

ARTICLE XII PLANNED MIXED-USE DEVELOPMENT

SECTION

1200 PLANNED MIXED-USE DEVELOPMENT

A Planned Mixed-Use Development is a development involving a related group of associated uses, planned as an entity and, therefore, acceptable for development and regulation as one complex land use unit.

1201 PURPOSE

The Planned Mixed-Use Development provision was established for the purpose of:

- A. Providing a procedure by which integrated mixed-use developments may be processed.
- B. Encouraging developers to prepare comprehensive land use plans for developments consisting of a variety of residential, commercial, office and/or industrial land uses.
- C. Encouraging variety in physical development through the use of new techniques in land planning not attainable by conventional zoning application.
- D. Ensuring adequate provisions for compatibility with adjacent land uses and environmental amenities for new urban areas through the use of buffer areas, transitional land uses, open space and other performance criteria.

1202 PERMITTED USES

Unless otherwise provided in this Ordinance, no building or land may be used, and no building may be erected, converted, enlarged or structurally altered in a Planned Mixed-Use Development except for the following uses:

- A. Any use that is approved by the Planned Mixed-Use Development Special Use Permit.
- B. A temporary real estate office in conjunction with a Planned Mixed-Use Development limited to the selling or renting of properties in the Planned Mixed-Use Development and, in no case, to be in operation for more than one year following completion date of such construction.
- C. Temporary construction buildings and uses related to the Planned Mixed-Use Development, provided all buildings are removed and uses ceased upon completion date of such construction.
- D. Accessory uses and buildings incidental to any use permitted or allowed by this Section.

1203 LOCATION

Planned Mixed-Use Developments may be located in any district by Special Use Permit in accordance with the procedures of this Article. Planned Mixed-Use Developments may be located in C-4, I-1 and I-2 zoning districts if each proposed use meets the Performance Criteria of the underlying zoning district.

1204 PROCEDURE FOR THE APPLICATION OF A PLANNED MIXED-USE DEVELOPMENT SPECIAL USE PERMIT

A Planned Mixed-Use Development may be located in any district and shall be initiated by filing for a Planned Mixed-Use Development Special Use Permit as provided in this Section.

1204.1 Applicant

The applicant for a Planned Mixed-Use Development Special Use Permit shall conform with Sec. 1603.2 of this Ordinance.

1204.2 Preapplication Conference

Prior to applying for a Planned Mixed-Use Development Special Use Permit, the applicant is required to confer with the Zoning Officer. A conference shall be scheduled by the Zoning Officer within five (5) working days after receipt of the following basic information and data displayed to scale on maps:

- A. The boundaries of the property.
- B. Existing easements and covenants affecting the property.
- C. Land characteristics, such as natural drainage, wetland areas and wooded areas.
- D. Development characteristics, such as surrounding streets, existing buildings, available sewer, water and other utilities.
- E. An overall land use development plan with a road and street system accompanied with data, such as land use acreage, residential density, commercial and industrial floor area relevant to the land use components scheme on the proposed development.

1204.3 Zoning Officer Review and Recommendation

The Zoning Officer shall review the proposed Planned Mixed-Use Development to determine its conformity with Planned Mixed-Use Development Performance Criteria, land development trends in the community, standards of the Year 2010 Plan, and recognized principles of design, land use planning and landscape architecture.

The Planned Mixed-Use Performance Criteria shall consist of the following:

- (1) the performance criteria for each proposed use corresponding to the most restrictive zoning district where the use is a permitted use or a performance use;
- (2) evaluation of the overall performance of the proposed Planned Mixed-Use Development based on performance criteria of the individual uses; and
- (3) effectiveness of buffers and other physical barriers if performance criteria cannot be met. The Zoning Officer shall advise the applicant of the staff position on the proposed Planned Mixed-Use Development in writing within ten (10) working days of the Preapplication Conference.

1204.4 Filing Procedure with Zoning Board and City Council

After receipt of a written report from the Zoning Officer, the applicant may file for a Planned Mixed-Use Development Special Use Permit as if said application were a proposed change in district boundaries made pursuant to Sec. 1605 of this Ordinance. All procedural rules in regard to the filing of a Planned Mixed-Use Development Special Use Permit shall be the same as in the case of a regular zoning application, except where the same are in conflict with the terms of this Section.

A. Findings of Fact Required

Within thirty-five (35) days after the close of the public hearing on the proposed Planned Mixed-Use Development Special Use Permit, the Zoning Board of Appeals shall make written findings of fact and shall submit same together with its recommendation to the City Council. For the Board to make an affirmative recommendation, it must find in each of the following instances that:

- 1. The establishment of a Planned Mixed-Use Development will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- 2. The Planned Mixed-Use Development will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

3. The Planned Mixed-Use Development will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or other necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. Adequate sidewalks, bikeways and/or combined sidewalks and bikeway facilities have been, are being, or will be provided.

B. Effect of Denial

No application for a Planned Mixed-Use Development Special Use Permit which has been denied wholly or in part by the City Council shall be resubmitted for a period of one (1) year from the date of said denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Zoning Officer.

C. Guarantee of Completion

Before final approval of a Planned Mixed-Use Development Special Use Permit, the Zoning Board of Appeals and/or the Planning Division may recommend and the City Council may require a contract with safeguards satisfactory to the Legal Department guaranteeing completion of the public improvements within the Planned Mixed-Use Development in a period specified by the City Council, but which period shall not exceed five (5) years unless extended by the City Council for due cause shown.