

6.25 – MX-1 - MIXED USE NEIGHBORHOOD

6.25.1 INTENT:

The purpose of the MX-1 Mixed Use Neighborhood District is to accommodate the development of a wide-range of residential and compatible non-residential uses, which are designed and developed within the framework of a coordinated master plan. The district provides flexibility from conventional use and dimension requirements of other zoning districts in order to encourage affordable, high quality design and an innovative arrangement of buildings and open space. Structures with commercial, service, or office uses on the first floor and upper level residential uses are encouraged.

The maximum cost of a single-family dwelling unit to be constructed in this district shall be derived by using the Department of Housing and Urban Development's (HUD) latest Low and Moderate Income Table for a family of 4 and multiplying it by 4. A minimum of twenty (20) percent of the housing shall be Value-Oriented Housing. Value-Oriented Housing is defined as the maximum value of a single-family house in this district derived by using the HUD's latest Low and Moderate Income Table for a family of 4 and multiplying it by 2.5.

6.25.2 PERMITTED USES:

Within the MX-1 Mixed Use Neighborhood District the following uses are permitted:

- 6.25.2.1 Residential dwellings not to exceed one and a half times the density of developed property within one thousand (1,000) feet radius of the property line of the proposed development. At no time will the residential density exceed fourteen (14) units per acre;
- 6.25.2.2 Day-care centers, subject to the provisions of Subsection 6.1.2.2;
- 6.25.2.3 Nursing homes, convalescent homes, and assisted living facilities;
- 6.25.2.4 The following nonresidential uses shall be permitted provided they do not exceed two thousand (2,000) square feet of floor area:
 - A. Business, professional, corporate, or government offices;
 - B. General retail and service establishments;
 - C. Cultural uses; and
 - D. Federal, State, County, City, or public utility buildings and uses.

6.25.2.5 Accessory structures and uses; and

6.25.2.6 Customary, incidental, home occupations, provided:

- A. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling;
- B. Use of the dwelling for this purpose shall be limited to fifty (50) percent of the total floor area of the dwelling;
- C. No accessory buildings or outside storage shall be used in connection with the home occupation;
- D. No chemical, mechanical, or electrical equipment that is not normally a part of domestic or household equipment shall be used primarily for commercial purposes, with the exception of medical and dental equipment used for professional purposes;
- E. Machinery that causes noise or interference in radio or television reception shall be prohibited;
- F. No internal or external alterations inconsistent with the residential use of the building shall be permitted;
- G. Residents of the dwelling and no more than one (1) nonresident may be engaged in the home occupation;
- H. No display of products shall be visible from the street and the selling of merchandise on-premise cannot be the primary function of the home occupation;
- I. Instruction in music, dancing, and similar subjects shall be limited to two students at a time; and
- J. Vehicles used primarily as passenger vehicles only shall be permitted in connection with the conduct of the customary home occupation.

6.25.3 AREA REGULATIONS:

All structures and uses shall meet the following requirements:

6.25.3.1 Setback Requirements:

A. Front Yard:

No front yard setback shall be required. However, there may be a seven and one-half (7.5) foot drainage and utility easement along the property line.

- B. Side Yard:
No side yard setback shall be required. However, there may be a seven and one-half (7.5) foot drainage and utility easement along the property line.
- C. Rear Yard:
No rear yard setback shall be required. However, there may be a seven and one-half (7.5) foot drainage and utility easement along the property line.
- D. Garages that face the street shall have a minimum setback of twenty-five (25) feet to the garage door.
- E. Lot Area:
No minimum lot area.
- F. All buildings shall have the primary entrance visible and accessible from the street.
- G. All nonresidential buildings are encouraged but not required to have awnings or covered walkways along public walkways and streets.
- H. The maximum amount of impervious surface permitted shall not exceed seventy-five (75) percent.
- I. The maximum building height shall be thirty-five (35) feet unless uses are mixed vertically (i.e. ground floor commercial with office or residential in upper floors) in which case the maximum height may be increased to forty-five (45) feet.
- J. The development shall include a minimum of two (2) acres.
- K. All commercial space shall be constructed concurrently with or after the construction of the residential units, and no Certificate of Occupancy for such accessory commercial space shall be issued until Certificates of Occupancy have been issued for at least fifty (50) percent of the dwelling units to be constructed within the said development.
- L. The total gross floor area of the commercial uses defined under Subsection 6.25.2.4 including off-street parking areas, shall not exceed ten (10) percent of the total area of the development.

