

**Subpart C. Mixed Use District**

**§200A-52. Mixed Use District (MU)**

The Mixed Use District (MU) is created to plan and promote *neighborhoods* that embody variety, innovation, and flexibility in development by allowing a variety of *uses*, *lot sizes*, *dwelling unit* types, and design requirements. MU districts are intended to be located in areas designated by the *Comprehensive Plan* as Transitional or Urban, and are required to utilize public or private utility systems. MU districts shall be considered Conditional Zoning Districts only. The intent of the MU district is to: (1) permit a creative approach to the development of land; (2) provide for an efficient *use* of land; (3) enhance the appearance of *neighborhoods* through preservation of natural features; and (4) provide for recreational areas and *open space* where appropriate.

- A. **Land Use Types and Ratios.** Within an approved MU district, land *uses* shall be allocated as indicated in Table 2.13. The *use* requirement may be satisfied by adjacent *existing development* that meets the requirements of this section.

<b>Table 2.13 Land Use Allocation, Density and Floor Area Ratio</b>				
<b>Use</b>	<b>Land Allocation (% total area)</b>	<b>Maximum Density (units/acre)</b>	<b>Floor Area Ratio (building footprint area : lot area)</b>	
			<b>Minimum</b>	<b>Maximum</b>
<i>Open space</i>	20-40	N/A	N/A	N/A
Single-Family Residential	25-60	5	N/A	N/A
Multifamily Residential	10-40	16	N/A	N/A
Civic	0-10	N/A	0.4	1.0
Retail/Office/Service(1)	5-25	N/A	0.4	1.0

- B. **Dimensional Requirements.** Each *use* allowed in this district shall, at a minimum, conform to the following dimensional requirements. In some cases a specific *use* may be required to meet the Supplemental Requirements as set forth in §200A-63 (Supplemental Requirements).
  - (1) Dimensional requirements for single and multifamily residential *uses* shall be the same as those found in the R1 District.
  - (2) Dimensional requirements for recreational; educational; institutional; business, professional, and personal services; and retail *uses* shall be the same as those found in the LC District.
  - (3) Residential *accessory structures* shall be located in *rear* and *side yards* and shall be *setback* ten (10) feet from any property line.

**C. General Provisions.**

- a. Site Plan. Major Site Plan required in accordance with §200A-299 (Major Site Plan Review).
- b. Road Class. This *use* shall be located on a *collector, thoroughfare, boulevard* and/or *expressway*.
- c. Nonresidential *uses* within the MU district shall be designed to serve residents of the MU district and nearby areas only. Large scale establishments and developments intended to serve the extended community are not encouraged an MU district.
- d. Nonresidential *uses* that are contained in the MU district shall be limited to those nonresidential uses found in the OI, LC, and CC districts only.
- e. A food store shall have a maximum *gross floor area* of 30,000 square feet. The maximum *gross floor area* for any other commercial *use* within the MU shall be 10,000 square feet.
- f. All MU districts shall be approved as a Conditional Zoning District and shall adhere to a *site-specific development plan*.
- g. A minimum of ten (10) acres is required for the establishment of an MU district. All lands in an MU district shall be under single ownership or management by the *applicant* as exhibited by a deed and/or legal title at the time of application and development of each *phase*. An MU district may include lands under joint or multiple ownership where the *applicants* seek such an MU.
- h. An MU district and a *subdivision* that occur simultaneously as one contiguous development shall adhere to the requirements of an MU district and conditional zoning district and shall also follow the review processes of a *major subdivision*.
- i. MU districts may be developed in *phases*.
- j. Pervious pavement shall be required for a minimum of 25 percent of all paved surfaces (*roads, parking areas, drives, sidewalks, etc.*) within an MU District.
- k. All MU Districts shall adhere to the road standards required for a *major subdivision* in accordance with §200A-81 (Major Subdivision), Subsection C (Roads) and shall be organized:
  - a. To provide increased internal mobility;
  - b. To provide safe and convenient access;
  - c. In intersecting/grid patterns where possible; and
  - d. Without cul-de-sacs (except where topographical considerations/ restrictions are submitted by the *applicant*).
- l. In accordance with this Chapter, a *driveway* shall serve three (3) or fewer *dwelling units*. Within an approved MU district, a *driveway* may

serve a four (4) unit *building (quadraplex)*, but in no case shall a single *driveway* serve more than one (1) individual *quadraplex*.

- m. Where an MU district is located along any *road* with current public transit access and such public transit authority approves the addition of a stop, such MU district shall provide a minimum of one (1) public transit access shelter for the use of occupants/patrons.
- n. Utility lines within an MU district shall be subsurface.
- o. Solid waste collection systems must be installed and/or operated to meet all local and state statutes, ordinances and regulations and shall thereafter be certified by the Department of Public Health. Each MU district shall provide a suitable method of solid waste disposal (in accordance with Chapter 165 of the Henderson County Code, Solid Waste) and collection consisting of either private collection from individual *uses* or the *use* of dumpsters. Where dumpsters are used concrete pads shall be designed to drain to a bio-retention area to filter stormwater before the water reaches a larger drainage system, and a Screen Class One (1), Two (2), or Three (3) shall be provided consistent with the requirements of §200A-150 (Screen Classification).
- p. An MU district shall include *open space* in perpetuity (perpetual *easements* or deed restrictions are required) equivalent to 20 percent of all lands within the MU district. This designated *open space* area shall:
  - a. Not include more than 50 percent in primary conservation areas; and
  - b. Not be composed entirely of secondary conservation areas.
- q. Common Area Requirements. A *common area* shall be provided, that is equivalent to ten (10) percent of the total MU district. *Common area* shall be: accessible for the *use* and enjoyment of the MU district occupants/patrons, located as to be free of traffic hazards, and maintained in good condition by the *applicant*.

**D. Other Requirements.** Due to the comprehensive nature of an MU district, there are several sections that must be consulted. Please refer to the following sections for more information on each requirement of an MU district.

- (1) See Article III for information on *road* design and construction standards, pedestrian facility standards, water and sewer requirements, and *fire protection*.
- (2) See Article V for landscaping and buffering requirements.
- (3) See Article VI for off-street parking and loading requirements.
- (4) See §200A-63 (Supplemental Requirements) for each land *use*.
- (5) See Article VII for *sign* requirements.
- (6) See Article XI for permitting procedures.