

Multi-family & Nonresidential Height Standards Update (11-2021 Board of Commissioners Public Hearing Draft)

Code Sections Affected

Section 2.1,
Measurements

Section 2.3,
Definitions & Terms

Section 3.1.3,
Superseding Dimensional Standards

Section 3.2.12,
Residential Multi-Family Low Density
(RMF-L) District

Section 3.2.13,
Residential Multi-Family Moderate
Density (RMF-M) District

Section 3.2.14,
Residential Multi-Family Medium-High
Density (RMF-MH) District

Section 3.2.15,
Residential Multi-Family High Density
(RMF-H) District

Section 3.3.4,
Urban Mixed-Use Zoning (UMXZ)

Section 3.3.7,
Planned Development (PD) District

Section 3.4.3,
Neighborhood Business (B-1) District

Section 3.4.4,
Community Business (CB) District

Section 3.4.5,
Regional Business (B-2) District

Section 3.4.6,
Office and Institutional (O&I) District

Section 3.4.10,
Light Industrial (I-1) District

Section 5.4.3,
Transitional Buffer Standards

Key Intent

- Allow 4-story buildings, which require elevators, in all multi-family districts to increase housing access and opportunities for seniors and residents with reduced mobility
- Adjust height standards in nonresidential and mixed use districts to allow for the building scales recommended in the Comprehensive Plan, ensure structure heights needed for permitted uses can be accommodated, and provide for more flexibility in building design
- Offset impacts of taller structures on adjacent residential properties with a variety of mitigation options
- Modify setbacks in nonresidential districts to ensure consistency

Amendment Features

- A building height allowance has been established for the RMF-L and RMF-M districts where 4-story structures are allowed. Additional standards to mitigate the impact of taller structures are required when the 4-story structures are adjacent to single family homes and general “R” Residential districts (RA, AR, R-20, R-20S, R-15, R-10, R-7, and R-5). Existing setback provisions have also been adjusted as the maximum height in feet cap is no longer applied. **(See Sections 3.1.3, 3.2.12, and 3.2.13)**
- Additional standards to mitigate the impact of taller structures when adjacent to general R Residential districts have been outlined for 4-story structures in the RMF-MH and RMF-H districts. Existing setback provisions have also been adjusted slightly as the maximum height in feet cap is no longer applied. **(See Sections 3.2.14 and 3.2.15)**
- A provision has been added to allow up to 5-story structures in the RMF-H district as part of a conditional zoning approval, subject to additional standards to mitigate the impact of taller structures adjacent to single family homes and general R Residential districts (RA, AR, R-20, R-20S, R-15, R-10, R-7, and R-15). **(See Sections 3.2.15 and 3.1.3)**
- Because Master Planned Developments (MPDs) are subject to Planning Board and Board of Commissioners review and consideration through the public hearing process, the building height maximum in the Urban Mixed Use Zoning and Planned Development districts has been removed and the MPD Master Plan is allowed to establish the maximum height for a particular project. **(See Sections 3.3.4 and 3.3.7)**
- Maximum height limits for nonresidential districts are adjusted to ensure the scale of buildings intended for the district can be accommodated. **(See Sections 3.4.3, 3.4.4, 3.4.5, 3.4.6, and 3.4.10)**
 - Neighborhood Business, B-1
 - Maximum height increased from 35 ft. to 2 stories OR 40 ft.
 - Community Business, CB
 - Maximum height increased from 3 stories, not to exceed 45 ft., to 3 stories OR 50 ft.
 - Regional Business, B-2
 - Maximum height increased from 40 ft. to 3 stories OR 50 ft.
 - Office & Institutional, O&I
 - Maximum height for residential uses increased from 40 ft. to 3 stories OR 45 ft.
 - Maximum height for nonresidential uses and mixed use structures adjusted from 52 ft. to 3 stories OR 50 ft.
 - Light Industrial, I-1
 - Maximum height increased from 45 ft. to 3 stories OR 50 ft.
- Additional height allowances, and additional standards to mitigate greater heights when adjacent to general R Residential districts (outlined on the back of this summary), are established for nonresidential districts to allow specific permitted uses that generally require structures with greater height. **(See Sections 3.1.3, 3.4.3, 3.4.4, 3.4.5, 3.4.6, 3.4.10, and 5.4.3)**
 - Community Business, CB
 - Mitigation required for structures taller than 40 ft. when adjacent to residential
 - Regional Business, B-2
 - Additional height allowance maximum of 100 ft. for Hotel or Motel structures
 - Mitigation required for structures taller than 50 ft. when adjacent to residential
 - Office & Institutional, O&I
 - Additional height allowance maximum of 75 ft. for Senior Living, Government Offices & Buildings, Bank and/or Financial Institutions, and Offices for Private Business and Professional Activities
 - Additional height allowance maximum of 120 ft. for Colleges, Universities, & Professional Schools and Hospital structures
 - Mitigation required for structures taller than 50 ft. when adjacent to residential
 - Light Industrial, I-1
 - Additional height allowance maximum of 100 ft. for Government Offices & Buildings, Hotel or Motel, Offices for Private Business and Professional Activities, and Research and Development Facility structures
 - Mitigation required for structures taller than 50 ft. when adjacent to residential
- A definition for *story* is added. **(See Section 2.3)**
- Setbacks for nonresidential districts have been modified for greater consistency. **(See Sections 3.4.3, 3.4.4, 3.4.5, 3.4.6, and 3.4.10)**

Mitigation Options

Option 1: Structure Setback

Idea: Taller structures are required to be located further away from adjacent residential properties than shorter buildings. Setbacks from properties with existing single family or attached homes is about 2 feet for every 1 foot in height. Setbacks from vacant residentially zoned properties or multi-family developments are about 1 foot for every 1 foot in height for nonresidential or mixed-use structures and 1 ½ feet for every 1 foot in height for multi-family structures.

Examples:

Tall mixed use structure in Raleigh, NC with large setback from adjacent residential



One Midtown Apartments—4-story building is further from property line than 3-story buildings



Option 2: Architectural Stepback

Idea: Portions of the structure that are taller should be further away from adjacent residential properties than portions of the structure that are shorter. Taller portions must be the same distance from residential properties as the setbacks described above: 2 feet for every 1 foot in height when next to existing single family or attached homes and either 1 ½ feet or 1 foot for every 1 foot in height (depending on type of structures) from vacant residentially zoned properties or multi-family developments.

Examples:

Structure with taller portion further from property line



Illustration of architectural stepback providing a transition in scale with existing homes



Option 3: Alternate Technique Approved in Conditional Zoning District

Idea: Site specific conditions or project design features, such as tall trees in an existing buffer or grade changes, may mitigate height without additional setbacks or architectural setbacks. This option provides flexibility for situations that are not easily anticipated by codified standards.

Examples:

Tall existing vegetation at Mayfaire Flats



Illustration of taller structure mitigated by existing vegetation and grade change

