

CZ-R-MF-A Ordinance Requirements for Apartments

Sec. 32-164. - Conditional districts.

(a) Conditional districts (CZ) run parallel to each of the conventional zoning districts and are subject to the same standards applicable to the parallel district including overlay district regulations, as modified by the approved district-specific plans and conditions. Conditional zoning is established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Conditional zoning allows for a degree of certainty in land use decisions not possible in conventional districts. The following provision shall apply when using conditional zoning:

(1) The petition is proposed or agreed to by all the owner(s) of the subject land. Specific conditions may be proposed by the petitioner or the local government or its agencies, but only those conditions approved by the local government and consented to by the petitioner in writing may be incorporated into the zoning regulations. Unless consented to by the petitioner in writing, in the exercise of the authority granted by this section, a local government may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land.

(2) The petition shall incorporate any proposed modifications to use, intensity, or development standards applicable in the parallel conventional use district. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to local government ordinances, plans adopted pursuant to G.S. 160D-5-1, or the impacts reasonably expected to be generated by the development or use of the site. The zoning regulation may provide that defined minor modifications in conditional district standards that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification of the conditions and standards in a conditional district shall follow the same process for approval as are applicable to zoning map amendments. If multiple parcels of land are subject to a conditional zoning, the owners of individual parcels may apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Any modifications approved apply only to those properties whose owners petition for the modification.

a. *Limitations.* For parcels where multifamily structures are an allowable use, a local government may not impose a harmony requirement for permit approval if the development contains affordable housing units for families or individuals with incomes below 80 percent of the area median income.

(3) Proposed development plans shall be prepared by a licensed design professional and shall be prepared in accordance with ordinance, comprehensive or land-use plan, city design policies and state laws.

(4) When adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with and an adopted comprehensive or land-use plan and any such agreed upon conditions and that by approval they will or will not be in promoting the public health, safety, and general welfare of its citizens. Any violations of a provisions of a conditional zoning ordinance amendment shall be treated the same as any other violation of this chapter and be subject to any penalties as set forth in [section 32-47](#).

(b) *Application procedures.* All applicants are required to complete a request for a public hearing form to initiate the rezoning process. Once completed and submitted by the stated deadline, the governing board will review the request and determine the following:

(1) The completion of the appropriate forms;

(2) Determine if the petitioner needs to hold a neighborhood meeting. This meeting will be with representatives of the petitioner and the surrounding property owners at a designated time and place prior to the public hearing and any government review. The petitioner may use a third party to facilitate the meeting or conduct the meeting themselves to gather information and any concerns the surrounding neighbors may have regarding the proposed project and;

(3) Schedule the public hearing date and also affix a date for planning board review prior to the public hearing.

(c) *Review by the governing board.* After receiving the planning board's recommendation, the governing board shall hold the public hearing per the requirements of [section 32-72](#). After the public hearing the board may approve, approve with conditions that are agreed upon, or deny the request. Applicant shall be notified in writing of the governing board's decision. Decisions denied may reapply per [section 32-75](#).

Sec. 32-163. - Statement of intent of districts.

The intents of the various conventional use districts are as follows:

(4) *R-MF-A residential multifamily - apartment district.* The intent of the R-MF-A residential multifamily - apartment district is to provide areas of high-density residential development. Residential units shall be rented or leased. Public water and sewer shall be available. This district shall be located near employment centers, shopping facilities and roads that can accommodate the traffic generated by the high-density development. Density of development shall be no more than 20 units per building and no more than 3 stories in height. All such projects shall be approved in accordance with the provisions of article V, [section 32-245](#).

Sec. 32-206. - Residential.

Residential uses shall be permitted in the zoning use districts as indicated:

ARTICLE V. - DEVELOPMENT STANDARDS

DIVISION 1. – GENERALLY

Sec. 32-241. - Table of area, height and placement regulations.

The table of area, height and placement regulations shall be as follows:

District	Minimum Lot Area (sq. ft.) ¹²	Required Additional Lot Area per Dwelling in Excess of One (sq. ft.)	Minimum Lot Width at Building Line (in feet)	Required Setbacks in Feet			Maximum Building Height (in feet)
				Front	Side	Rear	
R-R	20,000	20,000	85	30	10 ¹	35	35 ²
R-20	20,000	20,000	85	30	10 ¹	35	35 ²
R-15	15,000 ³	15,000 ³	80	30	10 ¹	30	35 ²
R-MF-A ⁷	8,000 ³	2,000 ³	100	10	10 ^{1, 11}	20 ⁴	35 ²

Footnotes

¹ 15 feet from edge of right-of-way where abutting a street.

² Additional height above the specified limits for every foot or fraction thereof of building height specified if one additional foot of front, side, and rear setback is provided. However, in no case shall a building exceed three stories above ground level.

³ Minimal lot sizes permitted only where public water and sewer are available. If a septic tank waste disposal system is used, the minimum lot size shall be determined by the county health department.

