

§7-6 MIXED USE DISTRICT

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[See Commentary]

§7-6-1 APPLICABILITY

Mixed use districts may only be developed within specific geographic areas or developed corridors as designated by the Board of Commissioners [Mayor and City Council].

§7-6-2 PURPOSES

The purposes of this Code Section are as follows:

- (a) Encourage, protect and enhance the pedestrian environment.
- (b) Encourage additional street level activity.
- (c) Reduce automobile trips.
- (d) Create a “sense of place.”
- (e) Provide for the efficient use of land and services.
- (f) Allow for a mix of land uses which strengthens opportunities for economic vitality and supports diversity of housing opportunities.
- (g) Provide for community gathering places and pedestrian/visitor amenities.
- (h) Establish a distinct storefront character associated with the district.
- (i) Provide transitions to adjacent neighborhoods and commercial areas.
- (j) Maintain and enhance the area’s character through design guidelines.

§7-6-3 DEFINITIONS

Block: An area of land bounded (surrounded on all sides) by streets, or by a combination of streets and public land, railroad rights-of-way, utility right-of-way, waterways, or any other barrier to the continuity of development.

Block width: The distance as measured along rear property lines between intersecting streets.

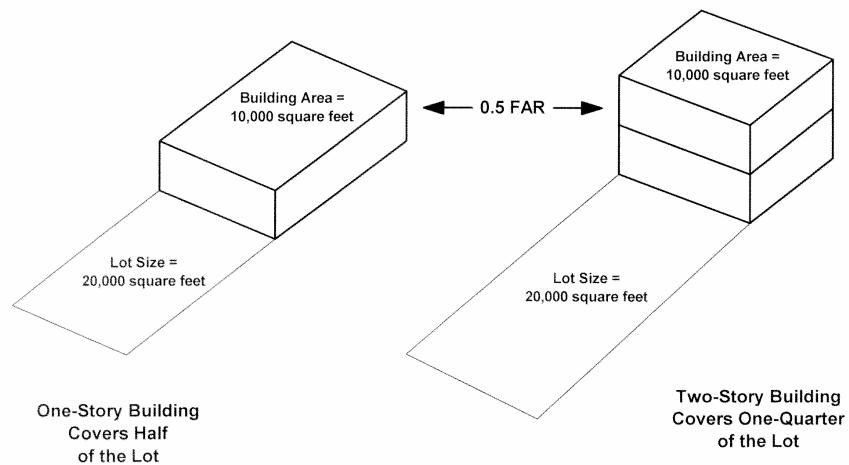
Connectivity: The level or extent to which one or more land uses and parcels within the development have direct accommodations for both vehicles and pedestrians to travel between or among those land uses, and direct vehicular and pedestrian connections with compatible

land uses on abutting properties. Direct accommodations for vehicles means that there is one or more alley, road, or driveway connection between the uses on the development site and among compatible uses on abutting sites (parcels), so that a vehicle can exit one development and enter the other development (i.e., cross property lines) without exiting onto a public street that provides principal access to the developments. Direct accommodations for pedestrians means that there are one or more sidewalks or other approved paths that allow a pedestrian to go from one development or parcel to another without using the sidewalk along a public street that provides principal access to the developments.

Building frontage: The length of any side of a building which fronts on a public street, measured in a straight line parallel with the abutting street.

Display window: A window or opening in the exterior wall of any portion of a building used for business purposes, through which merchandise, services, or businesses are displayed or advertised and visible from the ground or sidewalk level.

Floor-area ratio (FAR): The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.



Floor Area Ratio

Gross floor area: The total square footage of all floors of a building, including the exterior unfinished wall structure but excluding courtyards and other outdoor areas.

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Mixed-use development: A single building containing more than one type of land use; or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary, cohesive whole.



