

## Sec. 18-204. - UMX, Urban Mixed Use District.

(a) *Purpose.* The urban core of the city, primarily that area within the 1945 corporate limits, contributes to the unique character of the City of Wilmington. The UMX is established to assure an appropriate development pattern is maintained within the 1945 corporate limits through five (5) main objectives: to enhance and preserve existing urban development patterns by encouraging compatible infill and redevelopment; to affect quality design and a variety of built forms of lasting value that result in a pedestrian scale; to provide a mix of housing options; to promote and enhance transit options, particularly those that are pedestrian-oriented, while reducing demand for automobile trips; and to encourage a mix of uses that fosters a sense of community. The district regulations include design elements intended to enhance the urban form, increase neighborhood safety, add flexibility for small, urban lots, and complement the historic built environment. Integrated mixes of uses on development sites and within individual buildings is encouraged. UMX zoning inside the 1945 corporate limits is intended to reinforce and restore traditional mixed-use patterns in the older parts of Wilmington. UMX zoning outside the 1945 corporate limits 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 such as integrated, vertical mixed use and structured parking. This district is not intended to be applied to the Central Business District (CBD), nor any of the historic districts.

(b) *Uses.*

(1) Notwithstanding the provisions of section 18-173, any use is permitted in the UMX provided it meets all other provisions of this chapter, except for the following:

- a. Adult establishments.
- b. Electronic gaming.
- c. Garbage collection, private.
- d. Gas companies.
- e. Manufactured homes sales.
- f. Motor freight companies.
- g. Movers, van lines, and storage.
- h. Nightclubs.

(2) 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.

- a. Auxiliary uses and wares.
- b. Communications facilities.

- c. Freestanding structured parking decks.
  - d. Group home supportive, small, medium, large.
  - e. Reserved.
  - f. Industrial uses greater than ten thousand (10,000) square feet, provided they are housed within a building existing at the time of adoption of this ordinance.
  - g. Utility stations and plants outside public rights-of-way (public and private), including lift stations, substations, pump stations, etc.
  - h. Breweries, small regional and microbreweries.
    - i. Artisan food and beverage producers.
    - j. Homestay lodging.
    - k. Whole-house lodging.
- (3) 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.
- a. Automobile renting and leasing.
  - b. Automotive services and towing service.
  - c. Communication facilities, including radio and television stations, cellular telephone facilities, towers, etc.
  - d. Contractor equipment or supply dealers and service.
  - e. Contractor storage yard.
  - f. Dormitories, private.
  - g. Drive-through services.
  - h. Group day facility.
    - i. Industrial and manufacturing uses greater than ten thousand (10,000) square feet.
    - j. Motor vehicle dealers, including automobiles, boat dealers, motorcycles, recreational vehicles, and utility trailers.
    - k. Tire dealers and service.
    - l. Group home residential.
- (4) All UMX sites outside the 1945 corporate limits shall include a mix of both residential and nonresidential uses.
- (c) *General regulations.* The historic urban development pattern inside the 1945 corporate limits frequently includes a fine-grain mix of uses on multiple parcels within close proximity to one another. The mix of uses is achieved through many smaller, independent parcels working

together in a greater context. Parcels outside the 1945 corporate limits shall have a minimum lot area of five (5) acres, so as to be able to accommodate a mix of uses on a single site.

(1) *Maximum building height:* Along arterial streets, building height shall not exceed four (4) stories or forty-five (45) feet. Building height along arterial streets may be increased to seventy-five (75) feet with the issuance of a special use permit or entry into a development agreement in accordance with G.S. §§160A-400.20 through 160A-400.32 that provides for such increase. Along residential and collector streets, building height shall not exceed thirty-five (35) feet or two (2) stories. Outside the 1945 corporate limits, for parcels fronting arterials or internal collector streets, building height may be increased to five (5) stories or fifty-five (55) feet if structured parking is provided within the project. Roadway classifications are according to the Wilmington Metropolitan Planning Organization Functional Classification Map.

(2) *Building setbacks:*

a. Inside the 1945 corporate limits, no setbacks are required except where abutting a single-family residential district, excluding street and alley rights-of-way. When abutting a single-family residential zoning district, that side of the building abutting the single-family zoning district, shall be set back as follows:

*Front:* At least five (5) feet or the average setback of existing buildings within the block or block face, but not more than ten (10) feet

*Side:* At least five (5) feet

*Rear:* At least five (5) feet

b. Outside the 1945 corporate limits, where buildings abut single-family zoning districts, building heights shall be limited within certain setbacks, according to the following table:

Minimum Setback from Single-Family Zoning District	Maximum Building Height
35 feet	35 feet
45 feet	45 feet
45 feet	55 feet*
45 feet	75 feet*

\* Only applicable to properties outside of the 1945 corporate limits along arterial or internal collector streets and when structured parking is provided.

\*\* Requires special use permit or applicable terms of an approved development agreement in accordance with G.S. §§160A-400.20 through 160A-400.32.

