

Sec. 18-184. - Multifamily Residential Districts (MF-L, MF-M, MF-MH, MF-H).

(a) *Purpose.*

- (1) *MF-L, Multiple-Family Residential District*—Low density (ten (10) du/ac maximum density): This district is established for moderate density single-family and low density multiple-family development of varying types and designs. It functions as an alternative housing type near or in direct relationship to single-family detached housing.
- (2) *MF-M, Multiple-Family Residential District*—Medium density (seventeen (17) du/ac maximum density): This district is established for moderate density single-family and multiple-family developments of varying types and designs. It functions as a transitional land use between intensive nonresidential uses or higher density residential areas and lower density residential areas. The district is designed to respond to the varying housing needs of the community while affording a reasonable range of choice, type and location of housing units within the city.
- (3) *MF-MH, Multiple-Family Residential District*—Medium-high (twenty-five (25) du/ac maximum density): This district is established for medium-high density residential development of varying types and designs, with emphasis on midrise structures. It functions as a transitional land use between intensive nonresidential uses and lower density residential areas. The district is designed to be located between low-density suburban areas and major population centers such as the downtown, suburban shopping centers and medical services areas while providing a reasonable range of choice, type and location of housing units within the city.
- (4) *MF-H, Multiple-Family Residential District*—High density (thirty-six (36) du/ac maximum density). This district is established for high-density residential development of varying types and designs, with emphasis on midrise and highrise structures. It functions as a transitional land use between intensive nonresidential uses and lower density residential areas. The district is designed to be located in close proximity to major population centers such as the downtown, suburban shopping centers and medical services areas.

(b) *Uses permitted by right.* The following uses are permitted by right in the MF-L, MF-M, MF-MH, MF-H Districts, provided that they meet all requirements of this section and all other applicable requirements established in these regulations:

- (1) Dwellings, attached (including townhouses).
- (2) Dwellings, duplex, triplex and quadraplex.
- (3) Dwellings, multifamily.
- (4) Dwellings, single-family, detached.
- (5) Reserved.
- (6) Golf course, public or private, with related services, including pro shop.

- (7) Parks and recreation areas, municipal.
 - (8) Recreation facility, neighborhood.
 - (9) Quad-unit apartment.
- (c) *Uses permitted under prescribed conditions.* The following uses are permitted provided that they meet all requirements of this section, Article 6, and all other applicable requirements established in these regulations:
- (1) Governmental uses outside public rights-of-way, except office uses, but including buildings occupied or operated by federal, state, county and/or municipal government on land owned or leased by a government body.
 - (2) Group home supportive, small.
 - (3) Group home supportive, medium.
 - (4) Group home supportive, large.
 - (5) Libraries.
 - (6) Multifamily mixed use within the MF-M, MF-MH, and MF-H Districts.
 - (7) Religious institutions.
 - (8) Telecommunication facility, unattended.
 - (9) Utility stations and plants outside public rights-of-way, such as sewage lift stations, pump stations, etc. that do not create excessive noise, odor, smoke, dust, and that do not possess other objectionable characteristics, which might be detrimental to surrounding neighbors or to other uses permitted in the district, may be allowed. The use shall be screened with security fencing or other structures, and a landscape buffer as required in Article 8, Division VII.
 - (10) Property restricted real estate sales office.
 - (11) Family care home.
 - (12) Homestay lodging.
 - (13) Whole-house lodging.
 - (14) Domestic violence shelter.
- (d) *Permitted by special use permit.* The following uses are permitted subject to the issuance of a special use permit and provided that they meet all requirements of this section, Article 6, and all other applicable requirements established in these regulations:
- (1) Community center.
 - (2) Day care, adult or child.
 - (3) Dormitory, private.
 - (4) Fraternity and sorority houses.