⁴ 20-foot setback where abutting a property line; 30 feet where abutting a street. Normally, rear yard setback is measured from the property line to the edge of the principal building, excluding a roof overhang. However, if a patio or deck is provided, the backyard setback shall be measured from the property line to these facilities.

⁷ Any one-family, detached dwelling in the R-MF-A, R-MF-C, R-MF-T, R-MH, R-MH-1, R-MH-2, B-2 or O-I districts shall meet the dimensional requirements of the R-15 residential district.

¹¹ Side yard setbacks shall be 30 feet from right-of-way when abutting a street.

Sec. 32-243. - Development plan.

A development plan shall be prepared and sealed by an architect, engineer or surveyor licensed in the state for shopping centers, multifamily developments, planned unit developments (PUD), mobile home parks and industrial parks, and business-related districts. The development plan shall show the following information, if applicable:

(1) Location, arrangement, and dimensions of truck loading and unloading spaces and docks. (see [section 32-392](#))

(2) Location, arrangement and dimensions of automobile parking spaces, width of aisles, width of bays, angle parking and sidewalk layouts. (see [section 32-359](#))

(3) Location and dimensions of vehicular entrances, exits and drives. (see [section 32-321](#))

(4) Specific drainage systems, as they relate to the site and adjoining properties. (per state guidelines)

(5) Location and materials of walls and fences. (see [section 32-259](#))

(6) Ground cover, topography, slopes, banks, and ditches. (per state and best management practices)

(7) The location and general exterior dimensions of main and accessory buildings.

(8) Architectural plans for proposed buildings. (per state technical codes)

(9) The location, dimensions, and arrangements of areas to be devoted to planting, lawns, trees and other plants. (see [sections 32-254](#) and [32-259](#))

(10) The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service (all utilities shall be constructed per the city's construction standards, if applicable).

(11) An analysis of anticipated traffic volume on larger projects or if deemed necessary by the approving board, city engineer, or NCDOT.

(12) Sediment control plan. (per state guidelines)

(13) Evidence that the state department of transportation has been made aware of the proposed development and that the developer will coordinate for the development with this agency.

(14) Plans for refuse disposal equipment and method of refuse disposal such as compactors or dumpsters. (see [section 32-254](#))

(15) Delineation of areas to be constructed in phases and sequential order.

Sec. 32-245. - Residential multifamily apartments (R-MF-A).

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Apartment. Two or more dwelling units in single ownership where the units are rented or leased. The development shall consist of one or more multifamily buildings on a single tract of land, and shall have no more than 16 units per building.

(b) *Open space.* A minimum of 15 percent of the gross acreage shall be reserved as natural vegetative space, grass areas or buffer areas.

(c) *Recreation facilities.* Multifamily projects shall provide recreational space based on the number of dwelling units per development as established in the following table:

Number of Dwelling Units Per Development	Minimum Space Per Dwelling Unit (sq. ft.)
1—8	900
9—16	1,800
17—32	2,700
33+	3,600

The term "recreational facility" is defined as, but not limited to, a building, enclosed structure or facility for use by the residents of the development for recreational activities, such as clubhouse, swimming pools, tennis courts, playground-equipped areas, picnic tables/shelters and/or basketball courts. These areas shall be furnished by the developer and maintained by the owner of the development.

(d) *Spacing between circulation system and buildings.* Automobile parking spaces and drives shall not be located closer than ten feet to the front, side or rear of any building.

(e) *Building relationships.* No building shall be located closer than as specified by the state building code, volume 1, but in no case shall any building be located closer than 20 feet to an adjacent building.

(f) *Courtyard.* Any group of buildings forming a courtyard shall have at least 25 percent of the perimeter of such courtyard open for access by emergency vehicles.

(g) *Buffering.* Adequate landscaping and buffering shall be included to buffer the development from its adjacent land uses, lots, or public rights-of-way per [section 32-259](#).

(h) *Perimeter requirement.* No building shall be erected, reconstructed, altered or moved nearer the exterior project property lines than 20 feet or the applicable district yard requirements, whichever is greater. If a deck or patio is provided, the setback shall be measured from property line to these facilities instead of from the property line to the permanent structure.

Zoning District Adjacent To	R-R	R-20	R-15	R-MF-A	R-MF-T	R-MF-C	R-MH	R-MH-1	R-MH-2	O-I	B-I	B-2	L-I	H-I
R-MF-A	1	2	2	1	1	1	1	1	1	1	**	1	1	

(c) *Definitions.*

(9) *Landscape plan.* A component of a development plan on which is shown: Proposed landscape species (such as number, spacing, size at time of planting, and plant details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features; grade changes; buffers and screening devices; proposed ways to minimize the potentials for negative impacts upon public senses and protecting the community environment; and any other information that can reasonably be required in order that an informed decision can be made by the approving authority. Plans shall be prepared by a North Carolina licensed professional in the areas of landscaping.

Sec. 32-359. - Schedule of parking spaces.

Off-street parking spaces shall be provided and permanently maintained by the owners and occupants of the following types of property uses on the basis indicated:

(15) Residences and apartments, mobile homes and mobile home parks: Two spaces for each dwelling unit.