

DIVISION 9. M-X MIXED USE DISTRICT

Sec. 36-261. Purpose.

The purposes of the M-X mixed use district are to:

- (1) Provide areas for mixed use development that are carefully planned to promote efficient use of the land and roadway system;
- (2) Ensure sensitivity to the surrounding neighborhood;
- (3) Provide appropriate transitions between uses;
- (4) Encourage reductions in impervious surface by minimizing surface parking;
- (5) Retain open space by encouraging taller buildings for high-density uses;
- (6) Ensure high quality architectural design and materials;
- (7) Provide good pedestrian, bicycle and transit access; and
- (8) Promote innovative site design.

(Code 1976, § 14:5-8A)

Sec. 36-262. Permitted uses.

Group home/nonstatutory in existence on June 1, 1999.

(Code 1976, § 14:5-8B)

Sec. 36-263. Uses permitted with conditions.

- (1) *General conditions* for mixed use development are as follows:
 - (a) The development is in conformance with the comprehensive plan land use designations for the area.
 - (b) The development is in conformance with a redevelopment plan for the area that has been adopted as part of the comprehensive plan.
 - (c) The development conforms with all performance standards of this district or an adopted overlay district for the area unless certain standards are specifically waived or amended by the adopted redevelopment plan.
- (2) *Communication towers* that are 45 feet or less in height, subject to the provisions of Section 368 (Communication Towers and Antennas).

(Code 1976, § 14:5-8C; Ord. No. 2367-09, 1-23-2009)

Sec. 36-264. Uses permitted by conditional use permit.

- (1) *Communication towers* more than 45 feet in height but not to exceed 70 feet in height, subject to the provisions of Section 368 (Communication Towers and Antennas).

(Ord. No. 2367-09, 1-23-2009)

Sec. 36-265. Uses permitted by PUD.

Mixed use development is permitted provided that:

- (1) The comprehensive plan land use designation is either CMX commercial mixed use or CIVMX civic mixed use.
- (2) All buildings are multistory and meet the following requirements: the majority of ground floor building area is devoted to uses listed in subsections (2)a. and (2)b. of this section as consistent with the comprehensive plan land use designation and the majority of upper-story floor area is devoted to uses listed in subsections (2)c. and (2)d. of this section.
 - a. *Commercial uses.* Commercial uses are limited to the following: banks without drive-up facilities, food service, convention and exhibition center, hotel/motel, printing process/supply, private entertainment (indoor), restaurants, retail shops, service, showrooms and studios.
 - b. *Civic/institutional and transportation uses.* Civic/institutional and transportation uses are limited to the following: community center, education/academic, library, museums/art galleries, indoor public parks/open space, police service substations, post office customer service facilities, public studios and performance theaters, and time transfer and transit stations.
 - c. *Office, human care and laboratory uses.* Office, human care and laboratory uses are limited to the following: adult day care, group day care/nursery school, group home/nonstatutory, medical/dental office, medical/optical/dental laboratory, nursing home and office.
 - d. *Residential uses.* Residential uses are limited to the following: multiple family dwellings, elderly housing not to exceed 50 percent of the total residential floor area.

Live-work units, as defined by section 36-142, satisfy the mixed use requirements in this section in areas designated as CMX use.
- (3) In-vehicle sales or service is prohibited.

(Code 1976, § 14:5-8D; Ord. No. 2367-09, 1-23-2009)

Sec. 36-266. Accessory uses.

Accessory uses are as follows:

- (1) Bar, if accessory to a restaurant, hotel or private entertainment (indoor).
- (2) Incidental repair or processing which is necessary to conduct a permitted use and not to exceed ten percent of the gross floor area of the associated permitted use.
- (3) Parking lots.
- (4) Parking ramps utilizing the same exterior facing materials as the principal buildings.
- (5) Pedestrian skyways utilizing the same exterior facing materials as the principal buildings.
- (6) Public transit stops/shelters.
- (7) Visitor lodging associated with elderly housing and nursing homes.
- (8) Warehouse/storage which is necessary for a permitted use and not to exceed 20 percent of the gross floor area of the associated permitted use.
- (9) Home occupations complying with all of the conditions in the R-C district.
- (10) Catering, if accessory to a restaurant, food service, delicatessen, grocery store or retail bakery.

(Code 1976, § 14:5-8E; Ord. No. 2168-00, 5-15-2000; Ord. No. 2367-09, 1-23-2009; Ord. No. 2444-13, 8-30-2013)

Sec. 36-267. Dimensional/performance standards and general requirements.

Notwithstanding the provisions of section 36-32, the following standards and requirements cannot be modified or waived except as specifically stated:

- (1) The development may include more than one contiguous property that is planned, designed and maintained as a unit.
- (2) The development shall comply with the plan by neighborhood policies of the comprehensive plan for the neighborhood in which it is located. Conditions of approval may be added to ensure compliance with this requirement.
- (3) The maximum nonresidential density is 1.5 FAR and the maximum residential density is 50 units per acre. In determining density, the total nonresidential floor area or number of residential units shall be divided by the land associated with each use, including building coverage and parking areas associated with the use and a proportion of the on-site usable open space. Stormwater ponds and public/private streets and alleys shall be excluded from land calculations. Maximum densities may be increased by up to 50 percent at the sole discretion of the city council if two or more of the following are provided:
 - a. At least 80 percent of the required parking is provided in underground or aboveground structures, including all levels of parking ramps.

