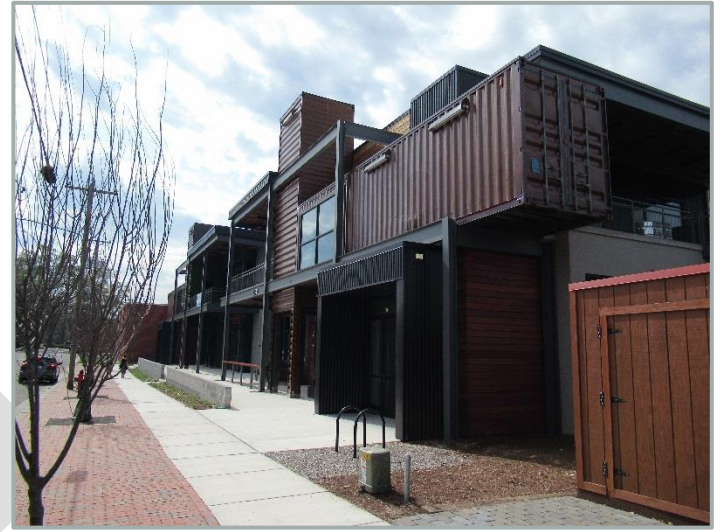


UMXZ URBAN MIXED USE ZONING DISTRICT ADAPTED FROM CITY OF WILMINGTON'S UMX DISTRICT

INTENT STATEMENT

Proposed Intent Statement

The UMXZ district is established to meet the following five primary objectives in the areas of New Hanover County adjacent to the City of Wilmington and those intended for urban- or community-scale mixed use development:



1. To encourage the efficient mixed use development pattern envisioned in the comprehensive plan;
2. To result in quality design and a variety of built forms of lasting value that result in a pedestrian scale;
3. To provide a mix of housing options;
4. To promote and enhance transportation options, particularly those that are pedestrian-oriented, while reducing demand for automobile trips; and
5. To encourage a mix of uses to foster a sense of community.

The district regulations include design elements intended to enhance the urban form, increase neighborhood safety, and add flexibility for small lots. Integrated mix of uses on development sites and within individual buildings is encouraged. UMXZ zoning is intended to promote mixed-use developments on sites large enough to create a mix of uses within the existing suburban environment. Typically, these developments will include creative development and redevelopment solutions.

Commentary:

- Each of New Hanover County's current mixed use districts—Riverfront Mixed Use, Exceptional Design Zoning (EDZD), and Planned Development—are intended for very specific types of development. Riverfront Mixed Use projects are only allowed on properties along the Cape Fear River, EDZD allows a mix of uses in return for more stringent development siting and design requirements, and Planned Development is intended for large, undeveloped parcels under common ownership. The county does not have a zoning district where the mixing of uses is allowed and encouraged on smaller infill lots or as part of a redevelopment. However, this type of development is a major goal of the 2016 Comprehensive Plan. The City of Wilmington's UMX district was originally developed to allow complementary infill and redevelopment of the city's South Side and was later applied to other properties throughout the city. Its focus on development form and consistency with plan-envisioned development patterns could assist in creating the urban mixed use and community mixed use places depicted in the county's Future Land Use Map.
- This district was not presented at the August 2018 Planning Board work session. Its inclusion in the recommended code changes is the result of continuing conversations with community stakeholders.

DIMENSIONAL REQUIREMENTS

Current City of Wilmington Requirements (outside of 1945 corporate limits)

Minimum District Size	5 acres
Maximum Building Height	Along arterial streets, 4 stories or 45 ft.* Along residential & collector streets, 2 stories or 35 ft. Along arterial or internal collector streets, 5 stories or 55 ft. if structured parking is provided within the project
Minimum Setback from Single-Family Zoning Districts	35 ft. for buildings ≤ 35 ft. in height 45 ft. for buildings 36-45 ft. in height 45 ft. for buildings 46-55 ft. in height** 45 ft. for buildings 56-75 ft. in height**
Maximum Setbacks	10 ft. (front setbacks are not required along alleyways; TRC may waive strict adherence to requirement where an existing easement or significant natural feature exists)
Maximum Dwelling Units per Acre	15 single family 25 multi-family n/a vertically integrated mixed-use building

*May be increased 75 ft. with the issuance of a special use permit or entry into a development agreement

