

Multi-family & Nonresidential Height Standards Update

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Transitional Buffer Standards

Key Intent

- Allow 4-story buildings, which require elevators, in multi-family districts to increase housing access and opportunities for seniors and residents with reduced mobility
- Adjust height standards in nonresidential and mixed-use districts to allow for the building scale recommended in the Comprehensive Plan, ensure structure heights needed for permitted uses can be accommodated, and provide for more flexibility in building design, while offsetting impacts of tall structures directly abutting residential property
- Modify setbacks in nonresidential districts to ensure consistency

Changes

- A building height allowance has been established for the RMF-L and RMF-M districts where 4-story structures are allowed when additional setbacks from adjacent general R Residential districts (RA, AR, R-20, R-20S, R-15, R-10, R-7, and R-5) are provided. **(See Sections 3.2.12 and 3.2.13)**
- Additional setbacks from adjacent general R Residential districts have been outlined for 4-story structures in the RMF-MH and RMF-H districts. **(See Sections 3.2.14 and 3.2.15)**
- Because Master Planned Developments (MPDs) are subject to Planning Board and Board of Commissioners review and consideration through the public hearing process, the building height maximum in the Urban Mixed Use Zoning and Planned Development districts has been removed and the MPD Master Plan is allowed to establish the maximum height for a particular project. **(See Sections 3.3.4 and 3.3.7)**
- Maximum height limits for nonresidential districts are adjusted to allow for the scale of buildings intended for the district. **(See Sections 3.4.3, 3.4.4, 3.4.5, 3.4.6, and 3.4.10)**
- Additional height allowances, and additional standards to mitigate greater heights when adjacent to general R Residential districts, are established for nonresidential districts to ensure the number of stories intended for the district can be accommodated and to allow specific permitted uses that generally require structures with greater height. **(See Sections 3.1.3, 3.4.3, 3.4.4, 3.4.5, 3.4.6, 3.4.10, and 5.4.3)**
- The method for measuring height in stories is outlined, and a definition for *story* is added. **(See Sections 2.1 and 2.3)**

Section 2.1 Measurements

Building Height

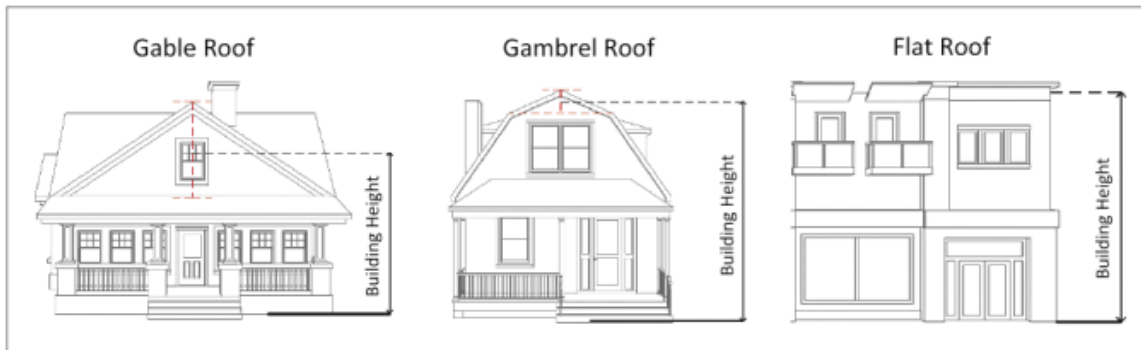
The vertical distance measured from the average elevation of the proposed finished grade at the front of the structure to one of the following (See Figure 2.1: Building Height Measurement):

1. The midpoint between eave and ridgeline on a simple sloped roof (e.g., gable or hip roof) or curved roof (e.g., barrel roof);
2. Where there are multiple roof planes (e.g., gambrel or mansard roof), the highest midpoint on a sloped or curved roof surface or the highest flat roof plane, whichever is highest; or
3. The highest roof plane on a flat roof (not including any parapet wall).

Note: No changes are proposed to this definition. It is included for informational purposes and additional context only.

Appurtenances usually required to be placed above the roof level and not intended for human occupancy (e.g., antennas, chimneys, solar panels) shall not count toward the building height (see Section 3.1.3.B, Structural Appurtenances).

