

ACTION REQUEST FORM

DATE: April 19, 2006
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Text Amendment proposed by Planning Staff

SUMMARY OF INFORMATION:

Zoning Text Amendment proposed by Planning Staff to amend Chapter A - Definitions Ordinance and Chapter B - Zoning Ordinance of the *Unified Development Ordinances* to revise the Mixed Use, Special Use Zoning District (MU-S) provisions to make the district more user friendly and flexible for application in different Growth Management Areas (GMAs) (UDO-159).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

STAFF REPORT

DOCKET #: UDO 159

STAFF: Kirk Ericson

REQUEST

This UDO text amendment is proposed by City-County Planning Board staff to amend the UDO by modifying Chapter A, Article II, Definitions, and Chapter B, Article II, MU-S Mixed Use – Special Use District. These modifications are intended to clarify the purpose of the MU-S District and further *Legacy's* recommendation for promoting a mix of uses and compact development patterns where appropriate by making the MU-S District more suitable for application in urban environments.

BACKGROUND

Legacy calls for a mix of uses and compact development patterns in areas where water and sewer connections make this type of development appropriate. There are several planning concepts in *Legacy* that are variations of this type of development, including Traditional Neighborhood Development (TND), Transit Oriented Development (TOD), Activity Centers, and urban infill. Staff sees the MU-S District as the preferred zoning district for implementing mixed use development concepts. Rather than creating new zoning districts for each of these concepts, staff believes that one comprehensively developed mixed use zoning district will allow for easier implementation of these types of development in our community.

The MU-S District is intended to provide opportunities for flexibility and innovation in urban form not available through other zoning districts. Currently, the MU-S ordinance has some characteristics which prevent taking full advantage of these opportunities. While the current purpose statement for the district acknowledges that mixed use development is appropriate in GMAs 1-4, a minimum acreage requirement of fifteen acres limits this district's usefulness in GMAs 1 and 2, as parcels this large are often suburban, "Greenfield" sites. While this requirement has been greatly reduced from the original thirty acre minimum size of the district, it is still too large to allow the MU-S District to take advantage of exciting mixed use infill opportunities in the central city and older urban areas.

The purpose of the MU-S District has gradually evolved since its inception. Originally, the district was intended to promote development incorporating a mix of uses separated from their surrounding context. Accordingly, a fifty foot buffer surrounding the district was required. As planning thought has developed over time, specific dimensional requirements, such as bufferyards, setbacks, and minimum acreage requirements, have been removed from the district. The purpose of the district has also evolved, as it currently promotes mixed use development which is seamlessly integrated with its surroundings. The current ordinance language needs some adjustments to fully reflect this view of MU-S.

ANALYSIS

As a result of the limitations of the current MU-S ordinance, staff has undertaken a comprehensive review of the district with the intent of increasing its effectiveness. Realizing that mixed use sites can differ greatly in character depending upon their location along the urban to suburban continuum, staff has devised a three tier MU-S District. In this hierarchy, tier 1 consists of GMA 1, activity center cores, the 1/8 mile corridor surrounding streetcar lines, and the inner zone of TODs; tier 2 is made up of GMA 2, activity center support areas, and the outer zone of TODs, and; tier three is comprised of GMAs 3-4 and Traditional Neighborhood Development.

Tier 1 calls for the most density, vertical mixing of uses, and has no minimum acreage requirement. Tier 2, while still urban in nature, is somewhat less intense in character. This tier has no minimum acreage requirement and encourages, but does not require a vertical mix of uses. Tier 3 is suburban in character, and allows for a horizontal or vertical mixing of uses on sites of ten acres or larger. Again, use conditions may vary by MU-S tier in accordance with the district objectives.

In reviewing the current ordinance language, staff realized the existing MU-S purpose statement could provide greater clarity and certainty for all parties involved in the development process. Staff has placed considerable attention upon expanding and clarifying the district purpose statement in order to ensure appropriate development character. Additionally, the district application and development process has been better defined and made more streamlined with the goal of making the district expectations clear to all parties involved with the process. The goal of the district is the same as it previously was: To address new, innovative development concepts which incorporate multiple uses. However, new attention has been placed on site design and architectural character in the purpose statement of the district, reflecting a more form-based approach to zoning.

