

3 MIXED-USE DISTRICTS

3.1 INTENT

For the purposes of this ordinance, the standards and provisions for mixed-use districts are designed to create walkable, mixed-use environments whereas the rural, transitional, or special districts are more reflective of the existing, primarily automobile-dependent configuration. The mixed-use base districts that are reflected in this chapter include the dimensional standards and permitted building types.

3.2 MIXED-USE DISTRICTS

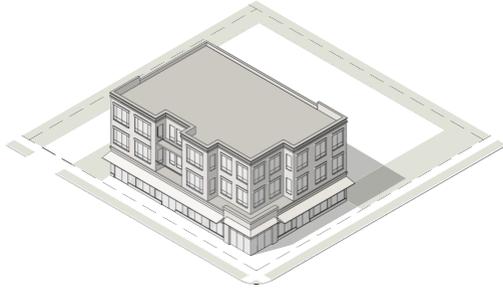
The mixed-use districts included in this chapter have urban streets with curbs and gutters with regularly placed street trees, sidewalks, and building forms that are more regular in form and spacing. These districts are also referred to as “form-based districts” because each has detailed provisions for the mix of uses, building type and design, density, height, street design, the design of parks and open space, parking, and other aspects of the urban form of the human environment. Images that reflect Lancaster County’s mixed-use form-based districts are as follows:



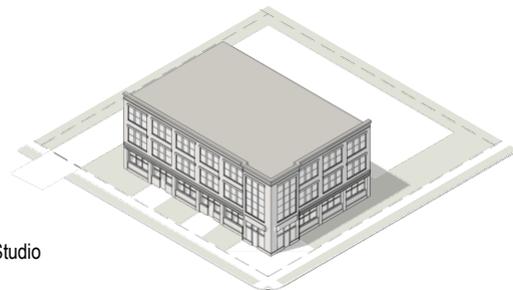
Source: City of Wilson, NC

3.3 BUILDING TYPES ESTABLISHED

This section establishes and defines each building type to ensure that proposed development is consistent with the district goals for building form, physical character, land use, and quality.



Source: Code Studio

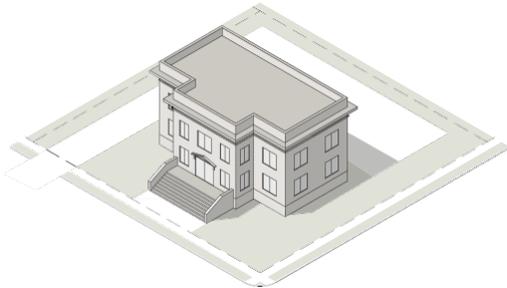


A. Mixed Use Building

A multi-story building type that typically includes ground floor retail uses with upper-story residential or commercial use. Not intended for ground floor residential use.

B. General Building

A building type that typically accommodates commercial uses. Not intended for retail or residential use.



Source: Code Studio

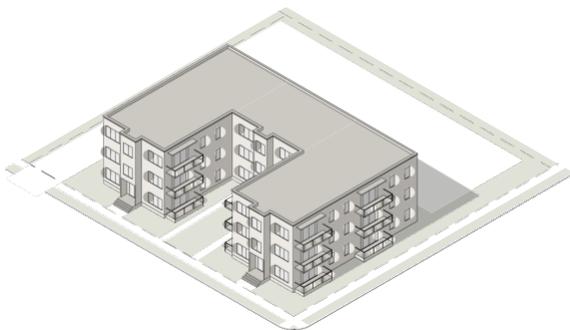


C. Civic Building

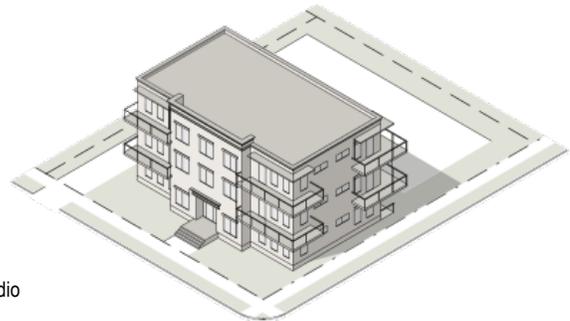
A building type that accommodates specifically identified civic uses (see Section 3.6, Civic Building). Not intended for retail, commercial, or residential uses

D. Apartment Building

A building type that accommodates 12 or more attached dwelling units vertically and horizontally integrated. Not intended for non-residential use.



Source: Code Studio

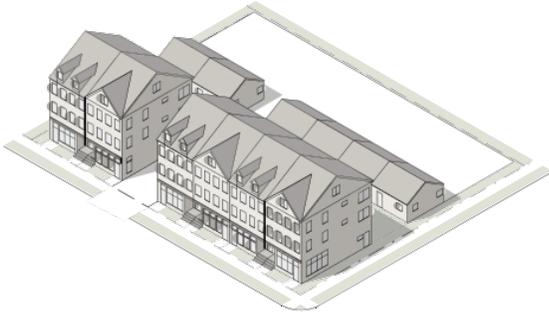


E. Apartment Court

A building type that accommodates 12 or more attached dwelling units vertically and horizontally integrated and organized around a courtyard that fronts a primary street. Not intended for non-residential use.

F. Garden Apartment

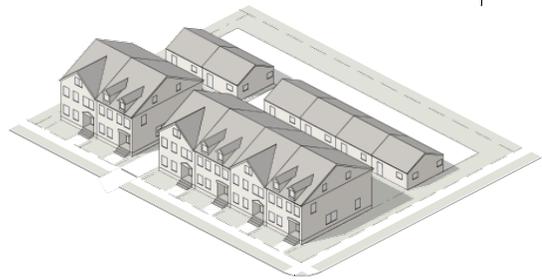
A building type that accommodates 3 to 12 attached dwelling units vertically and horizontally integrated. Not intended for non-residential use.



Source: Code Studio

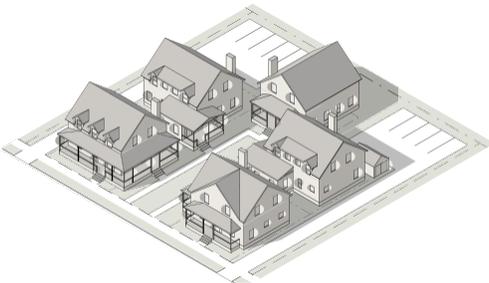
G. Stacked Flat

A multi-story building type that accommodates side-by-side attached units where units can be used for both non-residential and residential use. Ground floor units can be separated from upper-story units or units can be internally connected.



H. Townhouse

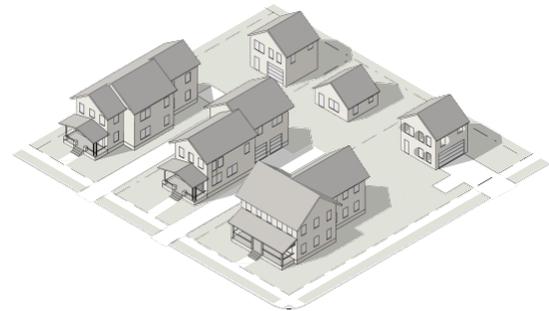
A building type that accommodates 3 or more dwelling units where each unit is separated vertically by a common side wall. Units cannot be vertically mixed. Not intended for non-residential uses.



Source: Code Studio

I. Cottage Court

A development building type with 5 to 9 detached houses and organized around a common courtyard that fronts a primary street. Not intended for non-residential uses.



J. Detached House

A building type that accommodates one dwelling unit on an individual lot with yards on all sides and may include a rear accessory dwelling unit at grade or above a garage (carriage house). Not intended for non-residential uses.

3.4 BUILDING TYPES ALLOWED BY DISTRICT

Building types are allowed by district as set forth below:

BUILDING TYPE	Urban Residential (UR)	High Density Residential (HDR)	Residential Mixed-Use (RMX)	Mixed-Use (MX)	Industrial Mixed-Use (IMX)
 Mixed-Use Building				P	P
 General Building				P	P
 Civic Building	P	P	P	P	P
 Apartment Building		P		P	P
 Apartment Court		P		P	P
 Garden Apartment		P	P	P	P
 Stacked Flat			P	P	
 Townhouse	P	P	P	P	P
 Cottage Court	P		P		
 Detached House	P		P		

Key: P = Permitted Blank Cell = Not Permitted

* In RMX, a stacked flat is only allowed on a lot located at the intersection of streets.

3.5 URBAN DISTRICT DEVELOPMENT STANDARDS

Base Districts	Urban Residential UR	High Density Residential HDR	Residential Mixed-Use RMX	Mixed-Use MX	Industrial Mixed-use IMX
1. BUILDING TYPE	Section 3.4	Section 3.4	Section 3.4	Section 3.4	Section 3.4
2. PERMITTED BUILDING ELEMENTS	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6
3. DEVELOPMENT STANDARDS					
A. Max. Density (Units/Acre)	4 dua	8 dua	Attached - 12 dua * Detached – 9 dua	15 dua * and **	12 dua
B. Minimum Development Size	25 acres***	25 acres***	25 acres***	25 acres***	25 acres***
4. BUILDING PLACEMENT	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6
5. ACCESSORY STRUCTURE	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6
6. PARKING CONFIGURATION	By building type – See Chapter 7	By building type - See Chapter 7	By building type – See Chapter 7	By building type – See Chapter 7	By building type – See Chapter 7
7. HEIGHT					
A. Min. Height	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6
B. Max. Height	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6

*A density bonus of up to 15% may be considered by the Planning Commission and County Council when the development provides 10% of the total housing units for affordability and housing diversity. This may be achieved through smaller square footage units being incorporated into the Master Development Plan for families with moderate incomes of at least 50% but less than 80% of median incomes for the Charlotte –Gastonia-Salisbury Combined Statistical Area.

**Additional density may be considered during the Mixed-Use District / Master Development Plan process by the Planning Commission and County Council.

***For existing properties zoned with a mixed-use designation prior to the adoption of the minimum mixed-use development size standards and without a previously approved mixed-use master plan, a 20% reduction in the minimum mixed-use development size may be requested as a matter of right. (Ord. No. 2019-1600, 9.9.19)

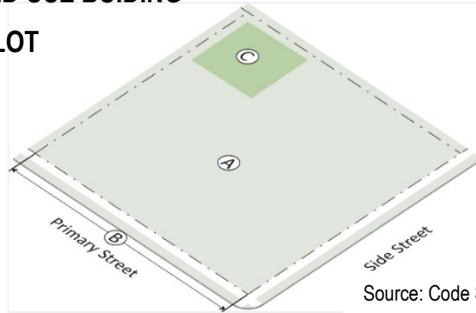
Development Agreements shall be required for all mixed-use zoning district rezoning applications, as consistent with Section 9.2.18 of this UDO. (Ord. No. 2019-1600, 9.9.19)

For the purposes of this ordinance, the standards and provisions for mixed-use districts including UR, HDR, RMX, MX, and IMX require the development and approval of a Mixed-Use District / Master Development Plan in accordance with Chapter 9. Such plans must be approved prior to the issuance of any other land development permits except for a preliminary or final plats necessary to subdivide the development to provide access to the tract.

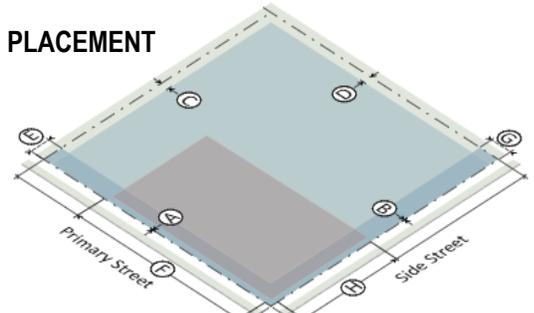
3.6 BUILDING TYPE DEVELOPMENT STANDARDS

3.6.1 MIXED USE BUILDING

A. LOT

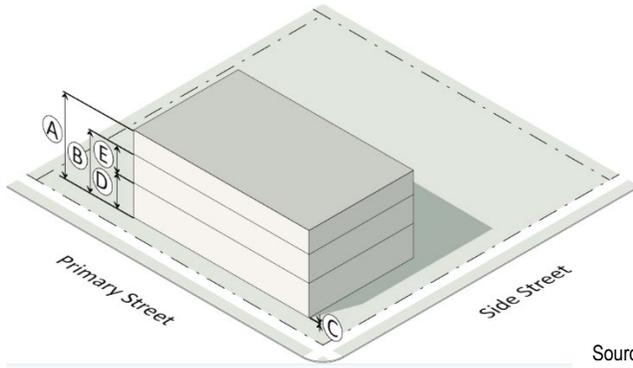


B. PLACEMENT

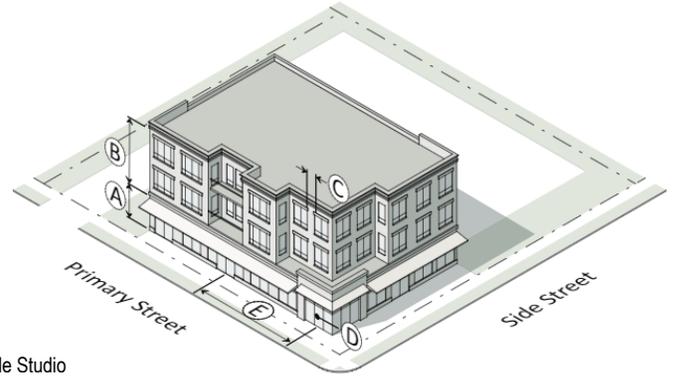


Lot Dimensions		Building Setbacks	
A	Lot area (min)	5,000 SF	A Primary street (min) 0'
B	Lot width (min)	50'	B Side street (min) 0'
Lot Parameters		C	Side interior (min) 0' or 5'
C	% of outdoor amenity space (min)	10%	C Side interior, abutting protected district, RMX or UR (min) 10'
		D	Rear (min) 0' or 5'
		D	Rear, abutting protected district, RMX or UR 20'
		D	Abutting alley (min) 5'
Build-to Zone (BTZ)			
E	Primary street (min/max)		0' to 10'
F	Building in primary street BTZ (min % of lot width)		70%
G	Side street (min/max)		0' to 10'
H	Building in side street BTZ (min % of lot width)		35%
Parking Location			
I	On-site parking not allowed between the building and the street.		