Figure 2.1: Building Height Measurement



Height in Stories

1. *The number of stories having their finished floor surface entirely above the base plane, or in which the finished surface of the floor next above is:*
 - a. *More than 6 feet above the base plane.*
 - b. *More than 6 feet above the finished ground level for more than 50 percent of the total building perimeter.*
 - c. *More than 12 feet above the finished ground level at any point.*
2. *Attic Story*
 - a. *An attic story is any story situated wholly or partly in the roof, so designated, arranged, or build as to be used for storage or habitation.*
 - b. *If an attic which is accessible by a fixed stairway has a 7-foot clear height for greater than 50 percent of the floor area of the story below, then the space shall be considered as a story.*

Section 2.3 Definitions and Terms

Story

The portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Section 3.1 General

3.1.3 Superseding Dimensional Standards

C. ~~Setback Requirements~~ Additional Standards in Certain Commercial and Industrial Districts when Adjacent to Residential Properties

Interior side setbacks and rear setbacks in the B-1, B-2, O&I, AC, I-1, and I-2 districts shall be as follows:

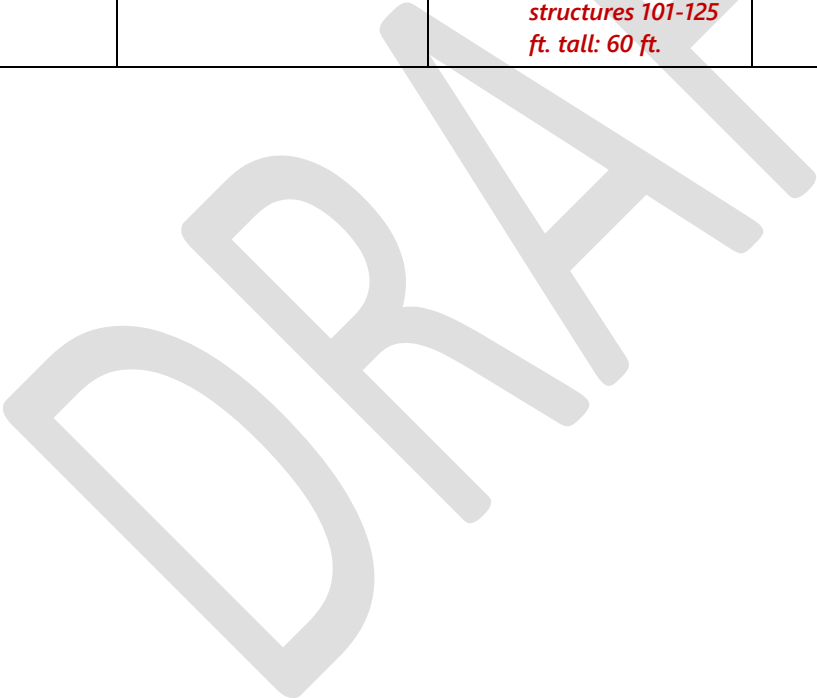
1. ~~No interior side or rear setbacks are required for nonresidential structures from lot lines shared with abutting nonresidential uses where the structure and the abutting use are located within the B-1, B-2, O&I, AC, I-1, and I-2 districts.~~
2. ~~A setback of 20 feet is required for any structure in the B-1, B-2, O&I, AC, I-1, and I-2 districts from any lot line adjacent to a lot in a residential district occupied by a nonresidential use.~~
3. ~~1. Table 3.1.3.C(1): Interior Side and Rear Setbacks from Residential Properties, establishes the setback requirements for structures in the B-1, *CB*, B-2, O&I, AC, I-1, and I-2 districts from lot lines shared with abutting residential uses and/or platted lots located within a *general* residential (*RA, AR, R-20, R-20S, R-15, R-10, R-7, or R-5*) zoning district. The setbacks in Table 3.1.3.C may be reduced in the AC, I-1, and I-2 Districts in accordance with Section 5.4.3, Transitional Buffer Standards, but may not be reduced below the absolute minimum setback specified in Table 3.1.3.C (by use of the language “in no case less than”).~~

Table 3.1.3.C (1): Interior Side and Rear Setbacks from Residential Properties

Zoning District	<i>Residential Uses</i>		<i>Nonresidential Uses</i>
	Side (<i>Interior</i>) Setback	Rear Setback	
B-1	25 ft.	30 ft.	<i>20 ft.</i>
<i>CB</i>	<i>20 ft.</i>	<i>30 ft.</i>	
B-2	30 ft.	35 ft.	
O&I	25 ft.	30 ft.	
AC	45 ft., in no case less than 35 ft.	50 ft., in no case less than 40 ft.	
I-1	50 ft., in no case less than 35 ft.	50 ft., in no case less than 40 ft.	
I-2	100 ft., in no case less than 40 ft.	100 ft., in no case less than 45 ft.	

