

Land Development Code Article 2, Zoning Districts Draft

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Key Planning Theme

Unique Places, Captivating Spaces

The built environment encompasses places and spaces created or modified by people, including buildings, parks, land use patterns, and transportation systems.

1.4.3

When new institutional uses are permitted in residential neighborhoods, they should be designed and operated in a way that is sensitive to neighborhood issues, maintains quality of life, and enhances the services provided to the neighborhood.

1.4.1

Quality design and site planning should be promoted so that new development infill and redevelopment is implemented with minimal adverse impacts on desired character of the existing built environment.

1.4.2

New commercial development should be properly managed through the use of development regulations, the development review process, and other tools. The intent is to avoid unreasonable impacts, such as traffic, parking, litter, shadow, light, view obstruction, odor, noise, and/or vibration impacts on nearby residential areas.

1.2.2

Development should occur in a compact pattern that reinforces the efficient provision of public services and utilities, improves the performance of the transportation network, preserves open space, and reduces negative impacts of low-intensity and non-contiguous development patterns.

1.2.1

Development should create places, streets, and spaces that are visually attractive, safe, accessible, functional, inclusive, have their own distinct identities, and maintain or improve desired character.

1.6.4

Within commercial districts, development should be designed at a height, mass, scale, and form that is appropriate and provides a suitable transition to the surrounding areas.

1.7.9

Infill development should enhance or improve the existing physical development pattern of the area. The development of lots that have been historically difficult to infill or redevelop should be facilitated.

1.11.1

Land development regulations, technical standards, and development review procedures should facilitate and encourage infill and redevelopment.

Reduce Infill Development Impacts with Buffers and Transitions

The relationship of sites to one another is a critical factor in city building. The impacts of infill development and increases in density can be minimized with appropriate site design techniques. This is not limited to distance alone or thick vegetation areas, which often prevent neighborhood cohesion and walkability. Excessive distances between residential and commercial land uses have unintended consequences, such as traffic congestion.

Numerous solutions are available to achieve walkable, mixed-use centers and corridors without negatively impacting adjacent lower density areas, these are just a few:

- A Upper-floor Setback**
Design the building so that upper floors are "stepped back" from adjacent residential areas.



- B Greenways (Off-Street Multi-use Pathways)**
Land dedicated to greenway corridors can be used as active, linear open space between transitional densities.



- C Vegetated Buffer**
The use of heavy plantings can "screen" one site from another. Pedestrian connections can be used in some locations.



- D Parking in the Back**
Following a good urban design principle of bringing new buildings up the street can also move it away from adjacent lower density areas.



- E Alleys**
Alleys place a service corridor between two sites backing against one another. This should serve as many sites as possible, including commercial.



- F Transitional Zoning**
Zoning should strive to use moderate-density areas between high- and low-density areas. This is not limited to land use, but should also consider transitions in urban form.



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"Foster development that enhances quality of life, minimizes traffic impacts, and creates safe, attractive, inclusive development for all citizens." - Create Wilmington Comprehensive Plan

What is Changing:

- Certain districts become "legacy districts" – these districts may remain on the zoning map and properties may stay in that zoning district, but there would be no new rezonings to those districts
 - R-20, Residential
 - MX, Mixed Use
 - AI, Airport Industrial
 - UMX, Urban Mixed Use
 - MF-MH, Multi-family Medium-high Density
 - MF-H, Multi-family High Density
- Elimination of certain districts and overlays
 - SHOD, Special Highway Overlay District
 - PUD, Planned Use Development
 - NB, Neighborhood Business District
 - O&I-2, Office and Institutional District
 - RFMU, Riverfront Mixed Use
 - MSMU, Mainstreet Mixed Use
 - Dawson-Wooster Overlay
- Encourage missing middle housing
- Reduction in the number of special use permits, additional conditional uses
- Improved dimensional and site design standards for some districts
- Residential compatibility standards for developments adjacent to R zones
- Changes to the way streets are zoned
- Universal use table

What is NOT Changing:

- General categories of zoning districts, including residential (R, M, MH districts), mixed-use districts (UMX, RO), commercial districts (CB, RB, CS, O&I), historic districts (HDR, HD, HDMU) and industrial (LI, IND)
- No significant changes proposed for the historic districts

Formatting Improvements

- Illustrations, diagrams, charts and photos to improve understanding
- Landscape orientation
- Two columns and frequent subheadings to improve readability



Example illustration

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Encourage missing middle housing

- permits, additional conditional uses
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Section 18-64. Commercial Use Table

The following uses are permitted as principal uses in commercial districts if required applicable conditions and approvals can be met. Uses not listed in this table are prohibited in these

districts, pursuant to Section 18-xx, Uses. For permitted accessory uses, refer to Sec. 18-xx, Accessory Uses.

