1016 MULTI-USE DEVELOPMENT

1016.01 PURPOSE

Section 1016 is adopted to:

A. Implement the goals and policies of the Comprehensive Plan for multi-use developments;

B. Accommodate and encourage innovation and design excellence in the development of multi-use centers containing a mixture of different uses in close proximity;

C. Ensure functionally coordinated, aesthetically pleasing, and cohesive site planning and design that maximizes the benefits of multi-use to all individual components of the development;

D. Ensure compatibility of multi-use developments with the surrounding area and minimize off-site impacts associated with the development;

E. Provide for the development of sites that, because of their strategic location, can be developed to a higher and better land use development pattern than would otherwise be allowed in the zoning districts in which the sites are located;

F. Provide focal points for various levels of transportation service (roads, transit, etc.) that can better serve areas of mixed uses and higher concentrations of development;

G. Recognize the need for a higher level of economic activity, development and employment that multi-use developments generally provide in a community;

H. Accommodate the changing land use and economic dynamics of the region, including the decentralization of many businesses and services into subregional centers to better serve their clients;

I. Recognize and accommodate the need to provide for cultural, social, and entertainment interests of the larger community;

J. Recognize the increasing importance of tourism on the economy of the County, and provide for a variety of attractions and tourist-related services to increase the County's share of this market; and

K. Facilitate the economic objectives of the Comprehensive Plan, and other adopted County plans.

1016.02 APPLICABILITY

Section 1016 applies to multi-use developments. Multi-use developments are conditional uses in the zoning districts where they are permitted. The provisions of Section 1016 shall be applied as part of the conditional use review process under Section 1203 and, if required, the design review process under Section 1102.

1016.03 APPROVAL CRITERIA

Approval of a multi-use development shall be subject to the following criteria:

A. Multi-use developments are listed as a conditional use in the zoning district in which the site is located.

B. The subject property and affected area is presently provided with adequate public facilities, services, and transportation networks to support the use, or such facilities, services, and transportation networks are planned to be provided to accommodate the development of the subject property.

C. The site is suited to and desirable for a mix of different categories of use, one or more of which is not allowed outright in the subject zoning district, considering location, size, shape, access, topography, transportation networks existing or planned for the area, visibility, natural features, and existence of improvements and uses which support the higher intensity use of the subject property associated with multi-use developments.

D. The use of the site for a multi-use development will not substantially limit, impair, or preclude the use of surrounding properties for uses allowed in the zoning district(s) in which the surrounding properties are located.

1016.04 DETERMINATION OF USES

The following provisions shall determine the uses allowed in a multi-use development.

A. Use Selection: Uses shall be selected from those categories (or subcategories) of uses which are required, permitted, or limited in the subject zoning district, as specified in Table 1016-1, *Determination of Use Chart*.

B. Required Uses: Required uses shall be included at the minimum percent of floor area or land area specified in Table 1016-1.

C. Limited Uses: The total area occupied by limited uses shall not exceed the maximum percent of floor area or land area specified in Table 1016-1.

D. Permitted Uses: Permitted uses may occupy the floor area or land area that remains after subtracting the required and limited use area.

E. Residential District/Limited Uses: In low density residential zoning districts, at least one-half of the proposed residential units shall be constructed prior to the introduction of limited uses into the development. In multifamily zoning districts, limited uses located within the same building as dwelling units may be developed concurrently provided the maximum allowed percent of developed floor area for limited uses is not exceeded at any time.

F. Residential Districts/Required Uses: In residential zoning districts, the total land area may be used to calculate the base density, as provided under Section 1012, for the underlying zoning district. At least 80 percent of the base density in the MR-1 and HDR Districts, and 50 percent of the base density in the SHD District shall be provided in the development. Residential units may be clustered to provide for limited uses and preserve natural features or protect restricted areas. However, the density on any acre of land shall not exceed that allowed in the next highest residential Comprehensive Plan category.

G. Commercial/Industrial Phased Developments: In commercial or industrial zoning district phased developments, the floor area/land area developed for limited uses in each phase shall not exceed the floor area/land area developed for other uses in that phase. An increase in the ratio of limited to other uses may be proposed and approved for any phase when other protection measures are used, such as binding development agreements, bonding, or other suitable controls over the total development percentages.

H. Minimum Mix: In commercial and industrial zoning districts, the multi-use development shall include uses from at least three of the primary use categories under Subsection 1016.05.

1016.05 USE CATEGORIES

Uses listed under the following use categories may be included in a multi-use development when allowed in the subject zoning district pursuant to Table 1016-1, *Determination of Use Chart*, subject to Subsection 1016.04.

