

Chapter 18.24

R-3 LOW-DENSITY MULTIFAMILY DISTRICT and RP-3 PLANNED LOW-DENSITY MULTIFAMILY DISTRICT

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18.24.010 Statement of Intent

The zoning of property as R-3, Low-Density Multifamily District, or RP-3, Planned Low-Density Multifamily District, is intended to provide for development of well-designed multifamily developments with emphasis on open space and access to light and air. Low-density multifamily dwellings will all be low-rise developments with commonly maintained landscaped open space.

The R-3 district allows development of up to twelve (12) dwelling units per net acre; a higher density of up to fifteen (15) dwelling units per net acre may be allowed in the RP-3 district if the development achieves the objectives of the *Guidelines for Multifamily Development Design* and achieves a quality level exceeding that commonly found in projects developed under conventional zoning. The development density, site design, and architectural design requirements will be determined in the R-3 and RP-3 districts by rezoning stipulation, with consideration given to the guidelines and recommendations of the *Residential Neighborhood Design Manual, Comprehensive Plan* and applicable corridor studies and plans as approved by the Planning Commission and Governing Body. (Ord. 02-54 § 2, 2002)

18.24.020 Permitted Uses

No building, structure, land or premises shall be used, and no building or structure shall hereafter be erected, constructed, reconstructed, moved or altered except for one (1) or more of the uses set forth herein, or similar uses, in accordance with the Use Matrix, Chapter 18.76, subject to all applicable development and performance standards.

- A. Uses permitted by right: The following uses shall be permitted subject to the performance standards in Sections 18.24.040 and 18.24.060:
 - 1. Multifamily (attached dwellings).
 - 2. Single-family residences, subject to the provisions of Chapter 18.20.
 - 3. Two-family residences (duplexes), subject to the provisions of Chapter 18.22.
 - 4. Residential design manufactured homes, subject to the provisions of Chapter 18.20.
 - 5. Leasing office for the apartment complex.
- B. Conditionally permitted uses: The following uses shall be permitted subject to compliance with applicable conditions:
 - 1. Accessory uses, subject to the provisions of Chapter 18.56.

2. The following uses may be permitted, subject to approval of preliminary and final development plans, pursuant to Chapter 18.12, Applications and Procedures:
 - a. Colleges, universities, professional schools and junior colleges (public or private).
 - b. Elementary and secondary schools, public and private.
 - c. Golf courses and clubhouses, public and private (except miniature golf, driving ranges, etc.).
 - d. Libraries.
 - e. Parks and recreation facilities, public or private (noncommercial).
 - f. Religious organizations.
 - g. Wind generation towers.
 3. Nonresidential uses which are proposed for the benefit of or as an amenity to a particular development and not for the use by the general public, i.e., neighborhood pools, clubhouses, etc., subject to approval by the City Planner.
- C. Special uses: As specified in the Use Matrix, Chapter 18.76, or Chapter 18.54, Special Uses, may be permitted with a special use permit obtained pursuant to the provisions of Chapter 18.12, Applications and Procedures. (Ord. 02-54 § 2, 2002)

18.24.030 Height and Area Regulations for R-3 Developments

The maximum density, minimum district size, minimum site area per dwelling unit, maximum height of buildings and structures, minimum yard requirements and setbacks for parking/paving permitted on any lot shall be as follows, except as provided in Chapter 18.58, Height and Area Exceptions and Chapter 18.68, Subdivision and Lot Splits:

- A. Maximum density – twelve (12) dwelling units per net acre
- B. Minimum district size -- one (1) net acre.
- C. Minimum site area per dwelling unit -- three thousand five hundred (3,500) square feet.
- D. Maximum height:
 1. Multifamily buildings – two and one-half (2½) stories, not exceeding thirty-five (35) feet from finished grade.
 2. Nonresidential structures and uses -- seventy-five (75) feet, provided such structure is set back from all property lines a distance equal to or greater than its height.
- E. Minimum front yard -- thirty (30) feet from street right-of-way.
- F. Minimum side yard:
 1. Twenty-five (25) feet from property lines adjoining land zoned R-1 through R-5, inclusive, TN, C-O, CP-O, C-1, CP-1 and NC.
 2. Seventy-five (75) feet from property lines adjoining land zoned C-2 through M-3, inclusive. If a thirty- (30) foot-wide landscape buffer is provided, the setback may include parking, paving and carport/garage structures.
 3. Seventy-five (75) feet from property lines abutting arterial street right-of-

ways. Twenty feet (20) for all other street right-of-ways.