Table 18-xx: Use Table for Commercial Districts

Key: P = permitted, C = permitted with conditions, S = special use permit required, Blank = prohibited in district

	Additional Standards	CB	RB	CS	O&I
CIVIC AND INSTITUTIONAL					
Assembly					
Civic club or lodge, private		P	P	P	P
Community center		P	P	P	P
Entertainment and trade		P	P	P	P
Religious		P	P	P	P
Day care, adult or child	Sec. 18-xx	C	C	C	C
Dormitory, fraternity, sorority house	Sec. 18-xx				C
Government facilities outside of rights-of-way	Sec. 18-xx	C	C	C	C
Group day facility	Sec. 18-xx	C	C	C	C
Hospital	Sec. 18-xx				C
Library		P	P	P	P
Museum/cultural arts center		P	P	P	P
Public parks, playgrounds, boat ramps		P	P	P	P
Rehabilitation facility	Sec. 18-xx	C			P
Schools					
College or university					P
Primary and secondary	Sec. 18-xx	C	C		C
Trade, business, technical, and vocational			P	P	P
Utilities and public facilities					
Major	Sec. 18-xx		C	C	C
Minor	Sec. 18-xx	P	P	C	C
Wind energy farm	Sec. 18-xx		S	S	S
Wireless telecommunication facilities and towers	Sec. 18-xx	C	C	C	C
COMMERCIAL					
Alternative financial services	Sec. 18-xx		C	C	
Animal hospital, veterinary clinic					
No outdoor pens or runs		P	P	P	P

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- Reduction in the number of special use permits, additional conditional uses

- Residential compatibility standards for developments adjacent to R zones
- Changes to the way streets are zoned
- Universal use table

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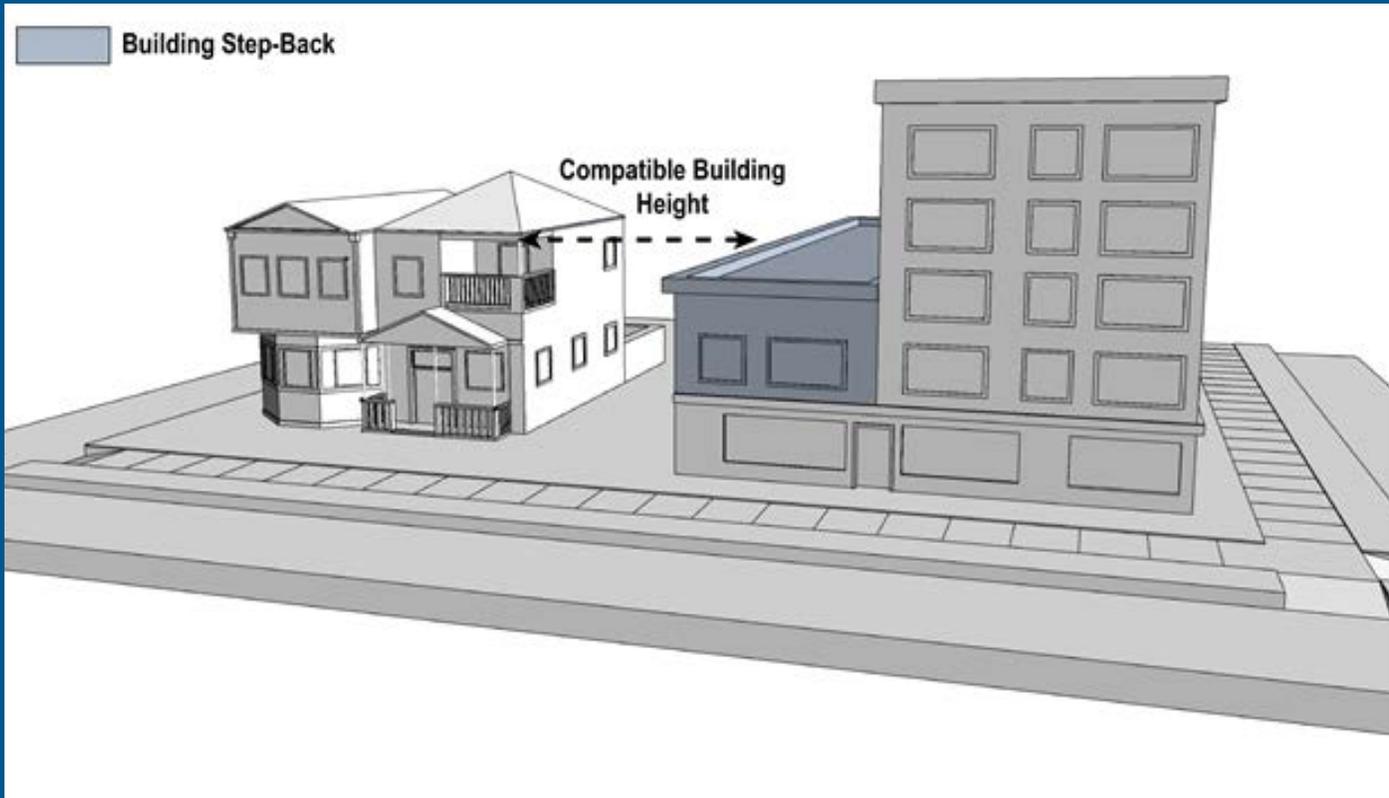