A. Office/Manufacturing:

1. Business and professional offices, including legal, financial, architectural, engineering, governmental, manufacturers' representatives, corporate facilities; medical and dental, chiropractic, counseling, and other similar services and clinics; insurance, real estate, travel agencies and membership organization headquarters; studios for artists, photographers, writers, radio and television broadcasting (but not transmission towers).

2. Research and development operations and testing laboratories; manufacturing and assembly of medical equipment, communications equipment, electronic components, measuring and analyzing instruments; printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting and photo finishing; and similar uses, except those prohibited under Subsection 1016.07, provided that no operation shall be conducted or equipment or chemicals used which would create a hazard or offensive noise, odor, vibration, smoke, dust, or other similar condition.

B. Hospitality/Public Use:

1. Hotels, motels, guest lodges and associated convention facilities; gift shops, newsstands and eating and drinking establishments located within the same building with a motel, hotel, or public use facility; tourist facilities and information services.

2. Health, recreation and exercise facilities, including health clubs, swimming pools, spas, tennis, racquetball, handball courts, golf courses and driving ranges and similar uses.

3. Large scale public use facilities such as auditoriums for live entertainment, operas, concerts and plays; convention facilities not part of a hotel or motel; indoor or outdoor stadia and arenas, spectator sport and multi-use facilities, such as coliseums or domes; exhibition halls, galleries and museums; movie theaters; other public use gathering places of similar nature.

4. A "destination restaurant" may be allowed as a "hospitality" use in the CI and OC Districts. A "destination restaurant," for purposes of this Ordinance, is a "full menu establishment" (as defined by the U.S. Census Bureau) with no drive-through service, which satisfies five of the criteria listed below. On sites 40 acres or larger, up to two restaurants meeting four of the seven criteria listed below may be allowed as a "hospitality" use.

   a. Has a minimum seating capacity of 75;

   b. Specializes in gourmet, ethnic, or specialty cuisine;

   c. Includes banquet facilities and services;

   d. Provides live entertainment at least two nights a week;

   e. Utilizes custom architectural design and/or collections of artistic, cultural, or historic items to produce a distinctive thematic decor or atmosphere;

   f. Has an OLCC license to serve beer and wine;

g. Employs only chefs who have graduated from a recognized culinary institute, or who have outstanding qualifications or reputations for their culinary skills.

C. Commercial:

1. The following neighborhood retail and service commercial uses which primarily serve the tenants and/or residents of the multi-use development and the immediate surrounding area:

a. Apparel stores and dressmaking shops;

b. Bakery shops;

c. Catering establishments;

d. Confectionery stores;

e. Delicatessen shops and restaurants, but not drive-in restaurants or drive-thru service;

f. Drug stores;

g. Fabric and dry goods stores;

h. Florist and gift shops;

i. Grocery and produce stores;

j. Hardware and garden supplies;

k. Meat and fish markets;

l. Barber and beauty shops;

m. Clothes pressing, alterations, and tailoring shops;

n. Daycare facilities and other adult or child care facilities, operated during the daytime, subject to Section 807, *Daycare Facilities*;

o. Dry cleaners; laundry agencies; self-service laundromats and dry cleaning facilities;

p. Exercise and tanning studios;

q. Offices for doctors, dentists, chiropractors, naturopathic treatment personnel, and other health service personnel; small clinics or community health care programs;

r. Photo finishing;

s. Shoe repair;

t. Veterinarian services and pet supplies;

u. Video rental stores;

v. Bed and breakfast residences and inns, subject to Section 832, *Bed and Breakfast Residences and Inns*;

w. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835, *Wireless Telecommunication Facilities*;

x. Preexisting retail or service commercial uses; and

y. Mobile vending units, subject to Section 837, *Mobile Vending Units*.

2. Commercial amusement uses such as bowling alleys, game rooms, billiard and pool halls, miniature golf, roller or ice skating rinks, and similar uses, but not those included in Category B, or prohibited under Subsection 1016.07.

3. All retail and service commercial uses except those included under Subsection 1016.05(C)(4); eating and drinking establishments except those qualifying as "hospitality" uses under Subsection 1016.05(B); banks, credit unions, and financial institutions.

4. Sales lots and repair services for automobiles, trucks, boats, motorcycles, recreational vehicles, trailers, manufactured dwellings, farm or construction equipment and other heavy machinery; lumber yards, fuel yards, carpentry or sheet metal shops; mini-storage and vehicle storage facilities, moving equipment rental; funeral parlors; gasoline service stations.

