

Chapter 18.28

R-5 HIGH-DENSITY MULTIFAMILY DISTRICT and RP-5 PLANNED HIGH-DENSITY MULTIFAMILY DISTRICT

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18.28.010 Statement of Intent

The zoning of property as R-5, High-Density Multifamily District, or RP-5, Planned High-Density Multifamily District, is intended to provide for development of quality multifamily dwellings in a high-density setting, while ensuring that livability, property values, open space, high levels of design quality and landscaping, safety and the general welfare will be sustained. The R-5 district would be used for development of high-density, multifamily dwellings; the RP-5 district would be used for development of high-density multifamily dwellings where surrounding development and land uses are appropriate and where environmental features and infrastructure are available and adequate.

The R-5 district allows development of up to twenty-nine (29.0) dwelling units per net acre subject to *Guidelines for Multifamily Development Design*. The RP-5 district does not have a maximum density limitation, however, proposed development must meet and exceed all of the requirements of conventional high-density apartment building design. The RP-5 district is intended to provide for innovative development through design flexibility. It is recognized that many areas suited for conventional residential development would not be appropriate for high-density development under the RP-5 district. Careful consideration and analysis shall be given before granting RP-5 zoning. The development density, site design, and architectural design requirements will be determined in the R-5 and RP-5 districts by rezoning stipulation, the *Residential Neighborhood Design Manual, Comprehensive Plan* and applicable corridor studies and plans as approved by the Planning Commission and the Governing Body. (Ord. 02-54 § 2, 2002)

18.28.020 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 in 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 18.28.040 and 18.28.060:
 - 1. Multifamily (attached) dwellings.
 - 2. 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.
 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)

18.28.030 Height and Area Regulations for R-5 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 – twenty-nine (29.0) dwelling units per net acre
- B. Minimum district size—one (1) net acre.
- C. Minimum site area per dwelling unit—one thousand five hundred (1,500) square feet.
- D. Maximum height:
 1. Multifamily buildings -- four (4) stories, not exceeding fifty (50) 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 yards:
 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. The setback shall be increased at a ratio of one (1) foot per four (4) feet of building height for buildings in excess of forty (40) feet from finished grade.
 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 (20) feet 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)

18.28.040 Development and Performance Standards for R-5 Developments

- A. Neighborhood amenities shall be provided at the time of development for residential developments zoned R-5. 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-5 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 plan are applicable to District R-5. (Ord. 02-54 § 2, 2002)

18.28.050 Height and Area Regulations for RP-5 Developments

Due to the nature of the RP-5 District, regulations governing density, district size, and site area per dwelling unit are to be determined through the design process. The maximum height of buildings and structures, and minimum setbacks for buildings and parking and paving shall be as follows. However, specific height and area regulations for RP-5 developments may be modified when deemed appropriate by the Planning Commission and the Governing Body at the time of zoning and/or preliminary site development plan approval.

- A. Maximum height – seven (7) stories, not exceeding ninety (90) feet
- B. 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*.
- C. Minimum side and rear yards -- 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. The setback shall be increased at a ratio of one (1) foot per four (4) feet of building height in excess of forty (40) feet from finished grade.
- D. 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.
- E. Minimum parking/paving setbacks—may be reduced to twenty (20) feet from street right-of-way. (Ord. 02-54 § 2, 2002)

18.28.060 Development and Performance Standards for RP-5 Developments

Development and performance standards for the RP-5 District shall be contained in developer agreements and established at the time of zoning. The following standards shall apply but may be modified or waived by the Planning Commission.

- 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-5.
 - C. Neighborhood amenities shall be provided at the time of development for all residential developments zoned RP-5. 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.
 - D. Common open space which includes active open space shall be provided 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. 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.
 - G. Parking and Loading—see Chapter 18.60.
 - H. Signage—see Chapter 18.64.
 - I. Landscaping and Screening—see Chapter 18.62 and Chapter 18.68, Subdivision and Lot Splits.
 - J. Property zoned RP-5 shall have frontage and main access directly on an arterial, collector or service street, as designated by the transportation element of the *Comprehensive Plan*, and the adopted *Major Street Map*.
 - K. Noise levels in accordance with Chapter 6.18 of the Municipal Code.
 - L. Other design requirements as deemed appropriate by the Planning Commission to ensure compatibility with surrounding areas. (Ord. 02-54 § 2, 2002)

(Pages 138 through 140 reserved.)