2. *Table 3.1.3.C(2): Additional Standards for Structures with Additional Height Allowance, establishes the additional setback, building setback/architectural setback, or opaque landscape buffers required for lot lines shared with abutting general residential (RA, R-20, R-20S, R-15, R-10, R-7, or R-5) districts for structures using the additional height allowance for that district.*

Table 3.1.3.C(2): Additional Standards for Structures with Additional Height Allowance			
<i>Zoning District</i>	<i>Option 1: Structure Setback</i>	<i>Option 2: Building Setback or Architectural Setback</i>	<i>Option 3: Opaque Landscape Buffer</i>
<i>B-2</i>	<ul style="list-style-type: none"> • Structures 51-75 ft. tall: 40 ft. • Structures 76-100 ft. tall: 50 ft. • Structures 101-125 ft. tall: 60 ft. 	<ul style="list-style-type: none"> • Portions of structures 51-75 ft. tall: 40 ft. • Portions of structures 76-100 ft. tall: 50 ft. • Portions of structures 101-125 ft. tall: 60 ft. 	<ul style="list-style-type: none"> • Structures 51-75 ft. tall: 25 ft. vegetative buffer/15 ft. vegetative buffer with fencing • Structures 76-100 ft. tall: 30 ft. vegetative buffer/20 ft. vegetative buffer with fencing • Structures 101-125 ft. tall: 35 ft. vegetative buffer/25 ft. vegetative buffer with fencing
<i>O&I</i>			



Section 3.2 Residential Zoning Districts

3.2.12 Residential Multi-Family Low Density (RMF-L) District

D. District Dimensional Standards [11-16-2020]					
Standard	Single Family Detached	Duplex	Triplex	Quadraplex	Multi-Family
Lot area, minimum (square feet)*	5,000	7,500	12,500	17,500	20,000
1 Lot width, minimum (feet)*	50				100
2 Front setback (feet)*	20				35
3 Side setback, street (feet)*	10				30
4 Side setback, interior (feet)*	5				20
5 Rear setback (feet)*	15				25
Density, maximum (dwelling units/acre)	10				
Building height, maximum	3 3 stories, with a maximum of 45 feet**				
<i>Additional height allowance</i>	<i>4 stories for structures setback at least 25 ft. from adjacent RA, AR, R-20, R-20S, R-15, R-10, R-7, and R-5 properties</i>				

* Does not apply to Performance Residential Developments (see Section **Error! Reference source not found.**).

** Heights over 35 feet subject to additional setback of 4 additional feet

3.2.13 Residential Multi-Family Moderate Density (RMF-M) District

D. District Dimensional Standards [11-16-2020]					
Standard	Single Family Detached	Duplex	Triplex	Quadraplex	Multi-Family
Lot area, minimum (square feet)*	5,000	7,500	12,500	17,500	20,000
1 Lot width, minimum (feet)*	50				100
2 Front setback (feet)*	20				35
3 Side setback, street (feet)*	10				30
4 Side setback, interior (feet)*	5				20
5 Rear setback (feet)*	15				25
Density, maximum (dwelling units/acre)	17				
Building height, maximum	3 3 stories, with a maximum of 45 feet**				
<i>Additional height allowance</i>	<i>4 stories for structures setback at least 25 ft. from adjacent RA, AR, R-20, R-20S, R-15, R-10, R-7, and R-5 properties</i>				

* Does not apply to Performance Residential Developments (see Section **Error! Reference source not found.**).

** Heights over 35 feet subject to additional setback of 4 additional feet

3.2.14 Residential Multi-Family Medium-High Density (RMF-MH) District

D. District Dimensional Standards [11-16-2020]					
Standard	Single Family Detached	Duplex	Triplex	Quadraplex	Multi-Family
Lot area, minimum (square feet)*	4,000	7,500	12,500	17,500	20,000
1 Lot width, minimum (feet)*	40				90
2 Front setback (feet)*	15				30
3 Side setback, street (feet)*	10				30
4 Side setback, interior (feet)*	5				20
5 Rear setback (feet)*	15				25
Density, maximum (dwelling units/acre)	25				
Building height, maximum**	4 stories, with a maximum of 50 feet [09-08-2020]				

* Does not apply to Performance Residential Developments (see Section **Error! Reference source not found.**).