Improved dimensional and site design standards for some districts

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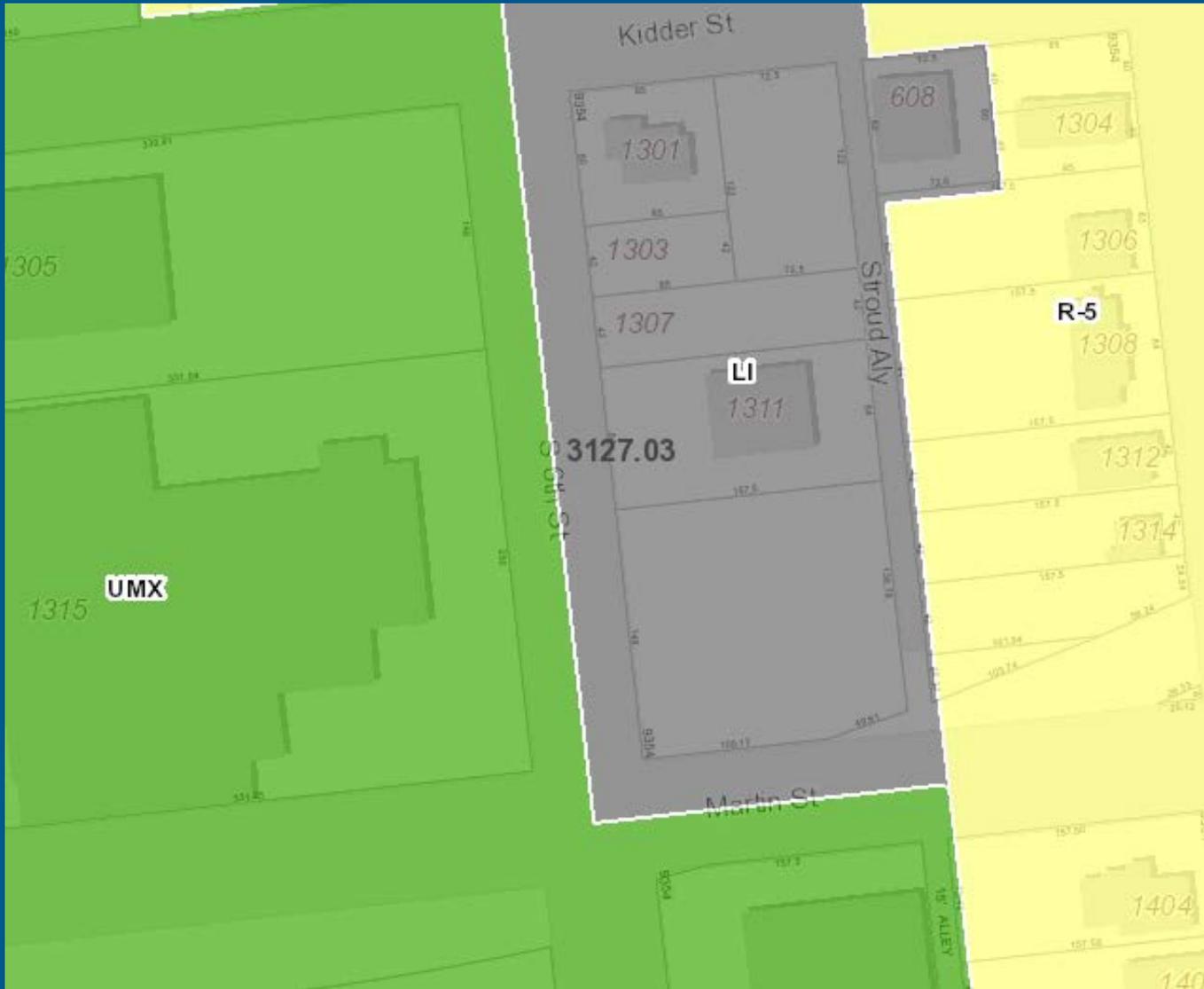


- Residential compatibility standards for developments adjacent to R zones

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- Changes to the way streets are zoned

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Sec. 18-190. - O&I-1, Office and Institutional District 1.