- (5) Group day facility.
 - (6) Group home residential.
 - (7) Planned unit development.
 - (8) Schools, primary and secondary.
 - (9) Recreation facility, private.
 - (10) Assisted living residence.
- (e) *Permitted accessory uses and structures.* Accessory uses and structures clearly incidental and subordinate to the principal use and structures including the following uses, are permitted provided that they meet all requirements of this section, the requirements of Article 6 and all other applicable requirements established in these regulations:
- (1) Accessory apartment, detached.
 - (2) Home occupation.
 - (3) Kennels, private.
 - (4) Swimming pool.
- (f) *Development standards.* All uses and structures permitted in the MF-L, MF-M, MF-MH, MF-H Districts shall meet the applicable development standards established in this section and all other applicable requirements of these regulations. All setback requirements for multiple-family development shall apply to the initial project boundary only and not to the individual structures of the project.
- (1) *Dimensional requirements.*

	MF-L	MF-M	MF-MH	MF-H
Minimum lot area (square feet)				
Multifamily	20,000	20,000	20,000	15,000
Detached	5,000	5,000	4,000	3,000
Maximum density (u/a)				
Multiple-family	10	17	25	36
SFR, detached	6	9	12	15
Minimum lot width (feet)				

Multifamily	100	100	90	80
Att/Det/Du/Tr/Q	50	50	40	40
Maximum lot coverage (%)				
Multifamily	30	30	35	35
Att/Det/Du/Tr/Q	50	50	50	50
Minimum front setback (feet)				
Multifamily	35	35	30	30
Att/Det/Du/Tr/Q	15	15	15	15
Minimum rear setback (feet)				
Multifamily	25	25	25	25
Att/Det/Du/Tr/Q	15	15	15	15
Minimum interior side setback (feet)				
Multifamily	20	20	20	20
Att/Det/Du/Tr/Q	5	5	5	5
Minimum corner lot side setback (feet)				
Multifamily	30	30	30	30
Att/Det/Du/Tr/Q	10	10	10	10

Abbreviations:

MFR:	Multiple-family residential
Att:	Attached single-family dwelling
Det:	Detached single-family dwelling
Du:	Duplex
Tr:	Triplex
Q:	Quadraplex

(2) *Building height.* The maximum height of any building shall be ninety-six (96) feet. Building heights above thirty-five (35) feet must provide additional side and rear yards in accordance with the following standards:

Height of Building Above 35 Feet	Additional Yard Requirements for Districts
First 10 feet above 35 feet	4 feet for each 10-foot increment, or portion thereof
<u>10.1</u> to 30 feet above 35 feet	6 feet for each 10-foot increment
<u>30.1</u> or more above 35 feet	8 feet for each 10-foot increment

(g) *Special regulations.* Design standards for multifamily complexes with multiple buildings or a single building with more than eight (8) units. Multifamily and attached developments, must be designed in accordance with the following standards:

- (1) The site design must give adequate consideration to:
 - a. The size and shape of the tract.
 - b. The topography.
 - c. Reasonable preservation of natural features.
 - d. The size and relationship of the buildings.
 - e. The character of or the relationship to adjoining properties.

- f. The building arrangement. It should discourage the creation of long alleyways between the rears of buildings and should discourage the orientation of the front entrance of a residential building toward the rear entrance of another residential building.
 - g. The location and arrangement of recreation and parking areas, the nature and extent of screening.
 - h. The design and utilization of streets and open spaces.
 - i. Every residential building on the site will be separated on every side from any other building by at least sixteen (16) feet.
 - j. All portions of every residential building will be located within five hundred (500) feet of a public street, private streets, or private driveway, which provides direct access to a residential building. Determination of whether interior roads will be a public street, private street, or private driveway, or a combination of public streets, private streets, or private driveway will be made by the subdivision review board in consultation with other appropriate city/county departments. In reaching that decision, consideration should be given to the following:
 - i. Adopted thoroughfare plan.
 - ii. Existing and proposed neighborhood streets and circulation needs.
 - iii. The relationship of the site to adjoining lands.
 - iv. The size and shape of the tract to be developed.
 - v. The number of dwelling units to ultimately be constructed on the tract and on adjoining lands.
 - vi. Anticipated traffic volumes.
 - vii. Emergency vehicle access.
- (2) The determination of whether interior roads will be public or private will consider only the minimum needs of the public for public streets and will recognize the privacy, security and safety advantages of private streets.
- (3) Private streets are interior circulation roads designed and constructed to carry vehicular traffic from public streets within or adjoining the site to parking and service areas. The design and arrangement of private streets will be subject to review and approval by the subdivision review board in consultation with the appropriate city departments.
- (4) Construction standards for private streets regarding paving, cross sections, curb and gutter and storm drainage shall be as specified in the City of Wilmington Technical Standards and Specifications Manual. No specific minimum standards related to radii, vertical curves and longitudinal grades will be stated except that such designs will ensure safe, convenient access and circulation for emergency and service vehicles. It will be an objective in the design and

review of private streets and parking areas to provide for a residential environment where access and circulation ways are configured for slow speeds and to do minimum disturbance to topography and tree cover.