Staff has placed increased emphasis on the uniqueness of the MU-S District. This district is only available as special use zoning, as there is no general MU District. All other UDO districts are available as either general or special use, and as such require certain specific dimensional requirements to guarantee appropriate character of development not accompanied by a site plan. These requirements are not desirable for the MU-S District as site plans are required of all special use rezonings. Because of this, staff has removed the specific numeric requirements from the MU-S District. However, this amendment would still require numeric requirements such as bufferyards and setbacks be carefully evaluated on a case-by-case basis. The current requirements of section B.3-5.2 will be the default bufferyard standards for the MU-S District. These requirements will only serve as guidelines, however, as individual bufferyard requirements will reflect the character of each MU-S development being evaluated.

The special use nature of the MU-S District gives the approving authority increased control over development through the site plan review process. In addition to the current provisions of special use zoning, staff has added language to the MU-S ordinance allowing additional representative graphics such as building elevations and street and building cross sections to be requested as needed to evaluate the character of a proposed MU-S District. A preapplication

conference is also required prior to the formal submission of MU-S Districts. This conference provides an opportunity for the Planning Director to evaluate the proposed MU-S development and begin discussions regarding dimensional requirements such as setbacks, minimum lot sizes, and building height.

In addition to removing absolute dimensional requirements, staff has reduced parking requirements for the MU-S District. Formerly, the district allowed for a fifteen percent parking reduction. As proposed, the district will allow for an automatic thirty percent reduction of parking requirements. Provisions also exist for on street parking to be counted towards required off street parking and for an alternative parking arrangement with approval from the Director of Public Works.

When staff was revising the MU-S District, great attention was given to keeping the ordinance as clear as possible and removing unnecessary language. As a result, certain portions of the current ordinance which were represented elsewhere in the UDO have been removed in their entirety and others have been modified to reflect contemporary planning and economic development objectives. The purpose for cleaning up the MU-S ordinance is to present the character and intent of the district with maximum clarity, and to illuminate the district approval process and expectations for district applicants and approving authorities. This increased clarity will benefit all parties involved with the MU-S District.

Overall, staff feels the modifications to the MU-S ordinance will greatly enhance the quality and variety of development in Forsyth County while furthering *Legacy's* recommendations for compact mixed use development. This ordinance promotes a design based approach to zoning, which many communities throughout the country, including others in North Carolina, have recently adopted. The MU-S District provides a flexible alternative to the conventional zoning districts available elsewhere in the UDO. Staff recommends approval of this proposed UDO text amendment.

RECOMMENDATION

APPROVAL.

Kirk Ericson presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning text amendment.

SECOND: Jerry Clark

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning

UDO-159
AN ORDINANCE AMENDING
CHAPTERS A AND B OF THE
UNIFIED DEVELOPMENT ORDINANCES
TO MODIFY THE MU-S DISTRICT

Be it ordained by the City Council of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter A - Definitions Ordinance, Article II - Definitions is amended by adding the following:

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND). Traditional Neighborhood Developments (TNDs) incorporate a range of residential densities and housing types. While residential is the primary land use in a TND, these developments also contain a limited and comprehensively planned mixture of commercial, office, institutional, and civic uses, and a network of connected streets and sidewalks. TNDs provide an alternative to conventional subdivisions, shopping centers, office parks, and institutional uses that are typically separated through zoning districts. TND blends various uses into a pedestrian-friendly, compact form. The City-County Planning Board's *Traditional Neighborhood Development Guidelines* address specific recommendations that should be incorporated into TNDs.