C. Height



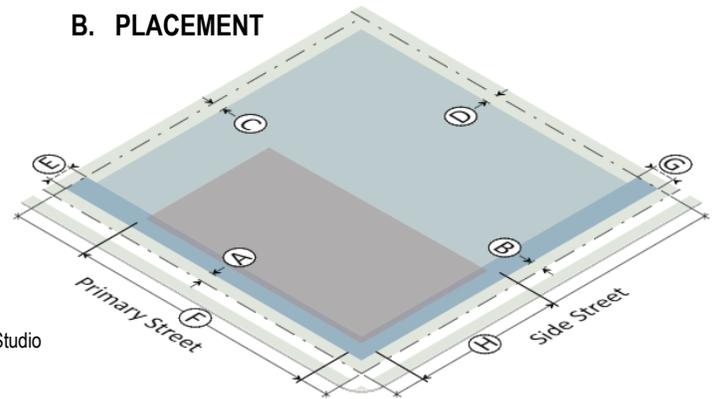
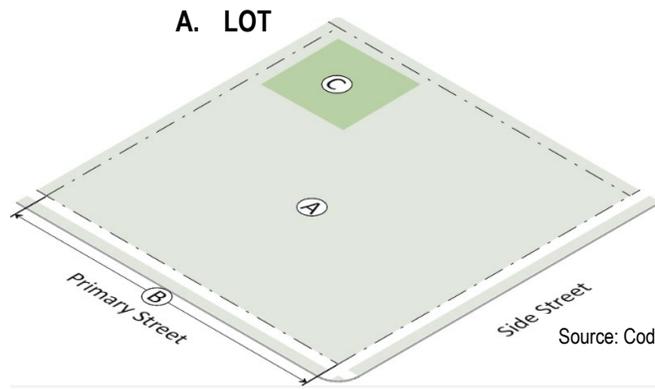
D. Activation



Source: Code Studio

Building Height		Transparency	
A	Building height (max)	A	Ground story (min) 60%
	RMX, MX, IMX 3 stories/45'	B	Upper story (min) 20%
	MX, IMX 4 stories/55'	C	Blank wall area (max) 30'
	MX, IMX 5 stories/67'		The street-fronting, street-level window pane surface area must allow views into the ground story use for a depth of at least 8 feet.
Reduced height may be required when abutting a protected district (see Section 3.7.J)		Pedestrian Access	
B	Building height (min) 2 stories	D	Entrance facing primary street Required
Story Height		E	Entrance spacing along primary street (max) 75'
C	Ground floor elevation 0'	Permitted Building Elements	
D	Ground story height, floor to ceiling (min) 13'	Porch	No
E	Upper story height, floor to ceiling (min) 9'	Stoop	No
		Balcony	Yes
		Gallery	Yes
		Awning/Canopy	Yes
		Forecourt	Yes

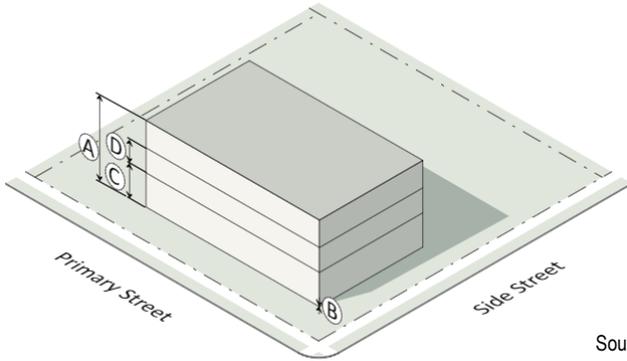
3.6.2 GENERAL BUILDING



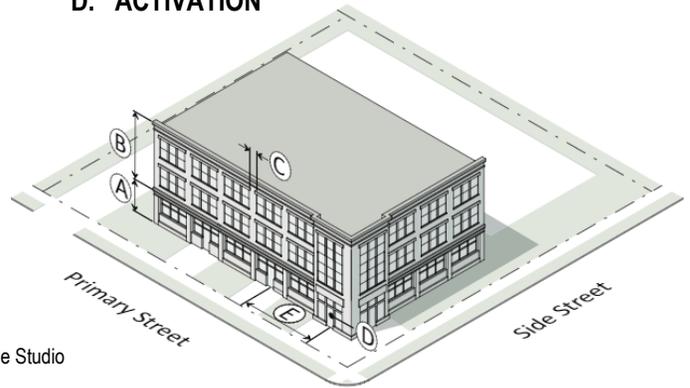
Source: Code Studio

Lot Dimensions		Building Setbacks	
A	Lot area (min)	5,000 SF	A Primary street (min) 5'
B	Lot width (min)	50'	B Side street (min) 5'
Lot Parameters		C	C Side interior (min) 0' or 5'
C	% of outdoor amenity space (min)	10%	C Side interior, abutting protected district, RMX or UR (min) 10'
		D	D Rear (min) 0' or 5'
		D	D Rear, abutting protected district, RMX or UR (min) 20'
		D	D Abutting alley (min) 5'
Build-to Zone (BTZ)			
E	Primary street (min/max)		5' to 20'
F	Building in primary street BTZ (min % of lot width)		70%
G	Side street (min/max)		5' to 20'
H	Building in side street BTZ (min % of lot width)		35%
Parking Location			
On-site parking not allowed between the building and the street.			

C. HEIGHT



D. ACTIVATION

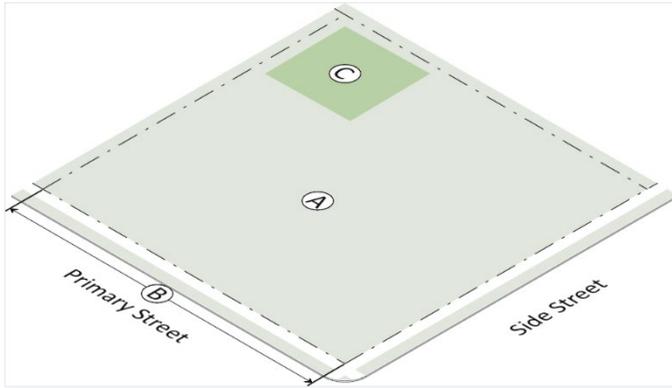


Source: Code Studio

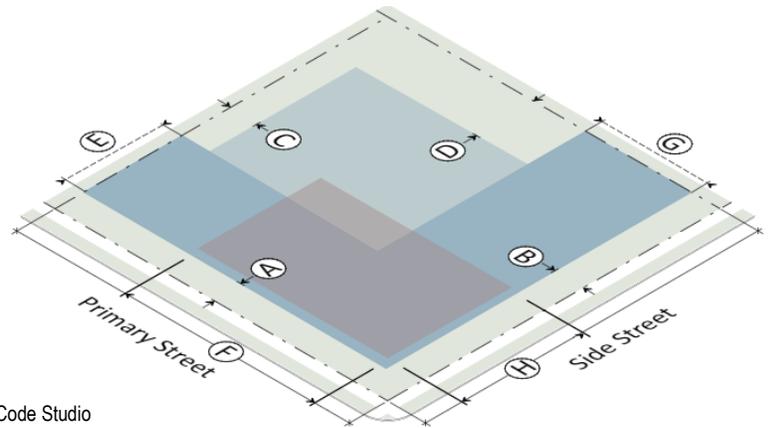
Building Height		Transparency	
A	Building height (max)	A	Ground story (min) 40%
	MX, IMX 2 stories/35'	B	Upper story (min) 20%
	MX, IMX 3 stories/45'	C	Blank wall area (max) 35'
	MX, IMX 4 stories/60'	Pedestrian Access	
		D	Entrance facing primary street Required
		E	Entrance spacing along primary street (max) 100'
		Permitted Building Elements	
	Reduced height may be required when abutting a protected district (see Section 3.7.J)	Porch	No
Story Height		Stoop	No
B	Ground floor elevation 0'	Balcony	Yes
C	Ground story height, floor to ceiling (min) 11'	Gallery	Yes
D	Upper story height, floor to ceiling (min) 9'	Awning/Canopy	Yes
		Forecourt	Yes

3.6.3 CIVIC BUILDING

A. LOT



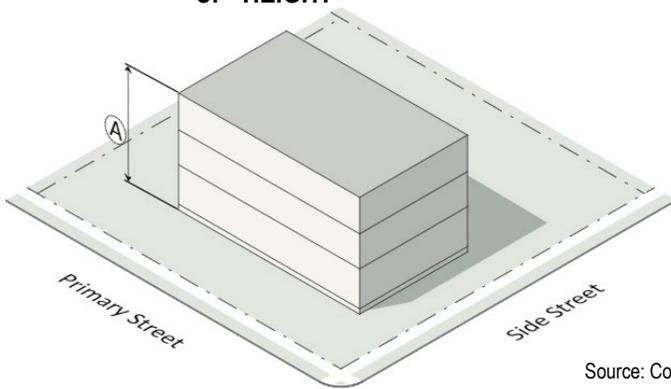
B. PLACEMENT



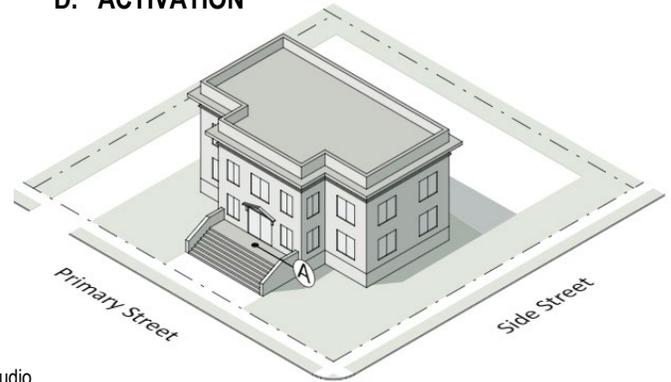
Source: Code Studio

Lot Dimensions		Building Setbacks		
A	Lot area (min)	5,000 SF	A Primary street (min)	10'
B	Lot width (min)	50'	B Side street (min)	10'
Lot Parameters		C	Side interior (min)	10'
C	% of outdoor amenity space (min)	10%	D Rear (min)	20'
		D	Abutting alley (min)	5'
Build-to Zone (BTZ)				
E	Primary street (min/max)		10' to 40'	
F	Building in primary street BTZ (min % of lot width)		40%	
G	Side street		10' to 40'	
H	Building in side street BTZ (min % of lot width)		20%	
Parking Location				
I	On-site parking not allowed between the building and the street.			

