



Community Choices

Mixed Use Development

What Is Mixed Use Development?

Mixed-use development refers to a tract of land or structure with more than one type of use (such as a mix of office, retail, residential, entertainment, cultural, recreation, etc.), all of which are physically and functionally integrated and are mutually supporting.

Many local governments in the Greater Cincinnati region do not provide for true mixed-use development options. Compact, higher intensity, pedestrian-oriented, mixed uses consume less land, and can cost less for supporting roads, utilities, housing, and for other fiscal impacts, such as infrastructure maintenance. For example, compact development requires less infrastructure investment for pavement and pipe for water and sewer, which can also affect housing costs. Similarly, residents of mixed-use developments may have shorter trips to grocery and hardware stores, healthcare, restaurants, and jobs. This can translate into savings on transportation costs since they can more easily travel by foot or bicycle.¹

Development that includes a mix of integrated office, retail, residential, and civic uses should occur throughout the region wherever feasible. These mixed-use centers – of a scale appropriate to their surroundings – will concentrate uses support walking, biking and public transit, and automobiles.

How Can Mixed Use Developments Be Implemented Effectively?

A good first step to achieving community goals in terms of mixed uses is to complete or update a comprehensive plan. A comprehensive plan that contains measurable goals, objectives and policies addressing the appropriate location and types of mixed use development is essential. Areas within a community that are served by adequate public facilities such as roadways, water and sewer, can benefit from mixed use development. Providing for development that permits a range of land uses can enhance the use of transit, pedestrian and bicycle facilities. Complementary land uses that allow residents to drop their kids at daycare, work out, and grab a cup of coffee all in one stop will reduce the number of single occupant vehicle trips.

What are the Benefits of Mixed Use Development?

Mixed Use Development can...

- ...broaden the tax base.
- ...promote multi-modal transportation options.
- ...promote community centers.
- ...provide for varying densities and intensities to serve a diverse population.
- ...bring people closer to the things they need on a daily basis.
- ...facilitate the efficient use of land.
- ...preserve open space.
- ...increase job opportunity.
- ...encourage transit use.

A comprehensive plan's goals, objectives, and policies may lead to the revision of ordinances to allow mixed-use development where appropriate. Additional market research will be necessary to determine the proper mix of land uses that will be supported by the community and

¹ Duncan, 1989; Frank, 1989; Burchell, 1992, cited in Smart Growth Network, 2000.

that are appropriate for the site. How the use mix is accommodated at the small area-level will also need to be determined, either by a mix of uses in one building or in adjacent buildings. Additionally, characteristics of the community should be taken into consideration, such as whether the area is urban, suburban, or rural, and how mixed use zoning will best apply, either through the use of an overlay, a planned unit development or a stand-alone, by-right zoning district.

If a mixed use development is to be built as infill, the surrounding existing uses will need to be addressed. The goal of the mixed use area may be to provide for live-work opportunities, or to create a town center atmosphere.² Architectural design, compatibility, and connectivity may also need to be addressed. Detailed inventory and analyses on these topics and the establishment of community goals and objectives is essential to the success of a mixed use development. Communities should tailor standards to their own political and economic contexts.

Comprehensive planning assists communities in determining where mixed use developments are appropriate, and what land use mix is desired, and it is a necessary step in establishing zoning regulations that protect the health, safety and welfare of the public.. Once the comprehensive plan is in place to serve as guidance and a basis for future actions, then the community can move forward in creating standards for reviewing mixed use projects. Establishing the community's goals and the foundation for development standards up front gives citizens and developers certainty about the intent of their local government.

In order to ensure that a proposed development will meet the goals of a community, it is useful to include a requirement and process for reviewing a concept plan of the development in the mixed use zoning ordinance. These concept plans should include enough information for staff and the developer to discuss any potential issues prior to the submittal of a zoning amendment or a development plan. Details related to the conformance with the comprehensive plan, the land use breakdown, development phasing, density or floor area ratios, vehicular and pedestrian access and circulation, on site amenities, open space, landscaping and buffers, the location of existing and proposed buildings as well as adjacent buildings and land uses, the provision of transit facilities, parking and utilities, the capacity of infrastructure, signage, and lighting are all issues that should be considered to maintain an orderly development that addresses the needs of the community.

Incentives can also be used to promote mixed use development. Flexibility in the zoning ordinance will be attractive to developers who may be cautious due to the perceived risk with mixed use development. Providing for flexibility will enable any unanticipated site characteristics or opportunities to be worked through.

Some communities use tax increment financing districts or other public private partnerships to achieve design and development goals. Funding assistance, for example tax incentives or small business loans, is an excellent incentive for developers who may be hesitant to invest in a mixed use development.

² Atlanta Regional Commission *Quality Growth Toolkit: Mixed-Use Development*

What are some challenges of Mixed Use Development?

The compactness of a mixed use development provides a different atmosphere than many typical suburban neighborhoods. There may be some initial resistance to the urban form that mixed use development provides. Issues such as an increase in traffic and density or safety, , and others related to compact development may raise concerns from neighboring residents. Compatibility issues such as noise, traffic, and visual impacts between existing development and a new mixed use development should be addressed in the zoning code. Taking the time to create consensus in the community regarding the desired type and scale of development can help to reduce anxiety.

Ensuring the proper mix of uses can also be a challenge. Providing residential development sufficient to support retail or providing employment opportunities for residents of the development should be determined by the community's goals. Parking should also be balanced between uses. Retail and office uses, for example, see peak parking needs during different times of the day. The use of shared parking to reduce impervious surfaces while still meeting the needs of the businesses within the development should be examined.

Because of the perceived risk sometimes associated with mixed use development, such as the sometimes lengthy construction schedules and the difficulty from lenders to underwrite and provide loans for the project, it may be necessary to use specific techniques to stimulate developer interest. Assistance with financing such as tax incentives or tax increment financing investments and land assembly can encourage developers to undertake a mixed use development. Additionally, a clearly written zoning code and streamlined permitting process allows developers to know the expectations of the community up front, which can save them time and money.

Administration of a mixed use zoning may require more staff time than a typical development review. Calculations of required use mix, parking, and traffic increases may be necessary. Additionally, if flexibility is built into the mixed use zone, the determination or interpretation of the proper amount and use of that flexibility will need to be completed.

Sample Regulations

This document contains sample portions of ordinances that address various topics specifically related to mixed use development, including a purpose statement, use mix and dimensional requirements, parking, and incentives. Typical mixed use zoning will also address other topics that are customary in other zoning districts such as permitted uses, landscaping, screening and buffering, signage, lighting, pedestrian and bicycle facilities, architectural design, access management and circulation, and review processes. The language offered below highlights some of the major topics to be addressed for mixed use development. (Additional standards for architectural design, connectivity and height area and yard requirements can be found in other OKI documents including *Community Choices: Transit Friendly Development*, *Community Choices: Connectivity* and *Community Choices: Large Scale Retail Development*.)

The following examples are presented as a starting point for considering mixed use zoning. The communities represented have selected certain design elements that can be tailored to meet the characteristics of different communities and reflective of locally defined priorities. The included text is only a portion of a much larger ordinance that can be consulted for additional information. The appropriate local planning and legal staff should craft any new zoning language proposed to be adopted within a community to reflect local priorities and implement local goals and objectives.

Purpose and Intent

An explicit purpose and intent statement for specific mixed use development standards helps to clarify the legal and policy basis if they are challenged in court. These statements confirm the policy intent of language within the regulations. They also provide direction for interpretation and discretionary decisions. These purpose statements should be tailored to support the community's vision and objectives for mixed use development.