- (a) *Purpose.* The purpose of the Office and Institutional Districts shall be to provide areas that are conducive to the establishment and operation of institutional, office and limited commercial activities not involving the sale of merchandise, except as provided herein. Standards are designed so that these districts, in some instances, may serve as transitions between residential districts and other commercial districts. The principal means of ingress and egress for uses in the districts shall be along collector roads, minor arterials, and/or major arterials as designated on the city's Thoroughfare Plans.
- (b) *Uses permitted by right.* The following uses are permitted provided that they meet all requirements of this section and all other applicable requirements established in these regulations.

- (1) Artists, commercial including silk screening,
- (2) Assembly hall.
- (3) Banking services.
- (4) Business services.
- (5) Funeral home and crematory.
- (6) Golf course, public or private.
- (7) Hospitals, except animal hospitals.
- (8) Medical supply stores, retail.
- (9) Offices, medical.
- (10) Offices, professional.
- (11) Parks and recreation areas, municipal.
- (12) Personal services.
- (13) Post office.
- (14) Recreation facility, private.
- (15) Restaurants: standard and fast-food.
- (16) Social services, including employment offices or contractors
- (17) Spas and health clubs.
- (18) Veterinary services with enclosed pens.
- (19) Schools, college and universities.
- (20) Schools, primary and secondary.

Principal Uses	Additional Standards	A-16	R-10	A-7	R-4	R-5	MF-10	MF-17	MH-1	OH-1	HO-1B	HO-1MU	HO-2	FR-C	UR	CC	CE	RE	O&I-1	O&I-2	LI	IND	CE
CIVILIAN INSTITUTIONAL																							
Adaptivity																							
Club or lodge, private									P		S	S					P	P	P	P			
Community center	Sec. 18-100	C	C	C	C	C	C	C	P		S	S	S				P	P	P	P			
Building footprint less than 5,000 sq. ft.	Sec. 18-100	S	S	S	S	S	S	S	C		S	C	C				P	P	P	P			
With outdoor facilities	Sec. 18-100	S	S	S	S	S	S	S	C		S	S	S				P	P	P	P			
Entertainment and trade	Sec. 18-100								G		C	C	C				P	P	P	P			
Religious	Sec. 18-100								C		C	C	C				P	P	P	P			
Community gardens	Sec. 18-100	C	C	C	C	C	C	C	C		C	C	C				P	P	P	P	C		
Correctional facilities	Sec. 18-100																						C
Day care, adult or child	Sec. 18-100	C	C	C	C	C	C	C	C		S	S	S				C	C	C	C			
Detention, federal or county house	Sec. 18-100								S		S	S	S										
Government facilities outside of rights-of-way	Sec. 18-100								P								C	C	C	C	P	P	
Group day facility	Sec. 18-100	C	C	C	C	C	C	C	C		S	S	S				C	C	C	C			
Hospital	Sec. 18-100																						
Library	Sec. 18-100	C	C	C	C	C	C	C	C		C	S	S				P	P	P	P			
Manufacturing and center	Sec. 18-100																						
Public pens, playground, boat ramps	Sec. 18-100	P	P	P	P	P	P	P	P		P	C	S				P	P	P	P			
Recycling facility, neighborhood	Sec. 18-100	P	P	P	P	P	P	P	P		C	C	C				P	P	P	P			
Rehabilitation facility	Sec. 18-100																						
Schools	Sec. 18-100																						
College or university	Sec. 18-100																						
Primary and secondary	Sec. 18-100	C	C	C	C	C	C	C	P		C	C	C				C	C	C				
Trade, business, technical, and vocational	Sec. 18-100																						
Trailer farm	Sec. 18-100																						
Utilities and public facilities	Sec. 18-100																						
Major	Sec. 18-100								S	S	S	S	S				C	C	C	P	P		
Minor	Sec. 18-100	C	C	C	C	C	C	C	C		P	C	C				P	P	P	P			
Wind energy farm	Sec. 18-100																						
Wireless telecommunication facilities and towers	Sec. 18-100	C	C	C	C	C	C	C	C		C	C	C				C	C	C	C			
COMMERCIAL																							
Alternative practices/centers	Sec. 18-100										S	S	S				C	C					
Animal hospital, veterinary clinic	Sec. 18-100																						
No outdoor pens or runs	Sec. 18-100																						
With outdoor pens or runs	Sec. 18-100								P		P	P	P				P	P	P	P			
Art gallery	Sec. 18-100								P		P	P	P				P	P	P	P			
Artisan food and beverage production	Sec. 18-100								C		C	C	C				C	C	C	C			
Auction house	Sec. 18-100								P		P	P	P				P	P	P	P			
Banks and financial institutions	Sec. 18-100																						
Cemetery	Sec. 18-100																						P
Commercial recreation, indoor	Sec. 18-100																						
Drop-in care, chapter or club	Sec. 18-100																						
Electronic gaming establishment	Sec. 18-100																						
General, large: building footprint greater than 2,000 sq. ft.	Sec. 18-100								C		C	C	C				C	P	P	P			
General, small: building footprint less than 2,000 sq. ft.	Sec. 18-100								P		P	P	P				C	P	P	P			
Commercial recreation, outdoor	Sec. 18-100																						
General, large: building footprint greater than 5,000 sq. ft.	Sec. 18-100																						
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Golf course	Sec. 18-100																						