- c. In no case shall front setbacks adjacent to the primary street(s) or internal street exceed ten (10) feet. Front setbacks are not required along alleyways. Strict adherence to the ten-foot building to line may be waived by the technical review committee where an existing easement or significant natural feature exists.

(3) *Density:*

	Maximum Dwelling Units Per Acre
Single-family	15
Multi-family	25
Vertically integrated mixed-use building	None

(4) *Utility and equipment screening:* HVAC equipment, air conditioning window units, and other electrical equipment, and fire escapes shall not be located on facades with street frontage. All such equipment shall be placed in the interior yards or inset into the roof pitch, or behind a parapet wall in the case of a flat roof, of the building and screened from the right-of-way. Through-wall mechanical units are permitted on any facade if they are incorporated into the design of the building, flush with the facade on which they are located, concealed by a vent cover and have an internal drip system for condensation. Utility meters, transformers and fixed trash disposal receptacles that cannot be located out of sight shall be screened from the public right-of-way by plantings or opaque fencing. The technical review committee may approve alternations to these standards, if necessary.

(5) *Site lighting:* All site lighting shall be located, angled, shielded, and/or limited in intensity so as to cast no direct light upon adjacent properties, shall minimize off-site backlighting glare, and up-lighting. Light posts shall be no taller than twelve (12) feet.

(6) *Parking and driveway requirements:*

- a. There are no minimum parking requirements. Parking shall not exceed the maximum parking requirements established for any use in Article 9 of this chapter.

- b. Bicycle parking shall be provided as follows. Where two (2) standards are listed, the greater number applies.

Use	Minimum Bike Spaces Required
Schools	5 spaces per classroom
Parks and recreation areas	10 spaces
Religious Institutions	2 spaces or 1 per 5,000 square feet of gross floor area
Multifamily residential	1 space per dwelling unit
Group home	1 space per resident
Office uses	2 spaces or 1 per 5,000 square feet of gross floor area
Commercial/retail uses	5 spaces or 1 per 1,000 square feet of gross floor area

- c. Surface parking shall be located to the side or rear of buildings or in the interior of a block and shall be prohibited in front of buildings. Surface parking shall not be located along rights-of-way except for alleys.
- d. Surface parking lots visible from the public right-of-way shall be screened by permanent walls, shrubbery or hedges at least three (3) feet in height. If hedges or shrubbery are used, they shall be at three (3) feet in height at the time of planting and shall be maintained at three (3) to five (5) feet in height at all times.
- e. Parking shall be accessed via alleyways wherever possible.
- f. The design of all above-grade parking structures shall relate to the 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.
- g.

Pervious pavement materials, vegetated bio-infiltration parking lot islands, or infiltration systems shall be used to minimize pollutant run-off from surface parking areas to the extent that soil permeability, depth to groundwater, or site constraints allow.

- h. Driveway and parking lot design shall be consistent with an urban form and may be exempt from the requirements of the Technical Standards and Specifications Manual, as approved by the technical review committee.

(7) *General site design*: Each of the following components shall be included in UMX developments.

- a. Outside the 1945 corporate limits, any UMX development shall either be a conditional district zoning or a general zoning subject to a conceptual site plan review and approval by city council. Regardless of the form of the zoning action, a specific site plan shall be reviewed and approved by the technical review committee, in accordance with all applicable standards. Major changes, as identified in section 18-89 of this chapter, to approved conceptual site plans shall be authorized by the city council. The following shall be included in the conceptual site plan:
  1. Boundary survey and vicinity map showing total acreage, general location in relation to major streets, railroads, and/or waterways, the date and a north arrow on the top.
  2. Conceptual plan showing the location of all major land uses and proposed maximum square footage for each use - may be a bubble format showing the general location and relative arrangement of different land uses.
  3. Maximum building heights.
  4. All external access points and conceptual internal traffic circulation plan.
  5. Proposed buffers and landscaping.
- b. *Multi-modal transportation opportunities*. Public transit, walking, bicycling, and/or water-oriented transit and the facilities necessary for such uses.
  1. Pedestrian circulation shall be clearly defined with paving materials and/or landscaping and shall connect all uses. Sidewalks and crosswalks shall be provided within new developments as necessary.
  2. Bicycle and/or pedestrian connectivity to adjacent or nearby developments is required.
  3. Sidewalks. Where no sidewalks currently exist, sidewalks shall be installed within the right-of-way between the property line and the back of the curb. Sidewalk width shall be a minimum of twelve (12) feet along arterial streets and eight (8) feet along residential/collector streets and may be reduced on internal private streets with technical review committee 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 technical review committee.

