

CZ – MIXED USE DISTRICT PROPOSED TEXT AMENDMENT

Date: July 11, 2025

Modify Sec. 32-163. - Statement of intent of districts.

Add – (16) *M-U mixed-use district*. allows for the development of properties with a combination of different uses, such as residential, commercial, and office, within the same area. This type of zoning aims to create more integrated and vibrant communities by blending various land uses in a single zone.

Modify Sec. 32-164. – Conditional districts.

Add – item (c) CZ M-U mixed-use.

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Add: M-U Mixed Use district

Sec. 32-261 Mixed Use

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Mixed Use. The M-U District is intended to accommodate a Unified Development Plan (UDP) containing residential uses and at least one nonresidential use with the mix of uses achieved through incorporating multiple uses within a single building or by single-use buildings located throughout the site. The size and intensity of M-U developments may vary based on their physical context and location. Appropriate setbacks, streetyards, bufferyards, and building heights among other site and design elements will be considered to ensure compatibility of the development on a site-specific basis and shall be, if approved, a Conditional Zoning district.

(b) *Minimum Size*. 5 acres

- (c) *Permitted Uses.* Within a M-U district, all uses are permitted except agricultural uses, as found in Sec. 32-197, and those uses permitted only within the L-I district or H-I district.
- (d) *Dimensional requirements.* The dimensional requirements of section 32-241 are waived except for the following:
- (1) *Minimum Lot Size.* Provisions governing minimum lot size are established by the Unified Development Plan.
 - (2) *Minimum Interior Setbacks.* The minimum interior setback is zero feet, however if a setback is provided, it must be at least 5 feet pending applicable fire and building codes.
 - (3) *Minimum Perimeter Setback.* For portions of the development adjoining any R-district, the interior setback standards of the adjoining district apply along the adjoining lot line.
 - (4) *Minimum Street Setbacks.* Provisions governing minimum street setbacks are established by the Unified Development Plan.
 - (5) *Maximum Height.* Within 50 feet of any R-district, the maximum height of a building may not exceed 50 feet or 3 stories except along the right-of-way of a railroad or a street right-of-way that is already constructed or is being constructed as part of the planned development. Provisions governing maximum height are established by the Unified Development Plan for all other portions of the development.
 - (6) *Density.* Provisions governing the maximum residential density of the development are established by the Unified Development Plan. Exception – any tract(s) found within the city’s WS-IV watershed. Tract(s) located within this area must meet the requirements of Sec. 32-288 for density and/or built upon area provisions.
- (e) *Landscape & Buffering.* Provisions governing landscaping are established by the Unified Development Plan. Perimeter buffering shall meet the minimum requirements per sec. 32-259.
- (f) *Commercial areas.* Commercial areas and adjacent residential and office areas must be arranged to provide pedestrian access and circulation between and within such areas. In mixed use and nonresidential 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.

- (g) *Common Open Space and Recreation Facilities.* A minimum of five percent (5%) of the total land area of the proposed mixed use district shall consist of common open space. Common open space may include, but shall not be limited to, the following: plazas, public squares, recreational amenities such as tennis courts or swimming pools, pocket parks, and community gardens. Common open space and types of recreation amenities to be provided shall be established by the Unified Development Plan.
- (h) *Conveyance and maintenance of common open space and recreation amenities.* A common open space or recreation amenity shall be conveyed in accordance with one of the following methods:
- (1) By dedication to the city and maintained as common open space or a public recreation facility; or
 - (2) By leasing or conveying title (including beneficial ownership) to a corporation, association, or other legal entity.
- (i) *Circulation facilities.* The arrangement of public and common ways for pedestrians and vehicular circulation in relation to other existing or planned streets in the area, together with provisions for street improvements, shall be in compliance with the standards set forth in other chapters of the ordinance, city construction manual, or per state requirements. M-U's with more than 100 single family lots and/or multifamily units shall have two means of ingress/egress to a city or NCDOT collector street. The governing board may deviate from these standards if the proposed changes or alterations are consistent with the spirit and intent of this section. Proposed street cross sections shall be outlined on the Unified Development Plan.
- (j) *Parking and Loading.* Off-street parking and loading must be provided in accordance with Sec. 32-359 and Sec. 32-392. For any permitted use in a M-U district the required amount of parking may be reduced by thirty percent (30%). This reduction shall not affect the required disabled parking or loading spaces for that use. On-street parking can count towards parking requirements.
- (k) *Signage.* A common sign plan shall be required as part of the Unified Development Plan specifying the size, type, height, setback, location and number of signs. Specifications must be at least as restrictive as the regulations per Sec. 32-433.
- (l) *Utilities.* All M-U districts shall provide underground utilities for proposed new utilities. All installation of utilities and maintenance of utilities shall be in

accordance with the requirements and regulations of the city, public utilities companies, or the state. Public water and sanitary sewer systems shall be required.

- (m) *Mixed use district review.* It is the intent of this section that review under applicable codes and ordinances be carried out as an integral part of the review of a mixed use district. The city governing board shall review the request and set a public hearing date for the conditional rezoning of the tract. Prior to the governing board reviewing and taking action on the request, the city planning board shall review the request and make a recommendation to the governing board who will in turn review the technical requirements of the Unified Development Plan and then make a ruling on the proposal. Unified Development Plans shall be good for 24 months from the date of approval as long as work is progressing on the project. Expired Unified Development Plans or major plan amendments can be renewed/approved by the governing board. Minor amendments will be reviewed by the city staff prior to construction documents being submitted for compliance with chapter 26 and 32.
- (n) *Unified Development Plan.* The Unified Development Plan must contain the following materials:
- (1) *Concept Plan.* Concept plan showing proposed public roads, street cross sections, development tracts with list of proposed uses, maximum permitted density and/or building square footage for non-residential uses, impervious surface coverage if in a watershed, schematic water and sewer service layouts, general locations for stormwater control measures, and proposed phase lines, if any.
 - (2) *Common Sign Plan.* Common Sign Plan per Sec. 32-248.2 (I).
 - (3) *Documentation and CZ regulations.* Documents which specify proposed setbacks or other regulations governing building placement, and/or volunteered conditions may be provided. The applicant may use district regulations provided by this ordinance or may propose regulations unique to the development. In no case may the Unified Development Plan leave any area proposed for development unregulated. Proposed documentation and regulations can be included as notes on the Concept Plan.
 - (4) *Phases.* All phases must be shown on the Unified Development Plan and numbered in the expected order of development. The phasing must be consistent with the open space, traffic, circulation, drainage and utilities (water & sanitary sewer) plans for the overall planned development.
 - (5) *Traffic Memorandum.* A traffic memorandum prepared by a licensed traffic engineer showing the anticipated traffic generation of the project and

recommended traffic improvements shall be provided. As applicable, a Traffic Impact Analysis for review by the city engineer and/or NCDOT shall be provided prior to the issuance of driveway permits.

CZ-M-U Mixed Use Zoning District / Unified Development Plan