Problem Statement: If a community chooses to provide for mixed use development, standards should be based on the community's needs and characteristics and the goals and objectives that have been established in its comprehensive plan. Mixed use development standards should include details related to the required mix of uses, proper parking standards, traffic circulation and, if appropriate, language specific to incentives or areas of flexibility. The purpose of the mixed use zone should be included in the zoning ordinance.

Objective: To clearly establish the purpose and intent of the mixed use zone.

Code Writing Strategy: List purpose and intent statements that are clearly linked to the goals established in a comprehensive plan or other policy document.

Purpose and Intent – Sample Code Language

Colorado Springs, Colorado, Mixed Use Development Ordinance

7.3.701: PURPOSE:

The primary purposes of this part are to:

- A. Provide appropriate areas for and facilitate quality mixed use development in activity centers that are consistent with the Comprehensive Plan's land use and transportation goals, objectives, policies and strategies;
- B. Accommodate intensities and patterns of development that can support multiple modes of transportation, including public transit and walking;
- C. Group and link places used for living, working, shopping, schooling, and recreating, thereby reducing vehicle trips, relieving traffic congestion and improving air quality in the City;
- D. Provide a variety of residential housing types and densities to assure activity in the district to support a mix of uses and enhance the housing choices of City residents; and
- E. Integrate new mixed use development with its surroundings by encouraging connections for pedestrians and vehicles and by assuring sensitive, compatible use, scale, and operational transitions to neighboring uses. (Ord. 03-157)

7.3.703: PURPOSE AND SPECIFIC REQUIREMENTS OF INDIVIDUAL MIXED USE ZONE DISTRICTS:

- A. MU-NC - Neighborhood Center: This district is intended to accommodate development of neighborhood centers as described in section 7.2.201 of this chapter. Neighborhood centers are intended to be small, low impact, limited use centers. They are typically pedestrian and bicycle oriented, with limited automobile access and parking. Neighborhood centers are generally well integrated into the fabric of the surrounding residential neighborhood. Neighborhood centers are intended to serve as an amenity to residents of the immediate neighborhood and support a variety of uses.

Neighborhood centers should generally include a limited range of convenience goods and services in keeping with the character and scale of the surrounding neighborhood. Primary uses generally include a limited mix of small scale neighborhood serving retail, office, service, civic and attached residential uses.

Neighborhood centers may also include establishments such as medical offices, beauty shops and restaurants. Auto related uses or other uses that produce noxious fumes or excessive light and noise are prohibited within a neighborhood center. Appropriate residential types may include second floor units located above retail uses, and townhouses. Drive-up and drive-through uses are excluded.

1. Location: The location of a proposed neighborhood center MU-NC zone district shall be designed to take advantage of daily activity patterns, such as at the corner of a residential collector street, at the entrance to a neighborhood, or in conjunction with a park, school, civic use, or public space. To serve its purposes, the MU-NC district should be sited at the edges of a residential neighborhood, at a collector and arterial street intersection or a collector and local street intersection. MU-NC zone districts should typically be located at least one mile apart from the same type of activity center or MU zone district.
2. Use And Development Standards: Uses allowed in this zone are listed in the table in section 7.3.704 of this part. Development (dimensional) standards are listed in the table in section 7.3.706 of this part. Uses that are subject to additional standards are listed and described in section 7.3.707 of this part. In addition, development is subject to all applicable site development standards stated in article 4 of this chapter.

- B. MU-CC - Commercial Center: This district is intended to accommodate development of commercial centers as described in section 7.2.201 of this chapter. Commercial centers are activity centers that, depending on their size and service area, may serve several neighborhoods within a surrounding residential area with a mix of retail, office, service, civic and attached residential uses, or that can accommodate large retail establishments and serve a number of residential areas and neighborhoods over a significant portion of the City.

Small commercial centers range between ten (10) and thirty (30) acres in size. They are typically anchored by a grocery store, with supporting establishments including, but not limited to, variety, drug and hardware stores, and establishments such as medical offices, beauty shops and restaurants. Secondary uses include other supporting, neighborhood oriented uses such as schools, small offices, daycare, parks and civic facilities, as well as residential uses. Appropriate residential types may include second floor units located above retail uses, townhouses, and small lot, single-family detached homes. The integration of residential uses helps to assure extended hours of activity within the district and support a mix of uses. The district balances automobile access from arterial streets with transit orientation, pedestrian and bicycle access and circulation, and provides good transitions and connectivity with the surrounding neighborhoods.

Large commercial centers are typically greater than thirty (30) acres in size and include a mix of commercial with supporting office, service, medical, residential and civic uses. Uses generally include large scale retail uses that provide major durable goods shopping, restaurants and services to multiple residential areas. A variety of integrated uses should be provided, including retail, concentrated office, research and development, institutional, entertainment and civic uses. Supporting uses may include residential, service, office, entertainment, eating and drinking establishments, and medical uses. Higher density residential is also a critical component of the large commercial center mix in order to assure extended hours of activity within the district and provide support for a mix of uses. Activities and uses should be concentrated and mixed in order to create more diversity and synergy between uses, combine destinations, support more effective transit service, and provide viable pedestrian and bicycle access and circulation. Mobility choices should be integrated by providing transit, pedestrian and bicycle connectivity within the center as well as to adjoining areas. Aging single or limited use local commercial centers and corridors should be redeveloped as MU commercial centers under this zone.

1. Location: Small MU-CC zone districts shall be located at a minimum of one mile apart and distributed to serve multiple neighborhoods. Their location should balance automobile access from arterial and collector streets with transit orientation, pedestrian access and circulation, and have good connections with the surrounding neighborhoods. Large MU-CC districts shall be located to serve significant subareas of the City, and to allow vehicle and pedestrian connectivity to surrounding residential areas.
2. Use And Development Standards: Uses allowed in this zone are listed in the table in section 7.3.704 of this part. Development (dimensional) standards are listed in the table in section 7.3.706 of this part. Uses that are subject to additional standards are listed and described in section 7.3.707 of this part. In addition, development is subject to all applicable site development standards stated in article 4 of this chapter.

D. MU-R/EC - Regional/Employment Center: This district is intended to accommodate development of regional/employment centers as described in section 7.2.201 of this chapter. The regional/employment district is intended to provide large, intensive activity centers that combine the uses of commercial centers and employment centers and serve the City and region as a whole. The MU-R/EC district should be utilized for significant and mutually supportive combinations of commercial and employment activities. Because of their size, both sets of activities function as regional centers in terms of market for retail and employment opportunities.

Higher density residential use is also a critical component of a regional/employment center in order to assure extended hours of activity within the district and provide support for a mix of uses.

Uses should include a mix of commercial and employment uses integrated in a single, mutually supportive regional destination. These uses may range from regional mall anchor stores, government offices, and corporate headquarters to special retail and higher density housing. They may also include research and development uses, major service and office center complexes, in addition to warehousing and industrial uses and major educational facilities. Supporting uses may include restaurants, hotels, entertainment, childcare, civic activities, business services, lodging for business travelers, and multi-family residential uses if part of an overall planned development.

Activities and uses should be concentrated and mixed in order to create more diversity and synergy among uses, combine destinations, support more effective transit service, and provide viable pedestrian and bicycle access and circulation. Mobility choices should be integrated by providing transit, pedestrian and bicycle connectivity within the center as well as to the adjoining areas.