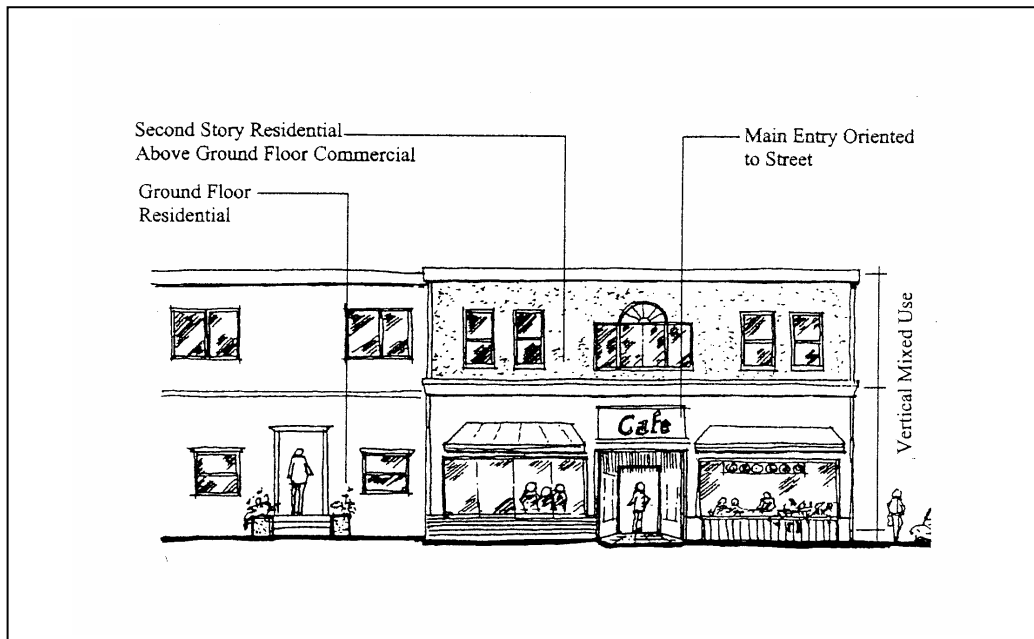
Source: Abbey Deiss, Jerry Weitz & Associates, Inc.

Mixed use, horizontal: Two or more different types of uses are placed next to each other (but not attached), planned as a unit, and connected together with pedestrian and vehicular access. For instance, a subdivision containing single-family dwellings that is adjacent to a neighborhood commercial development and office complex.

Mixed use, vertical: Where two or more different uses occupy the same building usually on different floors. For instance, retail on the ground floor and office and/or residential uses on the second and/or third floors (see figure).

[See Commentary]

Residential Uses Mixed With Commercial Shops



Source: Oregon Transportation and Growth Management Program 1999.

Pedestrian-oriented development: Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street.

Pod: A defined geographic portion of an overall development, designated on a conceptual site plan and/or development plan, used for a specific use or group of related uses.

Storefront: A business or retail or service use where the façade is aligned directly on the frontage line with the entrance at grade; typical of sidewalk retail. Store fronts often have awnings.

Streetscape: An area that may either abut or be contained within a public or private street right-of-way or accessway that may contain sidewalks, street furniture, trees and landscaping, and similar features. Streetscape also includes the visual image of a street, including the combination of buildings, parking, signs, and hardscapes.

Street furniture: Those features associated with a street that are intended to enhance the street's physical character and use by pedestrians, such as benches, bus shelters, trash receptacles, planting containers, pedestrian lighting, kiosks, etc.

Use: The purpose for which a building, structure, or land is occupied, arranged, designed or intended, or for which building, structure, or land is or may be occupied or maintained.

§7-6-4 PERMITTED USES

§7-6-4.1 Development Concept. Uses within a mixed-use district shall be as approved by the Governing Body. The applicant for mixed-use development shall propose a mixed-use development concept and illustrate it with a site plan submitted as a part of the mixed-use development application. The site plan shall show the following areas as appropriate:

- (a) Residential neighborhoods
- (b) Commercial and office-professional areas
- (c) Civic and institutional areas
- (d) Vertical mixed use areas

The applicant may modify the name of these types of development to better represent the themes of the proposed mixed-use development. A mixed-use site plan is not required to include each of these types of development listed above; provided, however, that a mix of uses, either within a single building or on a development site, must be provided. Certain permitted uses are also specifically regulated by this Code Section.

[See Commentary]

§7-6-4.2 Comprehensive Plan. Uses within the mixed-use development shall be predominantly in accordance with the use recommendations and policies of the comprehensive plan. Substantial deviation from the recommendations of the comprehensive plan's future development map or future land use plan map may serve as a basis for denying the mixed-use development application.

