the peak hour, a traffic impact study may also be required. The study shall be prepared in accordance with Standards and Guidelines approved by the County and shall be submitted at least four weeks prior to the first scheduled meeting at the project's review.
 - vi. All existing and proposed easements, reservations, required setbacks, rights-of-way, buffering and signage;
 - vii. The 100 year flood plain line;
 - viii. Location and sizing of trees required to be protected under Section 67 of the Zoning Ordinance and in the provisions for this district.
 - ix. Any additional conditions and requirements, which represent greater restrictions on development and use of the tract which may include federal, state or local ordinances or planning documents.
 - x. Any other information that will facilitate review of the proposed change.
 - xi. A description of and reason for any waiver being requested which the TRC is authorized to grant.
 - c. The Board of County Commissioners, following receipt of the Planning Board's recommendation will review the RFMU district rezoning petition and Preliminary Site Plan with respect to its technical sufficiency and its consistency with the Land Use Plan and the Policies for Growth and Development.

- i. Approval of the Preliminary Site Plan as part of the RFMU district requirements shall not constitute final plan approval, rather it shall be deemed an expression of approval of the rezoning request and the overall design and densities as submitted on the Preliminary Site Plan. The Preliminary Site Plan shall be filed in the County Planning and Land Use Department.
 - ii. Minor changes and revisions to the Preliminary Site Plan may be approved administratively by the County Planning and Land Use Director, without additional public hearings, provided such changes do not result in:
 - d. A change in the use or character of the RFMU
 - e. A change of design for, or an increase in the hazards to pedestrian and vehicle traffic circulation;
 - f. A reduction in the originally approved setbacks from roads and/or property lines.
 - g. Any changes, other than minor changes, shall only be made by the County Commissioners, and must follow the same review and public hearing process required for other Zoning Ordinance Amendments.
4. Final Plan:
- a. Application for Final Plan approval or sections thereof shall be made with the County Planning and Land Use Department.
 - b. The Final Plan shall be in compliance with the Preliminary Plan and no construction, excavation, or clearing shall be commenced or any building permit issued until the Final Plan has been approved and signed by the Planning and Land Use Director.
 - c. The Final Plan shall provide the document on which building permits and other applicable County approvals are issued.
5. Failure to Proceed in a Timely Manner – If within 24 months from the date of approval of the petition for a riverfront mixed use district, a building permit has not been issued for the subject tract(s), the Planning and Land Use Director shall consider a request for an extension if submitted in writing to the New Hanover County Planning and Land Use Department prior to the expiration. The Planning and Land Use Director may grant a one year extension so long as site conditions have not substantially changed since the original petition was approved. If site conditions have substantially changed, the Board of County Commissioners will consider whether an extension shall be granted during a regularly scheduled public meeting. The total vesting period for extensions may not exceed five years.

ARTICLE 3: USE AND STRUCTURE REGULATIONS

Section 3.1	Permitted Use Table
Section 3.2	Use Standards
Section 3.3	Special Use Standards
Section 3.4	Accessory Use Standards
Section 3.5	Temporary Use Standards
Section 3.6	Special Event Standards
Section 3.7	Nonconformities

ARTICLE 4: DEVELOPMENT STANDARDS

To be drafted

Section 4.1	General Provisions
Section 4.2	Parking and Loading
Section 4.3	Connectivity and Mobility
Section 4.4	Traffic and Access
Section 4.5	Landscaping, Screening, and Buffering
Section 4.6	Building and Streetscape
Section 4.7	Outdoor Lighting
Section 4.8	Sensitive Lands and Resource Protection
Section 4.9	Signs

ARTICLE 5: SUBDIVISION DESIGN AND IMPROVEMENT

To be drafted

Section 5.1	General Provisions
Section 5.2	Layout and Design
Section 5.3	Streets
Section 5.4	Stormwater
Section 5.5	Water and Wastewater
Section 5.6	Utilities
Section 5.7	Parks and Open Space
Section 5.8	Easements and Dedications
Section 5.9	Construction and Acceptance of Improvements
Section 5.10	Improvement Guarantees

ARTICLE 6: ADMINISTRATIVE PROCEDURES

To be drafted

Section 6.1 General Provisions

Section 6.2 Common Procedures

Section 6.3 Specific Procedures

Section 6.4 Plans and Permits

ARTICLE 7: RECOMMENDING AND DECISION-MAKING BODIES

To be drafted

prelim. draft 040518

ARTICLE 8: VIOLATIONS AND ENFORCEMENT

To be drafted

prelim. draft 040518

ARTICLE 9: MEASUREMENTS AND DEFINITIONS

To be drafted

Section 9.1 Measurements

Section 9.2 Rules of Construction

Section 9.3 Definitions and Terms