D. Residential:

1. Low density residential zoning district primary uses, as specified in the underlying zoning district (i.e., R-7 through R-30 Districts and HR District).

2. MR-1 District primary uses, subject to Section 315.

3. HDR District primary uses, subject to Section 315.

4. SHD District primary uses, subject to Section 315.

5. MRR District primary uses, subject to Section 317.

E. Educational: Colleges, universities or graduate centers; business, trade and craft schools; specialty schools in the arts, music, counseling, etc.; and rehabilitation and worker training/retraining centers and facilities.

1016.06 ACCESSORY USES

The following uses may be provided in conjunction with any category of use, or uses, approved for the multi-use development.

A. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

B. Transit stations, bus shelters, bike racks, pedestrian amenities, and transit amenities.

C. Parking structures.

D. Utility carrier cabinets.

E. Solar energy systems.

F. Cogeneration facilities.

G. Radio and television earth stations and dishes.

H. Daycare facilities associated with a principal use.

I. Cafeterias, delicatessens, and other such facilities provided for employees of a principal use.

J. Recycling collection containers, provided all materials are presorted, no processing occurs on-site, and all materials are stored within an enclosed structure or area between pickup days.

K. Private recreational facilities as part of a multifamily residential complex.

L. Helistops.

M. Rainwater collection systems.

N. Electric vehicle charging stations.

O. Other uses and structures customarily accessory and incidental to a primary use.

1016.07 PROHIBITED USES

The following uses shall be prohibited in a multi-use development.

A. New dwellings, manufactured dwellings, and manufactured dwelling parks, except as permitted within low density or medium density residential districts;

B. Outdoor storage of materials or products;

C. Drive-thru window service, except those associated with a bank, credit union, or other financial institution, subject to Section 827, *Drive-Thru Window Service*; and

D. Industrial uses listed in Table 602-1, *Permitted Uses in the BP, LI, and GI Districts*, as conditional uses in the GI District, except as specifically allowed under Subsection 1016.05.

1016.08 DIMENSIONAL STANDARDS

A. The dimensional standards are intended to:

1. Provide for and encourage coordinated development and the most efficient use of property within a multi-use development.

2. Ensure adequate structure separation for light, air, fire safety and protection of all uses and structures within the development, and between the development and uses and structures on adjacent properties.

3. Protect adjacent properties and uses from incompatible uses, and provide adequate buffering and transitioning between different uses within the development.

4. Ensure an attractive appearance through the use of open spaces, setbacks, landscaping and pedestrian amenities, plazas, buffering, and retention of significant natural features.

5. Ensure adequate access to property and minimum traffic conflicts and impacts.

B. A multi-use development shall comply with the following dimensional requirements:

1. Minimum Site Area: For purposes of this section, "site area" shall be as defined in Note 2 to Table 315-5, *Dimensional Standards in the PMD, MR-1, MR-2, HDR, VA, SHD, and RCHDR Districts*.

a. R-7 through R-30 Districts: 30 acres

b. HR District: 30 acres

c. MR-1 District: 10 acres

d. MRR District: 10 acres

e. HDR District: Five acres

f. SHD District: Five acres

g. C-3 District: One acre

h. OC District: 10 acres

i. CI District: 20 acres

j. OSM District: 20 acres

k. A site area less than the above requirements may be allowed when such site is physically separated from all other undeveloped or underdeveloped properties in the subject zoning district.

2. Minimum front yard setbacks:

   a. From major periphery roads: 25 feet.

   b. From interior access driveways and circulation roads: 10 feet.

3. Minimum side and rear setbacks: 15 feet.

4. Minimum building separation: The minimum separation between a multifamily residential use located in a separate building on the same site, or on an adjacent site, and any building housing another category of use shall be 50 feet. However, this shall not preclude the mixing of multifamily residential with other categories of use within one building.

5. Minimum site area street frontage: 200 feet, except in the C-3 District, the minimum street frontage shall be 100 feet.

6. Maximum building height: Same as subject zoning district.

7. Minimum landscaping/open space area requirements: The minimum landscaped area standards under Table 1009-1, *Minimum Landscaped Area*, shall be modified as follows:

   a. In the C-3 District, a minimum of 20 percent of the net site area shall be utilized for landscaping and open space. In phased developments, landscaped areas may be reduced to a minimum of 15 percent for any phase when the applicant demonstrates how the minimum 20-percent requirement will be satisfied.

b. In the R-7 through R-30, MR-1, HDR, SHD, MRR, HR, OSM, CI, and OC Districts, a minimum of 25 percent of the net site area shall be utilized for landscaping and open space. In phased developments, landscaped areas may be reduced to a minimum of 20 percent for any phase when the applicant demonstrates how the minimum 25-percent requirement will be satisfied.

