

## **6.24 - MX - MIXED USE DISTRICT**

### **6.24.1 INTENT:**

The purpose of the MX Mixed Use District is to accommodate the development of a wide-range of residential and compatible non-residential uses (including major employment and institutional activities) which are designed and developed within the framework of a coordinated master plan. To encourage high quality design and innovative arrangement of buildings and open space, the district provides flexibility from conventional use and dimension requirements of other zoning districts. Structures with commercial, service, or office uses on the first floor and upper level residential uses are encouraged. Outside storage is prohibited except in conjunction with one and two-family residential uses.

### **6.24.2 PERMITTED USES:**

Within the MX Mixed Use District the following uses are permitted:

- 6.24.2.1 Residential dwellings not exceeding twenty-two (22) units per acre;
- 6.24.2.2 Light manufacturing, fabrication, compounding, assembly, processing, repair, or packaging of finished or semi-finished materials and products. Such uses shall not produce: exterior smoke, dust, noise, odor, unusual lighting, vibrations, fumes, fire hazards or objectionable, noxious or injurious conditions, or other factors detrimental to the health, safety, and welfare of the area;
- 6.24.2.3 Business, professional, corporate, or governmental offices;
- 6.24.2.4 Research, medical, dental, and optical laboratories;
- 6.24.2.5 Neighborhood retail and service establishments allowed in the B-1 district, Subsection 6.14.1, except that Subsection 6.14.1.14. shall not apply to accessory buildings;
- 6.24.2.6 General retail and service establishments which are more intense than neighborhood retail, subject to the conditions of Subsection 6.24.4.1;
- 6.24.2.7 Day-care centers, subject to the provisions of Subsection 6.1.2.2;
- 6.24.2.8 Computer programming and other software services;
- 6.24.2.9 Educational, scientific, and research activities;

- 6.24.2.10 Group homes, subject to the provisions of Subsection 6.6.1.5;
- 6.24.2.11 Home occupations, subject to the provisions of Subsection 6.1.1.9;
- 6.24.2.12 Nursing and convalescent homes;
- 6.24.2.13 Retirement communities;
- 6.24.2.14 Cultural uses;
- 6.24.2.15 Federal, state, county, city, or public utility buildings and uses;
- 6.24.2.16 Accessory structures and uses; and
- 6.24.2.17 Alternative tower structures.

6.24.3 **USES PERMITTED BY APPROVAL AS SPECIAL EXCEPTION:**  
The following uses are permitted when approved by the Board of Zoning Appeals as special exceptions as provided by Section 15.4.

- 6.24.3.1 Tower structures.

6.24.4 **DEVELOPMENT STANDARDS:**

- 6.24.4.1 General retail and service developments as referenced in Subsection 6.24.2.6 shall be subject to the development standards set forth in this entire section, Subsection 6.24.4, unless a different standard is specified below.
  - A. General retail and service establishments shall include those uses permitted in the B-4 District, Subsection 6.17.2.
  - B. All uses shall be located within a seven hundred fifty (750) foot radius of the intersection of a freeway and a collector or arterial street as measured at the right-of-way lines at the intersection.
  - C. No individual use, including required parking, landscaping, accessory uses, and open space, or any assembly or collection of uses or comprehensive development shall occupy more than twenty-five (25) acres.
  - D. No single building or group of adjoining buildings shall exceed one hundred thousand (100,000) square feet in area. Only one business or occupancy within a building may

exceed twenty thousand (20,000) square feet in area and it shall not exceed forty thousand (40,000) square feet in area.

- E. Local streets shall have a maximum pavement width of twenty-eight (28) feet from back of curb to back of curb. On-street parking may be allowed on at least one side of the street.
- F. Buildings shall have a maximum setback of seventy-five (75) feet from the front property line. In no case shall the property line adjacent to a freeway be designated as the front property line.
- G. The maximum building height shall be sixty (60) feet.

6.24.4.2 General Development Standards for the MX District are as follows:

A. **STREETS, CURB CUTS, & INTERNAL CIRCULATION.**

1. Local streets (defined as all streets other than freeways, collectors, and arterials) shall have a pavement width of twenty-four (24) feet from back of curb to back of curb with parking on one side of the street or thirty-two (32) feet with parking on both sides of the street. Where medians or traffic calming devices are provided these local street standards may be varied and must be approved by the City Engineer. Other street classifications shall comply with the pavement widths set forth in Article IV of the Subdivision Regulations of the Johnson City Regional Planning Commission. Any street exceeding thirty-six (36) feet in width shall have a raised landscaped median a minimum of eight (8) feet wide.
2. Street intersections and intersections of driveways with streets shall be as close to ninety (90) degrees as possible. Where a local street intersects any other street, the curb radius shall not exceed twenty (20) feet. These standards may be exceeded if it can be demonstrated to the City Engineer that compliance is not possible or feasible.
3. All streets, except local streets, shall contain bike lanes which, at a minimum, meet AASHTO

standards. Lanes may be a part of, or separate from the street.