[See Commentary]

§7-6-4.3 Permitted Uses. Unless specifically proposed by the mixed-use development applicant and approved by the Governing Body, uses permitted within a mixed use development shall be limited to those specified in Table 1:

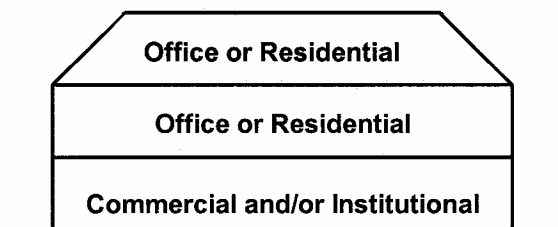
**TABLE 1
 USES PERMITTED IN MIXED USE DEVELOPMENTS**

RETAIL/SERVICE USES:	RESIDENTIAL USES:
Bed and breakfast inns.	Dwellings, single-family attached (townhouses).
Business service establishments.	
Commercial recreational facilities, indoor.	
Cottage industries.	
Day care centers.	
Finance, insurance and real estate establishments.	
Health spas.	
Personal service establishments.	Dwellings, occupying the second or third story, or both, of a building where the ground floor of said building is occupied by office-institutional or retail use, or both, and where each dwelling has its own separate entrance with access to street level.
Restaurants, including outside seating areas but not including drive-ins or drive-through facilities.	
Retail trade establishments, enclosed.	
Special event facilities.	
OFFICE AND INSTITUTIONAL USES:	OTHER USES:
Churches, temples, synagogues, and places of worship.	Accessory uses and structures normally incidental to one or more permitted principal uses.
Offices, including conference centers and retreat centers.	Parks, open spaces, and conservation areas.
Clinics.	Uses existing on the effective date of this ordinance and which are integrated into (connected with) the mixed use development.
Clubs or lodges, nonprofit, sponsored by a civic or similar organization.	Temporary uses and structures.
Institutional residential living and care facilities.	Parking decks.
Schools of all types, including colleges and universities.	
Public and semi-public uses.	

[See Commentary]

§7-6-4.4 Uses on Storefront Streets.

With some limitations specified in this Code Section, it is the intent that within buildings fronting along designated storefront or pedestrian retail streets, only commercial, office, civic, or institutional uses should occupy the ground-level floor. Floors above the ground level may be occupied by office or residential uses.



§7-6-4.5 Detached, Single-family Dwellings. No mixed-use development shall contain more than 70 percent of the dwelling units provided in the mixed-use development as detached, single-family dwellings on individual lots. Each detached dwelling unit on its own lot, where proposed and permitted, shall have a two-car garage which must be located to the rear of the dwelling on at least 60 percent of the units. Where garages are permitted to have their entrance in the front facing the street, the garage shall be recessed a minimum of four (4) feet from the building line.

[See Commentary]

§7-6-5 ADDITIONAL USE PROVISIONS AND LIMITATIONS FOR STOREFRONT RETAIL AREAS

[See Commentary]

§7-6-5.1 Accessory Uses Within Sidewalk and Streetscape Zones. Certain uses are permitted accessory uses and will be permitted to operate within sidewalk and streetscape zones, provided that they meet the following:

- (a) Minor entertainment. Minor entertainment is allowed, provided by groups of five (5) or fewer performers without electronic amplification; performances have a duration of no more than one hour in any one location within a fifty (50) foot radius, and the hours of minor entertainment fall between the hours of 9:00 AM to 9:00 PM.
- (b) Display and other accessory uses generally. All such outdoor displays, sales, service or minor entertainment takes place on private property with the written consent of the owner or agent of the property, or on public property if consistent with the requirements of this Section. No display, sales, service or minor entertainment shall be allowed to block entirely the required sidewalk and streetscape zone. A clear area with a minimum width of five (5) feet shall be left between the street curb and the building entry or exit.
- (c) Equipment and displays. All booths, stalls, carts, or other equipment for outdoor display, sales, service or minor entertainment at the close of business each day shall be removed or immobilized and secured so as to prevent it from becoming a public safety hazard, nuisance or security risk.
- (d) Outdoor dining areas. Outdoor dining areas shall be permitted on a public or private sidewalk area where adjacent to and directly abutting a restaurant located in a building. However, the outdoor dining area shall not reduce the streetscape zone and public sidewalk width, combined to a width of less than five feet. Tables, chairs, umbrellas, and similar items shall be stored in the interior of the restaurant or in similar enclosed area so that a minimum clear zone of ten feet is unobstructed when