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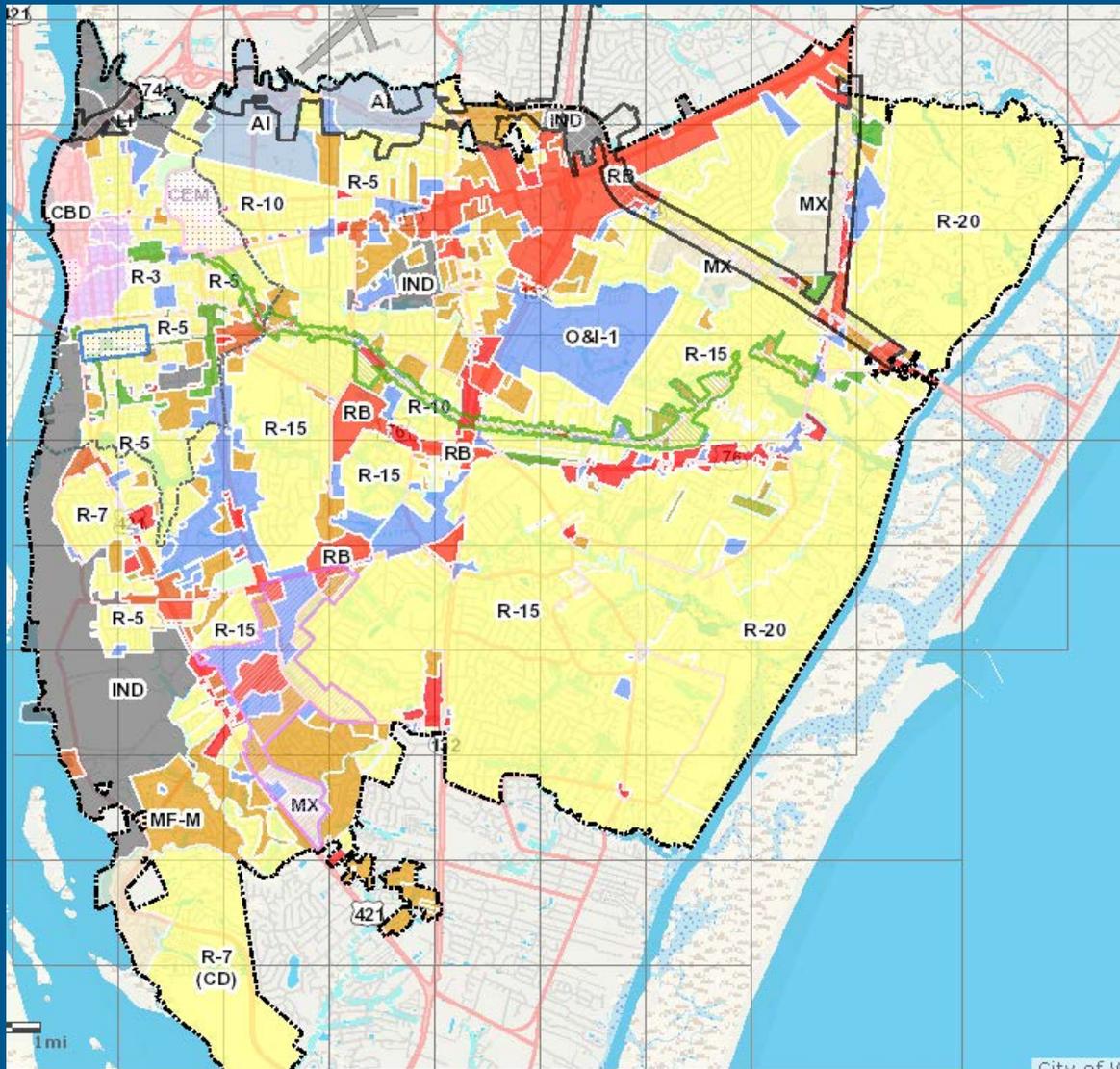
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CIVIC AND INSTITUTIONAL													
Assembly													
Civic club or lodge, private										P			S
Community center	Sec. 18-xx	C	C	C	C	C	C	C	C	P		S	S
Building footprint less than 5,000 sq. ft.	Sec. 18-xx	S	S	S	S	S	S	S	S	C		S	C
With outdoor facilities	Sec. 18-xx	S	S	S	S	S	S	S	S	C		S	S
Entertainment and trade	Sec. 18-xx									C			C
Religious	Sec. 18-xx	C	C	C	C	C	C	C	C	C		C	C
Community gardens	Sec. 18-xx	C	C	C	C	C	C	C	C	C	C	C	C
Correctional facilities	Sec. 18-xx												
Day care, adult or child	Sec. 18-xx	C	C	C	C	C	C	C		C			S
Dormitory, fraternity, sorority house	Sec. 18-xx						S	S		S			S
Government facilities outside rights-of-way	Sec. 18-xx									P			C
Group day facility	Sec. 18-xx	C	C	C	C	C	C	C	C	S	S		
Hospital	Sec. 18-xx									C			
Library	Sec. 18-xx	C	C	C	C	C	C	C	C	C			C
Museum/cultural arts center	Sec. 18-xx									P		C	C
Public parks, playgrounds, boat ramps		P	P	P	P	P	P	P	P	P		P	P
Recreation facility, neighborhood	Sec. 18-xx	P	P	P	P	P	P	P	P	P		C	C
Rehabilitation facility	Sec. 18-xx									C			