** Only applicable for properties along arterial or internal collector streets and when structured parking is provided

Proposed NHC Requirements

Size Requirements	
Minimum District Size	5 acres
Setbacks	
Minimum from single-family residential zoning districts	35 ft. for buildings ≤ 35 ft. in height 45 ft. for buildings > 35 ft. in height
Maximum from any street	10 ft. (front setbacks are not required along alleyways; TRC may waive strict adherence to requirement where an existing easement or significant natural feature exists)
Height (maximum)	
Along arterial streets	4 stories or 45 ft. by-right 75 ft. with Additional Height Allowance special use permit
Along residential & collector streets	2 stories or 35 ft.
Along arterial & collector streets	5 stories or 55 ft. if structured parking is provided within project
Density (maximum dwelling units/acre)	
Single Family Residential	15
Multi-Family Residential	25
Vertically integrated mixed-use building	36

Commentary:

- All current City of Wilmington standards will be the same for the county's UMXZ district, except that the density is capped at 36 units/acre for vertically integrated mixed-use buildings. This will ensure that projects remain consistent with the maximum density allowed in other county zoning districts. The development agreement provision is also not provided, as it is not set up in the county's zoning code.
- As a note, this district can only be applied to a property as a conditional zoning district or with a conceptual plan. This will allow the Board of Commissioners to determine whether the project is at an appropriate scale. Projects in community mixed use areas or with lower current development intensities would not necessarily reach the height or density maximums allowed for within this district. It would be decided on a case-by-case basis.

USE PERMISSIONS NOTE: THE CITY'S UMX DISTRICT PERMITS ALL USES, UNLESS SPECIFICALLY PROHIBITED OR LISTED AS A SPECIAL USE. WHILE THE COUNTY USES A TABLE OF PERMITTED USES. AS A RESULT, THE USES LISTED BELOW ARE ORGANIZED DIFFERENTLY.

Current City of Wilmington Permissions

Prohibited Uses

- Adult establishments
- Electronic gaming
- Garbage collection, private
- Gas companies
- Manufactured home sales
- Motor freight companies
- Movers, van lines, and storage
- Nightclubs

Uses Permitted w/Additional Standards

- Auxiliary uses and wares
- Communications facilities
- Freestanding structured parking decks
- Group home supportive, small, medium, large
- Industrial uses in existing building
- Utility stations and plants outside public rights-of-way, including lift stations, substations, pump stations, etc.
- Breweries, small regional and microbreweries
- Artisan food and beverage producers

Commentary:

- Because the city lists prohibited uses instead of permitted uses, it can be difficult to compare the permissions. In general, the uses prohibited by the city are also prohibited by the county, but some differences in terms apply:
 - The uses prohibited by the city and county include:
 - Adult Entertainment Establishments
 - Electronic Gaming Operations
 - Mobile Home Dealers & Prefabricated Buildings
 - Motor Freight Transportation Warehousing
 - Entertainment Establishments, Bars, Cabarets, Discos
 - Entertainment Establishments, Bars, Cabarets, in a Shopping Center
 - Additional uses will not be allowed in the county UMXZ district since it is not intended to apply primarily to previously developed industrial or heavy commercial areas, like the city's district. In general, these uses are ones only currently allowed in industrial districts or that are not appropriate in a more dense, urban or community setting:
 - Solar Power Farms
 - Junk Yards, Scrap Processing
 - Livestock Sales
 - Wholesaling (with outside storage)
 - Dry Cleaning/Laundry Plant
 - Electrical Repair Shop
 - Funeral Home
 - Demolition-Landscape Landfill
 - Camping, Travel Trailer Parks
 - Outdoor Shooting Ranges
 - Stables
 - Septic Tank Vacuum Service
 - Outdoor Advertising
 - Principal Use Sign
 - Automobile/Boat Repair Sales
 - Automobile Dealers & Truck Sales
 - Boat Dealers
 - Recreational Vehicles and Boat Trailer Storage Lots
 - Commercial Marina with Floating Structures
 - High Density Development (special use permit to allow greater residential density)
 - Manufactured Home
 - Manufactured Home, Doublewide
 - Manufactured Home Park
 - Manufactured Home Subdivision
 - Septage, Sludge Disposal
 - Recycling Facilities: Large Collection
 - Recycling Facilities: Processing
 - Recycling Facilities: Large Collection & Processing
 - All Manufacturing uses, except Artisan Manufacturing
 - All Intensive Manufacturing uses
- The way the city's and county's terms are written require that these uses be included as permitted or special uses in the county's district.
- Uses with an asterisk* will be shown as permitted on the NHC Table of Permitted Uses, but they have supplemental standards in this district. The reference for the supplemental standards will be provided on the table, which is the county's current practice.
- These uses will be added to the county's list of uses as part of this amendment.

