



SECTION 4.02

Multifamily Development

MULTIFAMILY RESIDENTIAL DEVELOPMENT PLAN PROCEDURES

General Information

Multifamily Development in the R-MF-8 or R-MF-15 District

The UDO provides two types of multi-family residential zoning districts, R-MF-8 and R-MF-15 in which the Architectural and Site Design Requirements increase with the level of gross density proposed for development. The detailed requirements can be found in UDO Section 2.06 and 2.07.

When considering Multi-Family Residential Development the following should be considered:

- Multi-Family Residential Development is reviewed through the Development Plan process since no subdivision of property is required and because there are specific Architectural and Site Design Requirements.
- Appearance Requirements (Use of building materials and façade modulation)
- Development Waivers, may be considered by the Town Council if the project complies with the findings listed in UDO Sections 2.06, C., 4. and 2.07, D., 4. for development waivers.
- R-MF-15 allows for increases in building height or project gross density based upon the inclusion of additional design features as specified in UDO Section 2.07, C. [Amended Ordinance #04-06]

Multi-Family Residential Development obtained through options [Amended Resolution #07-25]

Multifamily Development that was approved as a part of a Development Plan for Development Options for Residential Districts, may be required to submit an additional Development Plan for the multifamily residential portion if the specific architectural and site design criteria for the project were not included in sufficient detail at the time of the Development Option Review. The review procedures will be that of the R-MF-15 District. [Amended Resolution #07-25]

UDO Section 2.09, C., 3. lists the design features that must be provided for multi-family development within a project that utilizes design incentives.

Prior to Filing Petition:

1. Schedule a Concept Plan Review Meeting through the Department of Planning & Zoning. This meeting must be held a minimum of five (5) business days prior to the submittal of the Development Plan Petition, however, it is recommended that you have this meeting at least thirty (30) days prior to filing. This meeting must not be held more than eight (8) weeks prior to filing the petition. See Section 1.01 Concept Plan Review for more information regarding this required meeting.

Petition Filing:

1. Submit Petitions for Multifamily Development Plan along with any supporting documentation by the posted deadline date to the Department of Planning & Zoning as specified on the Town Council Public Hearing Schedule. The Development Plan Packet provides a detailed list of all application submittal requirements. [Amended Ordinance #04-06], [Amended Resolution #08-10]

2. The Department of Planning & Zoning will notify Petitioner of an incomplete petition or any missing information within two (2) business days after the submittal deadline date. This information must be completed and submitted within one (1) business day, or the petition will be placed in the next available review cycle after the information is submitted and the petition is deemed complete. However, if information specified on the "Required Submittal Items List" or the "Plan Requirement & Data Checklist" is not included, the Petitioner will be notified of the missing information and will not be included in the current review cycle. The information must be completed and submitted by the posted deadline date for the next available review cycle to deem the petition complete to be included in that review cycle. [Amended Resolution #08-10]
3. The Department of Planning & Zoning will notify Petitioner after determination of complete submittal, the date and time of the Developer Conference to review Staff's Comments as well as the anticipated review schedule and Public Hearing information. [Amended Resolution #15-26]*
4. If the development petition is for property located outside of the Town's corporate limits a complete Petition for Voluntary Annexation must be submitted simultaneously with the development petition to the Department of Planning & Zoning (see section 6.04 of this manual for Voluntary Annexation procedures). Failure to submit for voluntary annexation may deem your development petition incomplete and be removed from the review cycle. The Voluntary Annexation Packet provides a detailed list of all submittal requirements. [Added Resolution #05-32]

Petition Review Process:

1. The Department of Planning & Zoning will forward a copy of the completed petition to all Staff in the specific review process.
2. Staff will review the submitted petition and the Department of Planning & Zoning will forward all Staff comments to those named on the Petition prior to the Developer Conference.
3. Developer Conference- Please see Section 1.02 of this Manual for specific information regarding this meeting.
4. Revised plans and any requested information must be submitted for staff review in accordance with the Town Council Public Hearing Schedule to remain in the review cycle. If plans are submitted after the deadline date or do not include all items requested in the Staff Review Comments, the Petitioner will be notified of the missing information and the Petition will be not be continued in the current review cycle. The information must be completed and submitted by the posted deadline date for the next available 2nd (or 3rd) review cycle to deem the Petition complete to be included in that review cycle. [Amended Ordinance #04-06], [Amended Resolution #08-10]
5. Staff will review the revised plans and the Department of Planning & Zoning will forward all Staff comments to those named on the Petition in accordance with the Town Council Public Hearing Schedule. [Amended Ordinance #04-06]

Determination of Official Action:

1. The plans for official action must be submitted in accordance with the Town Council Public Hearing Schedule. [Amended Ordinance #04-06]
2. Plans for Official Action and any requested information must be submitted in accordance with the Town Council Public Hearing Schedule to remain in the review cycle. If plans are submitted after the deadline date or do not include all items requested in the Staff Review Comments, the Petitioner will be notified of the missing information and the Petition will be not be continued in the current review cycle. The information must be completed and submitted by the posted deadline date for the next available Official Action review cycle to deem the Petition complete to be included in that review cycle. [Added Resolution #08-10]

3. Staff shall then prepare a report to the Planning Board including discussion of all plans and policies relevant to the proposed petition along with a recommendation by the Staff to approve, approve with conditions, or deny the proposed Multifamily Development Plan Petition.
4. Staff and the Petitioner shall attend the Planning Board meeting. The Planning Board will review the submitted petition as follows:
 - a. Staff shall be given a reasonable time by the Planning Board to introduce the matter being considered and for the presentation of evidence, statements regarding the matter being considered, and to provide a recommendation on the Petitions.
 - b. Petitioners shall be allotted a total of fifteen (15) minutes to present evidence, statements and arguments in support of the matter being considered.

At the conclusion of remarks by any party, the Planning Board shall have the right to ask questions pertaining to the evidence, statements and argument presented. Time involved in responding to questions by the Planning Board by the Petitioner shall not be considered for purposes of calculating time for presentation.

After collecting the evidence and the Planning Board has no remaining questions, the Planning Board shall make a recommendation to the Town Council to either approve, approve with conditions, or deny the Petition for Multifamily Development. Only upon request by the Petitioner, shall the recommendation on the Petition be continued to the next regularly scheduled Planning Board meeting so as to be able to provide additional evidence in support of the request.

[Amended Ordinance #04-06]

5. Staff will forward the Planning Board and final Staff recommendation to the Town Council prior to the Public Hearing. [Amended Ordinance #04-06]
6. Staff and the Petitioner shall attend the Public Hearing before the Town Council. The Public Hearing shall be conducted in conformance with the Legislative Public Hearing Procedures in Section 1.03 of this Manual. After the Public Hearing, the Town Council may make a final determination to either: approve, approve with conditions, deny, table the petition request or refer the proposal back to the Planning Board for further review. [Amended Ordinance #04-06] [Amended Resolution #15-26]*
7. The Department of Planning & Zoning will notify all persons named on the Multifamily Development Plan Petition regarding the Town Council's decision within ten (10) days of their action. [Amended Ordinance #04-06] [Amended Resolution #09-16]

Next Steps:

1. Construction Drawings may be submitted to the Department of Engineering the second Monday after receiving approval by the Town Council. The Construction Drawing Review Procedures can be found in Section 8 of this Manual. [Amended Ordinance #04-06] [Amended Resolution #09-16]
2. A request for a UDO Permit must be submitted to and issued by the Department of Planning & Zoning prior to obtaining a Building Permit, and all necessary procedures must be followed to obtain a Certificate of Occupancy. The procedures for the building process and certificate of occupancy may be found in Section 10 of this Manual.