4. For UMX sites outside the 1945 corporate limits, an internal grid street pattern is required. Block faces within the grid pattern shall not exceed four hundred (400) feet in length. The grid pattern may be supplemented with alleys. The technical review committee may waive strict adherence to the grid pattern when sites are constrained by topography, including wetlands, ponds, or other natural features, and where connections to arterial streets and connections and relationships to adjacent sites require flexibility.
- c. *Street trees.* Within the 1945 corporate limits, street tree plantings in below-grade planters shall be included in the public right-of-way at the rate of one (1) tree per thirty (30) feet of frontage. If the city manager determines there is no plaza or other space available for tree plantings in the right-of-way, or determines that the planting is problematic for the site, a payment-in-lieu of tree plantings, equal to the cost for the required trees, including materials and installation, shall be paid by the developer into the City of Wilmington tree improvement fund.
- Outside of the 1945 corporate limits, street tree plantings in below-grade planters or planting strips shall be included in the public and private rights-of-way at the rate of one (1) tree per thirty (30) feet of frontage. The technical review committee may waive strict adherence to this requirement if an allee is utilized along all or portions of the street frontage.
- All plans for street tree plantings must be approved by the city manager and must be planted according to section 18-448 of this chapter, unless otherwise noted in this section. Tree species shall comply with subsection 18-196(f)(3) of this chapter.
- d. *Buffers and streetyards.* All development within the UMX District may be exempted from required buffers and streetyard requirements, as approved by the technical review committee. Outside of the 1945 corporate limits, a minimum buffer of at least twenty (20) feet in width is required adjacent to single-family residential zoning districts.
- e. *Trash containment screening.* All developments within the UMX are exempt from section 18-504 of this chapter and are subject to the following screening requirements:
1. Trash containment areas shall be located within a building where possible.
  2. If trash containment, including areas for holding recycling, cannot be accommodated within a building, it shall be placed on the rear or side of the building and shall be completely enclosed and screened from view of public rights-of-way with an opaque

fence or wall and/or plant materials, as approved by the technical review committee. The enclosure shall be at least one (1) foot taller than the highest point of the trash receptacle. Chain link and exposed concrete blocks are prohibited.

- f. *Encroachment agreements.* An encroachment agreement shall be required for any projection into the right-of-way, such as balconies and door swings. The encroachment agreement must be approved prior to construction release or issuance of a building permit. Application for any encroachment must be made to the city engineer for review and the format of the encroachment agreement shall be determined and approved by the city attorney. Official approval of such agreement shall be by resolution of the city council. De minimus encroachments including gutters, fabric awnings, door swings, architectural elements less than twelve (12) inches in depth, signs, and sub-grade structural elements are approved or denied by the city engineer.
  - g. *Fences and walls.* Open wire fencing, including chain link, hurricane fencing, and barbed wire, is prohibited. Within front yards, fence heights may not exceed four (4) feet.
- (d) *Building design.* All new construction in the UMX shall comply with the following design standards, where applicable.
- (1) *Building entrances.* Primary entrances should be clearly distinctive from other entrances. Primary building entrances shall be oriented toward public sidewalks along primary street frontages.
  - (2) *Massing and scale.* Large expanses of flat, unadorned walls are prohibited. Facades shall incorporate architectural details, particularly at the pedestrian level. Building facades along rights-of-way shall incorporate periodic transitions across the facade. Building facades along rights-of-way exceeding thirty (30) feet in width shall be divided into distinct areas utilizing methods including, but not limited to, facade offsets, pilasters, change in materials, or fenestration (window arrangement). Transitions shall be no further apart than two-thirds ( $\frac{2}{3}$ ) of the height of the facade.
  - (3) *Street-level facades.* New buildings shall front onto public sidewalks to reinforce pedestrian activity along public streets and pedestrian ways. Exterior burglar bars, fixed "riot shutters," or similar security devices shall not be visible from the public right-of-way.
  - (4) *Exterior building materials.* Exterior building materials for all new nonresidential or multifamily structures in the UMX District shall be similar to the materials already being used in the neighborhood, or, if dissimilar materials are used, characteristics such as scale, proportion, form, architectural detailing, and texture shall be used to ensure that enough similarity exists for the building to relate to the surrounding block. Quality finish materials shall be utilized. The following materials shall be prohibited on facades visible from the public right-of-way:

- a. Structural metal panels.
  - b. Unparged or nonarchitectural, nondecorative concrete block.
- (5) *Alterations to historic facades.* Alterations or additions to buildings and/or structures that are designated as contributing resources to the Wilmington National Register Historic District or are more than fifty (50) years old, may apply the Secretary of the Interior's Standards for Rehabilitation. These standards are included in the Wilmington Historic District Design Guidelines.

(Ord. No. O-2013-16, § 1, 3-19-13; Ord. No. O-2014-67, §§ 1—7, 9-2-14; Ord. No. O-2014-68, § 12, 9-2-14; Ord. No. O-2015-31, § 10, 5-5-15; Ord. No. O-2017-36, § 2, 6-6-17; Ord. No. O-2018-24, § 1, 4-3-18; Ord. No. O-2018-47, § 28, 6-19-18, eff. 3-1-2019)