TRANSIT-ORIENTED DEVELOPMENT (TOD). Transit-Oriented Developments (TODs) integrate transit stations with a mixture of complementary land uses and design elements that encourage transit ridership. TODs are cohesive developments that facilitate pedestrian activity through a connected transportation network with streets, sidewalks, and pathways, increased residential densities, a pedestrian-friendly streetscape, and cohesive neighborhood environments. TODs consist of a ¼ mile core and a ½ mile support area. The TOD core extends radially ¼ mile from the transit station. The TOD support area starts at the outer edge of the TOD core and extends ½ mile from the transit station. While the TOD core and support area are nominally defined, their dimensions may vary as specified by specific area plans and/or transit station area plans.

Section 2. Chapter B – Zoning Ordinance, Article II – Zoning Districts, *Official Zoning Maps*, and Uses is amended as follows:

2-1 ZONING DISTRICTS

2-1.5 INSTITUTIONAL AND MIXED USE ZONING DISTRICTS - PURPOSE STATEMENTS AND REGULATIONS

(C) MU-S Mixed Use - Special Use District.

1. **Purpose.** The MU-S District is intended to accommodate a comprehensively planned, pedestrian oriented mix of three or more distinct land uses. This district has applications in a broad range of urban to suburban locations. The size and intensity of MU-S developments may vary based on their physical context and location. The MU-S District provides greater development flexibility in exchange for certain planning and design considerations. The MU-S District is intended to accommodate and positively integrate a balanced mixture of residential, commercial, and in some cases light industrial uses within the district

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and the surrounded area. Depending upon the existing land use context in which the MU-S District is proposed, at least three distinctly different use component area expected for any MU-S zoning proposal. Building mass, rhythm, scale, and transition, as well as a cohesive and connected pedestrian and vehicular network are intended to be key elements of the overall design concept. This district encourages innovation by offering flexibility in design and layout requirements to achieve a greater choice of living and working environments. The development design should also be compatible with the natural terrain and surrounding uses, protect natural and/or historic resources, and provide useful open space. This district is only permitted through the special use district zoning process. This district is suitable in Growth Management Areas 1, 2, 3, 4, and activity centers.

(a) General Information. The MU-S district is fundamentally different from other zoning districts in the UDO. MU-S zoning can only be established through a special use district zoning process in accordance with B.6-2.2, site plan review process. No General Use zoning provisions are available. Since MU-S zoning requires all aspects of internal and external compatibility be clearly shown on the required site plan, absolute requirements which might unnecessarily limit development flexibility are kept to a minimum. Because of enhanced provisions for development flexibility, however, petitions for MU-S zoning are subject to additional site plan review requirements to ensure compatibility with surrounding land uses and compliance with the principal objectives of the MU-S district. The district is intended to be equally suited for new developments or adaptive reuse of existing structures.

(b) District Objectives. The MU-S District is intended to address new development concepts, innovative design, and other unique situations and proposals which cannot be as easily accommodated through conventional zoning districts. The MU-S district generally permits a broad range of land uses including single family residential, multifamily residential, retail/commercial, office, institutional/public, and Manufacturing A and B. Each MU-S development should incorporate three or more of the previously mentioned categories of land uses in a cohesive, comprehensively planned development which is compatible and well integrated with its physical, natural, and historical context.

MU-S developments should demonstrate the following architectural and site design elements:

(i) Building Mass and Scale. Building mass and scale should be consistent with the mass and scale of surroundings buildings and their relationship to the street. Additionally, buildings should provide a purposeful transition from the existing architectural context of one site edge to another.

(ii) Rhythm. Building elements such as façade and roofline articulation, entrances, and fenestration should reflect, harmonize with, and provide a logical transition to the surrounding patterns of proposed or existing development.