C. HEIGHT



D. ACTIVATION

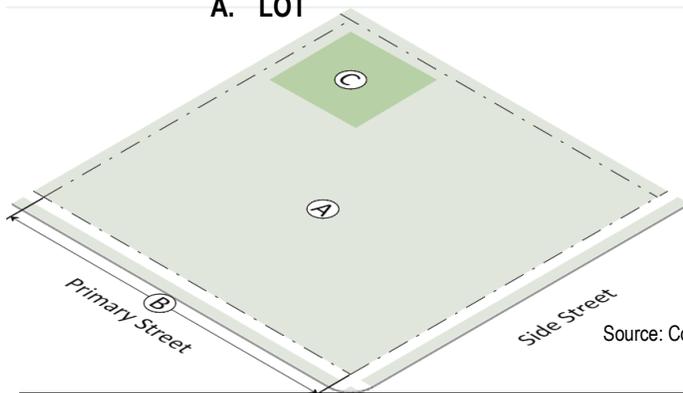


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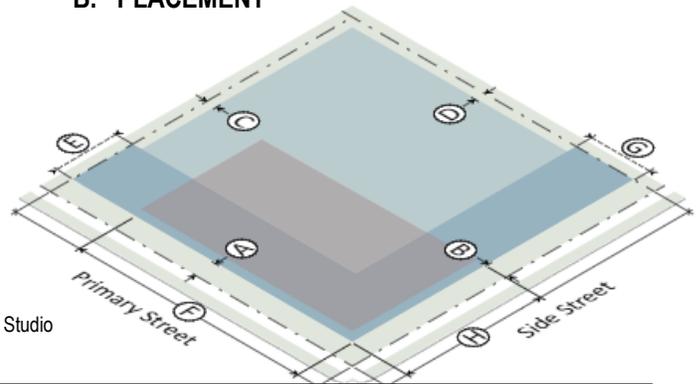
Building Height		Pedestrian Access	
A	Building height (max)	A	Entrance facing primary street
			Required
UR	2 stories/35'	Allowed Building Elements	
RMX, MX, IMX	3 stories/45'	Porch	Yes
MX, IMX	4 stories/55'	Stoop	Yes
Reduced height may be required when abutting a protected district (see Section 3.7.J)		Balcony	Yes
		Gallery	Yes
		Awning/Canopy	Yes
		Forecourt	Yes
Uses Allowed in a Civic Building Type			
Only the following uses are allowed in a civic building type (see Section 2.5.3, Permitted Use Table):			
-			
College, university.			
-			
Museum, library.			
-			
Places of assembly.			
-			
School (K-12).			

3.6.4 APARTMENT BUILDING

A. LOT



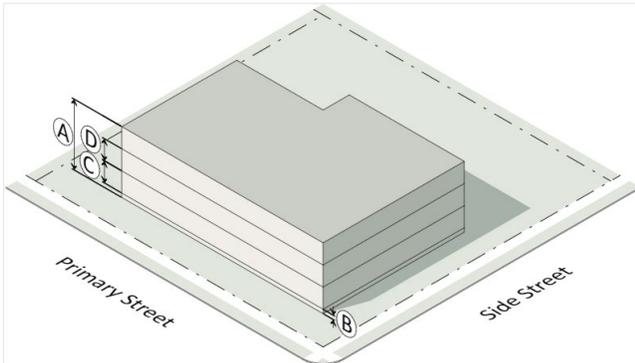
B. PLACEMENT



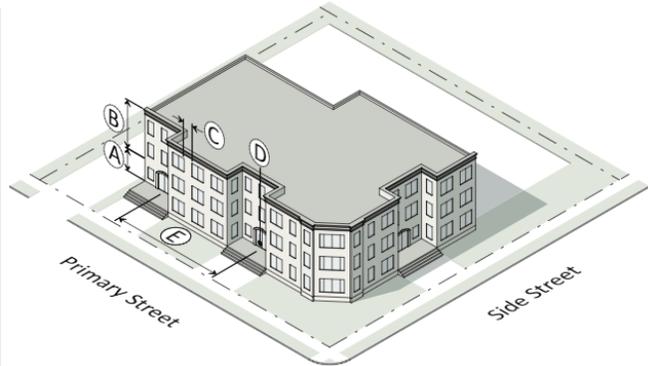
Source: Code Studio

Lot Dimensions		Building Setbacks		
A	Lot area (min)	12,500 SF	A Primary street (min)	10'
B	Lot width (min)	100'	B Side street (min)	10'
Lot Parameters		C	Side interior (min)	0' to 5'
C	% of outdoor amenity space (min)	10%	C Side interior, abutting protected district, RMX or UR (min)	10'
		D	Rear (min)	0' to 5'
		D	Rear, abutting protected district, RMX or UR (min)	20'
		D	Abutting alley (min)	5'
Build-to Zone (BTZ)				
E	Primary street (min/max)		10' to 20'	
F	Building in primary street BTZ (min % of lot width)		70%	
G	Side street (min/max)		10' to 20'	
H	Building in side street BTZ (min % of lot width)		35%	
Parking Location				
I	On-site parking not allowed between the building and the street.			

C. HEIGHT



D. ACTIVATION

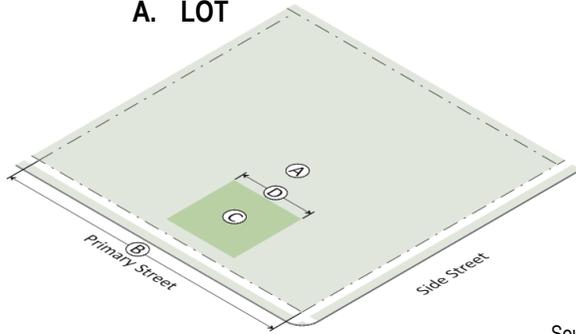


Source: Code Studio

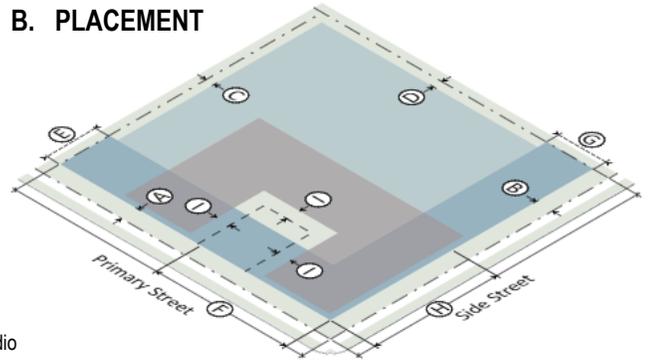
Building Height		Transparency	
A	Building height (max)	A	Ground story (min) 20%
	MX, IMX 2 stories/35'	B	Upper story (min) 20%
	MX, IMX 3 stories/45'	C	Blank wall area (max) 35'
	MX, IMX 4 stories/55'	Pedestrian Access	
	Reduced height may be required when abutting a protected district (see Section 3.7.J)	D	Entrance facing primary street Required
Story Height		E	Entrance spacing along primary street (max) 100'
B	Ground floor elevation 2'	Permitted Building Elements	
C	Ground story height, floor to ceiling (min) 10'	Porch	Allowed
D	Upper story height, floor to ceiling (min) 9'	Stoop	Allowed
		Balcony	Allowed
		Gallery	Not Allowed
		Awning/Canopy	Allowed
		Forecourt	Allowed

3.6.5 APARTMENT COURT

A. LOT



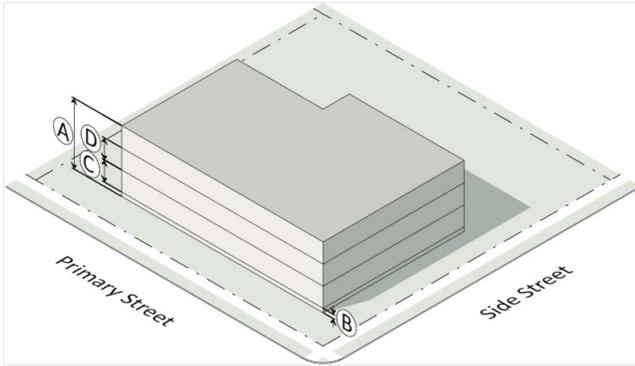
B. PLACEMENT



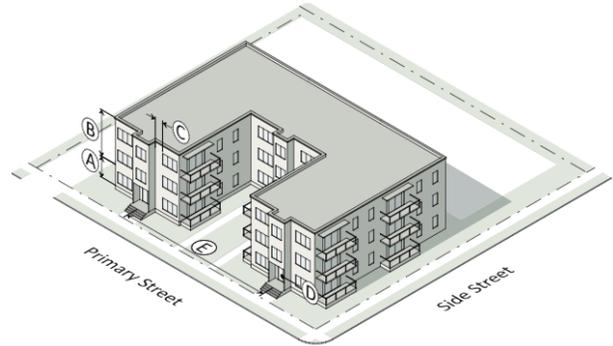
Source: Code Studio

Lot Dimensions		Building Setbacks	
A	Lot area (min)	30,000 SF	A Primary street (min) 10'
B	Lot width (min)	150'	B Side street (min) 10'
Courtyard Dimensions		C Side interior (min)	0' or 5'
C	Area (min)	2,000 SF	C Side interior, abutting protected district, RMX or UR (min) 10'
C	% of outdoor amenity space (min)	10%	D Rear (min) 0' or 5'
D	Width (min)	45'	D Rear, abutting protected district, RMX or UR (min) 20'
Area devoted to courtyard counted toward outdoor amenity space.		D Abutting alley (min)	5'
Build-to Zone (BTZ)			
E	Primary street (min/max)		10' to 20'
F	Building in primary street BTZ (min % of lot width)		40%
G	Side street (min/max)		10' to 20'
H	Building in side street BTZ (min % of lot width)		40%
Courtyard Encroachment			
I	Porch including steps (max)		8'
I	Balcony (max)		6'
Parking Location			
J	On-site parking not allowed between the building and the street.		

C. HEIGHT



D. ACTIVATION

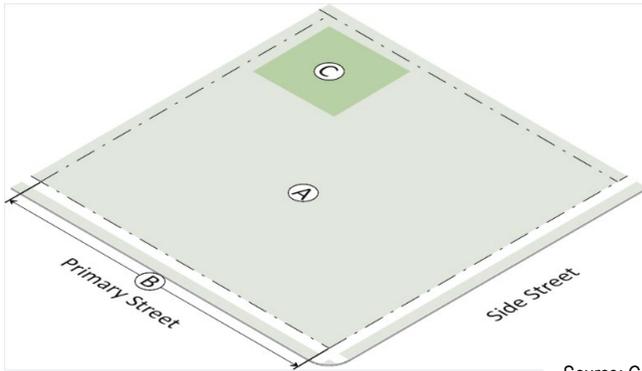


Source: Code Studio

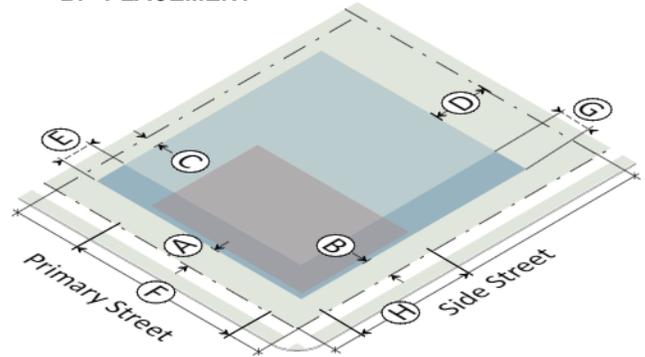
Building Height		Transparency	
A	Building height (max)	A	Ground story (min) 20%
	MX, IMX 2 stories/35'	B	Upper story (min) 20%
	MX, IMX 3 stories/45'	C	Blank wall area (max) 35'
	MX, IMX 4 stories/55'	Pedestrian Access	
Reduced height may be required when abutting a protected district (see Section 3.7.J)		D	Entrance facing primary street Required
Story Height		E	Entrance spacing along primary street (max) 100'
B	Ground floor elevation 2'	Permitted Building Elements	
C	Ground story height, floor to ceiling (min) 10'	Porch	Allowed
D	Upper story height, floor to ceiling (min) 9'	Stoop	Allowed
		Balcony	Allowed
		Gallery	Not Allowed
		Awning/Canopy	Allowed
		Forecourt	Not Allowed

3.6.6 GARDEN APARTMENT

A. LOT



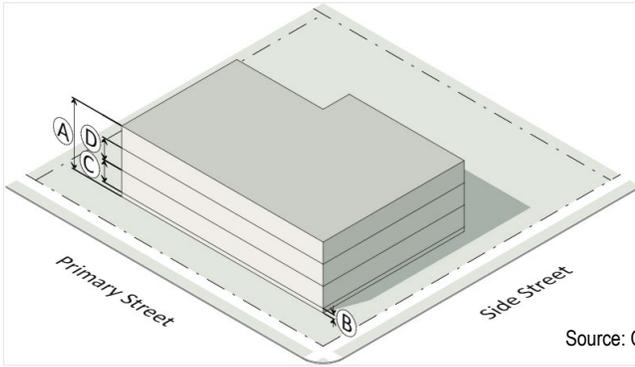
B. PLACEMENT



Source: Code Studio

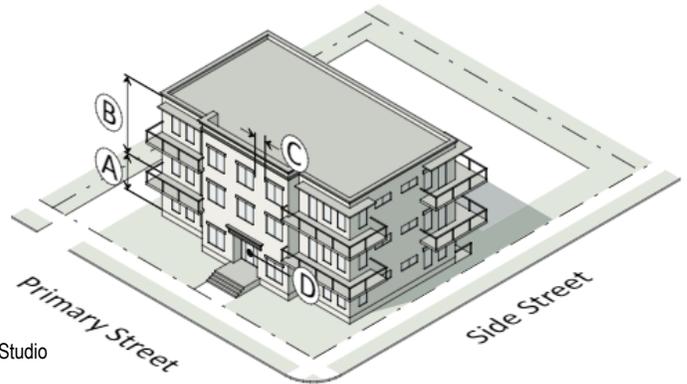
Lot Dimensions		Building Setbacks	
A	Lot area (min)	12,500 SF	A Primary street (min) 10'
B	Lot width (min)	100'	B Side street (min) 10'
Lot Parameters		C	C Side interior (min) 5'
C	% of outdoor amenity space (min)	10%	C Side interior, abutting protected district or UR (min) 10'
D	Dwelling units per building (max)	12	D Rear (min) 20'
		D	D Abutting alley (min) 5'
Build-to Zone (BTZ)			
E	Primary street (min/max)		10' to 20'
F	Building in primary street BTZ (min % of lot width)		70%
G	Side street		10' to 20'
H	Building in side street BTZ (min % of lot width)		35%
Parking Location			
I	On-site parking not allowed between the building and the street.		