4. In the "Original Town" Overlay District, ten (10) feet from property lines adjoining land zoned R-1 through R-5, inclusive, TN, C-O, CP-O, C-1, CP-1 and NC and twenty (20) feet from property lines abutting any street right-of-way.
- G. Minimum rear yard:
1. Twenty-five (25) feet from property lines adjoining land zoned R-1 through R-5, inclusive, TN, C-O, CP-O, C-1, CP-1 and NC.
 2. Seventy-five (75) feet from property lines adjoining land zoned C-2 through M-3, inclusive. If a thirty- (30) foot-wide landscape buffer is provided, the setback may include parking, paving and carport/garage structures.
 3. Seventy-five (75) feet from property lines abutting all street right-of-ways.
- H. Minimum distance between buildings -- fifteen (15) feet.
- I. Minimum parking/paving setbacks shall be the same as required front, side and rear yards. (Ord. 02-54 § 2, 2002)

18.24.040 Development and Performance Standards for R-3 Developments

- A. Neighborhood amenities shall be provided at the time of development for all residential developments zoned R-3. The proposed neighborhood amenities and construction phasing shall be submitted and approved by the Planning Commission as part of the rezoning and/or preliminary plat application.
- B. A minimum of ten (10) percent of net land area shall be declared as common open space and shall include active open space for use by all persons who reside on the premises.
- C. Nonresidential uses which are proposed for the benefit of or as an amenity to a particular development and not for use by the general public should be located within the interior of the development. Alternative locations where deemed appropriate may be approved by the Planning Commission. Under certain circumstances, notification of the surrounding property owners may be required.
- D. Maximum site coverage -- sixty (60) percent of net site area, i.e., buildings, parking lots, and drives.
- E. Pedestrian circulation systems (sidewalks, walkways and paths) shall be located and designed to provide adequate physical separation from vehicles along all public and private streets and drives, and within any parking area.
- F. Parking and Loading -- see Chapter 18.60.
- G. Signage -- see Chapter 18.64.
- H. Landscaping and Screening -- see Chapter 18.62 and Chapter 18.68, Subdivision and Lot Splits.
- I. Property zoned R-3 shall have frontage and main access directly on an arterial, collector or service street, as designated in the transportation element of the *Comprehensive Plan*, and the adopted *Major Street Map*.
- J. Noise levels in accordance with Chapter 6.18 of the Municipal Code.
- K. The provisions of Chapter 18.12, Applications and Procedures, relating to site plans are applicable to District R-3. (Ord. 02-54 § 2, 2002)

18.24.050 Height and Area Regulations for RP-3 Developments

Unless modifications are specifically granted, the R-3 height and area regulations in Section 18.24.030 shall govern in RP-3 developments. However, through the use of innovative and imaginative site design, modifications to the height and area regulations may be granted as stated below:

- A. Maximum density – fifteen (15) dwelling units per net acre.
- B. Minimum district size -- five (5) net acres.
- C. Minimum lot area per dwelling unit -- lot area may be reduced to three thousand (3,000) square feet.
- D. Maximum height -- may be increased to three (3) stories, not exceeding forty (40) feet from finished grade.
- E. Minimum front yard -- may be reduced to twenty (20) feet from street right-of-way. In addition, the front yard may be reduced to five (5) feet from street right-of-way (not including arterial streets) if townhouse or row house structures are designed with front façades oriented toward the street and conform to the design guidelines of the *Traditional Neighborhood Design Manual*.
- F. Minimum side and rear yard -- may be reduced to fifteen (15) feet from property lines adjoining land zoned R-1 through R-5, inclusive, TN, C-O, CP-O, C-1, CP-1 and NC.
- G. Minimum side and rear yards adjacent to property lines zoned C-2 through M-3, inclusive, may be modified if the property owner can demonstrate one (1) or more of the following, and provided that the area proposed for modification is illustrated on the site development plan:
 - 1. An alternative design can accomplish a higher quality design with no negative impacts to either the residential or nonresidential properties.
 - 2. Adjacent nonresidential property is restricted to land uses that are low impact and low scale, and the site is designed in a manner so that adjacent residential properties will not be impacted by any such reductions.
 - 3. Existing topography, hedgerows or natural features provide significant screening.
 - 4. Significant buffers have been provided by adjacent nonresidential development and such properties will not be impacted by any such reductions.
 - 5. The buffer requirements impose an unnecessary hardship upon the property owner arising from conditions unique to the property and alternative site design and building design arrangements are not possible. In such instances, findings shall be prepared that the conditions of Section 18.12.350.B have been met.
- H. Minimum parking/paving setbacks -- may be reduced to twenty (20) feet from street right-of-way. (Ord. 02-54 § 2, 2002)

18.24.060 Development and Performance Standards for RP-3 Developments

- A. Planned district projects shall emphasize orderly development at a quality level exceeding that found in projects developed under conventional zoning in accordance with Chapter 18.14, Zoning Districts. Planned district zoning is reserved for those areas that are sensitive due to natural features, adjoining land uses, or high visibility. Planned districts shall not be used to reduce standards and requirements, but shall be used as a means to improve development quality.

- B. Development plans as specified in Chapter 18.12, Applications and Procedures, are required for all developments zoned RP-3. Architectural design of all multifamily dwellings in the RP-3 district (e.g., condominium, triplex, fourplex, townhouse, condominium, apartments, etc.) are subject to the following criteria:
1. Comply with the building design guidelines of the *Guidelines for Multifamily Development Design*.
 2. Incorporate a variety of building designs and styles within a complex or development.
 3. Incorporate innovative and creative building designs that include architectural features not typically used on conventional apartment buildings (e.g., porches, bay windows, chimneys, multiple/variety of roof forms, etc.)
 4. Use decorative building materials on all structures, with the minimum percentage of masonry and decorative building materials to exceed those required by the *Guidelines for Multifamily Development Design*.
 5. Provide both attached and detached garages. Garages shall not project in front of the habitable portion of the principle building façade. Attached garages shall be flush with the building facade, recessed, side-loaded, or rear-accessed. Garages shall account for no more than fifty (50) percent of the width of the structure facing a public or private street.
 6. Incorporate protective entry courts, common vestibules, covered breezeways, and/or enclosed stair halls and walkways in all apartment building designs.
- C. Neighborhood amenities shall be provided at the time of development for all residential developments zoned RP-3. The proposed neighborhood amenities and construction phasing shall be submitted and approved by the Planning Commission as part of the rezoning and/or preliminary development plan application.
- D. A minimum of fifteen (15) percent of the net land area shall be declared as common open space. Of which, a minimum of fifty (50) percent shall be developed as active open space for use by all persons who reside on the premises.
- E. Nonresidential uses which are proposed for the benefit of or as an amenity to a particular development and not for use by the general public should be located within the interior of the development. Alternative locations where deemed appropriate may be approved by the Planning Commission. Under certain circumstances, notification of the surrounding property owners may be required.
- F. Maximum site coverage -- may be increased to sixty-five (65) percent of net site area, i.e., buildings, parking lots and drives.
- G. Pedestrian circulation systems (sidewalks, walkways and paths) shall be located and designed to provide adequate physical separation from vehicles along all public and private streets and drives, and within any parking area.
- H. Parking and Loading -- see Chapter 18.60.
- I. Signage -- see Chapter 18.64.
- J. Landscaping and Screening -- see Chapter 18.62 and Chapter 18.68, Subdivision and Lot Splits.
- K. Property zoned RP-3 shall have frontage and main access directly on an arterial, collector or service street, as designated in the transportation element of the *Comprehensive Plan*, and the adopted *Major Street Map*.

- L. No noise levels shall be generated that exceed the levels permitted in Chapter 6.18 of the Municipal Code. (Ord. 02-54 § 2, 2002)

(Pages 123 and 124 reserved.)