** Heights over 35 feet subject to additional setback of 4 additional feet. *Structures over 3 stories must be setback a minimum 25 ft. from adjacent RA, AR, R-20, R-20S, R-15, R-10, R-7, and R-5 properties.*

3.2.15 Residential Multi-Family High Density (RMF-H) District

D. District Dimensional Standards [11-16-2020]					
Standard	Single Family Detached	Duplex	Triplex	Quadraplex	Multi-Family
Lot area, minimum (square feet)*	3,000	6,000	9,000	12,000	15,000
1 Lot width, minimum (feet)*	40				80
2 Front setback (feet)*	15				30
3 Side setback, street (feet)*	10				30
4 Side setback, interior (feet)*	5				20
5 Rear setback (feet)*	15				25
Density (maximum dwelling units/acre)	36				
Building height, maximum**	4 stories, with a maximum of 50 feet [09-08-2020]				

* Does not apply to Performance Residential Developments (see Section **Error! Reference source not found.**).

** Heights over 35 feet subject to additional setback of 4 additional feet. *Structures over 3 stories must be setback a minimum 25 ft. from adjacent RA, AR, R-20, R-20S, R-15, R-10, R-7, and R-5 properties.*

Section 3.3 Mixed Use Zoning Districts

3.3.4 Urban Mixed Use Zoning (UMXZ)

E. District Dimensional Standards	
Standard	All Uses
Minimum district size (acres)	5
Setbacks	
Minimum distance from single family residential zoning districts	35 feet for buildings ≤ 35 feet in height 45 feet for buildings > 35 feet in height
1 Maximum distance from any street (feet)	10*
Maximum height along arterial streets	4 stories or 45 feet by-right 75 feet with Additional Height Allowance special use permit
Maximum height along residential & collector streets	2 stories or 35 feet
Maximum height along arterial & collector streets	5 stories or 55 feet if structured parking is provided within project
Maximum single family residential density (dwelling units/acre)	15
Maximum multi-family residential density (dwelling units/acre)	25
Maximum vertically integrated mixed-use building density (dwelling units/acre)	36
<i>Building height, maximum</i>	<i>Established in MPD Master Plan in accordance with Section 3.3.3.A, MPD Master Plan</i>

*Front setbacks are not required along alleyways; TRC may waive strict adherence to requirement where an existing easement or significant natural feature exists.

3.3.7 Planned Development (PD) District

F. District Dimensional and Density Standards [09-08-2020]			
Standard	Residential Uses	Commercial Uses	Industrial Uses
Minimum district size, under common ownership or joint petition: 10 acres			
Building setback from PD District boundary (feet)	20	CB Setback Requirements	I-1 Setback Requirements
Building setback from pedestrian and bicycle paths (feet)	10		
Front setback (feet)	Established in MPD Master Plan in accordance with Section 3.3.3.A, MPD Master Plan		
Side setback, street (feet)			
Side setback, interior (feet)			
Rear setback (feet)			
Density, maximum (du/acre)	*		
Intensity, maximum	Established in MPD Master Plan in accordance with Section 3.3.3.A, MPD Master Plan		
Building height, maximum (feet)	40** <i>Established in MPD Master Plan in accordance with Section 3.3.3.A, MPD Master Plan</i>		

* Maximum density in Urban Mixed Use areas identified on the New Hanover County Future Land Use Map shall be established in the MPD Master Plan. Maximum Density in areas outside of the Urban Mixed Use areas shall also be established in the MPD Master Plan but shall not exceed 17 dwelling units per acre.

** ~~There is no maximum building height for Agricultural or Industrial uses. The maximum building height is 80 feet for buildings located within the Urban Mixed Use, Community Mixed Use, or Employment Center areas identified on the New Hanover County Future Land Use Map and fronting along a collector, minor arterial, or principal arterial as indicated on the most recent officially adopted Wilmington Urban Area MPO functional classification map. [05-03-2021]~~

Section 3.4 Commercial and Industrial Districts

3.4.3 Neighborhood Business (B-1) District

G. District Dimensional Standards	
Standard	All Uses
Lot area, minimum (square feet)	None
Lot width, minimum (feet)	None
1 Front setback (feet)	50 along highways and major thoroughfares; 35 along all other public highways or streets 25
2 Side setback, street (feet)	50 along highways and major thoroughfares; 35 along all other public highways or streets 25
Side setback, interior (feet)	± <i>0 adjacent to commercial & industrial districts See Section 3.1.3.C for setbacks when adjacent to residential properties</i>
Rear setback (feet)	± <i>0 adjacent to commercial & industrial districts See Section 3.1.3.C for setbacks when adjacent to residential properties</i>
Building height, maximum (feet)	35 40
<i>Additional height allowance, maximum (feet)</i>	<i>50 if required for structure no more than 2 stories in height</i>

* Determined in accordance with Section ~~Error! Reference source not found.~~, ~~Error! Reference source not found.~~.