- the outdoor dining area is not in use, because of inclement weather or when the restaurant is closed.
- (e) Servicing and solid waste collection. In order to preserve the pedestrian orientation of the storefront or pedestrian retail area, all servicing, loading, and solid waste collection shall take place off-street away from pedestrian walkways, generally in bays provided in the alleys or in screened, internal, rear spaces if alleys are not available.
 - (f) Signs. All signs shall be designed for visual communications to pedestrians and slow-moving vehicular traffic. Signs projecting from the building wall toward the sidewalk are emphasized, because they are typical of communities possessing a pedestrian orientation.

§7-6-5.2 Light Manufacturing. Light manufacturing, meaning production or manufacturing of small scale goods, such as crafts, electronic equipment, candy products, printing and binderies, custom furniture, and similar goods, shall be permitted in store front or pedestrian retail areas, subject to compliance with the following:

- (a) Light manufacturing is only allowed when done in conjunction with a permitted retail or service use which is in the storefront location.
- (b) Floor area devoted to light manufacturing is limited to 50 percent of the gross floor area of any individual establishment.
- (c) The light manufacturing operations shall be fully enclosed within a building.

§7-6-5.3 Retail and Service Components. Enclosed retail trade establishments and personal service establishments should be located in careful relation to other land uses within and outside of the mixed-use development. Such uses shall be scaled to the pedestrian and to the mixed-use development itself. Such uses should be designed and oriented to face the interior of the mixed-use development rather than to passerby traffic exterior to the mixed-use development.

[See Commentary]

§7-6-5.4. Storefront Churches. Store-front churches shall not be permitted to occupy the ground floor of buildings in pedestrian retail or storefront areas.

§7-6-5.5. Street-level Housing. No more than fifty (50) percent of a single street frontage at ground level may be occupied by residential uses. Every dwelling unit with a front façade facing the street in a pedestrian retail or storefront area, if provided, shall to the maximum extent possible have its primary entrance face the street. Every building containing four or more dwelling units shall have at least one building entry or doorway facing any adjacent street that has on-street parking.

§7-6-6 RECOMMENDATIONS FOR MIXTURES OF MIXES

[See Commentary]

§7-6-6.1 Minimum Vertical Mixed Use Requirement. When a mixed-use district is established, there shall be at least ten percent of the total land area within the mixed use development that meets the definition of vertical mixed use. In calculating compliance with this requirement, the street rights-of-ways, public or private, within and serving the vertical mixed-

use development (i.e., with buildings fronting on both sides of the street) shall be counted as vertical mixed use.

[See Commentary]

§7-6-6.2 Minimum Mixes for Horizontal Mixed Use. For horizontal mixed use, as defined, a minimum of twenty-five percent of horizontal mixed use development's total land area (or, if vertical mixed-use is included, only those areas that are horizontal mixed use) shall be devoted to residential uses, and a minimum of twenty-five percent shall be devoted to retail/service, office, and/or civic/institutional uses. In calculating compliance with this requirement, the street rights-of-ways, public or private, within and serving the development (i.e., with lots and dwellings fronting on both sides of the street) shall be part of such use.

7-6-6.3 Minimum Open Space. For horizontal mixed use developments, there shall be at least twenty percent (20%) of the total land area within the mixed use development that is passive or active recreation or open space.

[See Commentary]

§7-6-6.4 Change of Use. Once a mixed-use development is constructed and occupied, changes in tenants may be permitted, but the owner or owners of the mixed use development shall not violate or allow the violation of the land use mix provisions of this Section through subsequent leases. In order to enforce the provisions of this Section, the County [City] may require that a business registration applicant leasing or owning space within a mixed use development approved pursuant to this Section submit sufficient information to show it complies with this Section when considering other uses within the redevelopment. The County [City] shall not approve a business registration or certificate of occupancy for a use of building space that violates the provisions of this Section or any approval of development pursuant to this Section.

§7-6-7 DIMENSIONAL REQUIREMENTS

The following requirements shall be observed in all mixed-use developments, except where the requirement is more specifically attributed to horizontal mixed use, or vertical mixed use, as the case may be.