4. Lots with two hundred (200) feet or less of frontage on a collector or arterial street and lots with one hundred (100) feet or less of frontage on a local street shall be permitted only one curb cut or access point. No lot shall have more than two curb cuts or access points on any street regardless of length of frontage. Cross access agreements and shared accesses between non-residential properties are required except where it can be demonstrated that such an agreement is not feasible.
5. Driveways shall not exceed twenty-four (24) feet in width at the property line unless a raised median a minimum of five (5) feet wide is provided as part of the driveway. No driveway shall exceed fifty (50) feet in total width.
6. Streets shall be designed to connect with other streets whenever possible. Cul-de-sacs should be avoided except in cases of severe topographic or other physical conditions. Where cul-de-sacs are provided, other non-vehicular connections to nearby streets shall be provided.

B. **SIDEWALKS.** Sidewalks which are a minimum of five (5) feet wide are required along all street frontages and are to be separated from the back of curb by a strip consisting of landscaping or decorative pavement which is a minimum of four (4) feet wide. Trees shall be placed in this strip as specified in the Subsection 6.24.4 (F) of this Code. All buildings must have a defined pedestrian connection to the sidewalk system along all street frontages. Internal sidewalk connection between properties is encouraged to facilitate pedestrian movement.

C. **AREA REGULATIONS.** There are no required minimum setbacks or maximum lot coverage specified in the MX zoning district. Minimum setbacks from the street are encouraged.

1. All buildings shall have the primary entrance visible and accessible from the street.

2. All nonresidential buildings are encouraged but not required to have awnings or covered walkways along public walkways and streets.
3. The maximum amount of impervious surface permitted on any lot shall not exceed eighty-five (85) percent.
4. 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.

D. **ACCESSORY STRUCTURES.** A maximum of two (2) accessory structures, one (1) of which may contain an accessory residential unit, may be permitted if the following requirements are met:

1. One accessory structure may exceed one hundred (100) square feet and it must be constructed of similar exterior building materials as the primary building.
2. The cumulative area of all structures which are accessory to residential uses shall not exceed fifty (50) percent of the square foot area of the principal structure.
3. Accessory structures shall be located to the rear of the primary building.
4. Accessory structures which are less than one hundred (100) square feet may be located on the side or rear property line and structures which are one hundred (100) square feet or larger must be set back a minimum of three (3) feet from the property line except where existing easements require a larger setback.

E. **PARKING.** A mixed use district will contain uses which 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.

1. On-street parking located adjacent to any lot may be counted toward meeting the parking requirements for that lot as set forth in Article XI of this Code.
2. All off-street parking lots shall be located in the rear or side yard of any building.
3. Shared parking is encouraged between appropriate uses and can be approved as part of the site plan review process. Approval shall not require a Special Exception approval by the Board of Zoning Appeals as specified in Section 11.5.
4. Any public parking or commonly owned parking lots may be counted toward meeting the required parking for uses on other lots within one thousand (1000) 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.
5. Any development which exceeds current requirements with design features which encourage and facilitate pedestrian movement between uses may reduce the parking required by Article XI of this Code by a maximum of ten (10) percent.

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

G. SCREENING AND BUFFERING.

1. The MX District shall be exempt from buffering requirements of this Code. All buffers between uses shall be identified on the concept plan and detailed on the Comprehensive Development Plan and site plan.

2. Loading docks, dumpsters, and satellite dishes shall be screened from public streets and walkways by walls, trellises, fences, or opaque landscaping. Walls and fences must be constructed of similar exterior building materials as that of the primary building.
3. Except for single-family and two-family residential properties, mechanical equipment shall be screened from public view.

#### H. UTILITIES.

1. No overhead utility lines may be installed in the MX District.
2. All street lighting shall be designed to address pedestrian as well as vehicular needs.
3. Reseeding or sodding of any cleared or graded site shall be required when no building activity has occurred within a three (3) month period. This may be extended to six (6) months by the Development Coordinator if justification is presented.
4. All development shall comply with the erosion control and drainage specified in the Subdivision Regulations and all water and sewer improvements shall comply with the "Standards of Design for Water and Sewer Lines" as adopted by the Board of Commissioners.

#### 6.24.5 APPROVAL PROCESS FOR MX ZONING:

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

- 6.24.5.1 CONCEPT PLAN. Application to the Planning Commission for rezoning to MX 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.

6.24.5.2 COMPREHENSIVE DEVELOPMENT PLAN (CDP). A CDP is a generalized plan for the coordinated development of areas within the Mixed Use (MX) zoning district. 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.

Prior to the development of any property with a zoning designation of MX, five (5) copies of the CDP will be required to 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.

6.24.5.3 **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 an MX district shall conform to the appropriate recorded CDP. Each MX site plan shall be submitted and reviewed in conformance with the regulations set forth in Subsection 6.17.4 of this Code.

zonecode/articles/mx.doc