3.4.4 Community Business (CB) District

H. District Dimensional Standards	
Standard	All Uses
Lot area, minimum (acres)	½
1 Lot width, minimum (feet)	80
2 Front setback (feet)	20
3 Side setback, street (feet)	20
Side setback, interior (feet)	None* <i>0 adjacent to commercial & industrial districts See Section 3.1.3.C for setbacks when adjacent to residential properties</i>
4 Rear setback (feet)	40** <i>0 adjacent to commercial & industrial districts See Section 3.1.3.C for setbacks when adjacent to residential properties</i>
Building height, maximum (<i>feet</i>)	3 stories, not to exceed 45 feet*** 50
<i>Additional height allowance, maximum (feet)</i>	<i>65 if required for structure no more than 3 stories in height</i>
Floor area per development site, maximum (square feet)	100,000

* Interior side setback is 20 feet from abutting residentially zoned land or lots on which there is residential development.

** Rear setback is 25 feet from abutting residentially zoned land or lots on which there is residential development.

*** Buildings with heights over 35 feet are subject to an additional setback requirement of 4 additional feet.

3.4.5 Regional Business (B-2) District

I. District Dimensional Standards	
Standard	All Uses
Lot area, minimum (square feet)	None
Lot width, minimum (feet)	None
1 Front setback (feet)	50 along highways and major thoroughfares; 35 along all other public highways or streets 25
2 Side setback, street (feet)	50 along highways and major thoroughfares; 35 along all other public highways or streets 25
Side setback, interior	* <i>0 adjacent to commercial & industrial districts See Section 3.1.3.C for setbacks when adjacent to residential properties</i>
Rear setback	* <i>0 adjacent to commercial & industrial districts See Section 3.1.3.C for setbacks when adjacent to residential properties</i>
Building height, maximum (feet)	40** 50
<i>Additional height allowance, maximum (feet)</i>	<i>100 if required for structure no more than 3 stories in height OR for Hotel or Motel structures no more than 5 stories in height See Section 3.1.3.C for standards when adjacent to residential properties</i>

* Determined in accordance with Section ~~Error! Reference source not found.~~, ~~Error! Reference source not found.~~.

** Buildings located within the Employment Center, Community Mixed Use, Urban Mixed Use, or Commerce Zone place types and fronting along a collector, Minor Arterial, or Principal Arterial as indicated on the most recent officially adopted Wilmington MPO Functional Classification Map, may exceed 40 feet in height provided their FAR does not exceed 1.0. The FAR may exceed 1.0, but shall not exceed 1.4 if (1) the ratio of the total building footprint to the total buildable site area does not exceed 40% and (2) the required parking (exclusive of off-loading and service parking) is included within the building footprint. If all surface parking (excluding visitor drop-off and pick-up) is within the building footprint, additional floor area can be added at the rate of one foot of floor per one foot of parking area. The total height of the parking structure shall be excluded from the height limit. [05-03-2021]

3.4.6 Office and Institutional (O&I) District

J. District Dimensional Standards		
Standard	Residential Uses	Nonresidential Uses and Mixed Use Structures
Lot area, minimum (square feet)*	15,000	
1 Lot width, minimum (feet)*	90	
2 Front setback (feet)*	25	
3 Side setback, street (feet)*	25	
Side setback, interior*	<p align="center">**</p> <p align="center"><i>0 adjacent to commercial & industrial districts See Section 3.1.3.C for setbacks when adjacent to residential properties</i></p>	
Rear setback*	<p align="center">**</p> <p align="center"><i>0 adjacent to commercial & industrial districts See Section 3.1.3.C for setbacks when adjacent to residential properties</i></p>	
Density, maximum (dwelling units/acre)	2.5**	
Building height, maximum (feet) [09-08-2020]	40 45	52 75
<i>Additional height allowance, maximum (feet)</i>	<p align="center"><i>50 if required for structure no more than 3 stories in height See Section 3.1.3.C for standards when adjacent to residential properties</i></p>	<p align="center"><i>125 if required for structure no more than 5 stories in height OR for Colleges, University, & Professional School and Hospital structures no more than 7 stories in height See Section 3.1.3.C for standards when adjacent to residential properties</i></p>

* Does not apply to Performance Residential Developments (see Section **Error! Reference source not found.**).