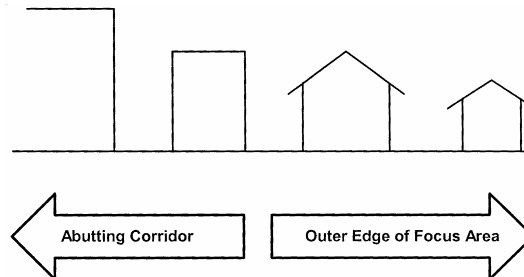
§7-6-7.1 Minimum Area Designated. The minimum acreage required for a mixed use development shall be ten (10) acres; provided, however, that a parcel of less than ten (10) acres may be added to a mixed-use development, subject to compliance with all provisions of this Code Section.

§7-6-7.2 Minimum Height. Within storefront areas (i.e., vertical mixed use), buildings shall be a minimum of two stories in height.

§7-6-7.3 Maximum Height. The height for a vertical mixed use building shall not exceed four (4) stories in height, or 50 feet, whichever is greater. No parking structure shall exceed a height of fifty (50) feet,

[See Commentary]

§7-6-7.4 Height and Mass Transition or Step-Down Adjacent to Residential. In mixed use districts, building heights should be greatest near the center of the development and transition to lower heights outward toward the edge of the development. Buildings at the edge should be comparable in height and massing to the adjacent and nearby properties as well as the surrounding neighborhood.



**Decrease Height and Mass
in the Focus Area**

The Governing Body may establish more restrictive height limitations as a condition of zoning in order to enforce this intent.

[See Commentary]

§7-6-7.5 Floor-Area Ratios. The intensity of all vertical mixed use development, and all horizontal mixed-use development except detached, single-family dwellings each on their own lot, shall be regulated by this subsection and shall not exceed the specified maximums, as applicable. In calculating maximum floor-area ratios, open space shall be counted in the calculation of FAR compliance, but portions of the mixed-use development devoted to detached, single-family dwellings each on their own lot shall be excluded from the calculation of FAR compliance.

- (a) The maximum floor-area ratio of any mixed-use development, excluding detached, single-family dwellings, each on their own lot, shall not exceed 0.75, including any allowable combination of residential, commercial, office-professional, civic-institutional and retail/service uses.
- (b) Non-residential development in a vertical or horizontal mixed-use development shall not exceed a floor area of 0.5.
- (c) Residential development in a vertical mixed-use development shall not exceed a floor area of 0.5.
- (d) The minimum non-residential floor area in a vertical mixed-use development shall be 0.25.
- (e) The Governing Body may establish more restrictive intensity and density limitations than established in this subsection, as a condition of zoning approval, in order to ensure compatibility with adjacent existing development.

[See Commentary]

§7-6-7.6 Floor Area Per Dwelling Unit Requirements for Vertical Mixed Use. Floor areas for dwelling units in vertical mixed-use developments shall comply with the following:

- (a) Minimum: 600 square feet, heated.
- (b) Maximum: 2,400 square feet, heated.
- (c) Average: 1,500 square feet, heated.

[See Commentary]

§7-6-7.7 Detached, Single-family Dwellings. When detached, single-family residential dwellings each on their own lot, are provided in horizontal mixed use development, such uses shall conform to the following requirements (see also §7-6-4.5).

- (a) Minimum lot size: 5,000 square feet.
- (b) Minimum lot width: 50 feet.
- (c) Minimum heated floor area per dwelling unit: 1,800 square feet.
- (d) The Governing Body may establish more restrictive density limitations than established in this subsection, as a condition of zoning approval, in order to ensure compatibility with adjacent existing development.

§7-6-7.8 Attached, Single-family Dwellings (Townhouses). When attached, single-family residential dwellings, each on their own lot, are provided in horizontal mixed-use development such uses shall conform to the following requirements.

- (a) Maximum density: 8 units per acre.
- (b) Minimum lot size (townhouse): 2,000 square feet
- (c) Minimum lot width: 20 feet
- (d) Minimum heated floor area per dwelling unit: 1,800 square feet.

§7-6-7.9 Freestanding Multi-family Dwellings. When apartments or condominiums are provided in a horizontal mixed-use development such uses shall conform to the following requirements.

