

PART 305. - RPC, RESIDENTIAL PLANNED COMMUNITY ZONING DISTRICT

Sec. 32-305.01. - Purpose and intent.

1. The RPC, Residential Planned Community, Zoning District is intended to implement the general purpose, intent, goals, objectives, policies and action strategies of the Comprehensive Plan by promoting residential development consistent with the land use classifications of the plan in planned developments of not less than 500 contiguous acres under one ownership or control in those areas of the County where provisions for sanitary sewers, sewage disposal facilities, adequate highway access and public water supply are assured. Within such planned communities, the location of all residential, commercial, industrial and governmental uses, school sites, parks, playgrounds, recreational areas, commuter parking areas and other open spaces shall be controlled in such a manner as to permit a variety of housing accommodations and land uses in orderly relationship to one another.
2. A Comprehensive Plan amendment consistent with the proposed RPC may be heard concurrently with the rezoning application. If approved at the time of the rezoning, the Comprehensive Plan shall be amended to reflect creation of the RPC.
3. The master RPC zoning plan for a RPC District, when approved, shall constitute a part of the zoning regulations for the RPC subject thereof.
4. Application for creation of an RPC shall be made in accordance with the requirements of this Part 305 and Part 700 of this chapter. An RPC shall not be deemed to be included by use of the term "planned development district" unless otherwise specifically provided.

Sec. 32-305.02. - Waiver/modifications provisions for RPC Districts.

1. For an RPC District application, an applicant may request that a waiver of or modification to specific requirements of the subdivision ordinance, this chapter or the requirements of the Design and Construction Standards Manual be granted.
2. An applicant shall provide written justification for all proposed waivers or modifications that demonstrates that the request results in an improvement, is necessary due to the unique characteristics of the specific property, the activity proposed, or is based on previously submitted and approved submission documents, provided such waivers or modifications will not conflict with the fulfillment of the purpose of this section, but instead will promote the purpose of this section, et seq.
3. The applicant shall propose an alternative or modified approach to fulfill the intent of the standard being waived or modified.
4. All modifications or waivers must demonstrate that the alternative proposal fulfills or

exceeds the intent and purpose of the regulation being modified or the Comprehensive Plan.

5. The Board of County Supervisors may approve or disapprove such request, in whole or in part.
6. The approval of waiver or modification requests will be reflected in the approved rezoning.
7. The depiction of a modification or waiver upon plans required by this section shall not of itself authorize such waiver or modification.

(Ord. No. 04-78, 12-21-04)

Sec. 32-305.03. - Definitions.

For the purpose of Part 305, RPC Districts, the following terms are defined.

Master RPC zoning plan shall consist of a drawing or drawings and text which show the proposed general layout, the general location of the various types of land uses, the proposed densities of population in residential areas, a major thoroughfare plan, a general public utility plan, a general storm drainage plan and a plan showing the location of recreational spaces, parks, schools and other public or community uses.

The master RPC zoning plan shall include a phasing schedule which describes when, within the development of the RPC, the required school sites, library sites, recreation and open space, major streets, commuter parking lots, and similar amenities or community facilities will be dedicated or reserved.

The phasing schedule shall include the timing of providing all proffered improvements. The phasing schedule shall also consider the need for future amendments, due to the trend of development in the RPC and the County. The Directors of the Offices of Planning and of Public Works may jointly approve minor revisions to the phasing schedule where it can be shown to be in the best interests of the RPC and the County.

Gross residential acreage means total tract acreage less areas set aside for commercial or industrial use.

(Ord. No. 92-59, 6-16-92; Ord. No. 94-1, 1-11-94)

Sec. 32-305.04. - Procedure for establishment and amendment.

1. A RPC District may be established through the zoning map amendment process set forth in Part 700 of this chapter. In addition to the requirements set forth in that part, the applicant shall submit at the time of application the master RPC zoning plan, which shall meet all of the standards of sections 32-700.20 et seq., and shall be considered as the general development plan.
2. An applicant for a RPC District shall dedicate to the public or community group, as appropriate, recreation areas, open space, library sites, fire station sites, streets, commuter

parking areas, and other sites for necessary public facilities or services generated by the development. Sites for elementary and middle schools shall also be dedicated, and sites for senior high schools may be dedicated, but shall in all events be reserved. The dedication and conveyance of property shall conform to the requirements of the Design and Construction Standards Manual.

3. Development in a RPC District shall be governed by the approved master RPC zoning plan. Amendments to that plan including the redesignation of any land use areas shall be made through the zoning map amendment process set forth in Part 700 of this chapter.
4. Upon creation of a RPC District, preliminary and final subdivision and site plans shall be submitted to the Planning Office. The submission of these plans shall conform to the approved phasing schedule. These plans shall be reviewed and approved in accordance with the Design and Construction Standards Manual. Any required dedications, reservation, or required improvements shall be made in accordance with the phasing schedule, and must be provided with the approval of final subdivision or site plans.

(Ord. No. 92-59, 6-16-92; Ord. No. 94-1, 1-11-94)

Sec. 32-305.05. - Permitted population density.