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- (iii) Vehicular Connectivity. Streets in MU-S developments should demonstrate a high level of internal and external connectivity.
 - (iv) Active, Pedestrian Friendly Streets. Developments should demonstrate elements such as buildings pulled up to the street, on-street parking, street trees, covered arcades, awnings, storefront display windows, public/private outdoor spaces, wide sidewalks, building entrances facing the street, and pedestrian level building fenestration.
 - (v) Public Art and Environmentally Responsive Designs. Public art and environmentally responsible designs should be used to create a more exciting, unique environment.
- (c) Scope of Application. Appropriate scale and character of MU-S developments may vary depending upon the context and location of the development within Growth Management Areas (GMAs). The MU-S district is comprised of three distinct tiers along the urban to suburban continuum in accordance with *Legacy* Growth Management Plan objectives. The MU-S District is the primary zoning tool for implementing Transit Oriented Development (TOD) and Traditional Neighborhood Development (TND) in accordance with *Legacy* and small area planning recommendations.
- (1) Tier 1. Tier 1 includes GMA 1, Activity Center cores, the 1/8 mile wide corridor surrounding streetcar lines, and the core of regional rail TODs. This tier requires a vertically oriented mix of distinct land uses in dense urban areas.
 - (2) Tier 2. Tier 2 includes GMA 2, Activity Center support areas, and the support area of TODs. This tier supports less dense urban mixed use development, and acts as a link between urban and suburban growth areas. Vertical mixing of uses is encouraged in this tier.
 - (3) Tier 3. Tier 3 includes GMA 3 and 4 and locations suited for TND. This tier is designed to promote a mix of uses oriented either horizontally or vertically on site.
- (d) Review Process. While the MU-S District provides greater development flexibility, additional responsibility is required of the developer in exchange. A preapplication conference between the Director of Planning and the developer is required. MU-S zoning allows the developer to work outside the standardized requirements of conventional zoning and focus on the purpose and intent of the district, and as such has minimal fixed requirements. Compatibility and design integration will be ensured by requiring appropriate setbacks, streetyards, bufferyards, building heights, lots sizes, and other requirements through the site plan review process.

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Additional site plan review items may be needed to assist planning staff in evaluating the suitability of proposed MU-S developments. Such items may include building elevations, street and building cross sections, and other representative graphics depicting the character, and demonstrating the internal and external compatibility, of the proposed development.

- (2) **General Dimensional Requirements - MU-S.** There are no general dimensional requirements for the MU-S District. Rather, these requirements shall be specified on a site specific basis through the required site plan review process. These requirements include but are not limited to: bufferyards, setbacks, streetyards, building height, and lot dimensions and area. In all situations, Fire Code and other regulations pertaining to general health, safety, and welfare apply.

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks ²				Maximum Impervious Surface Cover (%)	Maximum Height (ft) ¹
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
MU-S	0	0	15	0	-	-	0	-	60/ unlimited

1. ~~There is no height limit unless adjacent to property zoned RS, RM (except RM-U), YR, AG or H. Height of structure above sixty (60) feet may be increased by one foot for each foot of additional setback beyond the forty (40) foot minimum required, if adjacent to property zoned RS, RM (except RM-U), YR, AG, or H.~~
2. ~~Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the residential district, whichever is greater.~~

- (3) **Supplementary District Requirements.** Minimum lot sizes for single family residences, duplexes, twin homes and multifamily developments must meet the requirements of Table B.3.4. Other supplemental district requirements are:
- (a) Preapplication Conference. Prior to the formal submission of a proposed MU-S District, the developer or representative shall attend a preapplication conference with the Director of Planning concerning the proposed plan of development. At this preapplication conference, the developer shall submit a sketch plan for the MU-S District and general information on traffic circulation and utilities for tentative review, comments, and recommendations by the Director of Planning. The Director of Planning shall comment on the information ~~presented at that meeting~~ submitted in writing within sixty (60) ~~thirty (30)~~ days. The official plan of development and rezoning request shall be submitted to the Planning Board ~~only after the completion of the preapplication conference and the written response.~~ No rezoning petition for a MU-S District may be accepted until this process has been completed.