C. HEIGHT



Source: Code Studio

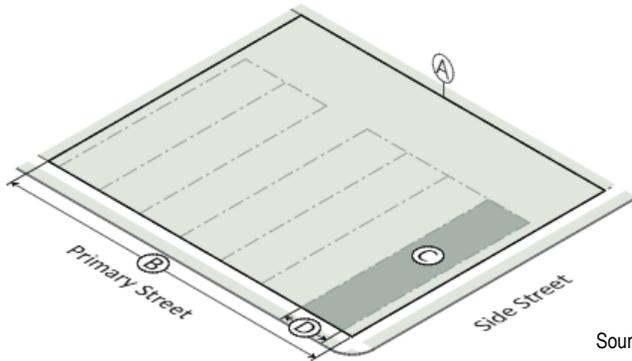
D. ACTIVATION



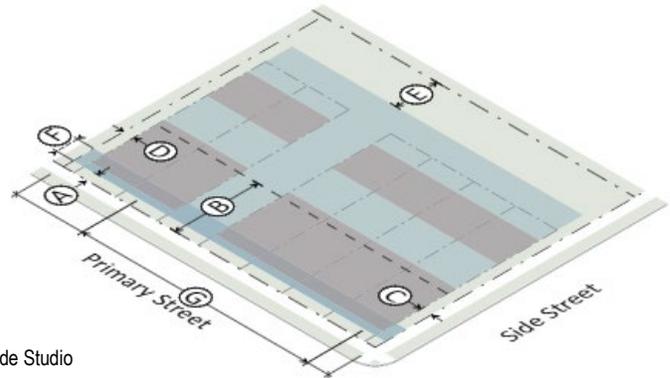
Building Height		Transparency	
A	Building height (max)	A	Ground story (min) 20%
RMX	2 stories/35'	B	Upper story (min) 20%
RMX, MX, IMX	3 stories/45'	C	Blank wall area (max) 35'
Reduced height may be required when abutting a protected district (see Section 3.7.J)		Pedestrian Access	
Story Height		D	Entrance facing primary street Required
B	Ground floor elevation (min) 2'	E	Entrance spacing along primary street 100'
C	Ground story height, floor to ceiling (min) 10'	Building Elements	
D	Upper story height, floor to ceiling (min) 9'	Porch	Allowed
		Stoop	Allowed
		Balcony	Allowed
		Gallery	Not Allowed
		Awning/Canopy	Allowed
		Forecourt	Allowed

3.6.7 STACKED FLAT

A. LOT



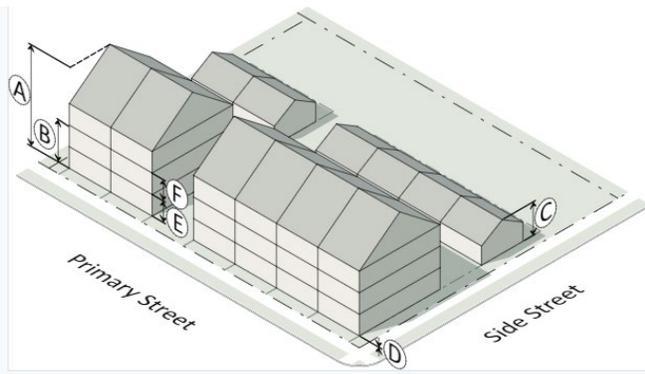
B. PLACEMENT



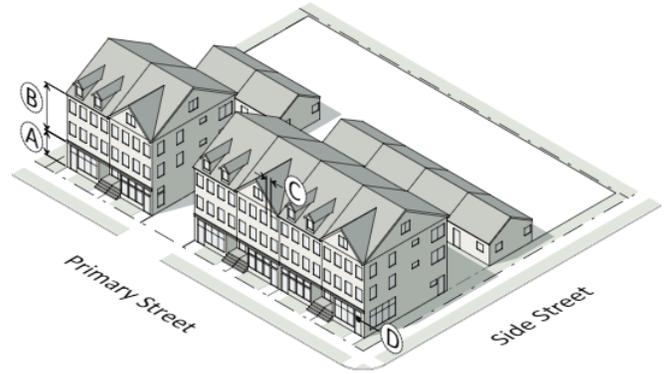
Source: Code Studio

Site Dimensions		Building Setbacks	
A	Site area (min)	12,500 SF	A Primary street - principal building (min) 5'
B	Site width (min)	100'	B Primary street - accessory structures (min) 40'
Lot Dimensions		C	Side street (min) 5'
C	Lot area (min)	D	Side interior, end unit only (min) 5'
D	Unit width (min/max)	D	Side interior, abutting protected district, RMX or UR (min) 10'
		E	Rear (min) 20'
		E	Abutting alley 4' or 20' min
Build-to Zone (BTZ)			
		F	Primary street (min/max) 5' to 10'
		G	Building in primary street BTZ (min % lot width) 70%
Parking Location			
		H	On-site parking not allowed between the building and the street.

C. HEIGHT



D. ACTIVATION

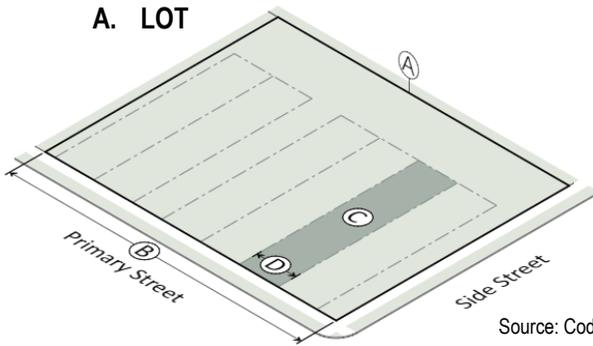


Source: Code Studio

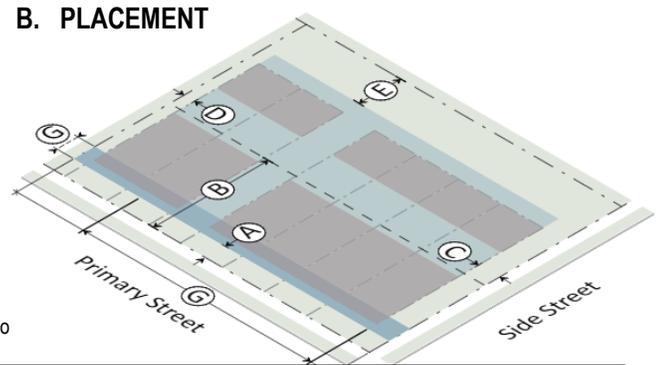
Building Height		Transparency	
A	Principal building (max)	A	Ground story (min) 40%
	RMX 2 stories/35'	B	Upper story (min) 20%
	RMX, MX, IMX 3 stories/45'	C	Blank wall area (max) 35'
Reduced height may be required when abutting a protected district (see Section 3.7.J)		Pedestrian Access	
B	Principal building (min) 2 stories	D	Entrance facing primary street (each ground floor unit) Required
C	Accessory structure (max) 24'	Building Elements	
Story Height		Porch	Not Allowed
D	Ground floor elevation 0'	Stoop	Allowed
E	Ground story height, floor to ceiling (min) 12'	Balcony	Allowed
F	Upper Story height, floor to ceiling (min) 9'	Gallery	Not Allowed
		Awning/Canopy	Allowed
		Forecourt	Not Allowed

3.6.8 TOWNHOUSE

A. LOT



B. PLACEMENT

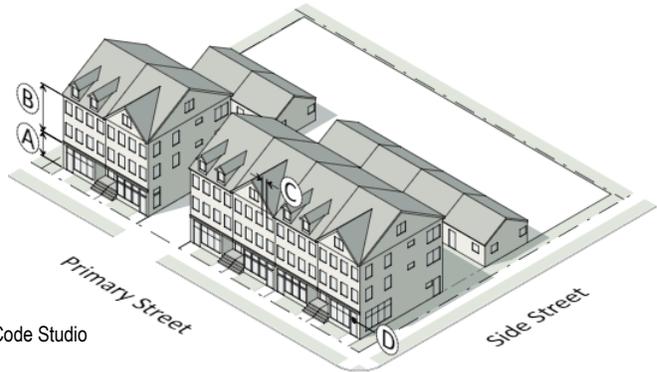
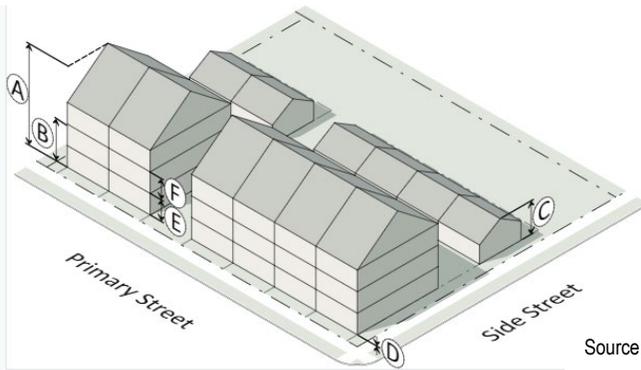


Source: Code Studio

Site Dimensions		Building Setbacks	
A	Site area (min)	10,000 SF	A Primary street - principal building (min) 5'
B	Site width (min)	100'	B Primary street - accessory structures (min) 40'
Lot Dimensions		C	Side street (min) 10'
C	Lot area (min)	D	Side interior, end unit only (min) 5'
D	Unit width (min/max)	D	Side interior, abutting protected district, RMX or UR (min) 10'
E	RMX: Dwelling units per building (max)	E	Rear (min) 20'
		E	Abutting alley 4' or 20' min
Build-to Zone (BTZ)			
F	Primary street (min/max)		5' to 15'
G	Building in primary street BTZ (min % lot width)		70%
Parking Location			
1	On-site parking not allowed between the building and the street.		
2	Parking must be placed entirely to the rear of the townhouse and be rear-accessed.		
3	Front-loaded townhouses are not allowed.		
4	Garage doors must face the rear alley.		