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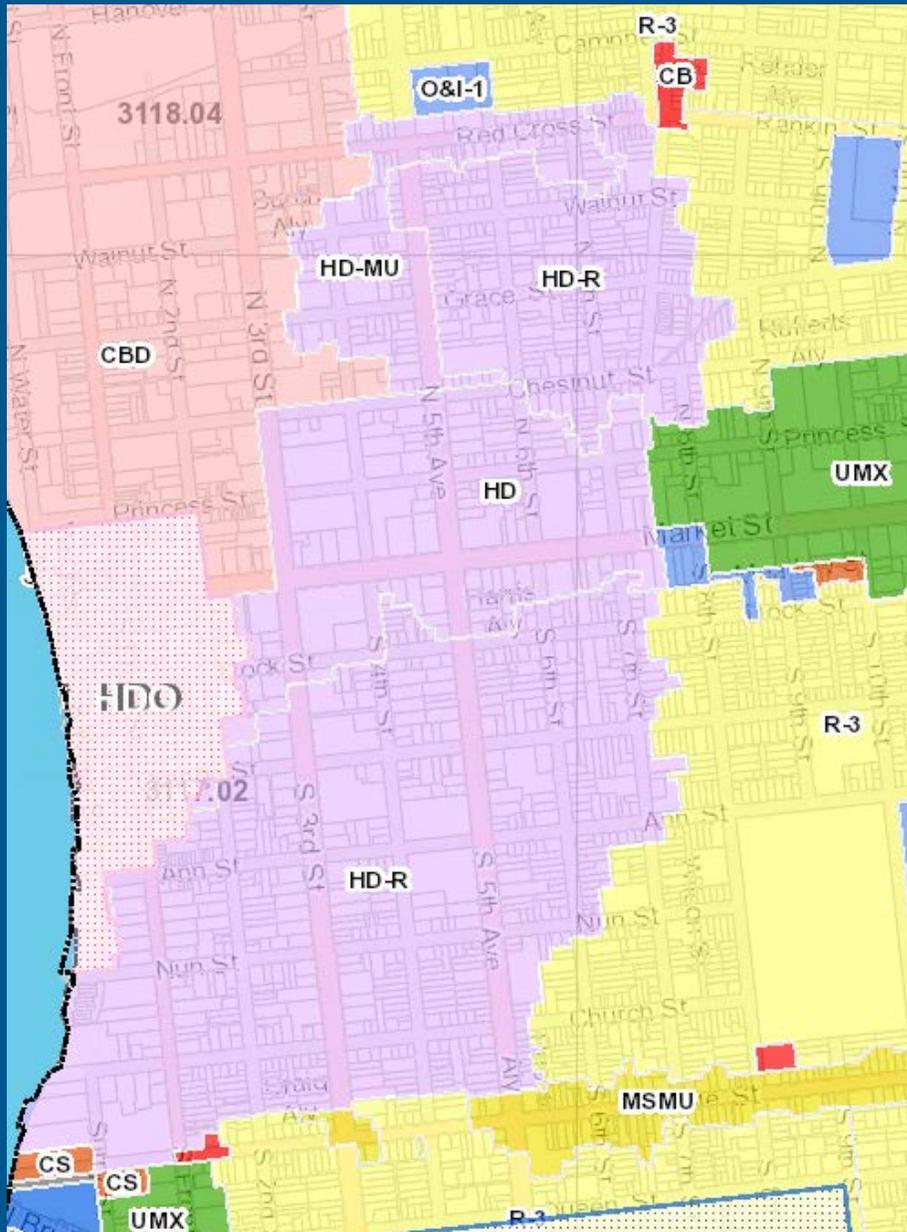
- Illustrations, diagrams, charts and photos to improve understanding
- Landscape orientation
- Two columns and frequent subheadings to improve readability



Example illustration

City of
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BUILD A BETTER | WILMINGTON