3. Location: An MU-R/EC zone district should typically be located at the intersection of two (2) major arterial roadways, along major arterial roads, along the City's planned transit system, near other major regional transit terminals, or in close proximity to limited access freeways and interstate highways. Concentrated employment activities should be located within MU zone districts whenever possible. Sites with direct access to existing or planned major transportation facilities and compatibility with adjacent land uses are appropriate for the MU-R/EC zone district.
4. Use And Development Standards: Uses allowed in this zone are listed in the table in section 7.3.704 of this part. Development (dimensional) standards are listed in the table in section 7.3.706 of this part. Uses, which are subject to additional standards, are listed and described in section 7.3.707 of this part. In addition, development is subject to all applicable site development standards stated in this Zoning Code.

D. Mixed Use Development Design Manual: City Planning is authorized to adopt an MU development design manual containing guidelines and illustrations which provide information on how best to comply with, and design MU developments according to, the purposes and standards found in this part and in article 4 of this chapter. (Ord. 03-157)

Denver, Colorado, Zoning Code

DIVISION 15. MIXED-USE DISTRICTS

Sec. 59-301. Mixed-use districts--General purpose, appropriate use and compatibility of uses and structures.

(a) *General purpose.* These mixed-use districts are enacted to provide for and encourage a compatible mix of uses, rather than a separation of uses, in accordance with the Denver comprehensive plan. The provisions of the mixed-use districts, OS-1, R-MU-20, R-MU-30, C-MU-10, C-MU-20, C-MU-30, and T-MU-30 shall establish and define the uses of land and the siting and character of the improvements and structures allowed on the land in a manner that allows a balanced mix of uses in a pedestrian-friendly environment. The special review use and development plan review processes set forth herein and the associated rules and regulations will assure that adjacent uses are compatible and that design is of a high quality. Public amenities such as streets with detached sidewalks and tree lawns, parkways, parks, creek corridors, open spaces and direct access to permanent mass transit facilities should be used to organize private development. The director of planning may adopt rules and regulations relating to the design and siting of structures and uses to assure the compatibility of uses and high quality design. All of the mixed-use districts provide a broad range of uses in order to encourage the development of diverse, interesting neighborhoods. R-MU districts are predominantly residential with neighborhood-serving retail shops, offices, restaurants, and services along more heavily traveled streets. C-MU districts are predominantly commercial. T-MU districts combine residential, office, civic and commercial uses and are primarily organized to provide users with good access to transit. In order to accomplish this goal, these districts must be proximate and accessible to a mass transit railway system station and must have a direct pedestrian connection to that station. All uses and structures will be sited and designed to be compatible with one another.

(1) *OS-1 Open Space District.* The OS-1 district is intended for publicly and privately owned parks, open space, natural habitats, golf courses, and a limited range of other uses, such as public or private recreation centers and concessions, that may enhance the use and enjoyment of open space.

(2) *R-MU-20 Residential Mixed Use District.* The R-MU-20 district is primarily residential, allowing either single-or multiple-unit dwellings. Along collector or arterial streets, development may be either residential or mixed-use, combining residential with neighborhood-serving retail, office, or service uses. Commercial uses should be located on collector or arterial streets or in areas that already have commercial uses. No maximum residential density is prescribed; instead, the scale of buildings is determined by bulk plane, maximum height, setbacks, open space requirements, and parking ratios. The intent is to encourage a full range of housing types, including affordable housing.

- (3) *R-MU-30 Residential Mixed-Use District.* The R-MU-30 district is a primarily residential district allowing higher density multiple unit dwellings of a density appropriate to the center-city and other activity centers such as light rail transit stations. Supporting commercial development, such as consumer retail and service uses and small-scale office uses, is encouraged to create a truly mixed-use environment. No maximum residential density is prescribed. Instead, maximum height, setbacks, and open space requirements determine the scale of buildings.
- (4) *C-MU-10 Commercial Mixed-Use District.* The C-MU-10 district is the most restrictive of the commercial mixed-use districts, with the shortest list of allowed uses. It includes commercial uses appropriate for high-visibility locations such as employment centers and the intersections of arterial streets. The purpose of the district is to concentrate higher intensity commercial uses, spatially define streets, encourage higher site and building design standards, and create a more attractive pedestrian environment. Uses incompatible with this purpose, such as auto-related uses, industrial uses, and single-unit dwellings, are not allowed. All uses and structures will be sited and designed to be compatible with one another.
- (5) *C-MU-20 Commercial Mixed-Use District.* The C-MU-20 district provides for a mix of commercial, residential, and industrial uses along or near arterials or other high traffic streets. Site and building design will be of a quality that enhances the character of the streets. A wide range of commercial and residential uses are allowed, along with limited industrial uses. All uses and structures will be sited and designed to be compatible with one another.
- (6) *C-MU-30 Commercial Mixed-Use District.* The C-MU-30 district provides for a wide range of commercial, office, retail, industrial, and residential uses that allow property owners the flexibility to respond to the long-term evolution of development trends. All uses and structures will be sited and designed to be compatible with one another.
- (7) *T-MU-30 Transit Mixed-Use District.* The T-MU-30 district provides for urban development proximate to a mass transit railway system station to promote a mix, arrangement, and intensity of uses that support transit ridership and use of other transportation modes, especially walking. The arrangement of uses allows residents, workers, and shoppers to walk to transit and other destinations within the district. The T-MU-30 district allows the broadest range of uses and most development intensity. The T-MU-30 district is intended for station areas with adequate land to create a viable transit oriented development (TOD) and to transition to the surrounding community. A T-MU-30 district must be proximate to a mass transit railway system station and have a direct pedestrian connection to that station. That point of a T-MU-30 district that is nearest to a mass transit railway system station shall be located no more than 1500 feet from the intersecting center lines of the tracks and adjacent passenger loading platforms.

Discussion:

The purpose and intent statements should be tailored to support the community's particular characteristics and reflect goals and objectives in the community's comprehensive plan.

Use Mix and Dimensional Requirements

The required use mix for a development, as specified in the zoning ordinance, should ensure that the community's goals are achieved. The required mix may be accommodated either by uses in one building or in adjacent buildings. Additionally, characteristics of the community should be taken into consideration, such as whether the area is urban, suburban, or rural, and how the mixed use zoning regulation will best apply. The goal of the development should be implemented through the required use mix, for example, live-work opportunities, office and residential use mix.

Mixed use development should be compact, make efficient use of land, and provide for multi-modal transportation. The minimum tract size for development, setbacks, and other dimensional requirements that define the relationship of the buildings within the development should be stated in the ordinance.

Problem Statement: Conventional zoning techniques segregate land uses and low density suburban development patterns. Providing for a mix of uses and a proper balance of housing and commercial is essential to a project's success. Site design and dimensional standards are necessary to create the appropriate relationships and functionality between the uses.

Objective: To provide opportunity for an appropriate mix of uses and supporting amenities, arranged in such a way to efficiently meet the daily needs of residents and employees of the area.

Code Writing Strategy: List the required use mix within a development. Provide detailed site dimension standards and setback requirements that will enable the development to function appropriately.

Use Mix and Dimensional Requirements – Sample Code Language

Clark County, Nevada, Zoning Ordinance

40.230.020 MIXED USE DISTRICT (MX)

A. Development standards

1. Residential.

- a. Whether within a single building or on a development site, a minimum of twenty percent (20%) of the development shall be non-residential and a minimum of twenty percent (20%) of the development shall be residential. This percentage shall be calculated by determining the percent of net acres devoted to each type of use.
- b. A minimum density of twelve (12) dwelling units per net acres is required. This shall be based on the number of net acres devoted to residential use.
- c. The maximum density shall be forty-three (43) dwelling units per net acre devoted to residential use.

2. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for sites, lots and building height, and setbacks in Tables 40.230.020-2 and 40.230.020-3, subject to the provisions of Chapter 40.200 and Section 40.550.020. Site plan review is required for all new development unless expressly exempted by this title (see Section 40.520.040).

Table 40.230.020-2. Lot Requirements

Zoning District	Lot Area (sq. ft.)		Lot Width (feet)		Lot Depth (feet)	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
MX	2,500	None	20	None	90	None

Table 40.230.020-3. Setbacks, Lot Coverage and Building Height

Setbacks				Maximum Lot Coverage	Minimum and Maximum Building Height (feet)
Setback	Additional Setback based on Proposed Building Height	Minimum	Maximum (from Street Frontage)		
Front	N/A	10	N/A	85%	10 – 72 ¹
Side	N/A	10	N/A		
Rear	N/A	10	N/A		
Non-Residential development which abuts a single-family residential district shall also be required to meet the following setbacks from the side or rear lot line of a residential lot in addition to those above:					
Rear and Side	Proposed building height: 15 feet or less	5	N/A	85%	10 – 72 ¹
	Proposed building height: 16 to 30 feet	8	N/A		
	Proposed building height: 31 to 45 feet	11	N/A		
	Proposed building height: 46 feet or more	14	N/A		

¹ All ground floor units shall have a minimum structural ceiling height of ten (10) feet and the maximum "building height" shall be seventy-two (72) feet excluding unique architectural features such as steeples, chimneys, flagpoles, electronic aerial, and cupolas.

Holly Springs, Georgia, Zoning Ordinance

ARTICLE 20: MIXED USE DEVELOPMENT DISTRICTS

20.04 Permitted and Prohibited Uses

The permitted uses in the MXD district shall be determined by the underlying zoning district plus a specific amount of the uses specified below. All uses permitted in the underlying zone are also permitted when that zone designation is overlain with a MXD designation unless specifically prohibited below.

1. MXD-1 Districts
 - a. GC (General Commercial) and Historic District - Base Zone

Table 20.04 PDC (Planned Commercial Development District) /CUN/CGN Base Zone Use Groups	
Permitted Use	Minimum/Maximum Component
All PDC, permitted uses (except additional residential uses)	Forty (40) percent minimum
Additional neighborhood commercial uses	Five (5) percent minimum
Multi-family residential which may be permitted on any floor, provided that the requirements of 20.110 subsection 2. are met and that no commercial use may be permitted above a residential use.	Forty (40) percent maximum
Arts and cultural facility uses including but not limited to museums, galleries, art studios, performing arts centers, live stage theatre, art school, music school, and culinary school.	Seventy (70) percent maximum
Public facilities such as a post office, government offices, police precincts, health departments	Ten (10) percent maximum
Convention, meeting, and banquet facilities	Ten (10) percent maximum
Colleges, universities, and professional schools	Fifty (50) percent maximum
Elementary and secondary schools	Thirty (30) percent maximum
Churches and other houses of worship	
Public parks, playgrounds, gardens, greenspaces	Twenty (20) percent minimum
Prohibited Uses	Minimum/Maximum Component
Filling stations	n/a
Funeral homes and crematoriums	n/a
Laboratories	n/a
Wholesaling, warehousing, and storage	n/a
Ambulance service	n/a
Automobile repair and maintenance	n/a
Outside storage	n/a
Any use not specifically listed as a permitted or conditional use above shall not be permitted	n/a

Fort Worth, Texas, Zoning Ordinance

Sec. 4.902. Low intensity mixed-use ("MU-1") district.

C. *Property development standards.* In the low intensity mixed-use ("MU-1") district, the dimension of yards, the maximum height of buildings, the maximum residential density, and the required open space shall be as follows:

1. *General yard development standards:* Development shall be exempt from chapter 6, article 1, sections 6.101 B., 6.101 C., 6.101 E., and 6.101 F.
 2. *Front yard:* 20 feet maximum setback, with the following provisions:
 - a. Campus developments: Interior buildings constructed as part of a campus development may be set back from the property line more than 20 feet if at least 50 percent of the public street frontage on each block face within the development contains buildings within the maximum setback of 20 feet. Interior buildings set back farther than 20 feet may not be constructed unless and until this 50 percent requirement has been satisfied.
 - b. Buildings may exceed the maximum 20-foot setback if angled, perpendicular, or parallel parking on private property meets the conditions of section 4.902.D.1.f. In these situations, the front yard setback shall be measured from the front of the parking space instead of the property line, and the setback shall be no greater than 20 feet.
 3. *Rear yard:* Five feet minimum setback.
 4. *Side yard:* Setbacks are required when an abutting property with an existing building has windows facing to the side. Then, any new development or addition shall provide at least ten feet of separation between the existing and new building.
- Note:* Additional setback conditions are included in D. Other Development Standards.
5. *Maximum height.*
 - a. 45 feet, or three stories, whichever is less; or
 - b. 60 feet or five stories, whichever is less, if:
 - i. Residential uses constitute 20 percent or more of a building's gross floor area, and
 - ii. Office, eating and entertainment, and/or retail sales and service use constitute ten percent or more of the building's gross floor area.

Note: Development in the Low Intensity Mixed-Use ("MU-1") District is exempt from section 6.100. Building height for all uses shall be measured from the top of the finished slab at grade level to the top of the highest wall top plate. An unroofed and unenclosed rooftop terrace, and the enclosed stairwell or elevator providing access to the terrace, shall not be included in the measurement of total building height, as described in section 6.100.5.

Stealth telecommunication towers are permitted to a height of 75 feet. The scenic preservation and design review commission must approve the design of all stealth telecommunication towers. Telecommunication towers are permitted to a height of 60 feet as a special exception approved by the board of adjustment.

6. *Maximum residential units per acre:*
 - a. 40; or
 - b. 60 if the project includes office, eating and entertainment, and/or retail sales and service uses that constitute at least ten percent of gross floor area.
7. *Open space:* Open space shall constitute at least:
 - a. 20 percent of net land area for single-use residential developments and mixed-use projects in which residential uses constitute greater than 90 percent of gross floor area; or
 - b. Ten percent of net land area for commercial and institutional uses, and for mixed-use projects which include office, eating and entertainment, and/or retail sales and service uses that constitute ten percent or more of gross floor area.

Denver, Colorado, Zoning Ordinance

DIVISION 15. MIXED-USE DISTRICTS

Sec. 59-312. Permitted structures.

The following are addressed in this section:

- Zone lots for structures;
- Required unobstructed open space;
- Minimum and maximum setbacks for structures;
- Permitted encroachments into required setback spaces;
- Permitted fences; walls and retaining walls;
- Bulk planes;
- Maximum building heights;
- Maximum gross floor area in structures; and
- Required site improvements for industrial uses.