C. HEIGHT

D. ACTIVATION

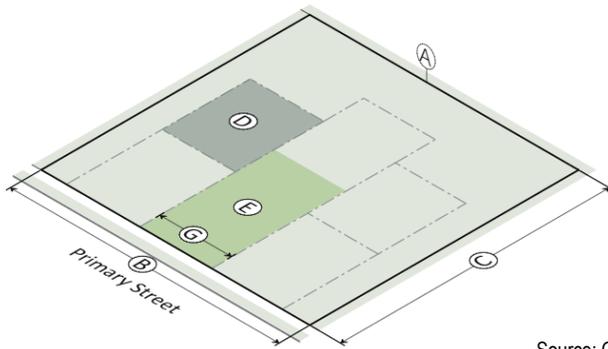


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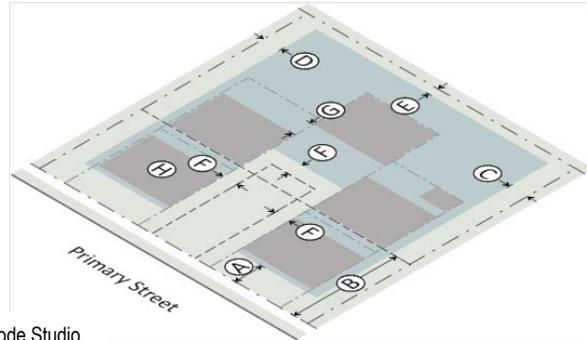
Building Height		Transparency	
A	Principal building (max)	A	Ground story (min) 20%
	UR, RMX, MX, IMX 2 stories/35'	B	Upper story (min) 20%
	RMX, MX, IMX 3 stories/45'	C	Blank wall area (max) 35'
Reduced height may be required when abutting a protected district (see Section 3.7.J)		Pedestrian Access	
B	Accessory structure (max) 24'	D	Entrance facing primary street (each ground floor unit) Required
Story Height		Building Elements	
C	Ground floor elevation (min) 2'	Porch	Allowed
D	Ground story height, floor to ceiling (min) 10'	Stoop	Allowed
E	Upper Story height, floor to ceiling (min) 9'	Balcony	Allowed
		Gallery	Not Allowed
		Awning/Canopy	Not Allowed
		Forecourt	Not Allowed

3.6.9 COTTAGE COURT

A. LOT



B. PLACEMENT



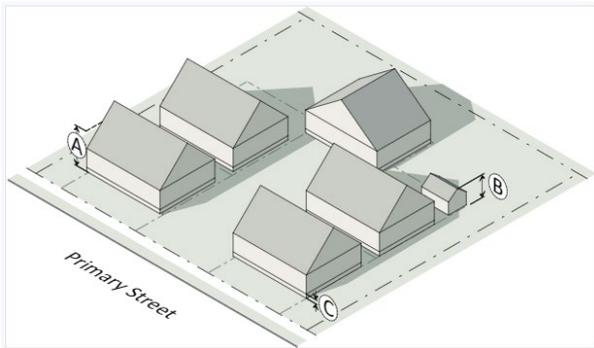
Source: Code Studio

Site Dimensions		Building Setbacks		
A	Site area (min)	22,500 SF	A Primary street - principal building (min) 15'	
	Site area per detached house (min)	4,500 SF	B Primary street - accessory structures (min) 30'	
	Detached houses per site (max)	9	C Side street (min) 10'	
B	Site width (min)	150'	D Side interior (min) 7.5'	
C	Site depth (min)	150'	E Rear (min) 10'	
Lot Dimensions		E	Abutting alley 4' or 20' min	
D	Lot area (min)	1,200 SF	F Abutting courtyard 0'	
Courtyard		Placement Limitations		
E	Area (min)	3,000 SF	G Building separation (min) 15'	
F	Courtyard area per detached house (min)	600 SF	H Principal building footprint (max) 1,200 SF	
G	Width (min)	40'	Parking Location	

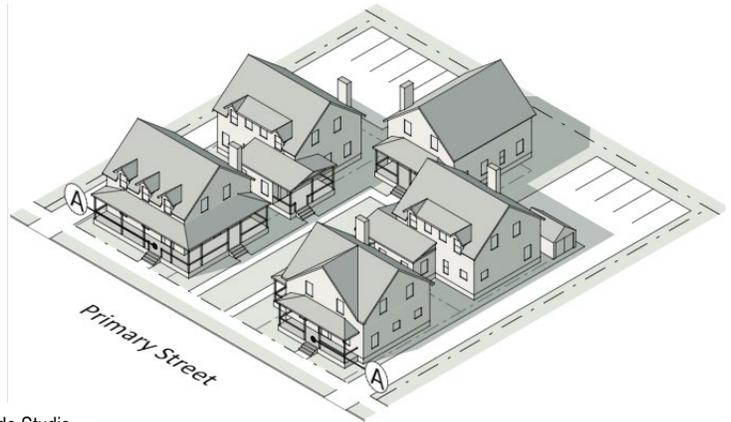
A cottage lot abutting a courtyard that meets the above standards meets the platting requirements for frontage on an improved public street.

I On-site parking not allowed between the building and the street.

C. HEIGHT



D. ACTIVATION

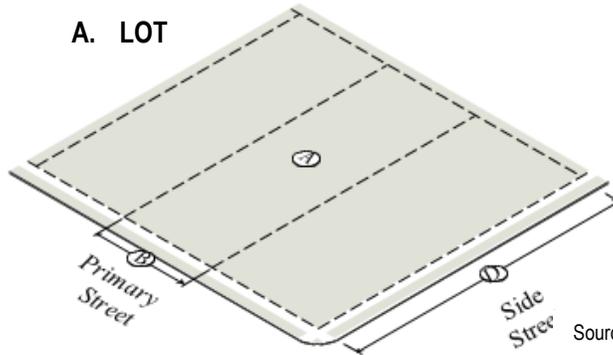


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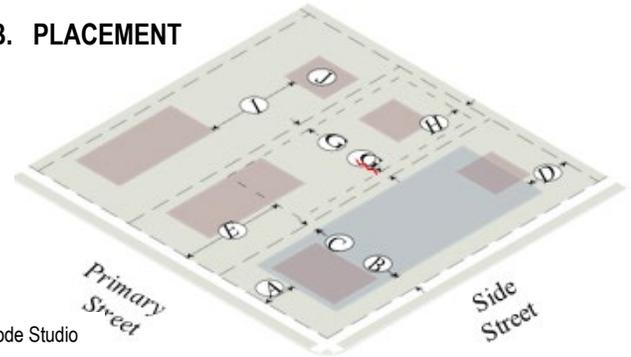
Building Height		Pedestrian Access	
A	Principal building (max)	A	Entrance facing primary street Required for end units
UR		Building Elements	
UR, RMX		Porch	Allowed
B	Accessory structures (max)	Stoop	Allowed
Story Height		Balcony	Allowed
C	Ground floor elevation (min)	Gallery	Not Allowed
		Awning/Canopy	Not Allowed
		Forecourt	Not Allowed

3.6.10 DETACHED HOUSE

A. LOT



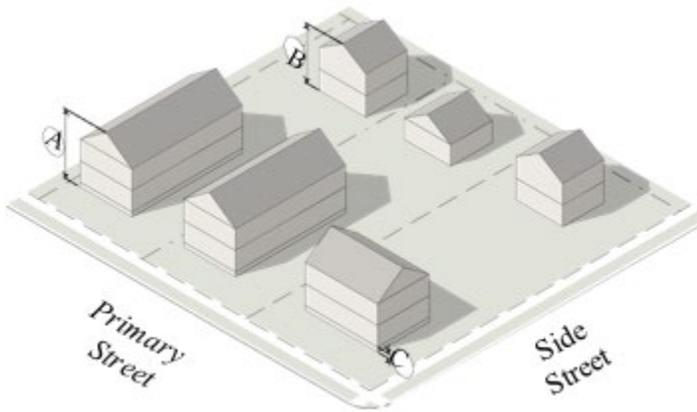
B. PLACEMENT



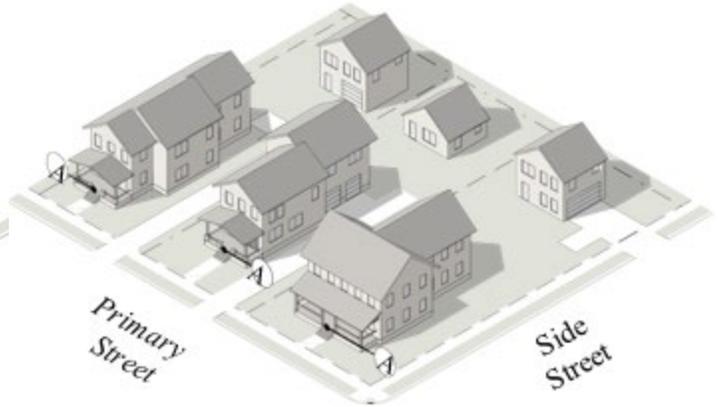
Source: Code Studio

Lot Dimensions		Principal Building Setbacks	
A	Lot area (min)	7,500 SF	A Primary street (min) 15'
A	Lot area – rear loaded (min)	5,000 SF	B Side street (min) 10'
B	Lot width (min)	50'	C Side interior (min) 7.5'
B	Lot width – rear loaded (min)	40'	D Rear (min) 20'
C	Dwelling units per lot (max)	1	D Abutting alley 4' or 20' min
Additional Requirements with Carriage House		Accessory Structure/Carriage House	
D	Lot depth (min)	120'	E Primary street (min) 50'
E	Additional detached dwelling unit (max)	1	F Side street (min) 10'
F	Additional on-site parking (min)	1 space	G Side interior (min) 7.5'
			H Rear (min) 5'
			H Abutting alley 4' or 20' min
Accessory Structure/Carriage House Limitations			
I	Building separation (min)		15'
J	Conditioned space (max)		600 SF
Parking Location			
K	The combined parking and driveway area cannot be more than 40% of the area between the front building facade and the front property line. Any parking in the front setback must have sufficient depth so that parked cars do not encroach on the adjacent sidewalk.		

C. HEIGHT



D. ACTIVATION

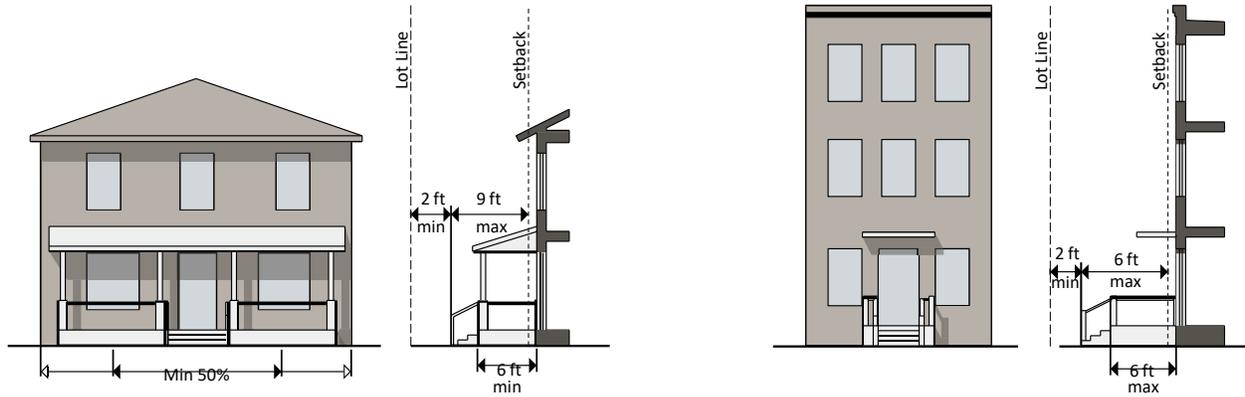


Source: Code Studio

Building Height		Pedestrian Access	
A	Principal building (max)	A	Entrance facing primary street
	UR, RMX		Required
	2 stories/35'	Building Elements	
	UR, RMX	Porch	Allowed
B	Accessory structure	Stoop	Allowed
	24'	Balcony	Allowed
Story Height		Gallery	Not Allowed
C	Ground floor elevation (min)	Awning/Canopy	Not Allowed
	2'	Forecourt	Not Allowed

3.7 BUILDING ELEMENTS

Individual building elements are allowed or required by each specific building type (see Section 3.6.1 to Section 3.6.10).



Source: Code Studio

3.7.1 PORCH

A. Defined

A raised structure attached to a building, forming a covered entrance to a doorway.

B. Standards

1. A front porch must be at least 6 feet deep (not including the steps).
2. A front porch must be contiguous, with a width not less than 50% of the building facade from which it projects.
3. A front porch must be roofed and may be screened, but cannot be fully enclosed.
4. A front porch may extend up to 9 feet, including the steps, into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
5. A front porch may not encroach into the public right-of-way.

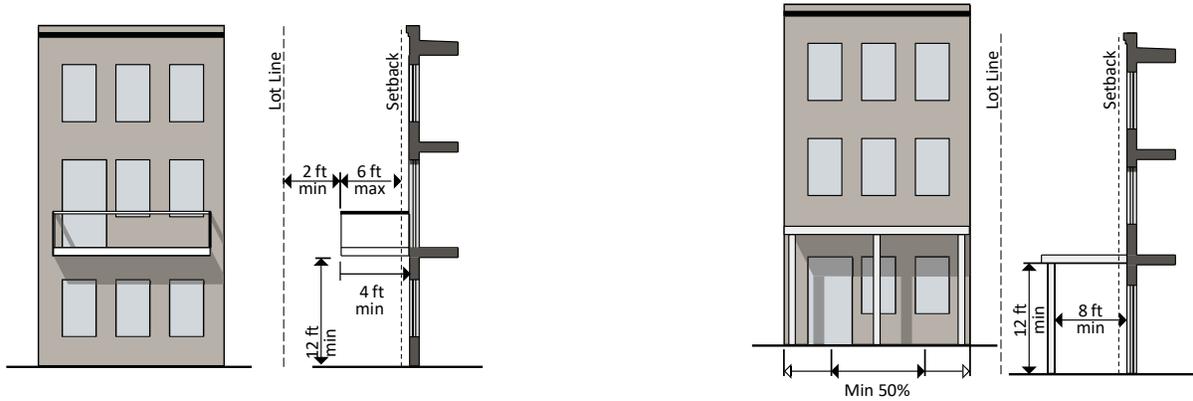
3.7.2 STOOP

A. Defined

A small raised platform that serves as an entrance to a building.