Proposed NHC Permissions

Uses Permitted by Right

- Agricultural Uses
- Kennels*
- Veterinaries
- Wholesale Nurseries & Greenhouses
- Special Trade & General Contractors with no Outside Storage
- Air Transportation
- Bus & Taxi Terminals
- Commercial Marina*
- Dry Stack Storage of Boats as a stand-alone warehouse
- Dry Stack Storage of Boats as accessory to a marina
- Mini-Warehouses
- Post Offices
- Railroad Transportation
- TV & Radio Broadcasting
- Warehousing
- Water Transportation Facilities
- Wholesaling with No Outside Storage
- Apparel & Accessory Store
- Building Material & Garden Supplies
- Convenience Food Store
- Drug Store
- Neighborhood Drug Store
- Eating and Drinking Places
- Farm Implement Sales
- Food Stores
- Fruit & Vegetable Stand Produced on Same Parcel as Offered for Sale
- Furniture, Home Furnishing, & Equipment
- General Merchandise Stores
- Handcrafting Small Articles
- Hardware
- Landscaping Service
- Miscellaneous Retail
- Retail Nurseries
- Banks, Credit Agencies, Savings & Loans
- Barber/Beauty Shop
- Bed and Breakfast Inn
- Business Services including Printing
- Drive-In Theater
- Golf Courses
- Hotels & Motels
- Indoor Recreation Establishments
- Outdoor Recreation Establishments
- Indoor Theater
- Parks & Recreation Areas
- Personal Services
- Resort Hotel/Motel
- Watch, Clock, Jewelry Repair
- Adult Day Care*
- Child Care Center
- Community Center
- Family Child Care Home*
- Hospitals
- Nursing Home/Rehabilitation Center
- Residential Care
- Colleges, Universities, Professional Schools, & Technical Institutions
- Elementary & Secondary Schools
- Libraries
- Museums
- Churches
- Labor Organizations
- Lodges, Fraternal & Social Organizations
- Fraternities/Sororities, Residential
- Private Residential Boating Facility
- Duplexes
- Dwelling Unit Contained within Principal Use*
- Government Offices & Buildings
- Home Occupation
- Offices for Private Business & Professional Activities
- Research Facilities
- Residential Private Pier
- Senior Living: Active adult retirement community or Independent Living
- Senior Living: Assisted Living or Personal Care Facility
- Senior Living: Continuing Care Retirement Community or Life Care Community
- Single Family Dwelling
- Single Family Dwelling-Attached
- Recycling Facilities: Small Collection*
- Temporary Relocation Housing*
- Antenna & Towers less than 70 ft. in height and ancillary to the principal use
- Cellular & PCS Antennas*
- Amateur Radio Antennas (up to 90 ft.)
- Group Home *
- Electric/Gas & Sanitary Services*
- Electric Substations*
- Telephone & Telegraph Facilities
- Artisan Manufacturing (includes small-scale breweries)*
- Laboratories, testing
- Commercial Parking Lots
- Research Laboratories
- Motion Pictures Production and Distribution
- Accessory Buildings or Uses, clearly incidental to the permitted use or building
- Christmas Tree Sales*
- Circuses, Carnivals, Fairs & Side Shows of no more than 30 days duration per year
- Evangelistic and Religious Assemblies not Conducted at a Church*
- Special Fund Raising for Non-Profit Organization*
- Temporary Sign

Current City of Wilmington Permissions

Uses Permitted w/Special Use Permit

- Automobile renting and leasing
- Automotive services and towing services
- Communication facilities
- Contractor equipment or supply dealers and service
- Contractor storage yard
- Dormitories, private
- Drive-through services
- Group day facility
- Industrial and manufacturing uses greater than 10,000 square feet
- Motor vehicle dealers, including automobiles, boat dealers, motorcycles, recreational vehicles, and utility trailers
- Tire dealers and service
- Group home residential

Proposed NHC Permissions

Uses Permitted w/Special Use Permit

- Automobile Rentals
- Automobile Service Station
- Other Communication Facilities including Towers
- Equipment Rental & Leasing
- General Building Contractor
- General Contractors other than Building
- Landscaping Contractors
- Special Trade Contractors
- Cemeteries
- Community Boating Facility

Commentary:

- Because the city and county do not have the same list of uses, the city's permissions have been translated as closely as possible to the closest county term. In addition, the authorities and historic use permissions of the city and the county are not exactly the same. As a result, some anticipated changes to permissions include:
 - This use is permitted by the city but will not be included in the county CB district.
 - These uses and/or permissions are specific to the city code and are not proposed to be added to the county's list of uses.
 - These uses are generally allowed in non-industrial county districts with these permit requirements.