- (1) *Zone lots for structures.* A separate ground area, herein called the zone lot, shall be designated, provided and continuously maintained for each structure containing a use or uses by right or by special review. Each zone lot shall have at least one (1) front line and may contain in addition to the principal structure one (1) or more subordinate structures containing only accessory uses. The zone lot for each structure used as a single-unit dwelling shall contain not less than four thousand (4,000) square feet; the zone lot for each structure used as a two-unit dwelling shall contain not less than six thousand (6,000) square feet; and the zone lot for each structure used for any other use shall contain not less than ten thousand (10,000) square feet. Notwithstanding the previous sentence, if qualifying under the provisions of article IV, chapter 27 (affordable housing) the zone lot for each structure used as a single-unit dwelling shall contain not less than thirty-six hundred (3,600) square feet; the zone lot for each structure used as a two-unit dwelling shall contain not less than fifty-four (5,400) square feet; and the zone lot for each structure used for any multiple unit dwelling shall contain not less than nine thousand (9,000) square feet. Zone lots smaller than required by this section may be approved pursuant to section 59-313 (development plan review).

Upon application to and approval by the zoning administrator, the boundaries and area of an existing zone lot may be amended if full compliance with all requirements of this chapter 59 can be maintained.

(2) *Required unobstructed open space.* The zone lot for structures shall contain at least the following amounts of unobstructed open space:

TABLE INSET:

Minimum Required Amounts of Unobstructed Open Space	
Use	Amount
Single- or two-unit dwellings.	35 percent of the total zone lot area.
Structures, other than single or two unit dwellings, with no ground floor commercial use and which are three (3) or fewer stories in height.	20 percent of the total zone lot area.
Structures, other than single or two unit dwellings, with ground floor commercial uses, or which are four (4) or more stories in height.	0 percent of the total zone lot area.
Structure complexes in an R-MU-20 or R-MU-30 zone district with an approved GDP [general development plan].	May be reduced to 10 percent of the GDP area if open space is aggregated in one (1) or more areas and is entirely useable open space. The required open space may be aggregated from multiple zone lots within a GDP area provided the aggregated area enhances the connection to transit facilities, plazas or streets, or enhances the pedestrian environment, enhances or creates a public space, or is a benefit to the neighborhood and is publicly accessible and will remain publicly accessible, and is entirely usable open space, and is shown on an approved GDP. In no case shall the open space for single and two unit dwellings be reduced.
Structure complexes in a T-MU-30 zone district	10 percent of total zone lot area. The required open space may be aggregated from multiple zone lots within a GDP area provided the aggregated area enhances the connection to transit facilities, plazas or streets, or enhances the pedestrian environment, enhances or creates a public space, or is a benefit to the neighborhood and is publicly accessible, will remain publicly accessible, and is entirely usable open space, and is shown on an approved GDP.

(Ord. No. 886-05, § 10, eff. 12-9-05)

(3) *Setbacks for structures.* All structure shall have the setbacks listed below. Except as otherwise hereinafter provided, the space resulting from the setbacks shall be open and unobstructed.

a. Minimum setbacks.

TABLE INSET:

Uses	Front setback measured from front zone lot line	Side setback measured from side zone lot line		Rear setback				
	Minimum setback	Minimum Setback		Minimum Setback measured from rear zone lot line or as noted				
Single or two-unit dwellings or structures with no ground floor commercial use and which are three (3) or fewer stories in height.	10 feet. Provided, however, that if the front setbacks of the residential structure abutting on either side of the proposed structure are greater than 10 feet, the minimum front setback of the proposed structure shall be the average of the front setbacks of the abutting structures. The minimum front setback for garages facing directly on to the street shall be 20 feet from the back of the sidewalk.	1. On lots 30 feet in width or less	3 feet	1. Use by right or use by special review structure with no rear alley	20 feet			
				With an alley, setback measured to alley centerline	20 feet			
		2. On lots greater than 30 feet in width	5 feet	2. Attached or detached garage or carport with no alley	5 feet			
				With an alley with doors opening directly onto the alley	5 feet			
				With an alley but with no doors opening directly onto the alley	0 feet			
		3. Regardless of lot width, detached accessory structures may be located as follows:		3. Detached accessory structures and fixtures with no alley	5 feet			
					(a) On lots 125 feet or less in depth with the accessory structure located entirely on the rear one-third of the lot and no part of such structure is more than 40 feet from the rear line	0 feet	With an alley but with no doors opening directly onto the alley	0 feet
					(b) On lots more than 125 feet in depth with the accessory structure located entirely on the rear one-third of the lot and no part of such structure is less than 85 feet from any front line of the zone lot	0 feet	Fixtures for the disposal of trash and garbage	0 feet

Uses	Front setback measured from front zone lot line	Side setback measured from side zone lot line	Rear setback		
	Minimum setback	Minimum Setback	Minimum Setback measured from rear zone lot line or as noted		
Structures, that are not single or two unit dwellings, and which have ground floor commercial, or which are four (4) or more stories in height.	0 feet with no encroachments into right-of-way on ground floor	(1) Abutting a zone lot designed or used for a single or two-unit dwelling	5 feet	Structures that do not have a rear entrance	0 feet
		(2) Abutting a zone lot designed or used for any other residential use	0 feet	Structures that have a rear entrance	5 feet
Structures abutting residential zone districts	Comply with the setback requirements of such abutting residential zone district	Comply with the setback requirements of such abutting residential zone district	Comply with the setback requirements of such abutting residential zone district	Comply with the setback requirements of such abutting residential zone district	
Parking lots	5 feet	5 feet			0 feet

b. Within an individual T-MU-30 district area for which a GDP [general development plan] has been approved, setbacks shall be based upon the Transit Mixed-Use District zoning standards and the individual Transit Mixed Use district's GDP, which defines additional setback requirements based upon use, location, character, and sidewalk dimensions. If not specified, the setbacks for structures provided in the Minimum Setbacks chart in 59-312(3)a. above shall apply.

(7) *Maximum building heights.* Structures in the R-MU districts are controlled by height and bulk limitations only, unless otherwise modified herein. Building height shall be measured in accordance with section 59-2(52) except that in the R-MU-20 district mechanical equipment and mechanical penthouses which may exceed the maximum permitted height by no more than twelve (12) feet.

TABLE INSET:

Maximum Permitted Building Heights	
Zone District	Height (in feet)
OS-1	30 feet
R-MU-20	55 feet
R-MU-30	140 feet
T-MU-30	220 feet
Single- and two-unit dwellings located in any zone district	35 feet, subject to the bulk plane limitations in section 59-312(6) above

(Ord. No. 895-03, § 41, eff. 12-2-03)

(8) *Maximum gross floor area in structures.* Structures in C-MU and T-MU districts are controlled by gross floor area unless otherwise modified herein.

TABLE INSET:

		R-MU		C-MU			T-MU
Maximum Gross Floor Area/Zone Districts	OS-1	20	30	10	20	30	30
Maximum gross floor area is equal to five-tenths (0.5) of the area of the zone lot on which the structures are located (.5:1)	X						
Maximum gross floor area is equal to the area of the zone lot on which the structures are located (1:1)					X	X	
Basic maximum gross floor area is equal to two (2) times the area of the zone lot on which the structures are located (2:1)				X			
Basic maximum gross floor area is equal to five (5) times the area of the zone lot on which the structures are located (5:1)							X*

*Note: For an approved general development plan area within a T-MU-30 zone district, the maximum gross floor area limit may be applied on an area-wide basis, provided that the area-wide average maximum gross floor area shall not exceed the limit specified above. Any parking of vehicles, excess, shall be included in the calculation of gross floor area. For this purpose only, gross floor area for parking of vehicles, excess shall include all above grade parking spaces, drive aisles, and ramps; underground parking shall be excluded from the calculation.

Discussion:

While minimum setbacks can provide separation between uses, maximum setbacks can help to create a compact development and increase options for transportation between uses. Additionally mixed use developments are most successful on larger development sites. For example, a 20% residential requirement would not achieve the same community goals on a one acre site as a 200 acre site.

