

Sec. 35-341. - "MXD" Mixed-Use District.

STATEMENT OF PURPOSE

To provide concentrated residential, retail, service, office and mixed uses. This district does not regulate land uses but, instead, permits any use to be established subject to an approved zoning site plan. Urban design standards are required in order to maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Pedestrian circulation is required as are common parking areas.

The "MXD" district implements the following policies of the master plan:

- Neighborhoods, Policy 2b: Amend the Unified Development Code to create mixed-use districts.
- Urban Design, Policy 1c: Develop zoning regulations that would allow mixed-use development (i.e. residential and commercial) to be placed in the same building.
- Urban Design, Policy 1f: Encourage mixed-use zones around existing and new city facilities to foster a greater mix of activities and social interaction.
- Urban Design, Policy 5b: Encourage resident and employment growth within walking distance of the downtown area and neighborhood centers in order to support an inter-modal transportation system.
- Urban Design, Policy 5e: Promote public and private sector, ride-sharing, flexible working hours, parking management innovations, and mixed-use developments as means of reducing the demand for peak period vehicular trips.

(a) **Locational Criteria.** An "MXD" district may be designated for any area within the city.

(b) **Use Regulations.**

~~(1) Except for the use specified in subsection (i) below, the Use Matrix is not applicable to a mixed use district provided, however, that no building permit shall be issued unless the requested uses conform to an approved zoning site plan. A zoning site plan shall include:~~

~~A. Legal description and exhibit of the property at appropriate scale showing the area to be zoned "MXD."~~

~~B. The location of all land use categories. Categories may include single-family residential, mixed residential (one (1) to four (4) residential units per structure), multi-family residential, commercial, office, institutional, and parks/open space. Multiple categories may be designated where a lot or building is sited to include two (2) or more categories of uses. Site plan must show both non-residential and residential land use categories. Land use categories and corresponding zoning districts shall be consistent with any approved land use designation within adopted Neighborhood, Community, Perimeter or Sector Plan.~~

~~C. The location of all existing and proposed streets.~~

~~(2) The zoning site plan shall be submitted with the application for rezoning to "MXD" for review by the zoning commission and approval by the city council. The approved zoning site plan shall accompany all subsequent development applications (including, but not limited to, master development plan, plats and building plans). Subsequent development applications that do not conform to the approved "MXD" zoning site plan shall not be approved.~~

(1) An "MXD" may include both residential and commercial uses. The ordinance shall include an indication of gross density for all residential uses in units per acre; "O-1" and "O-2" office uses; and "NC," "C-1," "C-2," and "C-3" commercial uses as defined in this chapter, are specifically permitted in the "MXD" zoning base district.

(2) In addition, business park uses shall be permitted in an "MXD" zoning base district, as follows:

- Wholesaling,
- Research and development,
- Manufacturing,
- Processing,
- Fabrication, and assembly,
- Testing,
- Repair,
- Servicing,
- Storage,
- Laboratory,
- Warehousing,
- Displaying, or
- Distribution of goods, materials or products.

(c) Site Plan.

(1) Simultaneous with the request for "MXD" zoning, an "MXD" site plan shall also be filed. An application for rezoning to an "MXD" shall not be deemed complete unless accompanied by a proposed "MXD" site plan. The "MXD" site plan shall be governed by subsection 35-412(c), Completeness Review, and subsection 35-412(f), Approval Criteria, of this chapter.

(2) The location of all uses and/or zoning districts shall be designated on the "MXD" site plan.

~~(3) The "MXD" site plan shall include the proposed height of all structures on the lot.~~

(43) "MXD" site plans shall be reviewed by the zoning commission and approved by the city council concurrent with the application for rezoning to an "MXD." The zoning ordinance shall provide that adherence to the "MXD" site plan, or the amended "MXD" site plan is required within the "MXD" provided, however, that a rezoning shall not be required for the approval of a minor change to the "MXD" site plan as defined in subsection (e)(3) of this section.

(d) Amendments.

~~(1) — **Classification.** Amendments to a previously approved "MXD" zoning site plan shall be classified as a minor or major amendment. Minor amendments may be administratively accepted. Within twenty (20) working days after filing of the proposed amendments, required items and information, the planning and development services director shall provide a written response indicating whether or not the revised zoning site plan has been accepted as a minor amendment.~~

(1) Revisions to a previously approved "MXD" master site plan shall be classified as minor or major changes. An application for a major or minor change to "MXD" site plan shall be subject to subsection 35-412(c) completeness review provisions of this chapter. Within five (5) working days after filing the proposed revisions, required items and information, the

director of development services shall provide a written response indicating whether or not the submitted revised "MXD" site plan has been accepted as a minor or major revision. If it is determined by the director of development services that the revised submittal is considered a minor change then said submittal shall be processed by the director of development services and shall not require review by the zoning commission or approval by the city council. If it is determined by the director of development services that the proposed revision is a major change then said proposed major revisions shall be processed in the same manner as the initial "MXD" site plan submittal described in subsection (c) of this section. Major amendments to an "MXD" site plan constitutes a new project with respect to the area of the project that is being modified.