6.25.4 DEVELOPMENT STANDARDS

- 6.25.4.1 PEDESTRIAN SYSTEMS. All buildings shall have a defined pedestrian connection to all street frontages. Internal sidewalk connection between properties is encouraged to facilitate pedestrian movement.
- 6.25.4.2 STREET DESIGN. A street design including a pedestrian system that deviates from the typical street cross-sections of the city's Subdivision Regulations may be approved provided such departure does not destroy the intent of those regulations.
- 6.25.4.3 PARKING. A mixed-use district may contain uses that experience parking demands at different times, allowing them to take advantage of shared parking. It can accommodate more activities with fewer vehicle trips by providing a variety of uses in a pedestrian setting. The following standards are designed to encourage a reasonable balance between the private automobile, the pedestrian, and alternative means of transportation.
- A. On-street parking located adjacent to any lot shall be counted toward meeting the parking requirements for that lot as set forth in Article XI of this Code.
 - B. All off-street parking lots shall be located in the rear or side yard of any building for all multi-family and nonresidential uses. Side yard parking lots shall account for no more than twenty five (25) percent of required parking and shall be screened from the street by a combination of landscaping and a wall or fence that is a minimum of three (3) feet in height.
 - C. Parking lots shall not abut a street intersection.
 - D. Shared parking is encouraged between appropriate uses and may be approved as part of the Comprehensive Development Plan review process. Approval shall not require Special Exception approval by the Board of Zoning Appeals as specified in Section 11.5.
 - E. Any public parking or commonly owned parking lots may be counted toward meeting the required parking for uses on other lots within three hundred (300) feet of the common lot. The allocation of such spaces shall be documented as part of the Comprehensive Development Plan and will be approved through that process.

- F. In view of the pedestrian-oriented nature of this district, the parking requirements for commercial uses included in Subsection 6.10.2.14 through 6.10.2.24 shall be seventy five (75) percent of the number of spaces required for uses in Subsection 5.2.3.

6.25.4.4 LANDSCAPING. The MX-1 District shall be subject to Article XII Landscape Regulations; excluding: Section 12.2 Landscape Yards, 12.4 Buffer Yards, and 12.5 Protective Screening.

6.25.4.5 SCREENING AND BUFFERING.

- A. The proposed concept plan shall not be required to follow the buffering requirements of this Code. However, all buffers between uses shall be identified on the concept plan and detailed on the Comprehensive Development Plan and site plan.
- B. Loading docks, dumpsters, and satellite dishes shall be screened from public streets and walkways by walls, trellises, fences, or opaque landscaping. Walls and fences shall be constructed of similar exterior building materials as that of the primary building.
- C. Except for single-family and two-family residential properties, mechanical equipment shall be screened from public view.

6.25.4.6 UTILITIES.

- A. All street lighting shall be designed to address pedestrian as well as vehicular needs.
- B. If surrounding properties are served with overhead utilities, the proposed development may, subject to the approval of the Planning Commission and the City Commission, use overhead utilities, provided the property does not lie within an overlay district prohibiting overhead utilities.

6.25.4.7 ARCHITECTURE. The architectural style and material shall be compatible with the residential character of the surrounding area.

6.25.5 APPROVAL PROCESS FOR MX-1 ZONING:

The following process shall be required for any development within the MX-1 District.