1. The overall population density permitted in a RPC District shall not exceed 11 persons per acre. This overall density shall be calculated using the entire acreage of the RPC District, including designated areas of nonresidential use, and the following factors:
 - (a) Three and nine tenths persons per one-family dwelling;
 - (b) Three persons per unit of a two-family, townhouse and multifamily dwelling (except high-rise multifamily buildings, and buildings exclusively for housing the elderly or handicapped).
 - (c) One and five-tenths persons per unit of a high-rise multifamily building (which is any multifamily building that exceeds 45 feet in height).
 - (d) One and one-tenth persons per unit in buildings exclusively for housing the elderly or handicapped.
2. The following densities shall be permitted in the RPC District, and shall be designated on the master RPC zoning plan:
 - (a) Low density area, which shall permit up to 3.9 persons per gross residential acre.
 - (b) Medium density area, which shall permit up to 13 persons per gross residential acre.
 - (c) Medium high density area, which shall permit 30 persons per gross residential acre.
 - (d) High density area, which shall permit 60 persons per gross residential acre.

Sec. 32-305.10. - Regulations and uses within residential areas.

Regulations and uses, in addition to uses permitted in section 32-300.07, within areas designated on the master RPC zoning plan for residential use shall be as follows:

1. Residential uses shall be permitted in accordance with this subsection or subsection 2. below:
 - (a) Single-family dwellings shall be permitted in all density areas, provided that every single-family dwelling (or addition thereto) shall be constructed not less than ten feet from each lot line. Single-family dwellings constructed before November 22, 1991, may have additions which encroach into the required ten-foot setback, provided the following conditions are met:
 - (1) Dwellings have been constructed on adjoining lots;
 - (2) The addition shall be located not less than 24 feet from any other dwelling;
 - (3) The property owner of the dwelling located closest to the proposed addition has agreed in writing to the encroachment;
 - (4) Construction of the addition shall begin within one year of the date of the issuance of the zoning approval.
 - (b) Two-family dwellings shall be permitted in all density areas except the low density area.
 - (c) Townhouses shall be permitted in all density areas except the low density area, and shall be subject to the standards set forth in subsections 32-303.45.1 and 2.
 - (d) Multifamily dwellings, except high-rise buildings, shall be permitted in all density areas except the low density area.
 - (e) High-rise multifamily dwellings shall be permitted only in the high density area.
 - (f) Adult day-care and childcare facilities shall be permitted in all density areas with a Special Use Permit.
2. In lieu of the residential uses designated by subsection (1) above, residential uses in an RPC may be established in accordance with the standards of Part 306 of this chapter, subject to the following limitations:
 - (a) The low density areas shall permit housing types A, B, C and D.
 - (b) Housing type H shall be permitted only in high density areas.
 - (c) Except as limited by subsections (a) and (b) above, every housing type permitted in Part 306 of this chapter shall be permitted in all density areas of an RPC.
3. All industrial and major commercial uses shall be prohibited. However, neighborhood commercial uses as set forth in sections 32-401.21 and 32-401.22 of this chapter may be permitted and those uses set forth in section 32-401.23 of this chapter may be

permitted with a Special Use Permit, if designated with reasonable specificity on the master RPC zoning plan, provided:

- (a) Such use shall be reasonably necessary to serve a neighborhood area which does not exceed 1,000 persons.
 - (b) Such use is reasonably compatible with the surrounding residential uses.
 - (c) Such use is reasonably compatible with the proposed traffic pattern and has adequate access for both vehicles and pedestrians.
 - (d) Such use meets the standards set forth in subsections 32-401.24.1. through 5. of this chapter, when not located within a multifamily building.
 - (e) When located within a multifamily building, such use shall be on a separate floor from dwelling units, or the entrance to such use shall be on a separate side of the building from the main residential entrance.
4. No residential dwelling unit may be converted to any other type of residential dwelling unit, as defined by this chapter, after construction of such unit is completed.
 5. Private schools.
 6. Property designated for open space or recreational uses may be located in residential areas and may include outdoor recreational uses.
 7. Religious institution or place of religious worship, with a Special Use Permit.

(Ord. No. 93-65, 12-21-93; Ord. No. 94-1, 1-11-94; Ord. No. 98-30, 4-21-98; Ord. No. 04-78, 12-21-04)

Sec. 32-305.20. - Regulations within commercial and industrial areas.

Regulations within areas designated on the master RPC zoning plan for commercial or industrial use shall be as follows:

1. Those uses set forth in sections 32-401.11 and 32-401.12 of this chapter shall be permitted by right or secondary, respectively, in areas designated for commercial use and those uses set forth in section 32-401.13 of this chapter shall be permitted in such areas with a Special Use Permit subject to the standards set forth in sections 32-401.14 and 32-401.15 of this chapter, and further subject to site plan approval as set forth in Part 800 of this chapter.
2. Those uses set forth in sections 32-403.21 and 32-403.22 of this chapter shall be permitted by right, or secondary thereto, respectively, in areas designated for industrial use; subject to the standards set forth in sections 32-403.24 and 32-403.25 of this chapter, and further subject to site plan approval as set forth in Part 800 of this chapter.
3. Off-site parking, as defined in this chapter, may be located in areas designated on the RPC master zoning plan for commercial or industrial use in accordance with section 32-400.17.

(Ord. No. 96-47, 5-7-96; Ord. No. 04-78, 12-21-04)

Secs. 32-305.30—32-305.35. - Reserved.

Editor's note— Former §§ 32-305.30—32-305.35 pertaining to standards for retirement and/or life care centers were deleted pursuant to Ord. No. 04-78 adopted Dec. 21, 2004.