- b. Housing is provided above ground floor commercial or civic and the total floor area of the housing is at least twice the floor area of the commercial and/or civic uses.
 - c. Buildings are placed at or near the street right-of-way and off-street parking is screened from public right-of-way by buildings.
 - d. At least 50 percent of the building ground coverage is concentrated in structures of six or more stories in height, thereby conserving open space within the development site.
- (4) The development site shall include a minimum of 12 percent designed outdoor recreation area based on private developable land area. (Ord. No. 2267-04, 4-12-04)
- (5) Building setbacks shall be regulated by the redevelopment plan or final PUD site plan and development agreement approved by the city council based upon the following findings:
- a. The setbacks provide adequate distances from uses in adjacent districts and conform to the distances from R-1, R-2 and R-3 districts established in subsection (11) of this section;
 - b. The setbacks maintain and enhance the character of the neighborhood in which the development is located; and
 - c. Adequate visibility is provided from all street intersections.
- (6) Cumulative parking requirements may be reduced by up to 30 percent of required spaces at the sole discretion of the city council if one or more of the following are provided:
- a. Joint parking/shared parking arrangements between uses.
 - b. Proof of parking may include reserved open space areas in excess of minimum open space requirements and/or agreement to construct parking ramps or other means of satisfying parking requirements when and if warranted as determined by the city zoning administrator based upon evidence of overflow parking on public streets, in fire lanes, or in other areas that are not striped for parking.
 - c. Off-site employee parking, employee car/van pooling, and/or provision of employee transit passes.
 - d. Superior pedestrian, bicycle and/or transit access.
- (7) All trash handling and loading areas must be interior or screened from the public right-of-way, other public areas and adjacent properties utilizing architectural screening consisting of the same exterior facing materials as the principal building.
- (8) Buildings constructed after adoption of the ordinance from which this chapter is derived must utilize at least 80 percent class I materials on each building face and no class III materials on any building face that is visible from public areas within the development or from off the site. The class I materials requirement may be reduced to 60 percent at the sole discretion of the city council if a balance of architectural interest and visual compatibility is provided through approval of the following:

- a. A variety of compatible materials and colors;
- b. Height and building wall deviations;
- c. Architectural features;
- d. Canopies over sidewalks; and
- e. Pedestrian-scale details.

All buildings within the PUD must be visually integrated by utilizing some of the same exterior materials and architectural elements such as roof pitch, window treatments, and massing.

- (9) Buildings constructed after adoption of the ordinance from which this chapter is derived must utilize parapet walls to completely screen rooftop equipment from ground and street level view and must paint rooftop equipment to match the color of the roof in order to minimize the visual impact as viewed from other buildings.
- (10) Buildings constructed after adoption of the ordinance from which this chapter is derived are subject to the following height restrictions based upon distances from adjacent R-1, R-2 and R-3 districts:
 - a. Within a distance equal to the minimum lot width of an adjacent residential district, the maximum height shall not exceed the height allowed in the adjacent residential district. Such height restriction may be waived if the adjacent residentially zoned property is public park or open space that is protected by covenants.
 - b. Within a distance equal to two times the minimum lot width of an adjacent residential district, the maximum height shall not exceed two times the height allowed in the adjacent residential district. Such height restriction may be waived if the adjacent residentially zoned property is public park or open space that is protected by covenants.
 - c. In other areas of development sites, building height shall be restricted by maximum density provisions and to comply with shading restrictions of Section 36-36(b)(13) (Ord. No. 2262-03, 12-15-03)
- (11) Developments constructed after adoption of the ordinance from which this chapter is derived must include sidewalks and/or bikeways along all private and public street rights-of-way as determined appropriate and on-site pedestrian/bicycle facilities that provide logical connections to off-site uses and are separated from off-street surface parking areas by curbed, landscaped islands a minimum of 20 feet in width inclusive of sidewalk.
- (12) Developments constructed after adoption of the ordinance from which this chapter is derived that can be served by public transit must provide at least one transit stop that conveniently serves the development.

- (13) Signage shall be allowed in conformance with the approved redevelopment plan or final PUD site plan and development agreement in accordance with the following conditions:
- a. Pylon signs are not permitted;
 - b. Freestanding monument signs shall utilize the same exterior materials as the principal buildings and shall not interfere with pedestrian/bicycle or automobile circulation and visibility;
 - c. Pedestrian-scale signs visible from public sidewalks shall be encouraged. Such signs shall be no more than three feet in vertical dimension unless flush with the building wall; and
 - d. Maximum allowable numbers, sizes and heights shall be regulated by section 36-362 except as specifically modified by the redevelopment plan or final PUD site plan and development agreement at the sole discretion of the city council.
- (14) A development agreement is required as part of the development approval and shall address, at a minimum, approved site and building design criteria, approved sign locations and design criteria, construction phasing, bonding or other financial surety for construction of on-site and off-site improvements generated by the development, and maintenance.
- (15) The development shall comply with all other applicable chapter provisions unless specifically modified by subsections (1) through (15) of this section or by approval of a redevelopment plan or final PUD plan and development agreement.

(Code 1976, § 14:5-8F; Ord. No. 2325-07, 5-7-2007; Ord. No. 2367-09, 1-23-2009)