- (5) Angled parking areas directly adjoining private streets will be permitted on one (1) side of the street. Such parking areas may be alternated from one (1) side of the street to the other. The combined length of such parking areas may not exceed fifty (50) percent of the length of the adjoining roadway. All other angled parking areas must be clearly separated from the private street by at least a barrier island.
- (6) Permanent street names approved by the city manager or designee will be assigned to each private street. Street name signs approved by the appropriate city department must be posted. The assignment of building identification numbers will utilize the approved private street names.
- (7) Private streets and surface parking areas on the site will be no closer than fifteen (15) feet to any side of a residential building used for entry into the building and will be no closer than five (5) feet to any other face of a building. Architectural features such as stairs, chimneys, bay windows, and roof overhangs may extend into this fifteen-foot area, but in no case may they be closer than five (5) feet to the private street and surface parking area.
- (8) Building wall areas over two hundred (200) square feet and facing the public right-of way shall require a minimum of one (1) large maturing tree per thirty (30) feet of linear wall or one (1) small maturing tree per twenty (20) feet of linear wall no closer than fifteen (15) feet to the wall.
- (9) All locations for recycling containers, solid waste handling areas, dumpsters and/or compactors and their serviced entrances as required shall be shown on site plans for their review and approval.
- (10) No building permit for construction of a multifamily or attached development that meets the definition of a subdivision as provided under this chapter will be issued until a preliminary plan has been approved in accordance with the subdivision regulations. After the subdivision review board has approved the preliminary plan, the multifamily or attached development must proceed through the normal approval process to obtain a building permit. Developments that meet the definition of a minor subdivision as provided under this chapter may be approved as minor plans and may not require review by the subdivision review board.
- (11) All new multifamily developments shall provide open space that is equivalent to a minimum of thirty-five (35) percent of the size of the tract. In calculating the required amount of open space for the proposed multifamily development, the area of the property associated with natural ponds, stormwater ponds, lakes, ponds, rivers, streams and marshes shall first be subtracted from the gross area of land to be committed to the development. Half (17.5%) of

the overall open space shall be either active or passive recreation areas. The remaining half (17.5%) may be active or passive recreation areas, or open space. The required open space and recreation space shall meet the standards as defined in Article 7 of this chapter.

(12) Front and corner side setbacks for new construction shall not apply to existing public or private streets so long as the following criteria are met:

- a. The street is not zoned R-20, R-15, R-10, R-7, R-5 or R-3;
- b. Buildings must have an entrance from the sidewalk; and
- c. HVAC equipment, air conditioning window units, electrical equipment, fire escapes, solid waste facilities and other utility equipment shall not be located along facades with street frontage; and
- d. Architectural features, including fenestration, material changes or other design features must be provided along the street such that blank wall space does not exceed fifteen (15) feet in length.

(Ord. No. O-2006-2, § 3, 1-3-06; Ord. No. O-2006-46, § 1, 5-16-06; Ord. No. O-2008-25, 4-8-08; Ord. No. O-2010-75, §§ 15—17, 10-5-10; Ord. No. O-2010-91, § 12, 12-7-10; Ord. No. O-2012-85, Exh. A, § 4, 12-4-12; Ord. No. O-2013-77, § 1, 11-6-13; Ord. No. O-2014-20, § 5, 4-15-14; Ord. No. O-2016-64, § 1, 8-16-16; Ord. No. O-2018-47, § 7, 6-19-18, eff. 3-1-2019; Ord. No. O-2019-6, § 7, 2-5-19; Ord. No. O-2020-62, § 7, 10-20-20)