B. Standards

1. A stoop must be no more than 6 feet deep (not including the steps).
2. A stoop may be covered but cannot be fully enclosed.
3. A stoop may extend up to 6 feet, including the steps, into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
4. A stoop may not encroach into the public right-of-way.



Source: Code Studio

3.7.3 BALCONY

A. Defined

A platform projecting from the wall of a building with a railing along its outer edge, often with access from a door or window.

B. Standards

1. A balcony must be at least 4 feet deep and may extend up to 6 feet into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line, with the exception of paragraph b. below.
2. A balcony may encroach over a public sidewalk within the public right-of-way, if such encroachment is approved by the Administrator.
3. A balcony must have a clear height above the sidewalk of at least 12 feet.
4. A balcony may be covered and screened, but cannot be fully enclosed.

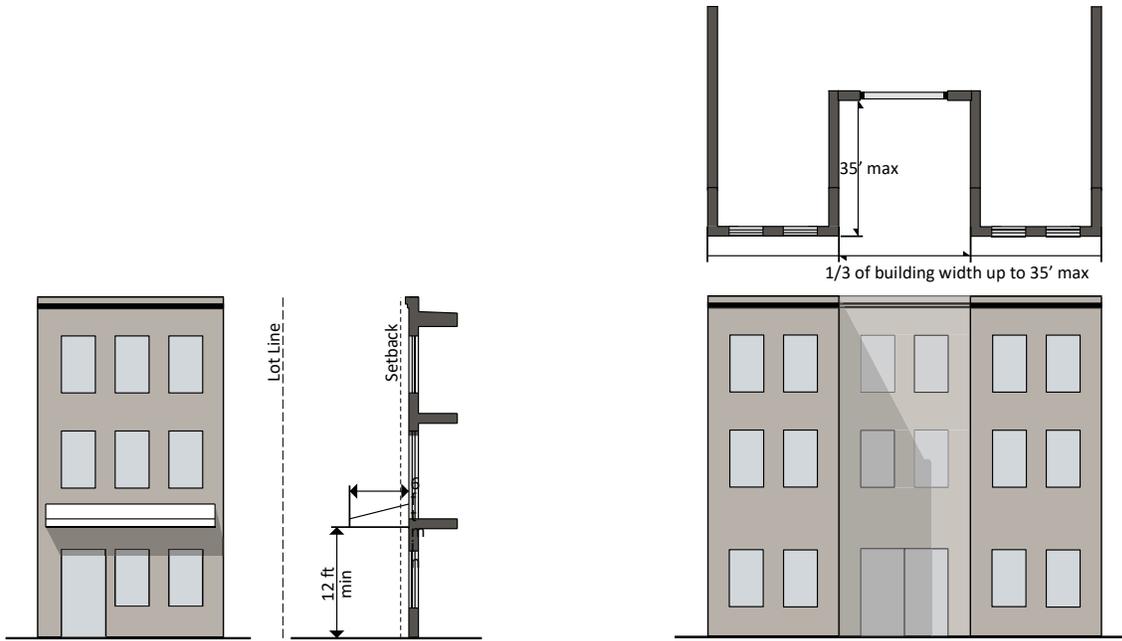
3.7.4 GALLERY

A. Defined

A covered passage extending along the outside wall of a building supported by arches or columns that is open on 3 sides.

B. Standards

1. A gallery must have a clear depth from the support columns to the building's facade of at least 8 feet and a clear height above the sidewalk of at least 12 feet.
2. A gallery must be contiguous and extend over at least 50% of the width of the building facade from which it projects.
3. A gallery may extend into a required setback.
4. A gallery may encroach over a public sidewalk within the public right-of-way, if such encroachment is approved by the Administrator.



Source: Code Studio

3.7.5 AWNING/CANOPY

A. Defined

A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.

B. Standards

1. An awning/canopy must be a minimum of 12 feet clear height above the sidewalk and must have a minimum depth of 6 feet.
2. An awning/canopy may extend into a required setback.
3. An awning/canopy may encroach over a public sidewalk within the public right-of-way, if such encroachment is approved by the Administrator.

3.7.6 FORECOURT

A. Defined

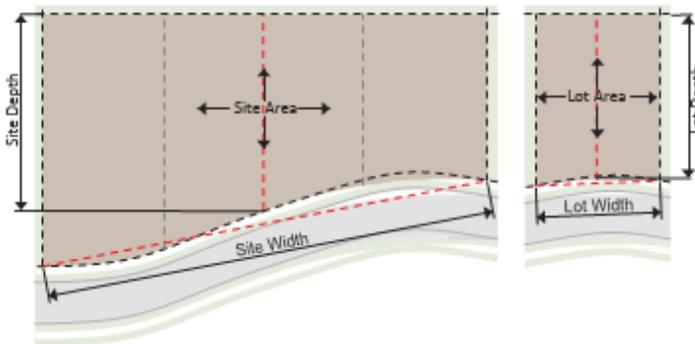
An open area at grade or within 30 inches of grade that serves as an open space, plaza or outdoor dining area.

B. Standards

1. A forecourt must be no more than 1/3 of the width of the building face and in no case wider than 35 feet in width.
2. A forecourt may be no more than 35 feet in depth.
3. A maximum of one forecourt is permitted per lot.
4. A forecourt meeting the above requirements is considered part of the building for the purpose of measuring the build-to zone.

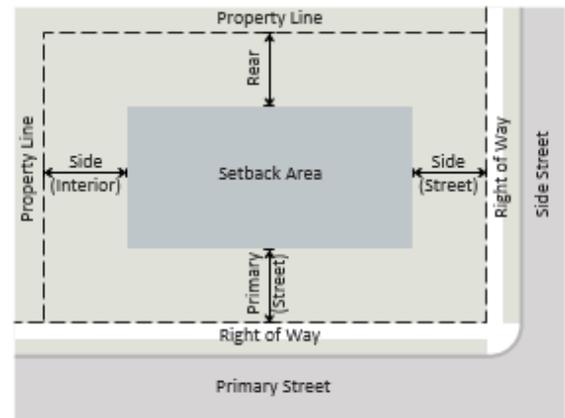
3.8 RULES FOR ALL BUILDING TYPES

A. Site



Source: Code Studio

B. Lot



C. Building Setbacks

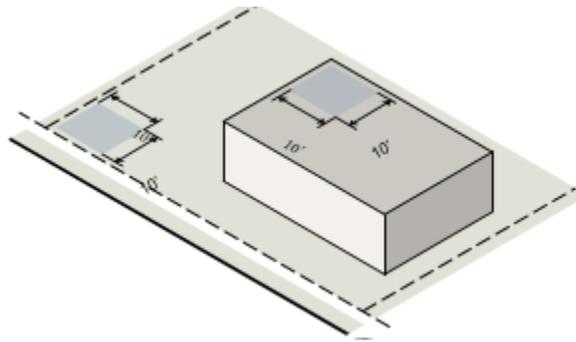
1. **Generally:** There are 4 types of setbacks – primary street, side street, side interior, and rear.
2. **Measurement of Building Setbacks**
 - i. Primary and side street setbacks are measured from the edge of the right-of-way.
 - ii. Side interior setbacks are measured from the side property line.
 - iii. When the side interior setback is 0 or 5 feet, the building or structure must be placed on the side property line or be placed a minimum of 5 feet from the side property line.
 - iv. Rear setbacks are measured from the rear property line or the edge of the right-of-way where there is an alley.
 - v. When the rear setback is 4 or 20 feet, the building or structure must be placed exactly 4 feet from the rear property line or be placed a minimum of 20 feet from the rear property line.

D. Courtyards

1. Where required, a courtyard must be one contiguous open area that meets the dimensional requirements under the specific building type.
2. A required courtyard must be provided at grade and cannot be built, parked or driven upon, except for emergency access and permitted temporary events.

E. Outdoor Amenity Space

1. **Generally:** Where required, outdoor amenity space must be provided on the lot and must be available for use by the occupants of the development.



Source: Code Studio

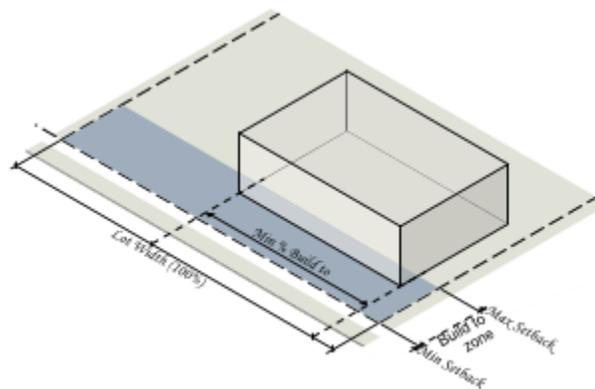
2. Standards:

- a. Outdoor amenity space may be met in one contiguous open area or in multiple open areas on the lot; however, to receive credit the area must be at least 10 feet in width and length.
- b. Outdoor amenity space may be located at or above grade, except in RMX where outdoor amenity space must be located at grade.
- c. Active outdoor amenities include a playground, athletic court, pool deck, spray deck, promenade, or dog park.
- d. Passive park areas must include improvements such as trails, paths and seating areas. Formal or informal gardens, as well as greenbelts, are considered acceptable outdoor amenity areas.
- e. Outdoor amenity space may include structures such as kiosks, bicycle racks, benches or other seating, sculpture, fountains and similar amenities. Such areas must not include signs unrelated to the amenities, utility areas, dumpsters or similar structures.
- f. Outdoor amenity space provided at grade cannot be built, parked or driven upon, except for emergency access and permitted temporary events.
- g. Outdoor amenity space provided above grade may be roofed but cannot be enclosed. Examples include a pavilion or gazebo.

F. Build-to Zone

1. Defined

- a. The build-to zone is the area on the lot where a certain percentage of the front building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.

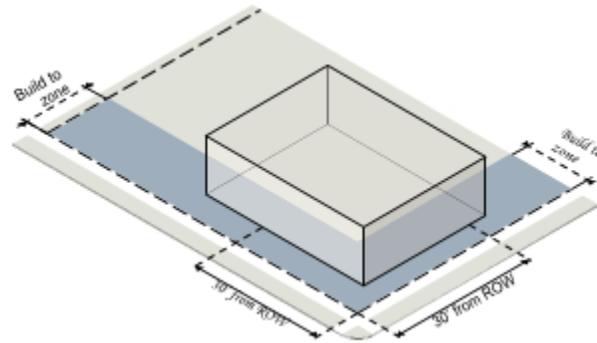


Source: Code Studio

- b. The required percentage specifies the amount of the front building facade that must be located in the build-to zone, measured based on the width of the building divided by the width of the lot.
- c. The build-to requirement does not apply to a designated service street in the approved Mixed-Use District/Master Development Plan.

2. Corner Lots

On a corner lot, a building facade must be placed within the build-to zone for the first 30 feet along the street extending from the block corner, measured from the intersection of the two right-of-way lines.



Source: Code Studio

3. Uses Allowed

With the exception of parking spaces, all structures and uses allowed on the lot are allowed in the build-to zone. Does not include encroachment into a required setback unless specifically permitted.

G. Transparency

- 1. The minimum percentage of windows and doors that must cover a ground story facade is measured between 2 and 12 feet above the abutting sidewalk.



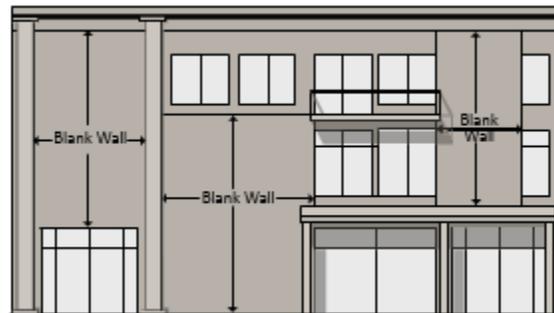
Source: Code Studio

- 2. The minimum percentage of windows and doors that must cover an upper story facade is measured from the top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.
- 3. Transparency applies to primary and side street-facing facades only.
- 4. Glass is considered transparent where it has a transparency higher than 80% and external reflectance of less than 15%.

5. Windows cannot be made opaque by window treatments (except operable sunscreen devices within the conditioned space).

H. Blank Wall Area

1. Blank wall area means a portion of the exterior facade of the building that does not include: windows or doors; columns, pilasters or other articulation greater than 12 inches in depth; or a substantial material change (paint color is not considered a substantial change).