- (a) Maximum density: 14 units per acre.
- (b) Minimum heated floor area per dwelling unit: 750 square feet.

§7-6-7.10 Building Setbacks. There shall be no required building setbacks for mixed-use development, except those that may be proposed by the mixed-use developer and/or made a condition of approval by the Governing Body.

§7-6-8 BUILDING PLACEMENT AND ORIENTATION REQUIREMENTS

§7-6-8.1 Street Face Requirement for Building Entrances. The purpose of this requirement is to ensure that buildings in the district complement pedestrian activity by providing direct access to the building and business activities from the sidewalk. If an entry is oriented to a parking lot, it diminishes activity from the street and implies that auto access takes precedence. Building presence is reinforced by observing the criteria in this Section. All properties with frontage on public and private streets shall upon development with a building have the building or buildings facing said streets in accordance with this Section:

- (a) The primary building entrance shall face onto (be oriented to) the sidewalk and street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances to a cluster of spaces.
- (b) On corner lots, buildings and their entrances shall be oriented to the street corner as feasible. Corner building entrances should be designed in cases where the building is located on a corner lot. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.

- (c) A building may have an entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.

§7-6-8.2 Building Frontage Requirement. Within a storefront or pedestrian retail area, at least 50 percent of the width of the lot shall be occupied by a building at the front setback.

[See Commentary]

§7-6-9 REQUIREMENTS FOR PEDESTRIAN FRIENDLY INFRASTRUCTURE

The following provisions shall be required in store front and pedestrian retail areas and may be considered appropriate in other parts of the mixed-use district.

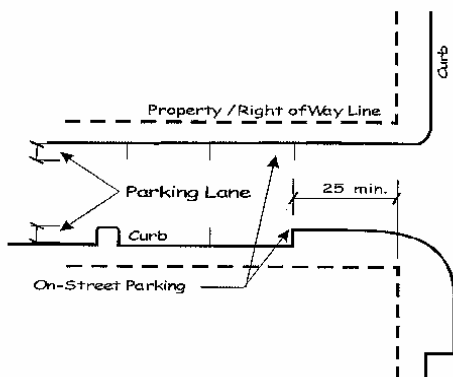
§ 7-6-9.1 Sidewalks and Streetscape Zone. Sidewalks shall be built along all public streets in the district. All sidewalks shall have a minimum width of 10 feet with a minimum clear zone of ten feet. Alongside the sidewalk and integrated there with shall be a continuous streetscape zone for street trees and street furniture adjacent to the curb which shall not be less than five feet in width; provided, however, that where the existing building line does not presently provide a width of 15 feet, the minimum sidewalk width and streetscape zone width may be reduced to the actual width of the existing sidewalk and streetscape zone.

§ 7-6-9.2 Pedestrian Amenities. The streetscape zone shall be planted with street trees and furnished with street furniture, including but not limited to benches and litter receptacles. The streetscape zone may also include signs, light poles, and other similar items unless otherwise specifically prohibited by regulation.

§7-6-9.3 Pedestrian Crossings of Driveways and Intersections. The color and composition of sidewalk shall be continued as it crosses vehicular driveways and street intersections. Where the sidewalk color and composition of the sidewalk is not otherwise distinguishable from the driveway or roadway composition and color, the sidewalk shall be composed of material with color and texture that demarcates the pedestrian crossing. This provision is required to promote safety of pedestrians, as different textures or colors of pedestrian crossings alert or remind the motorist pedestrians are present.

§7-6-10 PARKING

§7-6-10.1 On-street Parking. On-street parking is required for all newly constructed streets in areas designated as store front or pedestrian retail that have vehicular access, and may be required to be integrated in an existing public street right-of-way.



**§7-6 Mixed Use District
Model Land Use Management Code**

Source: Kendall, Florida. Ordinance 99-166. Downtown Kendall Urban Center District.