6.25.5.1 NEIGHBORHOOD MEETING. The developer shall hold a neighborhood meeting to inform abutting property owners of the proposed development prior to making application to the Planning Commission. Property owners within two hundred (200) feet of the proposed development shall be notified in writing at least ten (10) days prior to the proposed neighborhood meeting.

6.25.5.2 CONCEPT PLAN. Application to the Planning Commission for rezoning to MX-1 must contain, at a minimum, a general description of all proposed uses with their intensity, location, relationship to each other, and densities. This requirement may be met in writing or graphically, provided there is sufficient detail for adequate review.

6.25.5.3 COMPREHENSIVE DEVELOPMENT PLAN (CDP). A CDP is a generalized plan for the coordinated development of areas within the Mixed Use (MX) zoning districts. The purpose of this plan is to examine the impacts of various types of uses with respect to land use, site design, aesthetics, harmony, compatibility, intensity, phasing, the need for off site improvements, and conformance to the Comprehensive Plan.

6.25.5.4 Prior to the development of any property with a zoning designation of MX-1, five (5) copies of the CDP shall be submitted to the Development Coordinator. If the CDP conforms to the concept plan referenced in Subsection 6.24.5.1, only staff review and approval will be required. If there has been no rezoning or concept plan approved by the City Commission, if the CDP varies significantly from the approved concept plan, or if an approved concept plan is to be significantly amended, approval shall be by the City Commission following Planning Commission and staff review and recommendation. At a minimum, the CDP shall include the following:

A. Required plans, drawings, and illustrations:

1. A development plan identifying each type of land use with acreage tabulations and proposed phasing. The plan shall show the placement of proposed uses and buildings, the number and size of residential units, the square footage of non-residential buildings, a layout of lots, open space designations, location of landscaped and buffer areas, on

and off street parking, loading facilities, conceptual utility location and connection, and refuse collection locations.

2. The plan must show site accessibility, internal and external, involving all vehicular and pedestrian traffic.
 3. An overall drainage plan with sufficient detail to demonstrate orderly collection and disposal of stormwater from the development site, taking into account the impact that any discharge will have on downstream properties. The quality of stormwater discharged must be acceptable as regulated by State and Federal agencies.
 4. Conceptual architectural elevations and sketches demonstrating style, colors, textures, and materials in sufficient detail to evaluate compatibility.
- B. Analysis of the following factors:
1. Compatibility of proposed and existing uses and potential impact on adjoining and surrounding uses.
 2. Impacts on surrounding natural or architectural features in terms of design compatibility, harmony, and intensity of the proposed development.
 3. Impacts on the health and safety of customers, residents, employees, and the general population, specifically as related to environmental factors such as, but not limited to, noise, odors, hazardous materials, fire, fumes, vibration, and traffic.
 4. Impact of traffic and parking areas particularly as related to pedestrian, transit, and bicycle provisions.
 5. Adequacy of existing municipal facilities and services to support the development. Consideration should be given to, but not limited to, water, sanitary sewer, stormwater, fire protection, street systems, public safety, schools, and recreational facilities.
 6. Consistency of the proposed CDP with the intent of the MX district, the adopted Comprehensive Plan, and sound planning and development practices.

Upon approval of a Comprehensive Development Plan, two (2) copies of that plan shall be signed by the applicant and the City Manager or designee. Signed copies shall be retained on file by the Development Coordinator and the applicant.

6.25.5.5 **SITE PLAN APPROVAL.** The site plan is the detailed engineering document which must be submitted and approved prior to the issuance of any clearing, grading, development, construction, or building permit. Each site plan for development in a MX-1 district shall conform to the appropriate recorded Comprehensive Development Plan. Any significant deviation between the final site plan and Comprehensive Development Plan approved by the City Commission shall be resubmitted to the Planning Commission and City Commission for approval. Examples of significant deviations include but are not limited to: increase in density, change of use, change of circulation or parking patterns, significant change in size or location of buildings, or significant change in the architectural appearance of the buildings.