Land Development Code Article 2, Zoning Districts

"Foster development that enhances quality of life, minimizes traffic impacts, and creates safe, attractive, inclusive development for all citizens." - Create Wilmington Comprehensive Plan

What is Changing:

- Certain districts become "legacy districts" - these districts may remain on the zoning map and properties may stay in that zoning district, but there would be no new rezonings to those districts
 - R-20, Residential
 - MX, Mixed Use
 - AI, Airport Industrial
 - UMX, Urban Mixed Use
 - MF-MH, Multi-family Medium-high Density
 - MF-H, Multi-family High Density
- Elimination of certain districts and overlays
 - SHOD, Special Highway Overlay District
 - PUD, Planned Use Development
 - NB, Neighborhood Business District
 - O&I-2, Office and Institutional District
 - RFMU, Riverfront Mixed Use
 - MSMU, Mainstreet Mixed Use
 - Dawson-Wooster Overlay
- Encourage missing middle housing
- Reduction in the number of special use permits, additional conditional uses
- Improved dimensional and site design standards for some districts
- Residential compatibility standards for developments adjacent to R zones
- Changes to the way streets are zoned
- Universal use table

What is NOT Changing:

- General categories of zoning districts, including residential (R, M, MH districts), mixed-use districts (UMX, RO), commercial districts (CB, RB, CS, O&I), historic districts (HDR, HD, HDMU) and industrial (LI, IND)
- No significant changes proposed for the

No significant changes proposed for the historic districts

- Illustrations, diagrams, charts and photos to improve understanding
- Landscape orientation
- Two columns and frequent subheadings to improve readability



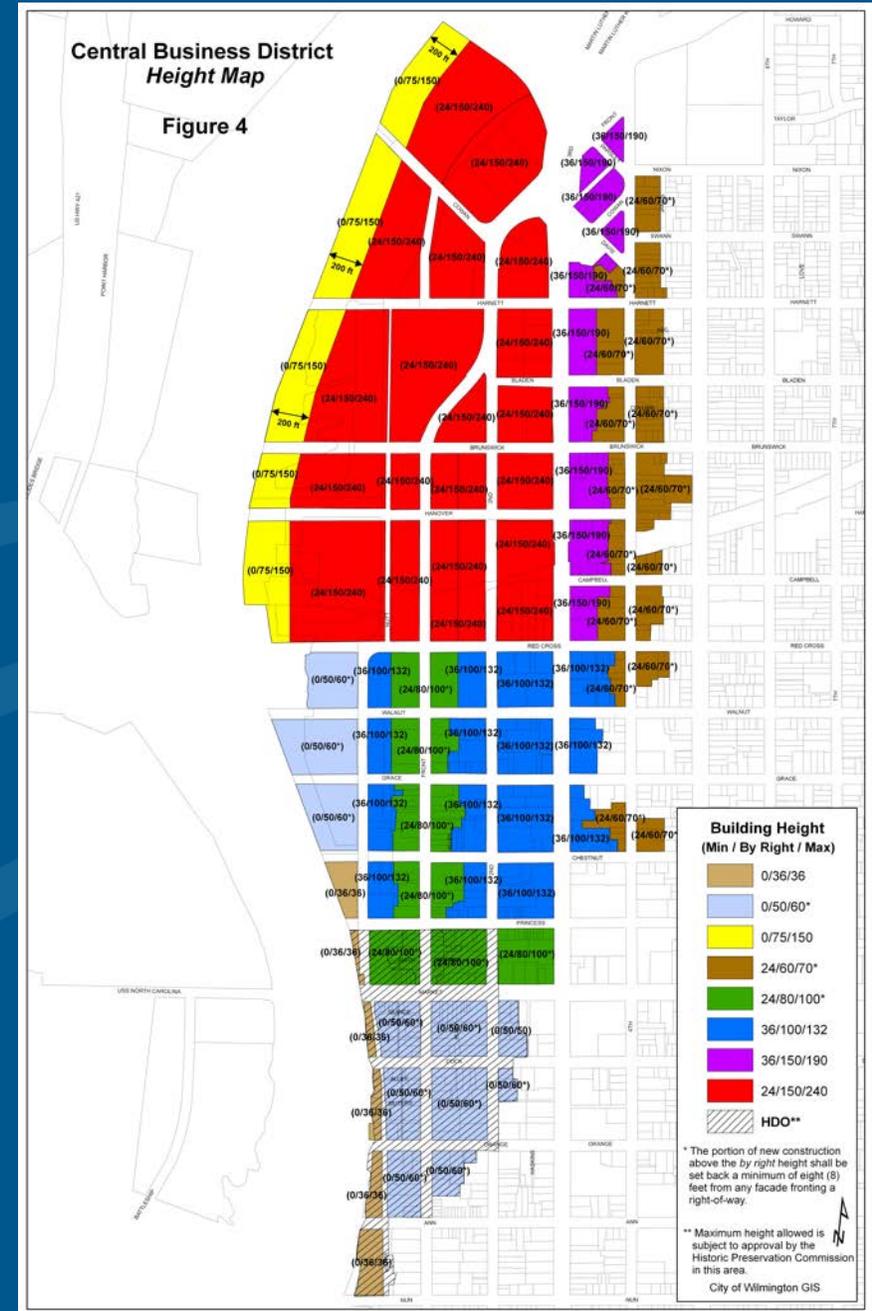
Example Illustration

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Central Business District Regulations

- Will come forward at future date
- Tweaks to make more form based
- Full form-based districts will require considerable, focused public input



DIVISION II. - DISTRICT REGULATIONS

Sec. 18-173. - Introduction.