DISTRICT SPECIFIC REQUIREMENTS

<p>Review Process</p>	<p>Processed as a condition district subject to a conceptual site plan review</p> <p>Commentary: The city allows the UMX district to be processed either as a conditional district or a general rezoning subject to a conceptual site plan. To clarify how this would work given current county processes, the UMXZ district is set up to process as a conditional district, but explicit conceptual site plan requirements are outlined to ensure too much specificity is not required at the rezoning stage. This will allow the boards the ability to review the mix or uses, heights, etc. of projects during consideration of the rezoning while supporting some flexibility.</p>
<p>Mix of Uses</p>	<p>A mix of both residential and nonresidential uses is required, but no specific percentage formula is outlined. The mix for each project could be different and would be reviewed at the rezoning phase.</p> <p>Commentary: This is the city's current requirement for UMX projects outside the 1945 corporate limits.</p>
<p>Utility and Equipment Screening</p>	<ul style="list-style-type: none"> -Equipment and fire escapes not allowed on building façades with street frontage. -Through-wall mechanical units allowed on any façade if design and condensation drip system standards met. -Equipment that can't be located out-of-sight must be screened. -TRC may approve alterations if criteria met. <p>Commentary: These are the city's current requirements, but specific criteria is provided to guide TRC decisions.</p>
<p>Site Lighting</p>	<ul style="list-style-type: none"> -Lighting must be located, shielded, etc. so no direct light is cast on adjacent properties and off-site backlighting and up-lighting is minimized -Light posts shall be no taller than 12 ft. <p>Commentary: These are the city's current requirements.</p>
<p>Parking and Driveway Requirements</p>	<ul style="list-style-type: none"> -Parking shall be provided in accordance with code's general parking standards, though shared parking is allowed subject to a parking study. -Surface parking lots must be located to side or rear of buildings and screened if visible from public right-of-way. -Parking should be accessed via alleyways wherever possible. -Above-grade parking structures should be designed to relate to context of the area. -Pervious pavement materials, vegetated bio-infiltration parking lot islands, or infiltration systems must be used to minimize run-off to the extent that soil permeability, depth to groundwater, or site constraints allow. <p>Commentary: The majority of the city's current parking design standards will be included in the county's UMXZ district. However, district-specific parking minimums will not be outlined, including bicycle parking. Parking minimums and other lot design standards will be considered during the targeted code updates that will be addressed in the next phases of this project.</p>
<p>General Site Design</p>	<ul style="list-style-type: none"> -Multi-modal transportation opportunities such as defined pedestrian circulation, sidewalks, bicycle and pedestrian connectivity to adjacent developments or existing or funded bike/ped facilities, and internal grid with 400 ft. maximum blocks are required (though TRC may waive based on pre-defined criteria). -Street trees at the rate of 1 tree per 30 ft. frontage will be required. NCDOT approval will be required for public rights-of-way. -A minimum buffer of at least 20 ft. in width will be required adjacent to single-family residential zoning districts. -Other buffering and streetyard requirements can be exempted upon approval of TRC when contextual design constraints dictate or when other design and/or landscaping features meet the needs of the buffering or streetyard requirements. -Trash containment areas shall be located within a building if possible or placed to rear and side and screened with an opaque fence. -Open wire fencing is prohibited, and front yard fences can be no taller than 4 feet. <p>Commentary: The majority of site design standards in the county's UMXZ district are the same as the city's UMX standards outside the 1945 corporate limits. Some clarity regarding the criteria for TRC amendments and off-site bicycle and pedestrian facilities that must be connected to is provided. In addition, encroachment agreements for balconies and door swings are not specifically required, as interior sidewalks and pedestrian ways within the county are unlikely to be publically owned and/or maintained.</p>
<p>Building Design</p>	<ul style="list-style-type: none"> -Primary entrances should be distinct and oriented toward sidewalks along primary street frontages. -Large expanses of flat, unadorned walls are prohibited, and façades must incorporate architectural details and periodic transitions. -Building façades exceeding 30 ft. in width along rights-of-way shall be divided into distinct areas utilizing methods such as offsets, pilasters, change in materials, fenestration, etc. Transitions shall be no further apart than 2/3 of the height of the façade. -New building shall front onto sidewalks to reinforce pedestrian activity along streets and pedestrian ways. -Exterior burglar bars, fixed "riot shutters," or similar security devices shall not be visible from the public right-of-way. -Exterior building materials for all new nonresidential or multi-family structures shall be of quality finish materials. Structural metal panels or unparged or non-architectural, non-decorative concrete block shall be prohibited on façades visible from the public right-of-way. <p>Commentary: The majority of building design standards in the county's UMXZ district are the same as the city's UMX standards outside of historic districts. The language of some standards is amended slightly to reflect that not all sidewalks and streets will likely be publically owned and/or maintained and that UMXZ developments may not be located in already developed areas with a common architectural context.</p>