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- (b) MU-S District Application. No rezoning petition for a MU-S District may be accepted unless it is filed within one hundred eighty (180) days from the date of the Director of Planning's written comment relating thereto.
- (i) ~~Time.~~ The developer shall file an application for approval of a MU-S District within one hundred eighty (180) days after the written response from the Director of Planning.
- (ii) ~~Site Plan Requirements and Procedure.~~ The procedure for approval of a MU-S District shall be the same as a two-phase special use district rezoning in conformance with procedures set forth in Section B.7.4.2.
- [A] ~~Natural Features.~~ Petitioner shall show in the first phase submittal the sensitive natural areas to be retained and indicate impervious surface cover limits greater than or equal to the standards in comparable general use zoning district permitting the use(s).
- [B] ~~Streetyard.~~ Streetyards, if required, shall be determined as appropriate through the site plan review process in accordance with the MU-S purpose statement.
- [C] ~~Bufferyards.~~ Both peripheral and internal bufferyards, if required, shall be determined as appropriate through the site plan review process in accordance with the MU-S purpose statement.
- [D] ~~Larger Sites.~~ Larger sites containing more than one hundred (100) acres will be evaluated to determine if development will negatively impact existing or future public facilities and services. Depending upon the size, intensity, and/or complexity of the proposal, the Director of Planning may require the petitioner to submit additional information to assist regulatory agencies with their findings, including, but not limited to, analysis of traffic impacts, availability of public water and sewer, and capacity of schools. As warranted, staff may also recommend certain on-site or off-site infrastructure improvements or other mitigation measures as conditions for zoning approval.
- [E] ~~Screening Mechanical Equipment.~~ All on-site mechanical equipment shall be screened.

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~~(e)~~ Parking.

~~Except for single family residential uses, all parking shall be located to the rear or side of the principal building, except that the Planning Board may allow a limited number of parking spaces in the front of the building if all required spaces cannot be provided in the rear or side, due to lot size, shape, or topographic features. Any parking in the front of the building shall be subject to the streetyard provisions of Section B.3-4.3(B).~~

~~(i) Number of Spaces. Off-street parking for any use in the MU-S District may be reduced fifteen percent (15%) from the requirements of Table B.3-8.~~

~~(ii) On-Street Parking. Some on-street parking may be permitted to satisfy off-street required parking requirements in accordance with Section B.3-3.5(M).~~

~~(d)~~ (c) Effects of Approval. The approval of a development plan and the accompanying preliminary plat shall have the following effects:

~~(i) The area of an approved MU-S District shall be noted on the *Official Zoning Maps*. ~~After Approval of a One-Phase or Two-Phase final development plan MU-S District shall be in accordance with section B.6-2.2, such plan shall control the development of the property. After approval of a final development plan, no building or structure may be erected or building permit issued nor any lots sold from any such plat nor any final plat approved or recorded, unless such building, structure, permit or plat is consistent with every respect with the approved final development plan.~~~~

~~(ii) Approval of the application shall also constitute the required approval for the preliminary plat included in the application. The applicant may then request approval of a final plat in accordance with the *Subdivision Regulations*.~~

~~(e)~~ (d) Sequencing of Development. ~~The applicant may propose that a MU-S District be developed in phases. Conditions for sequencing of development where appropriate will be determined through the Special Use District's site plan review process in accordance with section B.6-2.2 in order to ensure a balanced mix of uses throughout the entire sequencing process. Proposed sequencing of development shall be discussed at the preapplication conference.~~

~~(i) The phasing provisions of a proposed final development plan shall be approved only if the proposed plan meets the following standards:~~

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- [A] ~~All phases shall be shown with precise boundaries on the final development plan and shall be numbered in the proposed order of development;~~
- [B] ~~All data required for the project as a whole shall be given for each phase shown on the plan;~~
- [C] ~~Phasing plan shall demonstrate a balanced and integrated mixture of uses in accordance with the overall MU-S plan concept. In general, residential components of the MU-S District shall be proportionately phased with commercial elements.~~
- [D] ~~The cumulative density of a phase and all phases to be developed prior to that phase shall not exceed the proposed net density of the entire MU-S District by more than ten percent (10%);~~
- [E] ~~A proportionate share of the project's open space and common facilities, if any, shall be included in each phase of development; and,~~
- [F] ~~The phasing shall be consistent with the development plan for the entire MU-S District.~~
- (ii) ~~If an approved development plan includes phasing provisions, then:~~
- [A] ~~The landowner may submit final plats for the projects for areas including one or more complete phases. However, no application for a final plat shall be accepted for a phase unless applications for final plat for all phases with lower numbers have already been approved or are included with such application;~~
- [B] ~~No final plat for a phase of a MU-S District shall be approved unless all open space and common facilities included in previous phases are substantially complete; and,~~
- [C] ~~No final plat for a phase of a MU-S District shall be approved if there is any uncorrected violation of the development plan, a preliminary plat, a final plat or this section in any previous phase.~~