Parking

Space for parking should also be balanced between a project's mix of uses. Retail and office uses, for example, see peak parking needs during different times of the day based on operating hours. Joint use parking, reduced parking requirements or shared parking are techniques that can reduce impervious surfaces, provide additional space for leasable area or public amenities, while still meeting the needs of the businesses within the development.

Problem Statement: Calculating parking needs for a large mixed use development based on typical parking requirements may create more parking than is necessary for the development, making inefficient use of the land. Mixed use developments will contain diverse businesses that serve customers or employ residents at different times of the day. Flexible parking regulations based on peak parking hours can provide adequate parking without excess.

Objective: To provide sufficient parking, balancing the parking needs of different land use types based on hours of operation, therefore making efficient use of the land and enhancing the use of alternative transportation options.

Code Writing Strategy: Effective parking regulations will include joint use or shared parking, and parking reductions.

Parking – Sample Code Language

Fort Worth, Texas, Zoning Ordinance

Sec. 4.902. Low intensity mixed-use ("MU-1") district.

D. *Other development standards.* Development in the low intensity mixed-use ("MU-1") district shall be subject to the pertinent development standards in chapter 6, and the following provisions.

1. *Off-street parking and loading.*
 - a. Townhouses require a minimum of one off-street parking space per dwelling unit, with a maximum of two off-street parking spaces per unit. For uses other than townhouses in the low intensity mixed-use ("MU-1") district, the parking requirements listed in section 6.201B. shall be reduced by the following proportions:
 - (1) 25 percent reduction for all uses in buildings not within 1,000 feet of an entrance to a passenger rail station, with the maximum number of parking spaces limited to 100 percent of the minimum requirement listed in section 6.201 B.; or
 - (2) 50 percent reduction for all uses in buildings whose primary entrance is within 1,000 feet of an entrance to a passenger rail station or rail stop, with the maximum number of parking spaces limited to 100 percent of the minimum requirement listed in section 6.201 B.

- b. For mixed-use buildings and projects, the total parking requirement shall be the sum of the individual requirements for all uses. A joint use parking agreement, if executed according to the standards set forth in section e. below, would allow a reduction in the total requirement for a mixed-use building or project.
- c. The required off-street parking for any use may be located off-site, on property within 500 feet of the subject site.
- d. Adjacent on-street parking may be applied toward the minimum parking requirements, but shall not reduce the pertinent maximum parking limitations.
- e. Joint use parking facilities are encouraged. Uses may provide more than the maximum number of parking spaces if the additional spaces are provided as part of a joint use parking facility. However, if the joint use parking facility is a surface parking lot, the total number of spaces in the surface lot shall not exceed the sum of the maximum spaces allowed for all individual uses sharing the facility. This limit shall not apply to a multilevel parking garage that is used as a joint use facility. Joint use of required parking spaces may occur where two or more uses on the same site or on separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to the development department as part of a building permit application or site plan review:
 - (1) The names and addresses of the uses and of the owners or tenants that are sharing the parking;
 - (2) The location and number of parking spaces that are being shared;
 - (3) An analysis showing that the peak parking demands for the different uses occur at different times, and that the parking area will supply at least the minimum number of required spaces for each use during its respective peak parking times; and
 - (4) A legal instrument such as an easement or deed restriction that guarantees access to the joint parking for all uses.
- f. Surface parking shall not be permitted between a building front and the street, except that angled, perpendicular, or parallel parking that is partially or completely located on private property shall be permitted if it meets the following two conditions:
 - 1. The city's traffic engineer determines that the parking does not adversely affect public safety or circulation and satisfies the conditions described in section 22-175d of the City Code, and
 - 2. The parking is located adjacent to and is directly accessible from a public street ROW or a publicly accessible private street.In these situations, the front yard setback shall be measured from the front of the parking space instead of the property line and the setback shall be no greater than 20 feet.

- g. Uses located in historically significant buildings shall be exempt from off-street parking requirements. For the purposes of this exemption, historically significant buildings shall include those determined by the historic preservation officer to be eligible, based on the applicable criteria, for:
 - (1) Listing in the National Register of Historic Places; or
 - (2) Local designation as either historic and cultural landmark ("HC") or highly significant endangered ("HSE").
- h. These requirements supersede the parking requirements of section 6.201 B. all other requirements of chapter 6, article 2 apply.

Denver, Colorado, Zoning Ordinance

DIVISION 15. MIXED-USE DISTRICTS

Sec. 59-316. Off-street parking requirements.

The provisions of article VI of this chapter on off-street parking requirements shall be in full force and effect in the OS-1, R-MU-20, R-MU-30, C-MU-10, C-MU-20, C-MU-30, and T-MU-30 districts, except as modified by this section.

- (1) *Reduction of parking spaces.* In all mixed-use zones with the exception of the T-MU-30 zone district, the number of off-street parking spaces for uses and structures located within one-fourth (1/4) mile of the outer boundary of a rail transit station, a regional or urban ten-minute bus corridor or within one-half (1/2) mile of the B-5 or B-7 zone districts may be reduced where, in the opinion of the zoning administrator, residents, employees, customers or visitors will use the transit system or will walk to their destinations. The zoning administrator shall not reduce the number of required off-street parking spaces by more than twenty-five (25) percent. Within an area with an approved GDP [general development plan] for a T-MU-30 district, an area-wide twenty-five (25) percent reduction in the number of required parking spaces shall be granted. The parking reduction may be increased as hereinafter provided:
 - a. *Reductions of twenty-six (26) percent to fifty (50) percent.* In order to obtain a reduction in the number of required parking spaces of between twenty-six (26) percent and fifty (50) percent, information supporting such a reduction in the form of shared parking analysis, trip reduction strategy, or transportation management plan shall be included in the approved GDP. All registered neighborhood organizations within two hundred (200) feet of the development for which this level of reduced parking is requested and the city council member in whose district the project is located and the at-large council members shall be notified of the application for reduced parking. Such registered neighborhood organizations and council members may request additional information. Any comments on the application shall be submitted in writing to the zoning administrator within twenty (20) days of receipt of the notice.
 - b. *Maximum reduction.* The total number of parking spaces required on an area-wide basis shall not be reduced by more than fifty (50) percent.
 - c. *Disabled parking.* The number of spaces required for persons with disabilities shall not be reduced.