Source: Code Studio

2. Blank wall area applies in both a vertical and horizontal direction.
3. Blank wall area applies to ground and upper story primary and side street-facing facades.

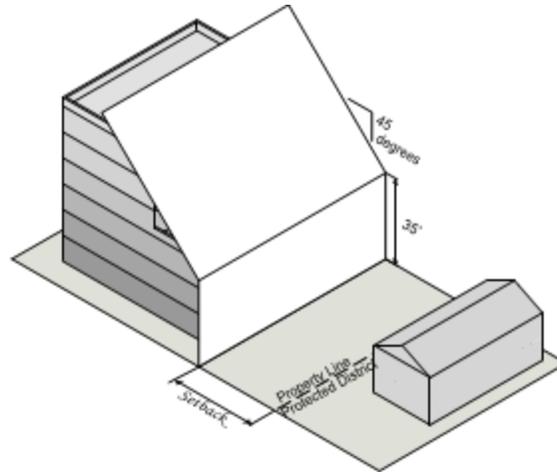
I. Pedestrian Access

1. An entrance providing both ingress and egress, operable to residents or customers at all times, is required to meet the street-facing entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are permitted.
2. The entrance spacing requirements must be met for each building, but are not applicable to adjacent buildings.
3. An angled entrance may be provided at either corner of a building along the street to meet the street-facing entrance requirements.

J. Protected Districts

1. Applicability

- a. Any protected district triggers the application of the following requirements.
 - b. A protected district is defined as any RN, LDR or MDR district.
2. **Bulk Plane:** A bulk plane is required where a Mixed-Use District abuts a protected district. When abutting a protected district, a building must not extend into a 45-degree angular plane projecting over the subject property measured from a height of 35 feet at the side interior or rear setback line.



Source: Code Studio

3. Buffer Strip

A buffer strip meeting the standards is required where a Mixed-Use District abuts a protected district.

K. Building Materials

1. **Applicability:** The requirements of this section apply to all building facades.
2. **Primary Materials:** The following materials are required for not less than 75% of the building wall surface area on each facade:
 - a. Brick;
 - b. Cementitious siding;
 - c. Glass curtain wall;
 - d. Stone;
 - e. Stucco (cementitious finish); and
 - f. Wood (only permitted in RMX - Detached).
3. **Material Change:** Primary material changes must occur only at inside corners
4. **Accent Materials:** The following materials may make up 25% of the building wall surface area on each facade:
 - a. Cementitious siding;
 - b. External Insulation Finishing System - EIFS (for trim and cornice elements only);
 - c. Glass block;
 - d. Gypsum Reinforced Fiber Concrete (GFRC— for trim elements only);
 - e. Metal (for beams, lintels, trim elements and ornamentation only);
 - f. Pre-cast masonry (for trim and cornice elements only);
 - g. Split-faced block (for piers, foundation walls and chimneys only); and,
 - h. Wood – for trim elements in all districts and for siding or shingles in the RMX-Detached Building Types.

5. **Alternate Materials:** Alternate building materials or those not normally permitted as primary materials may be approved by the Midtown Development Review Committee.

3.9 LAND USE

3.9.1. RMX District – Attached Building Types Permitted retail uses such as art galleries, personal services, repair services (not including repairs to cars and trucks), restaurant, and retail sales are permitted in a RMX – Attached Building subject to the following:

- The use must be located on the first floor of a stacked flat.
- The stacked flat must be on a lot located at the intersection of two public streets; and
- The use cannot exceed 1,500 square feet in gross floor area.

3.9.2 PERMITTED USES

- A. Uses allowed in each district are shown in Chapter 2. A lot or building must be occupied with only the uses allowed on the permitted use table in Section 2.5.3 Use Table.
- B. Any one or more land uses allowed in a district may be established on any lot within that district, subject to the permitted use table and in compliance with all applicable requirements of the UDO.

3.10 SITE DEVELOPMENT

3.10.1 PARKING

- A. **Applicability:** No permit for the construction, reconstruction, extension or alteration of any building, structure or use of land and no building or land, or any part of any building or land, may be occupied or used until parking has been provided in accordance with the requirements of the UDO.
- B. **Vehicle Parking**
 - 1. The minimum vehicle parking spaces are required in Chapter 7.
 - 2. Outdoor dining areas that are located in the build-to-zone or a forecourt allowed under *Building Elements* are exempt from the calculation of required vehicle parking spaces.
 - 3. In each parking lot or garage containing over 100 parking spaces, at least 2 spaces within the 10 spaces closest to the primary entrance to the building must be reserved for a hybrid or electric vehicle and must have a sign indicating that reservation.
- C. **Location of Parking:** Required vehicle parking must be located on the same lot as the use they are intended to serve, except as listed below.
 - 1. **On-Street Parking**
 - a. One on-street parking space may be substituted for every required parking space, provided the on-street space is located on a public right-of-way immediately abutting the subject property.
 - b. Each on-street parking space may only be counted for one property. Where a space straddles an extension of a property line, the space may only be counted by the owner whose property abuts 50% or more of the on-street parking space.
 - 2. **Remote Off-Site Parking**
 - a. All required parking spaces, except required accessible spaces, can be located off-site if

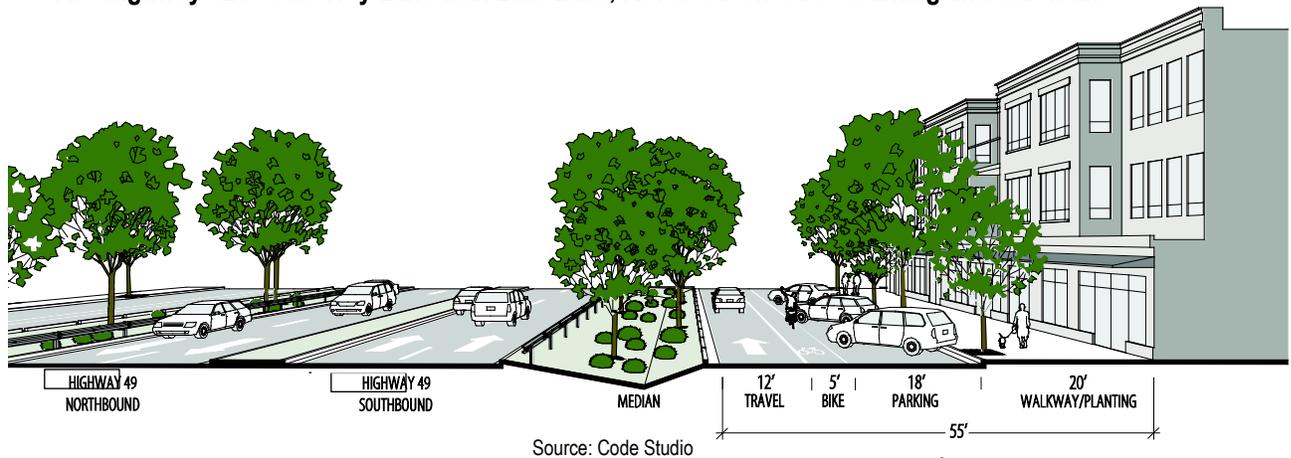
the remote parking area is located within 660 feet from the primary entrance of the use served.

- b. Up to 50% of the required parking spaces can be located between 660 feet and 1,320 feet from the primary entrance of the use served.
- c. All remote parking spaces used to meet an on-site parking requirement must be located within the boundaries of a Mixed-Use District.
- d. The remote parking area is measured in walking distance from the nearest point of the remote parking area to the primary entrance of the use served.

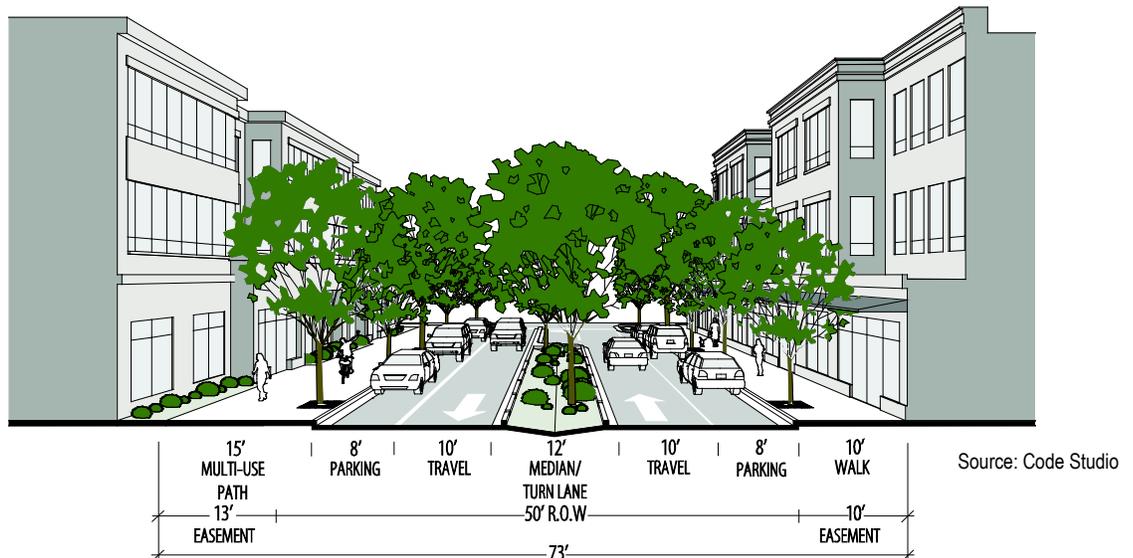
3.11 STREET TYPES

The following streetscapes are examples of varying dimensional and installation street types that may be required for the development of mixed-use districts to provide for vehicle, pedestrian, and bicycle transportation choices:

A. Highway 521 / One-Way Lane with Bike Lane, Reversed On-Street Parking and Sidewalk



B. Two-Lane Divided with On-Street Parking and Sidewalks

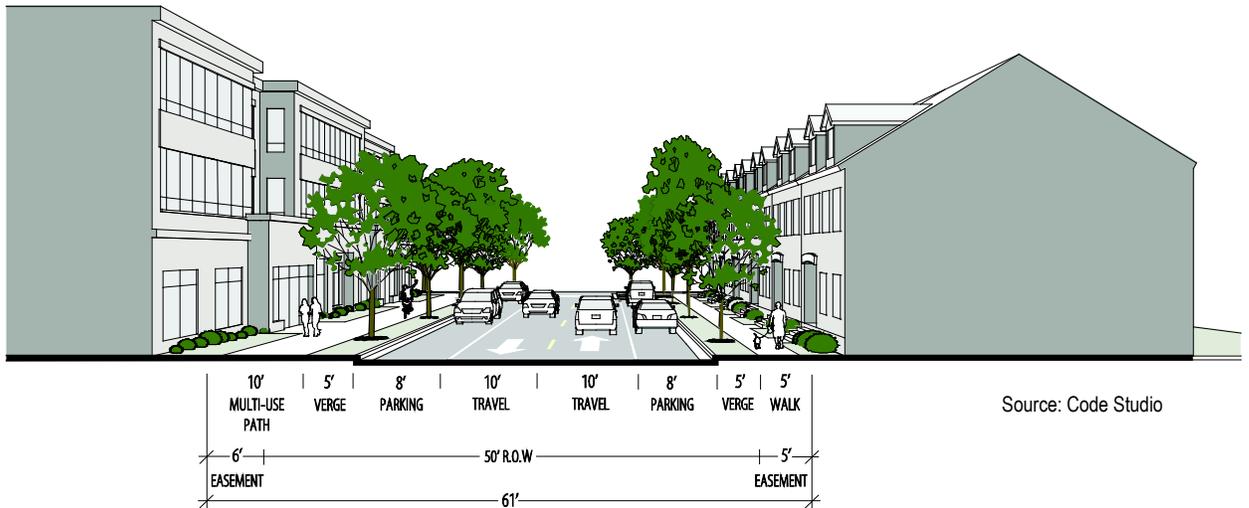


C. Two-Lane with Bike Lanes, On-Street Parking and Sidewalks



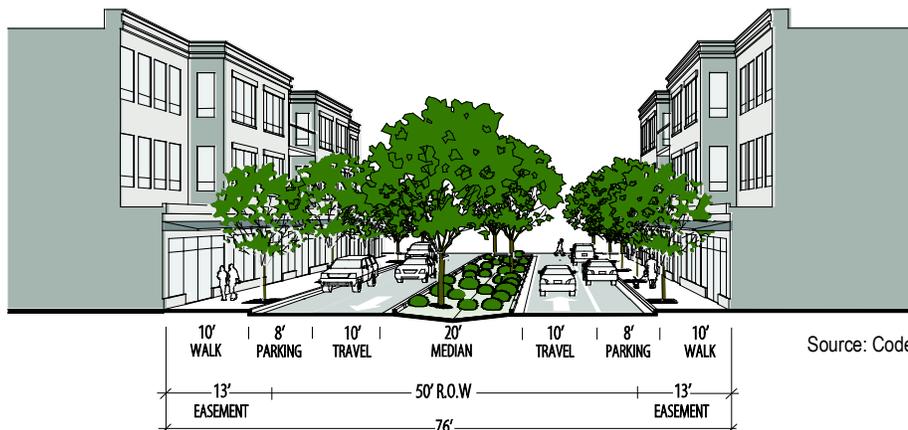
Source: Code Studio

D. Two-Lane with On-Street Parking, Multi-Use Path, and Sidewalk



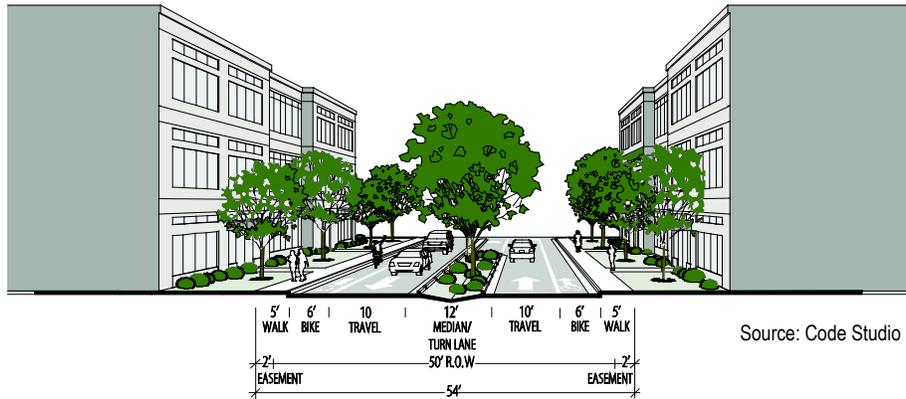
Source: Code Studio

E. Two-Lane Divided with Bike Lanes and Sidewalks

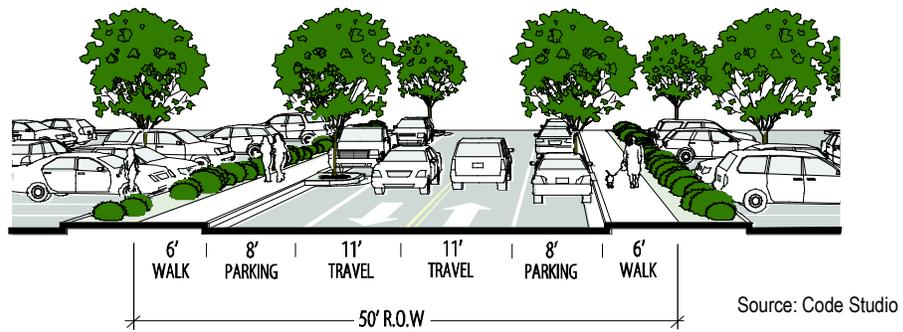


Source: Code Studio

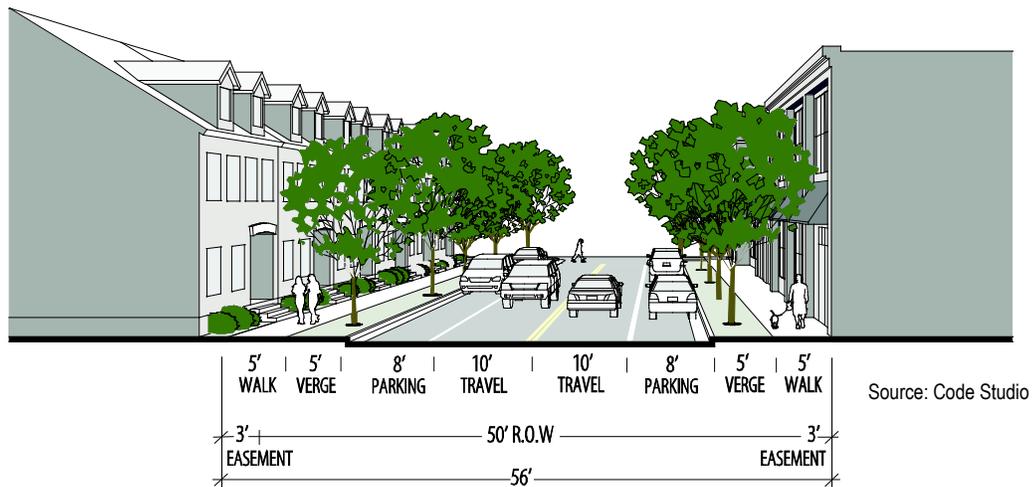
F. Two-Lane Divided with On-Street Parking and Sidewalks



G. Two-Lane with On-Street Parking and Sidewalks



H. Two-Lane with On-Street Parking, Verge (Border), and Sidewalks



3.12 ADMINISTRATION

The Technical Review Committee is designated as the Committee whose purpose and responsibility as related to the Mixed-Use Districts is to utilize to the fullest extent possible its individual and collective technical expertise, to coordinate and expedite the review, processing, recommendation and pre-hearing procedures.

All procedures for permits, amendments and variances must follow the applicable requirements and procedures as established by County codes, or other chapters of the UDO, such as Chapter 9, Administration.

3.12.1 DEVIATIONS

A. Authority

During the Site Plan Review process, the Technical Review Committee is authorized to recommend approval of deviations to certain provisions of the UDO, where, due to special conditions, strict enforcement would be physically impractical. This optional process may occur only where the applicant requests a deviation to a standard as specified below.

B. Permitted Deviations

The Technical Review Committee must review the request in light of the purpose and intent of this Code. The Technical Review Committee is authorized to recommend the approval of a deviation for the following:

1. **Build-to Zone (BTZ)**
 - a. Increase or reduction of up to 20% of the minimum or maximum required primary street or side street setback.
 - b. Reduction of up to 5% of the minimum required build-to percentage.
2. **Ground Floor Elevation:** Reduction of up to 1' of the minimum required ground floor elevation.
3. **Story Height:**

Reduction of up to 10% of the minimum required ground and upper story floor heights.
4. **Transparency:** Reduction of up to 5% of the minimum percentage of windows and doors that must cover street-facing building facades.
5. **Blank Wall Area:** Reduction of up to 15% of the maximum allowed blank wall area on street-facing building facades.
6. **Pedestrian Access:** Reduction of up to 10% of the minimum required distance between street-facing entrances.
7. **Alternate Materials:** Alternate building and fence and wall materials. Alternate materials must be considered equivalent or better than the materials listed and regionally-available materials are preferred.
8. **Parking:** Reduction of 10% of the minimum required vehicle parking spaces may be recommended by the TRC, on a case-by-case basis, based on applicant-submitted parking data that illustrates that the required parking ratios do not accurately apply to their specific development or on the basis of transit service, shared parking or transportation demand management measures.

C. Unlisted Standards

Any request for relief from a required standard, other than those listed above, must be reviewed pursuant to the procedures contained in the UDO, Chapter 9.

3.12.2 NONCONFORMITIES

A. Purpose: The purpose of this section is to establish regulations and limitations on the continued existence of uses, buildings and structures established prior to the effective date of the UDO that do not conform to the provisions of this Code.

B. Nonconforming Uses

Authority to Continue: Any existing use that does not conform to this Code may be continued as long as it remains otherwise lawful, subject to the provisions of Chapter 9.

C. Nonconforming Buildings or Structures

1. Authority to Continue: Any existing building or structure that does not conform to this Code may be continued as long as it remains otherwise lawful, subject to the provisions of Chapter 9.

2. Enlargement, Repair, Alterations: Any existing building or structure that does not conform to this Code may be enlarged, maintained, repaired, or altered; provided, that no enlargement, maintenance, repair or alteration creates an additional nonconformity or increases the degree of the existing nonconformity of all or any part of the building or structure, except as specified in Section 3.12.E. Nonconforming Build-to Requirement.

3. Damage or Destruction

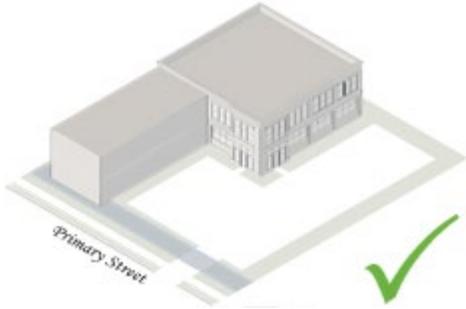
a. When an existing building or structure that does not conform to this Code is damaged or destroyed by 50% or more of the fair market value of the building or structure immediately prior to the damage, the building or structure must conform, in its entirety, to the requirements of this UDO.

b. When an existing building or structure that does not conform to this UDO is damaged or destroyed by less than 50% of the fair market value of the building or structure immediately prior to the damage, the building or structure may be repaired and reconstructed as it was before the damage or destruction, provided that the repair or reconstruction is completed within 12 months of the date of the damage. Upon evidence of hardship, the Administrator may extend the above time limit once, up to a time period of 12 consecutive months.

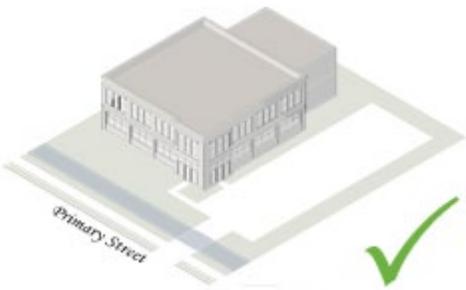
D. Relocation: An existing building or structure that does not conform to this Code cannot be relocated in whole or in part to any other location on the same or any other lot unless the entire building or structure conforms to this Code after being relocated, except as specified in Section 3.12.E Nonconforming Build-to Requirement.

E. Nonconforming Build-to Requirement

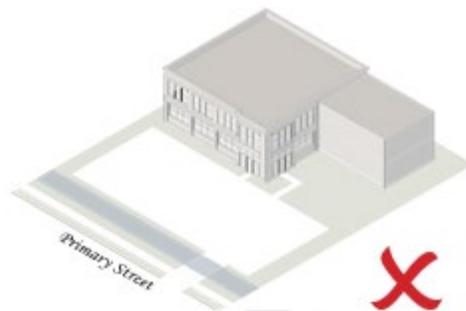
1. Additions. When an existing building is being expanded and the building doesn't meet the build-to requirement, the following nonconforming provisions apply.



Front Addition. Any addition to the front must be placed in the build-to zone. The addition does not have to meet the build-to percentage for the lot.

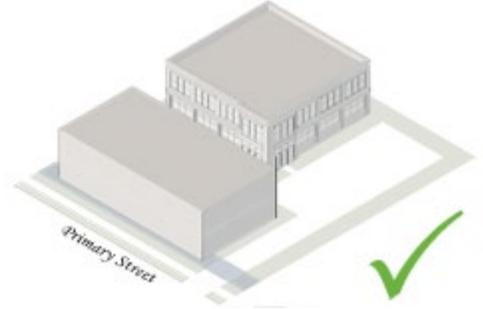


Rear Addition. Rear additions are allowed because the extension does not increase the degree of the nonconformity.

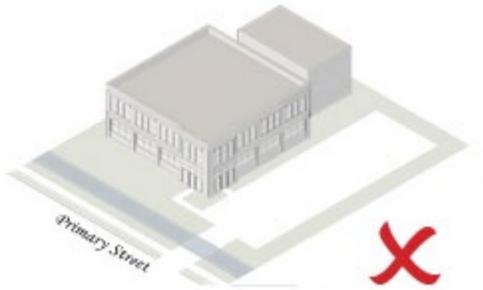


Side Addition. Side additions are not allowed because the extension increases the width of the building not located in the build-to zone.

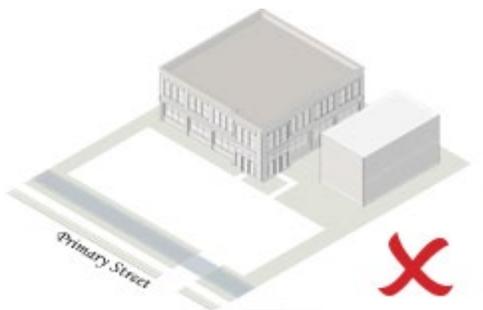
2. New Buildings: Where a new building is being constructed on a lot or site with an existing building on it that doesn't meet the build-to requirement, the following nonconforming provisions apply.



Front New Building. All new buildings must be placed in the build-to zone until the build-to percentage for the lot has been met.



Rear New Building. New buildings located outside of the build-to zone are not allowed until the build-to percentage for the lot has been met.



Side New Building. New buildings located outside of the build-to zone are not allowed until the build-to percentage for the lot has been met.

Source: Code Studio