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- (e) Platting Requirements. Final plats shall be recorded in the Office of the Register of Deeds prior to the issuance of building permits in accordance with the following provisions:
- (i) Subdivisions. As a minimum, all subdivision sections of the MU-S site plan must conform to the street standards in Section B.3-13 and final plats recorded in accordance with Section D.4.(H).
 - (ii) Multiple Building Sites. All sections of the MU-S site plan that have multiple building sites on one zoning lot must conform to the street standards in Section B.3-13 and must be recorded on final plats in accordance with Section D.4(H). These final plats shall show all tentative building locations, access and utility easements on the zoning lot.
- (f) Maintenance. An application for approval of a MU-S District shall be accompanied by copies of documents related to the proposed homeowners association or other entity proposed to manage and maintain private streets, open space, and other common areas and facilities, if any. Such documents shall:
- (i) Set forth the nature of the permanent organization under which common ownership is to be established, including its purposes; how it shall be governed and administered; the provisions made for permanent care and maintenance of the common property, including necessary bonds when required by the city; and, the method of assessing the individual property for its share of the cost of administering and maintaining such common property; and,
 - (ii) Set forth the extent of common interest held by the owner of each individual parcel in the tract held in common with others.
- (g) Supplementary Graphics. In addition to site plans meeting the requirements of Section B.7-4.1, proposed MU-S districts may be required to demonstrate district objectives through graphics such, as but not limited to, representative building elevations, representative building envelopes, and building and/or street cross sections as necessary for Planning Board and Elected Body review.
- (h) Parking. Except for single family residential uses and situations where the provisions of section (h)(ii) below are applied, all parking shall be located to the rear or side of the principal building. Where required spaces cannot be provided in the rear or side due to lot size, shape, or topographic features, a limited number of parking spaces may be allowed in the front of the building in accordance with the MU-S purpose statement with Planning Board or Elected Body approval.
- (i) Number of Spaces. Off-street parking for any use in the MU-S District shall receive an automatic thirty (30) percent reduction of the parking requirements of table B.3.8. A comprehensive

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off-street parking and loading study which includes shared parking may be approved by Director of Public Works in lieu of the standard parking and loading requirements as specified in Section B.3-3.2

(ii) On-Street Parking. On-street parking in appropriate locations is encouraged in accordance with the MU-S purpose statement. Some on-street parking may be permitted to satisfy off-street parking requirements in accordance with Section B.3-3.5(N).

(i) General Requirements. All MU-S developments shall meet the following requirements.

(i) Distinct Land Uses. All MU-S developments shall contain three or more distinct land uses as listed in section B.2-1.5 (C)(1)(b).

[A] In situations where new MU-S development is proposed adjacent to existing MU-S development, the requirements of section B.2-1.5(C)(3)(i)(i) above may be waived if the proposed MU-S development is compatible with the existing MU-S development.

(ii) In mixed use and commercial buildings, ground level street facades shall incorporate pedestrian oriented elements such as, but not limited to, storefront display windows, covered arcades, awnings, and pedestrian level building fenestration.

(iii) Streetscape Design. MU-S developments shall exhibit characteristics of pedestrian friendly streetscape design such as, but not limited to, buildings pulled up to the street, sidewalks and street trees, public/private outdoor spaces, and traffic calming devices, including on-street angled and parallel parking.

(iv) Open Space.

[A] Public/private open space shall be required for all new buildings with a gross floor area greater than or equal to fifty thousand (50,000) square feet. Buildings with a gross floor area ranging from fifty thousand (50,000) to one hundred thousand (100,000) square feet must provide useable public/private open space on the developed property at the rate of one (1) square foot of open space per one hundred (100) square feet of gross floor area. Buildings with a gross floor area of greater than one hundred thousand (100,000) square feet must provide useable open space at the rate of two (2) square feet of open space per one hundred (100) square feet of gross floor area.