C. Exceptions to Dimensional Requirements: The requirements of this subsection are not subject to modification pursuant to Section 900. However, except for minimum landscape provisions, these requirements may be reduced up to 20 percent through design review pursuant to Section 1102 when such modification is consistent with the purposes under Subsections 1016.01 and 1016.08(A). The effect of the proposed modification on the natural features of the site and on the use and preservation of solar access shall be considered when applicable. Proposed modifications that exceed 20 percent of the requirement shall be subject to Section 1205, *Variance*.

1016.09 DEVELOPMENT STANDARDS

A multi-use development shall comply with Section 1000, *Development Standards*. In addition, the following standards and objectives shall apply:

A. Site Planning and Design: The overall site plan and siting of individual uses and buildings within a multi-use development shall address the following objectives:

1. Identity: To create a stimulating environment through the siting of various uses, the use and articulation of open spaces, structure scale, design and texture, and the provision of pedestrian level amenities to produce a strong "sense of place."

2. Pedestrian Circulation: To provide pedestrian access and movement through the site in a manner that maximizes foot traffic exposure to goods and services, and minimizes conflicts with vehicle circulation areas.

3. Transit: To maximize the use of mass transit services through the provision of transit and pedestrian facilities and amenities in cooperation with the regional transit provider.

4. Parking: To minimize the visual impact of parking areas. This may be accomplished through the use of: landscaping techniques; the incorporation of parking structures, as provided under Subsection 1016.09(D); the siting of uses to maximize the "shared parking" provisions of Section 1015; or a combination of these methods.

5. Access/Circulation: To minimize the number of access points onto the site from adjacent roads and provide for traffic circulation between on-site uses, as appropriate.

6. Visual Access/Traffic Impacts: To maximize visibility and access for uses most dependent upon impulse shopping, or off-the-street business while minimizing traffic impacts on other uses within the development.

7. Natural Features: To protect the aesthetic and location advantages provided by the terrain and natural features of the site and minimize the alteration thereof as far as practicable.

8. Impacts: To minimize negative impacts of proposed uses on adjacent properties and uses and ensure the livability of residential areas of the site, when applicable.

B. Building Design: In addition to the provisions of Section 1005, *Sustainable Site and Building Design*, a multi-use development shall require:

1. Buildings and structures to be designed using materials, architectural styling and features, pedestrian plazas and amenities, and color, texture and scale of architectural elements to produce a mix of complimentary styles which are in scale with each other and demonstrate comparable excellence in design and implementation.

2. Buildings housing retail commercial uses shall provide ample window area oriented toward pedestrian walkways or plazas, and, when single-story construction is used, shall incorporate design techniques and elements to enhance the scale of the building(s).

C. Landscaping/Open Space: The minimum percent of landscaping/open space required shall be as specified under Subsection 1016.08(B)(7). In addition to the requirements under Section 1009, *Landscaping*, the design and development of open space and landscaping in a multi-use development shall:

1. Include street trees and parking area trees which are in scale with the development.

2. Provide a cohesive open space and pedestrian network within the development, with appropriate connections to surrounding properties and uses.

3. Provide pleasing transitions between uses, soften and buffer utility and loading areas, visually break up parking areas into identifiable subareas, and provide pleasing textures and variety, particularly next to buildings, along walkways, and within plazas.

4. Include open spaces and plazas which are in scale with the development, invite activity appropriate to adjoining uses, and incorporate plant materials, seating, waste receptacles, lighting, and a focal element such as a fountain, sculpture, mural, or other visual art object.

D. Parking and Circulation: In addition to the standards of Section 1015, *Parking and Loading*, the County may require parking structures to serve intensive uses. Factors to be considered include:

1. Topography and other physical characteristics of the site;

2. Effects on distinctive natural features of the site;

3. Effects on surface drainage and associated facilities;

4. Effect on the capacity of the site to absorb the parking and traffic impacts of the intensive use(s);

5. Effects on the quality of the overall site design in addressing the objectives under Subsection 1016.09(A); and

6. The benefits associated with structure parking, such as the increase in development intensity and provision of open space amenities, and the ability or inability of such benefits to recoup the added expense associated with such facilities.

E. Identification/Signing: The provisions of Section 1010, *Signs*, shall be modified as follows:

1. Signing Master Plan: Applications for multi-use developments shall include a comprehensive signing plan which shall include:

   a. Elevations illustrating the major sign and sign types;

   b. Maps and drawings indicating location of all proposed signs;

   c. Descriptions of sizes and heights of signs; and

   d. Description of how the proposed signing plan satisfies the criteria set forth in this Ordinance pertaining to size, design, placement, height, and number of signs.