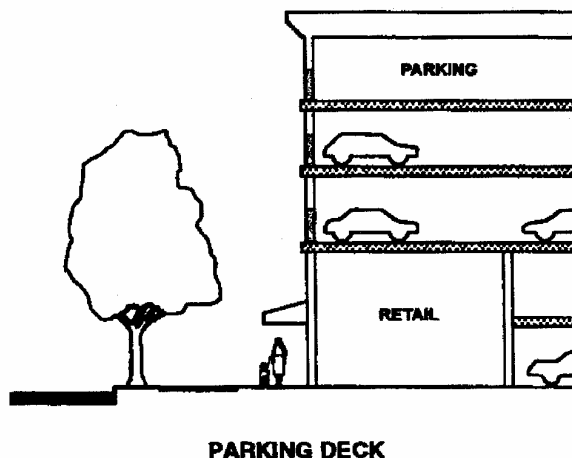
Source: Calthorpe, Peter. "The Regional City." In *Time-Saver Standards for Urban Design*, edited by Donald Watson, Alan Plattus, and Robert Shibley. New York: McGraw-Hill, p. 1.5-6.

§7-6-10.2 Reduction of Maximum Parking Space Requirements. Where another provision of this Code or other ordinance requires off-street parking, those requirements may be reduced by up to 20 percent for all uses within vertical mixed-use developments, plus an additional one space for each on-street parking space provided in the vertical mixed use development area.

§7-6-10.3 Off-Street Parking Location Limitations. Parking areas or driveways, except for a driveway to reach a side or rear yard or on-site parking facility, are not permitted between the sidewalk and the front of the building. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, located in parking areas behind or to the side of the building, or placed underground, where feasible.

[See Commentary]

§7-6-10.4. Parking Decks. Above-ground parking structures, if they must front on a store front or pedestrian retail street, shall provide continuous street-fronting ground level commercial, office, or institutional spaces and uses, except at ingress and egress points into the structure and any required ventilation.



Source: City of Atlanta. 2000. City of Atlanta Neighborhood Commercial Zoning District Regulations.

§7-6-11 PERFORMANCE STANDARDS AND DEVELOPMENT GUIDELINES

Substantial deviation from the recommendations of this Section may serve as a basis for denying the mixed-use development application.

§7-6-11.1 Grid Pattern. All areas should be designed in a grid-like pattern of blocks and interconnecting streets.

§7-6-11.2 Buildings Frame the Street. Buildings on opposite sides of streets without central planting islands in vertical mixed-use developments should be located approximately 70 to 90 feet across from each other (i.e., building to building distance), except along boulevards or when buildings face onto greens, commons, or other open spaces.

§7-6-11.3 Block Size and Width. Block length or width should not exceed 600 feet without intervening (mid-block) pedestrian footpaths.

[See Commentary]

§7-6-11.4 Open Space.

- (a) Open spaces should be located and designed to add to the visual amenities of the district and to the surrounding area by maximizing the visibility of internal open space as “terminal vistas” (i.e., the building or landscape seen at the end of a street, or along the outside edges of street curves), and by maximizing the visibility of external open space as a perimeter greenbelt.
- (b) Greens and squares should be spatially defined and distributed throughout the district so that no lot is more than a walking distance of 1,350 feet from a green, square, or park. Greens and squares should not be less than 8,000 square feet in area.

§7-6-11.5 Street Tree Planting. Trees should be planted a maximum of 40 feet on center within the streetscape zone. Street trees might be regularly spaced, or they may be irregularly spaced where opportunities exist.

§7-6-11.6 Architectural Design. Within areas designated as storefront or pedestrian retail, the following architectural features should be used along the street frontage building elevations, as applicable.

- (a) Buildings should have consistent spacing of similar shaped windows with trim or other decorative molding on all building stories.
- (b) Large display windows should be employed on ground floor storefronts. Display windows should be framed to visually separate the ground floor from the second floor.
- (c) All buildings with a flat roof should have a decorative cornice at the top of the building; or eaves when the building is designed with a pitched roof.
- (d) Cornices or changes in material can be used to differentiate the ground floor of buildings which have commercial uses from the upper floor(s) which may have offices or residential uses. Ground floor facades should utilize cornices, signs, awnings, exterior lighting, display windows and entry insets.

§7-6-12 PROCESS AND APPLICATION REQUIREMENTS

In addition to the requirements that generally apply to all rezoning applications, the applicant for mixed use development shall in addition provide the following information:

- (a) Pedestrian connection plan
- (b) Proposals for transit-friendly amenities and streetscape improvements
- (c) Signage scale reduction program (master signage program)
- (d) For redevelopment plans, a plan for revising the interior circulation pattern to include greens, landscape islands, etc.