This division contains the specific use and area regulations for each zoning district found in the city. The material has been divided into the following sections:

- (a) *Purpose.* The intended application for each district guiding its placement in relation to either existing or proposed development.
- (b) *Uses permitted by right.* The listing of land uses permitted by right in each district.
- (c) *Uses permitted under prescribed conditions.* Those uses allowed in a district when meeting the criteria set forth in the appropriate prescribed conditions and all other applicable requirements established in these regulations.
- (d) *Permitted by special use permit.* Uses permitted in a district subject to the issuance of a special use permit as set forth in [Article 3, D](#)
- (e) *Permitted accessory uses and structures.* Accessory uses and structures clearly incidental and subordinate to the principal use and uses, are permitted provided that they meet all requirements of this section, the requirements of [Article 6](#) of this chapter and all other established in these regulations.
- (f) *Development standards.* The dimensional standards, buffering requirements and other design standards for each district. The use of the various provisions for each district does not relieve any person from complying with all the requirements for the same district.
- (g) *Interpretation of permitted uses.* Because the list of permissible uses set forth in this article cannot be all inclusive, those uses that are liberally to include other uses that have similar impacts to the listed uses. Notwithstanding the foregoing sentence, all uses that are given the liberal interpretation mandated by this subsection, are prohibited. This article shall not be interpreted to allow a use in one zoning district in question is more closely related to another specified use that is permissible in other zoning districts. If a specific use is listed in one zoning district listed in [section 18-164](#) (excluding the MX District), it shall be excluded from the general use categories of business services, personal residential, and retail sales establishments.

Sec. 18-174. - Exceptions to area and height standards.

- (a) *In general.* The following requirements or regulations qualify or supplement, as the case may be, the district regulations or requirements chapter.
 - (1) Hospitals, schools, and religious institutions (excluding accessory uses) where permitted in a district, may be erected to a height not greater than 150 feet, except for the Central Business District.
 - (2) The following structures and features shall be exempt from the height requirements of this chapter:
 - a. Radio and television receiving antennas and support structures, provided that they shall not be erected to a height greater than 100 feet above the ground line.

the sole use of the premises.

- b. The following shall not be considered a change of use and no new zoning permit shall be required:
 - i. Commercial use to a group home or single-dwelling use; and
 - ii. Any permitted use as a part of a strip mall or multi-tenant commercial development.

E. Use Permitted in Multiple Districts with Different Standards

Uses must comply with the standards for the zoning district in which they are located.

F. Use of Dwelling Units

Where residential uses are permitted, they shall be within a dwelling unit or mobile home, as defined in this chapter and permitted within the applicable zoning district. Any group living uses, as defined in this chapter, and nonresidential uses permitted within dwelling units shall be distinguished as uses by the definitions found in Sec. 18-xx, Definitions and shall be regulated by the applicable standards.

G. Use Interpretations

The purpose of the use interpretation procedures is to provide a process for an applicant to request documentation regarding the meaning of the language in this article, the boundaries of the official zoning map, or conditions of an approval.

1. Interpretation Types
 - a. Formal interpretations shall be in writing and prepared in accordance with this section. Only formal interpretations are subject to appeal as an administrative decision.
 - b. Any oral or written interpretations that do not meet the requirements of this section are considered advisory interpretations, which shall not have any binding effect and are not considered administrative decisions subject to appeal.

- c. Uses shall not be interpreted to be within more than one use category.
2. Interpretation Procedure
The interpretation procedure is illustrated in Figure 18-xx, Interpretation Procedure.

Figure 18-xx: Use Interpretation Procedure

Step 1

File Application

- File application with zoning administrator
- Incomplete applications shall be rejected
- Pay applicable fee

Step 2

Staff Review and Decision

- The zoning administrator shall conduct necessary research
- The zoning administrator may consult with other staff, including the city attorney
- The zoning administrator shall render a decision

Step 3

Notification of Decision

- Formal interpretations shall be issued in writing
- Delivered via mail, electronic mail, or collected in person by applicant

Current Article 5, Zoning
Districts

Draft of Proposed Article
2, Zoning Districts

Next Steps

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Planning Commission work session – April