2. Standards: The signing master plan shall be reviewed under Section 1010, except as specifically provided below:

   a. Freestanding Signs: One freestanding identification sign may be provided on each public, County or State road from which the development takes access. One additional freestanding sign may be allowed on a public, County or State road when the frontage on that road exceeds 1,000 feet, and two or more major access points are provided. In no case shall the number of freestanding signs exceed four for any multi-use development. The maximum size and height for each freestanding sign shall be determined pursuant to Subsection 1010.05(A)(3).

b. On-Building Signs: Individual on-building tenant identification signs shall be allowed under the provisions of Subsection 1010.05(B).

c. Ground-Mounted Signs: Ground-mounted signs may be used to identify an individual building within a multi-use development provided that:

i. No on-building sign with the same message is facing in the same direction;

ii. The sign area does not exceed 30 square feet;

iii. The sign does not exceed five feet in height; and

iv. Architectural features may be added to the sign structure provided the total sign size and height are not increased by more than one-third of the above requirements.

3. Addresses/Road Signs: Street addresses shall be clearly displayed on or in front of each separate building or commercial tenant space. Interior circulation roads may be required to be named. Such names shall be subject to County approval. Signs identifying roads within the development shall be installed and maintained by the developer or management association. Directional signs to various uses within the development may be included on the road signs.

F. Management Association/Easements: The County may require the formation of a management association or other suitable mechanism approved by the County to assure that the following maintenance and liability duties are adequately addressed:

1. To improve, operate, and maintain common facilities, including open space, landscaping, parking and service areas, streets, recreation areas, signing, and lighting.

2. To provide and maintain cross-easements between uses and parcels within the development for parking, circulation, drainage facilities, utilities, and similar elements shared in common.

3. To adopt and enforce restrictions on the use of open space, landscaping, plazas, and service areas, malls, and other public access areas of the site.

4. To maintain liability insurance and pay local taxes, unless other legally binding mechanism is provided.

5. To assess and collect from members their pro rata share of the cost associated with the responsibilities herein described. The association shall be able to adjust the assessment to meet changes as needed.

6. To make revisions to the bylaws as necessary, subject to County review and approval, when the County determines that such changes protect the intent and purpose of this ordinance and are in the public's interest.

Table 1016-1: Determination of Use Chart

	RESIDENTIAL					COMMERCIAL		INDUSTRIAL	
DISTRICTS	**LDR**	**MR-1**	**HDR**	**SHD**	**MRR**	**C-3**	**OC**	**CI**	**OSM**
Minimum Site Area*	30 ac	10 ac	5 ac	5 ac	10 ac	1 ac	10 ac	20 ac	20 ac
Minimum % R la or fa required	80% la	70% fa	50% fa	50% fa	70% fa	N/A	N/A	60% fa	70% la
Minimum % bd required		80% bd	80% bd	50% fa					
Maximum % (L) la or fa allowed	20% la	15% fa	20% fa	25% fa	20% fa	N/A	35% fa	35% fa	30% la
CATEGORY A									
1. Offices	(L)	P	P	P	P	P	P	R	(L)
2. High Tech	X	X	X	X	X	P	P	R	X
CATEGORY B									
1. Hospitality	X	P	P	P	P	P	P	P	(L)
2. Health/Recreation	(L)	P	P	P	P	P	P	P	R
3. Public Use/Cultural	X	P	P	P	P	P	P	P	(L)
CATEGORY C									
1. Neighborhood Commercial	(L)	(L)	(L)	(L)	(L)	P	(L)	(L)	(L)
2. Commercial Amusement	X	X	(L)	(L)	(L)	P	(L)	(L)	(L)
3. Retail/Service	X	X	X	(L)	X	P	(L)	(L)	X
4. Strip/Auto	X	X	X	X	X	P	X	X	X
CATEGORY D									
1. Residential (District Density)	R	R	R	R	R	MR-1 to HDR	HDR	HDR	X
CATEGORY E									
1. Education	(L)	P	P	P	P	P	P	P	(L)

Table 1016-1: Determination of Use Chart

SYMBOL KEY:

P	Permitted Use
R	Required Use (See minimum % required)
la	Land Area
bd	Base Density
(L)	Limited Use (See maximum % allowed)
X	Prohibited Use
fa	Floor Area
*	See Subsections 1016.08(B)(1)(k) and 1016.08(C) for exceptions

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-252, 6/1/15]