- (2) *Special plan for shared parking.* In all mixed-use zone districts, the zoning administrator may authorize a reduction in the number of required parking spaces for multiple-use developments or for uses that are located near one another and which have different peak parking demands and operating hours. Approval of a special plan for shared parking shall be subject to the following standards:
- a. *Location.* Shared off-street parking spaces shall be located no further than six hundred (600) feet from all the buildings and uses they are intended to serve. The separation shall be measured perpendicularly from the nearest point of the buildings or uses to the nearest point of the zone lot containing the shared off-street parking spaces.
 - b. *Shared parking analysis.* A parking analysis acceptable to the zoning administrator shall be submitted which clearly establishes that uses will make use of the shared spaces at different times of the day, week, month, or year. The study shall:
 1. Address the intensity and type of activities, the composition of uses; hours of operation of the uses; the rate of turnover for proposed shared spaces; distances of shared parking spaces from the uses they serve; availability of embedded on-street parking spaces in the public rights-of-way; and the anticipated peak parking and traffic loads for the site; and
 2. Consider the availability of transit facilities and modes of available transit serving the site including both public and private transit (e.g., car and vanpooling).
 - c. *Maximum reduction.* The total number of parking spaces required for each use shall not be reduced by more than fifty (50) percent.
 - d. *Disabled parking.* The number of spaces required for persons with disabilities shall not be reduced.
 - e. *Applications, how made and contents.* All applications for approval of a special plan for shared parking hereunder shall be filed with the department of zoning administration by the owners of the entire land area to be included within the special plan, and the owners of all structures then existing on such land area; shall contain sufficient evidence to establish to the satisfaction of the department that the applicants are the owners of the designated land and structures; shall contain such information and representations required by this subsection or deemed necessary by the department, and shall include plans showing the following details:
 1. The location of the uses by right or structures for which off-street parking space is required;
 2. The location of off-street parking spaces; and
 3. A landscape plan as required by section 59-585(10) (use and maintenance of off-street parking space; landscape plan).
 - f. *Review of application.* All applications hereunder shall be reviewed by the zoning administrator and either approved, approved with conditions or denied.
 - g. *Approved plan registered and recorded.* Upon approval of a special plan hereunder, a copy of such plan shall be registered among the records of the department of zoning administration and a copy of such plan, or such other record thereof as deemed proper by the department shall be recorded by the department of zoning administration with the Denver clerk and recorder.

- h. *Effect of registered and recorded special plan.* All special plans registered and recorded hereunder shall run with the land, be binding upon the applicants for such special plans, their successors and assigns, and shall restrict and limit the use and operation of all land and structures included within such special plan to all conditions and limitations specified in such plan and the approval thereof. No zoning use permits shall be issued unless such uses comply with all the conditions and limitations of the approved special plan.
- i. *Amendment of registered and recorded special plans.* All special plans registered and recorded hereunder may be amended pursuant to the same procedure and subject to the same limitations and requirements by which such plans were approved, registered and recorded.
- j. *Withdrawal of registered and recorded special plans.* Upon application to the department of zoning administration by the owners of the entire land area included within any special plan registered and recorded hereunder, and the owners of any structures then existing thereon any such plan may be withdrawn, either partially or completely, from registration and released from recording if all uses, land and structures remaining under such plan can be made to comply with all conditions and limitations of the plan and all uses by right, land and structures withdrawn from such plan can be made to comply with all regulations established by this chapter 59 and unrelated to any special plan. Upon approval of the withdrawal of an application hereunder, the department of zoning administration shall register among its records and record with Denver clerk and recorder an appropriate certificate of such withdrawal.

Fremont, California, Mixed Use Development Ordinance

Mixed-use development requirements (Sec. 8-22148.7)

(f) **On-site Parking areas:** Whenever feasible, parking shall comply with the following criteria:

(1) Development standards:

- a. On-site parking areas: Parking areas shall be located where residents and businesses have easy and convenient access. The project shall consider dedicating a certain portion of the parking for each use. However, the parking area should not be located in such a manner that it dominates street frontage.
- b. Surface parking should be oriented behind or to the side of a building when possible and shall not exceed a maximum depth of sixty-two (62) feet (e.g., two-way aisle with parking on both sides) not counting required landscaping.
- c. Parking shall not be located on street corners.
- d. Parking requirements shall be governed by the provisions set forth in Article 20 of this chapter except as modified by this section.

(2) Design guidelines:

- a. *Joint use parking.* Where parking demands peak during different times of the day, parking should be shared. Parking should be developed as joint use parking areas under the provisions outlined in Article 20 (Parking, Loading Areas and Regulations Pertaining to Vehicle Storage in Various Zoning Districts) of Chapter 2 Zoning.
- b. Parking and vehicle drives should be located away from building entrances and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance.
- c. Surface parking should not be located on commercial street frontage. However, if surface parking is proposed on street frontage, it must be screened from view.

Parking standards (Sec. 8-22003(e)):

- (d) *Mixed-use developments.* The base requirement for a mixed-use development shall comply with the residential and commercial parking standards set forth in this section unless the project is located within a special parking district in which case the special district's provisions shall apply. On-street parking located along the development's frontage (e.g., especially along retail frontage) may be counted towards the number of spaces required for the commercial component within the development. The number of parking spaces may be reduced if joint parking is approved based on the requirements of this section. However, in no case shall the combined required parking for the mixed-use development provide less than the minimum required for the residential use.
- (e) *Compact cars.* Compact car spaces may substitute for 35 percent of the required parking spaces, provided that in residential developments, the compact car allowance may be applied to open parking spaces only. All compact car spaces shall be signed and readily identified.
- (f) *Other.* The zoning administrator shall determine the required parking for uses not mentioned above, based on the requirements for similar uses.

Joint Parking (Sec. 8-22007):

- (a) Where there is a mixed-use development or mixed uses occurring on a single parcel under one ownership, if said mixed uses do not constitute a shopping center as defined under Article 1, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately as specified in this article. The off-street parking and loading spaces for one use shall not be considered as providing the required off-street parking and loading space for any other use unless the reviewing agency has authorized the joint use of parking facilities pursuant to this section.
- (b) The reviewing agency may authorize the joint use of parking facilities for uses or activities not located in shopping centers as defined under Article 1 if it finds the criteria listed below are met. The amount of parking spaces required shall be based on the number of criteria met by the proposed project. In no case shall the parking requirements be reduced where, based on substantial evidence, there is insufficient off-street parking to meet the needs of the neighborhood.

- (1) The normal hours of operation of such uses or activities do not substantially coincide or overlap with each other; or,
 - (2) The development is located near available on-street parking or other public parking areas; or,
 - (3) Transit alternatives are available near the development; or,
 - (4) For mixed-use developments, residential and commercial parking demand often occurs at different times of the day.
- (c) Joint use parking shall be subject to the following limitations and conditions:
- (1) No more than fifty percent of the parking spaces required for a building or use may be supplied by parking facilities required for any other building or use.
 - (2) The applicant shall submit sufficient data to indicate that there is not substantial conflict in the principal operating hours of the uses proposing to make use of the joint parking facilities.
 - (3) The property owners involved in the joint use of off-street parking facilities shall submit a legal agreement approved by the city attorney as to form and content guaranteeing that said required parking spaces shall be maintained so long as the use requiring parking is in existence or unless the required parking is provided elsewhere in accordance with the provisions of this article. Such instrument, when approved as conforming to the provisions of this section, shall be recorded by the property owner in the office of the county recorder and a copy thereof filed with the planning division.
- (d) Reviewing agency for mixed or joint use parking:
- (1) Mixed-use developments: The reviewing agency shall be in accordance with the reviewing agency specified in Article 21.3 for mixed-use developments.
 - (2) All other uses: The reviewing agency for all other joint use parking arrangements shall be the planning commission.

Discussion:

Providing flexibility in the zoning code regarding parking requirements can enable a developer to provide parking based on the mix of uses expected. Balancing the parking need if uses change may be an issue. Administration and enforcement of shared and joint parking agreements could be a challenge.

Incentives

Incentives can also be written into the zoning ordinance to promote mixed use development. Flexibility in the zoning ordinance will be attractive to developers who may be cautious due to the risk associated with mixed use development. Providing for flexibility will enable any unanticipated site characteristics or opportunities to be worked through. Techniques such as assistance with financing (loan assistance, tax incentives, etc.) and land assembly can provide encouragement for developers to undertake a mixed use development.

Problem Statement: Developers may be hesitant to undertake a mixed use development for various reasons. Incentives can help offset the risk that may be associated with a given development.