(2) A major amendment to an "MXD" site plan shall include:

A. Any increase in the total number of residential acreage for the entire "MXD" greater than ten (10) percent of the original request.

B. Any increase in the total commercial or office acreage within the "MXD" greater than ten (10) percent of the original request.

C. Any increase in the total business park acreage within the "MXD" greater than ten (10) percent of the original request.

D. Any decrease above ten (10) percent in the total open space acreage within the "MXD."

E. Any change in a proposed land use node from residential to an office, commercial or light industrial use, if the property where the proposed change is to occur abuts existing property in which the principal use is a single-family residence.

(3) Any other revision to an "MXD" site plan not described in subsection (2), above, shall be deemed a minor change.

~~(4) **Applicability.** Minor amendments include the following:~~

~~A. Changes to the timing or phasing of the proposed development, provided the use and overall geographic land area remains the same.~~

~~B. Adjustment of land use category boundaries provided the overall geographic land area devoted to each land use category remains the same is altered to within 20 percent of that originally requested.~~

~~C. A reduction in the number of proposed platted lots provided the use and overall geographic land area remains the same.~~

~~D. A decrease in overall residential density, remains the same is altered to within 20 percent of that originally requested.~~

~~E. A decrease in the overall land area, provided the initial design is maintained.~~

~~F. Change in internal street circulation pattern not increasing the number of lots or lowering the connectivity ratio.~~

~~All other revisions to an approved "MXD" zoning site plan shall require a new application for rezoning and shall be processed in the same manner as the initial "MXD" site plan.~~

~~(d) **Residential Density.** The maximum density for residential uses in a "MXD" shall be established as part of the rezoning to a "MXD." In no event shall residential density permitted pursuant to a rezoning exceed fifty (50) units per acre. Additional residential density up to one hundred (100) units per acre may be granted if property is designated as a "receiver site" for the transfer of development rights pursuant to section 35-361. Residential density within the "MXD" is not limited, however, the proposed density shall be included in the request for "MXD" zoning and included on the required "MXD" site plan. (I.E. "MXD" with multi-family uses at a maximum of 65 units per acre).~~

(e) **Lot and Building Specifications.** The Lot and Dimensions Table (Article III), including minimum area and frontage requirements, shall not apply to an approved mixed development provided the following lot and building dimensions shall apply:

(1) No new or existing building shall be erected, constructed or expanded to extend within the public right-of-way or within five (5) feet of the rear lot line.

(2) A ten-foot building setback shall be provided where a non single-family residential use abuts a single-family use or a single-family zoning district.

(3) Height shall be governed by the height indicated on the site plan for a "MXD" district.

(4) If the "MXD" zoned property abuts a single-family use or zone then the structure shall be located at least twenty-five (25) feet from the single-family area.

(5) If the "MXD" zoned property abuts a single-family use or zone then the structure shall not exceed two and a half (2.5) stories or thirty-five (35) feet in height if the structure is fifty (50) feet or less from the single-family area.

(f) **Streets and Sidewalks.** Streets within a "MXD" shall be publicly accessible. Gated streets and gated developments shall not be permitted. Streets shall conform to the transportation standards of this chapter unless an alternative street and sidewalk plan is approved as part of a rezoning to a "MXD."

(g) **Off-street Parking Requirements.** Off-street parking facilities shall be provided in accordance with Table 526-3b: Parking in Nonresidential Use Districts except that the following reduction to the minimum off-street parking requirements shall apply:

(1) Minimum off-street parking requirement may be reduced one (1) space for each on-street parking space located adjacent to the property.

~~(2) Minimum off-street parking requirements may be reduced by utilizing the sharing factors in Table 341-1: Parking Sharing Factor Matrix when two (2) or more categories of uses will share parking facilities. The reduced minimum off-street parking requirement is calculated by adding the total number of spaces required for each separate category of uses and dividing the total number by the appropriate factor from the Parking Sharing Factor Matrix. When more than two (2) uses will share parking facilities, choose the sharing factor for the two (2) uses that will yield the greatest reduction in the number of required spaces.~~

TABLE 341-1: Parking Sharing Factor Matrix

	Residential	Lodging	Office	Retail
Residential	1.0	1.1	1.4	1.2
Lodging	1.1	1.0	1.7	1.3
Office	1.4	1.7	1.0	1.2
Retail	1.2	1.2	1.2	1.0

1 (h) Bail bond agencies shall require approval of a specific use authorization, pursuant to
2 section 35-423, to be allowed within mixed-use districts.

3 (i) **Applicability.** Unless explicitly superseded or modified by this section, the provisions
4 contained in Article V: Development Standards, of this chapter shall be applicable to a
5 "MXD" development.

6 (Ord. No. 97568 § 2) (Ord. No. 2008-05-15-0401, § 2, 5-15-08) (Ord. No. 2009-01-15-0001, § 2, 1-15-09;
7 Ord. No. [2015-12-17-1077](#), § 2, 12-17-15)