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[B] Open space may be located on the roofs of buildings or on the ground. All open space shall be easily accessible by users of the building or the general public.

[C] The above open space requirements may be waived or reduced for buildings with a gross floor area of greater than one hundred thousand (100,000) square feet by satisfying one of the following conditions.

[1] The above open space requirements shall be waived for developments which contain public art conforming to the requirements of Section B.3-12.1(D).

[2] The above open space requirements shall be reduced for developments which use open space with public art components to meet the public art requirements of Section B.3-12.1(D)(8). The requirements of this section shall be met with the following exceptions: Open space shall be developed at the rate of one (1) square foot of open space per one hundred (100) square feet of building space, and shall be developed at cost of one half (.05) percent of the construction cost as determined by the value of the building permit for the subject building. All other applicable public art requirements of Section B.3-12.1(D) shall apply.

[3] The above open space requirements shall be waived for developments which demonstrate environmentally responsive, sustainable design as defined by the USGBC (United States Green Building Council) and possess a LEED (Leadership in Energy & Environmental Design) certification of Silver or higher for all buildings within the development.

(v) Perimeter Bufferyards. In order to ensure compatibility between uses inside the MU-S District and those outside, bufferyard standards as outlined in Section B.3-5.2 shall serve as guidelines to establish bufferyards through the required site plan review process. Actual bufferyard requirements may be reduced or increased depending on the level of integration with adjacent uses.

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- (j) MU-S Tier 1. This tier includes GMA 1, Activity Center cores, the nominal 1/8 mile area surrounding streetcar lines, and the core of regional rail TODs. Developments in Tier 1 shall meet the following additional requirements.
 - (i) At least one entrance per building must face the primary street.
 - (ii) Vertical mixing of uses is required of all developments
 - (iii) In vertically mixed use buildings, fifty percent (50%) or more of the first floor area must consist of retail, office, or institutional uses.
 - (iv) Buildings shall have a maximum front setback of fifteen (15) feet unless alternative provisions for public/private open space in accordance with the MU-S purpose statement.
- (k) MU-S Tier 2. This tier includes GMA 2, Activity Center support areas, and the support area of TODs. Developments in Tier 2 shall meet the following additional requirements.
 - (i) At least one entrance per building must face the primary street.
 - (ii) With the exception of single family residential, all buildings shall have a maximum front setback of fifteen (15) feet unless alternative provisions for public/private open space in accordance with the purpose statement of this ordinance are used.
- (l) MU-S Tier 3. This tier includes GMA 3 and 4 and locations suited for TND. Developments in Tier 3 shall meet the following additional requirements.
 - (i) Minimum gross tract size for initial zoning shall be ten (10) acres unless the petitioner can demonstrate to the Elected Body that circumstances exist which make a smaller area suitable due to factors such as, but not limited to, location, topography, or compatibility with adjacent uses. Additions may be made in increments of any size.

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Section 3. Chapter B – Zoning Ordinance, Article III – Other Development Standards is amended as follows:

3-1 DIMENSIONAL REQUIREMENTS

3-1.1 GENERAL REQUIREMENTS

Table B.3.2
Nonresidential Districts General Dimensional Requirements^{1,2}

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks ⁸				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
NO	6,000	65	--	20	25	7	20	60	40
LO	10,000	100	--	20	20	5	20	75	40
CPO	--	250 ⁴	10	60	40	40	40	80	60/unlimited ³
GO	10,000	75	--	20	--	--	20	80 ⁵	60/unlimited ³
NB	6,000	65	--	10	25	7	20	60	40
PB	--	--	--	--	--	0.5/12 ⁶	--	--	60
LB	10,000	100	--	20	5	0.5/12 ⁶	20	75	40
NSB	--	250 ⁴	4	40	40	40	20	75	40
HB	20,000	100	--	40	20	0.5/12 ⁶	20	85	60
GB	10,000	75	--	20	--	--	20	--	60/unlimited ³
CB	--	--	--	--	--	--	--	--	--
MRB-S ⁹	--	--	10	40	20	0.5/12 ⁶	20	85	60
LI	10,000	100	--	20	20	0.5/12 ⁶	20	90	70/unlimited ³
CPI	--	150 ⁴	30	40	20	20	20	70	70
GI	43,560	150	5	40	20	0.5/12 ⁶	20	--	70/unlimited ³
CI	--	--	--	--	--	--	--	--	--
IP	10,000	65	--	25	10	5	20	60	60
C	20,000	100	20	20	20	20	20	70 ⁷	40/75 or 60/unlimited ³
MU-S	-- 5,000	-- 30	-- 30	-- 10	--	--	-- 10	--	-- 60/unlimited

1. These dimensional requirements are subject to additional provisions in Section B.3-1.2; Section B.2-5; Section B.2-1; Section B.3-4; Section B.3-5; and Section B.3-8.
2. Larger lot width, depth, or area may be required by the Public Health Department for the installation of septic systems.
3. Certain districts have an option for height (e.g., 60/unlimited). The first number indicates the maximum height allowed at the minimum setback required adjacent to property zoned RS, RM (except RM-U), YR, AG, or H. Heights may be increased according to the provisions of Sections B.3-1.2(D) and (E). Height limits for the C District vary per Growth Management Areas; see Section B.2-1.5(B)(2).
4. Minimum area and width requirements may be reduced for the CPO, NSB, and CPI Districts under the respective subsections of Section B.2-1.
5. The eighty percent (80%) limit applies only in Growth Management Area 3, per Section B.2-1.3(D).

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.

6. Side yards are not required, however any side yard provided adjacent to an interior lot line shall be not less than twelve (12) feet in width. A space less than six (6) inches in width between an interior lot line and a building wall shall not be regarded as a side yard.
7. The seventy percent (70%) limit does not apply to Growth Management Areas 1 and 2, per Section B.2-1.5(B)(2).
8. Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
9. **(W)** Section B.3-12.1 shall apply to all development done within the MRB-S District and shall be reflected in the site plan required as part of the rezoning application.

Table B.3.4
Other Dimensional Requirements

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	Side				
					One Side (ft)	Combined (ft)	Street (ft)		
Single Family Residences in NO, NB, PB and MU-S Districts									
NO, NB	6,000	50	20	10	5	15	20	70	40
PB	--	--	--	--	--	--	--	--	--
MU-S	<u>-- 5,000</u>	<u>-- 40</u>	<u>--15</u>	<u>--15</u>	<u>-- 5</u>	<u>-- 15</u>	<u>--15</u>	--	<u>-- 40</u>
Duplexes in MU-S and NO Districts									
MU-S	<u>-- 7,500</u>	<u>-- 40</u>	<u>--15</u>	<u>--15</u>	<u>-- 5</u>	<u>-- 15</u>	<u>--15</u>	--	<u>-- 40</u>
NO	--	--	20	20	10	25	20	--	--
Twin Homes in MU-S and NO Districts									
MU-S	<u>-- 5,000</u>	<u>-- 40</u>	<u>--15</u>	<u>--15</u>	<u>-- 0</u>	<u>-- 15</u>	<u>--15</u>	--	<u>-- 40</u>
NO	--	--	20	20	0	25	20	--	--
Multifamily Developments in GB, CB, PB, MU-S, NO, and LO Districts									
GB	20,000	100	20	--	--	--	20	85	60
CB	--	--	--	--	--	--	--	--	--
PB	--	--	--	--	--	--	--	--	--
MU-S	<u>-- 30,000</u>	<u>-- 70</u>	<u>-- 25</u>	<u>-- 25</u>	<u>-- 15</u>	<u>-- 30</u>	<u>-- 20</u>	<u>-- 80</u>	<u>-- 60</u>
NO, LO	--	--	20	20	10	25	20	--	--

Section 4. This ordinance shall be effective upon adoption.

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.