Objective: Promote the construction of mixed use developments.

Code Writing Strategy: Provide appropriate language detailing the available incentives for mixed use developments.

Incentives – Sample Code Language

Colorado Springs, Colorado, Mixed Use Development Ordinance

7.3.708: INCENTIVES IN THE MIXED USE ZONE DISTRICTS:

Regulatory incentives are provided in the MU zoning districts to encourage and facilitate creative MU development. Following is a summary of the incentives provided and cross referenced to the applicable Zoning Code sections:

Staff Authority: Broader application of staff authority to grant administrative relief from specified development and design standards to development in the new MU zoning districts. See subsection 7.5.1103B of this chapter.

Modifications: Modifications of certain standards that reflect less demand in MU projects, such as off street parking. See section 7.4.203 of this chapter.

Alternative Compliance: An applicant may propose alternative compliance to the strict application of design standards, such that the alternative: 1) achieves the intent of the subject design standard to the same or better degree than the subject standard; 2) achieves the mixed use goals and policies in the comprehensive plan to the same or better degree than the subject standard; and 3) results in equivalent or better benefits to the community as compliance with the subject design standard. Features which may be substituted or modified to achieve alternative compliance include, but are not limited to:

Pedestrian walkways through parking lots, subsection 7.4.703B3 of this chapter.

Pedestrian pass through requirement, subsection 7.4.703D of this chapter.

Maximum block length requirements, subsection 7.4.1203B of this chapter.

Alternative site layout and building orientation, subsection 7.4.1205E of this chapter.

For infill development and redevelopment sites containing no more than twenty five (25) acres and bordered by developed land along the entire perimeter (excluding intervening public streets), existing on site and off site features that are equivalent in function to those required under article 4, parts 7 through 12 of this chapter may be substituted or modified as alternative compliance to the MU standards. Existing features which may be substituted or modified to achieve alternative compliance include, but are not limited to, streets, alleys, street crossings, tree lawns (parkways), sidewalks, pedestrian walkways, building entrance orientation, building and entrance design, and streetscape design.

The procedures and criteria for alternative compliance are established in the mixed use development design manual.

Longer Term Of Approval: A longer term of approval for concept plans. See subsections 7.5.504C and 7.9.101B of this chapter.

- A. Longer Vesting Of Property Rights: Longer vesting of property rights connected with an approved development plan. See subsections 7.5.504C and 7.9.101B of this chapter.
- B. Greater Number And Variety Of Uses Allowed: A greater number and variety of uses allowed in the MU zone districts versus in the other base zone districts. See section 7.3.704 of this part.
- C. Use Of Special Districts: The City will generally support the formation and utilization of a special district in an MU zone district, when the proposed improvements, infrastructure, and maintenance services of the special district will fulfill the mixed use site development standards as set forth in article 4, parts 7 through 12 of this Zoning Code and the mixed use development design manual. (Ord. 03-157)

Clark County, Nevada, Zoning Ordinance

40.230.020 MIXED USE DISTRICT (MX)

F. Credits. A credit reduction of the TIF may be granted pursuant to this section with the implementation and maintenance of the corresponding action in Table 40.230.020-4 on approval of the responsible official.

Table 40.230.020-4. Credits

Action	Maximum TIF Credit
Installation of on-site sheltered bus-stop (with current or planned service) or a sheltered bus stop within ¼ mile of site with adequate walkways if approved by C-TRAN	1% credit to cover up to 80% of cost.
Installation of bike lockers	1% credit to cover up to 80% of cost.
Connection to existing or future regional bike trail	1%
Installation of paid parking (by resident or employee)	3% credit to cover up to 80% of cost.
Provision of Flex Car for project	1% credit to cover up to 80% of cost.
Total if all strategies were implemented	7%

Discussion: Incentives should be applied in a consistent manner based on specific criteria so that arbitrary decisions are not made.

TOOLS AND TECHNIQUES FOR MIXED USE DEVELOPMENT		
Needed Actions	Cautions	Possible Incentives
Create community consensus	Consider the specific characteristics of your community and create consensus for mixed use development.	Gathering information from organizations, citizens and other interested stakeholders in the community can build trust and ensure buy in. Provide opportunities for citizen groups to give input on the desire for mixed use development.
	Residents often are unaware of the benefits and impacts of mixed use developments (positive or negative).	Provide adequate information to the community throughout the planning process and during the process of drafting regulations that will apply to the development.
Create a basis for the standards	Relate the regulation to specific policies within the comprehensive plan that include the type of mixed use development that is desired and appropriate locations. Identify standards that assist the community to achieve the vision of the comprehensive plan. Regulations should be based on sound data and analysis.	Complete a comprehensive plan that articulates the vision of the community regarding mixed use development, including sufficient supporting documentation.
	Communities need to understand the existing characteristics and details of a proposed development in order to ensure that the mixed use development is meeting the requirements of the zoning ordinance and the goals of a comprehensive plan. This should be done at an early stage before major investment has been made by the developer.	Require a concept plan as part of development review and approval.
Revise existing regulations as appropriate	Be sure that the regulation has sound basis in the comprehensive plan that supports the community's desire for mixed use development.	Include language in the mixed use zoning ordinance that connects the regulation to the community's goals as set forth in the comprehensive plan.
	Determine the proper use mix.	Identify locations where mixed use development is appropriate based on the market and the needs of the community. Revise regulations to provide the specific use mixes required.

	Ensure appropriate parking.	Work with developers to provide adequate parking that can be shared among uses with different hours of operation.
Prepare staff for additional level of review	Additional calculations and tracking use changes, parking requirements and agreements may take more time than with that of a typical development review.	The number and experience levels of staff should be evaluated prior to the adoption of mixed use zoning to ensure proper administrative capacity.

References:

Atlanta Regional Commission, *Quality Growth Toolkit: Mixed Use Development*, http://www.atlantaregional.com/cps/rde/xbcr/SID-3F57FEE7-F642877F/arc/MIXED-USE_TOOL.pdf (accessed November 28, 2006).

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City of Concord, North Carolina, *Unified Development Ordinance*, updated February 2006, http://www.ci.concord.nc.us/devserve/UDO_0.asp (accessed November 28, 2006).

City of Fort Worth, Texas, *The Charter and General Ordinances of the City of Fort Worth, Texas*, adopted May 30, 2006, <http://www.municode.com/resources/gateway.asp?pid=10096&sid=43> (accessed November 28, 2006).

City of Fremont, California, *Mixed-Use Development Ordinance*, July 6, 2004, <http://www.ci.fremont.ca.us/NR/rdonlyres/edk2l6bs2qwf4mqzqzkbcsydhutjecblmu37xupchfwng5ter7x4t7q6mzjkdaor2pdzx6jqznqxakbihvg6pdvbh/0407MixedUseDevelopmentOrdinance.pdf> (accessed November 28, 2006).

City of Holly Springs, Georgia. Article 20: *Mixed Use Development Districts*. 20.04 Permitted and Prohibited Uses. (accessed 12 January 2007). <http://www.hollyspringsga.net/documents/Zoning%2C%20Development%2C%20&%20Maps/Online%20Final%20Zoning%20Ordinance%20%28Revised%20DEC-2006%29.pdf> (accessed 12 January 2007).

Clark County, Nevada, Zoning Ordinance. 40.230.020 MIXED USE DISTRICT (MX)

Duncan, 1989; Frank, 1989; Burchell, 1992, cited in Smart Growth Network, 2000.