~~** Determined in accordance with Section **Error! Reference source not found.**, **Error! Reference source not found.**~~

~~*** Applies only to Performance Residential Developments (see Section **Error! Reference source not found.**).~~

3.4.10 Light Industrial (I-1) District

K. District Dimensional Standards	
Standard	All Uses
Lot area, minimum (square feet)	None
1 Lot width, minimum (feet)	None
2 Front setback (feet)	50
3 Side setback, street (feet)	50
Side setback, interior	*
Rear setback	*
Building height, maximum (feet) [09-08-2020]	45**
<i>Additional height allowance, maximum (feet)</i>	<i>100 if required for structure no more than 3 stories in height OR Government Offices & Building, Hotel or Motel, Offices for Private Business and Professional Activities, and Research and Development Facility structures no more than 7 stories in height See Section 3.1.3.C for standards when adjacent to residential properties</i>

* Determined in accordance with Section **Error! Reference source not found., Error! Reference source not found..**

** 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 most recent officially adopted Wilmington MPO Functional Classification Map, may exceed 45 feet in height provided their FAR does not exceed 1.0. [05-03-2021]

Section 5.4.3 Transitional Buffer Standards

Table 5.4.3.B.2: Landscape Buffer Types

Buffer Type	Minimum Width and Plantings Required
Type A: Opaque Buffer†	
Option 1: Vegetation Only	<p>The minimum buffer width shall be 50 percent of the minimum required setback as set forth in Article 3: Zoning Districts, or 20 feet, whichever is greater.**</p> <p>Planted materials shall be a minimum of six feet in height and provide approximately full opacity within one year of planting.*</p> <p>A minimum of three rows of planted material are required.</p>
Option 2: Combination Berm & Vegetation	<p>The minimum buffer width shall be 50 percent of the minimum required setback as set forth in Article 3: Zoning Districts, or 20 feet, whichever is greater.**</p> <p>The berm shall be constructed of compacted earth. The slope of the berm shall be stabilized with vegetation and shall be no steeper than 3:1. The height of the berm shall be six feet or less with a level or rounded area on top.</p> <p>The combined height of the berm and planted vegetation shall provide approximately full opacity to a minimum height of six feet within one year of planting. The height of the berm and vegetation shall be measured from the ground level at the nearest lot boundary line.*</p>
Option 3: Combination Fencing & Vegetation	<p>The minimum buffer width shall be 50 percent of the minimum required setback as set forth in Article 3: Zoning Districts, or 10 feet, whichever is greater.**</p> <p>Fencing shall be between 6 and 10 feet in height.</p> <p>Required planted materials shall be located between the fence and the common property line unless otherwise specified.</p> <p>If solid fencing is used, planted materials a minimum of three feet in height and providing a minimum of approximately 50 percent visual opacity at initial planting shall be required. Vegetation shall be planted between the fence and the nonresidential or attached structure if the required buffer is 15 ft. or less in width to accommodate regular maintenance.*</p> <p>If permeable fencing is used, a minimum of two rows of planted materials providing approximately full opacity within one year of planting are required.*</p>
Type B: Aesthetic Buffer	
Option 1: Vegetation Only	<p>Width: 20 ft. minimum</p> <p>Planted materials shall provide approximately 50 percent opacity within one year of planting.*</p> <p>A minimum of three rows of planted material, using a minimum of two plant species that will result in different heights at maturity, are required.</p>
Option 2: Combination Fencing & Vegetation	<p>Width: 10 ft. minimum</p> <p>Planted materials shall provide approximately 50% opacity within one year of planting.*</p> <p>Fencing shall be between 4 and 10 feet in height.</p> <p>Planted materials shall be planted between the fence and the industrial use with sufficient space to accommodate regular maintenance.</p> <p>If permeable fencing is used, at least one row of planted materials is required. Chain link or wire fencing cannot be used to meet the fencing requirement.</p>

Table 5.4.3.B.2: Landscape Buffer Types

Buffer Type	Minimum Width and Plantings Required
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Type A: Opaque Buffer[†]

*Plants and spacing to achieve the height and opacity requirements of this buffer option are outlined in the “Tree and Plant Materials for Landscaping” manual.

**If the applicant increases the required buffer width, an equivalent reduction in a building’s setback is allowed, except for interior side and rear setbacks from residential properties in the B-1, B-2, and O&I districts.

[†]See Section 3.1.3.C for landscape buffer options for structures using additional height allowance in certain districts.

