

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _____ **AGENDA ITEM NUMBER:** _____

SUBJECT:-

Request for Public Hearing on zoning text amendment proposed by the City-County Planning Board to amend the requirements of the MU-S Mixed Use - Special Use District (UDO-86).

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning text amendment proposed by the City-County Planning Board to amend the requirements of the MU-S Mixed Use - Special Use District (UDO-86).

After consideration, the Planning Board recommended approval of the zoning text amendment.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

ACTION REQUEST FORM

DATE: March 20, 2002
TO: The Honorable Mayor and Board of Aldermen
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on zoning text amendment proposed by the City-County Planning Board to amend the requirements of the MU-S Mixed Use - Special Use District (UDO-86).

SUMMARY OF INFORMATION:

Zoning text amendment proposed by the City-County Planning Board to amend the requirements of the MU-S Mixed Use - Special Use District (UDO-86).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

STAFF REPORT

DOCKET #: UDO-86

STAFF: David Reed

REQUEST

Zoning text amendment proposed by the City-County Planning Board to amend the requirements of the MU-S Mixed Use-Special Use District.

BACKGROUND

The MU-S Mixed Use-Special Use District was created as a part of the *Unified Development Ordinances* (UDO) which was adopted on December 31, 1994. The purpose of the district was to allow a mixture of uses which could be comprehensively designed without requiring multiple zoning districts. Existing zoning district requirements include strict setback and buffering requirements which do not facilitate the integration of uses with adjacent properties. The current requirements include a 50-foot streetyard buffer and a minimum site size of 30 acres. Only three sites have been rezoned to MU-S since the district was established.

ANALYSIS

Over the last few years since the MU-S district was established, staff has met with various property owners and developers regarding the potential use of the MU-S district. Unfortunately the 50-foot streetyard requirement as well as the 30-acre minimum lot size have made the district unusable in many cases.

As we begin to implement *Legacy*, the need for zoning districts such as the MU-S district becomes more apparent. The MU-S requirements in their current form, however, do not accommodate some of the design principles that are encouraged in *Legacy*. As we establish new development standards through the implementation of *Legacy*, we will be comprehensively reviewing the MU-S district requirements to ensure they are complementary to other proposed development regulations and guidelines. The subject text amendment will serve to make the current MU-S district more attractive and usable in the interim while we go through the comprehensive *Legacy* implementation process.

The text amendment proposes changing the Purpose Statement of the district to clarify the intent while making the district requirements more flexible to allow the most appropriate design for each unique situation. One key change proposed in the text amendment eliminates the minimum 50-foot wide streetyard and addresses the setback on a case by case basis. This will allow the designer to adjust the streetyard to complement the setbacks on adjacent properties. Another key change is the reduction of the minimum site size from 30 to 15 acres. This will open up the possibility to use MU-S zoning in more urbanized, infill situations. The amendment also proposes adding a section related to parking which would include standards similar to those used in the PB zoning district and expanding the bufferyard requirements to include some of the same standards used in the Planned Residential Development (PRD) requirements. Finally, the text amendment

proposes adding several permitted uses to the MU-S district. The proposed additional uses are Non-Store Retailer; Services Personal; Theater, Indoor; Adult Day Care Center; Club or Lodge; Neighborhood Organization; and Post Office.

Because MU-S is a unique zoning classification which requires a preapplication conference and site plan review, Planning staff is comfortable that proposed district modifications will enhance the market appeal of the district without compromising controls on inappropriate land uses.

Staff is of the opinion that the proposed changes will make the MU-S district more usable and will help facilitate the implementation of *Legacy*.

RECOMMENDATION

Staff recommends **APPROVAL**.

David Reed presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Kerry Avant moved approval of the zoning text amendment.

SECOND: Jerry Clark

VOTE:

FOR: Avant, Bost, Clark, King, Norwood, Powell

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning

UDO-86
AN ORDINANCE AMENDING
THE UNIFIED DEVELOPMENT ORDINANCES
REGARDING THE REQUIREMENTS OF
THE MU-S MIXED USE - SPECIAL USE DISTRICT

Be it resolved, by the Board of Commissioners of Forsyth County, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Table 2.6 "Permitted Uses", Article II, "Zoning Districts, Official Zoning Maps, and Uses" of Chapter B "Zoning," is hereby amended by adding a "Z" under the MU-S column for the following uses: "Non-Store Retailer"; "Services Personal"; "Theater, Indoor"; "Adult Day Care Center"; "Club or Lodge"; "Neighborhood Organization"; and "Post Office". All applicable conditions referenced in the "CONDS" column shall apply.

Section 2. Section 2-1.5(C), Article II, "Zoning Districts, Official Zoning Maps, and Uses" of Chapter B "Zoning," is hereby rewritten to read as follows:

(C) MU-S Mixed Use - Special Use District.

- (1) Purpose. The MU-S District is intended to accommodate and positively integrate a balanced mixture ~~a mix~~ of residential, commercial, and in some cases light industrial uses ~~in a cohesive development which is compatible with the natural terrain and surrounding uses within the district and the surrounding area.~~ Depending upon the existing land use context in which the MU-S District is proposed, at least three distinctly different use components are expected for any MU-S zoning proposal. Building mass, rhythm, scale, and transition, as well as a cohesive and connected pedestrian and vehicular network are intended to be key elements of the overall design concept. This district encourages innovation by offering flexibility in design and layout requirements to achieve a greater choice of living and working environments. The development design should also be compatible with the natural terrain and surrounding uses, protect natural and/or historic resources, and provide useful open space. This district is only permitted through the special use district zoning process. This district is suitable in Growth Management Areas 1, 2, 3, 4, and activity centers.

(2) General Dimensional Requirements - MU-S.

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks ²				Maximum Impervious Surface Cover (%)	Maximum Height (ft) ¹
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
MU-S	5,000	30	30 15	±0	--	--	±0	--	60/ unlimited

1. There is no height limit unless adjacent to property zoned RS, RM (except RM-U), YR, AG, or H. Height of structure above sixty (60) feet may be increased by one foot for each foot of additional setback beyond the forty (40) foot minimum required, if adjacent to property zoned RS, RM (except RM-U), YR, AG, or H.
2. Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the residential district, whichever is greater.

(3) Supplementary District Requirements.

- (a) Preapplication Conference. Prior to the formal submission of a proposed MU-S District, the developer or representative shall attend a preapplication conference with the Director of Planning concerning the proposed plan of development. At this preapplication conference, the developer shall submit a sketch plan for the MU-S District and general information on traffic circulation and utilities for tentative review, comments, and recommendations by the Director of Planning. The Director of Planning shall comment on the information presented at that meeting in writing within sixty (60) days. The official plan of development and rezoning request shall be submitted to the Planning Board only after the completion of the preapplication conference and the written response.
- (b) MU-S District Application.
 - (i) Time. The developer shall file an application for approval of a MU-S District within one hundred eighty (180) days after the written response from the Director of Planning. ~~(F,W,C,L)~~
 - (ii) ~~Time. The developer shall file an application for approval of a MU-S District within one hundred eighty (180) days after the written response is provided from the Director of Planning. (K)~~

(iii) (ii) Site Plan Requirements and Procedure. The procedure for approval of a MU-S District shall be the same as a two-phase special use district rezoning in conformance with procedures set forth in Section 7-4.2 of this Ordinance.

[A] Natural Features. Petitioner shall show in the first phase submittal the sensitive natural areas to be retained and indicate impervious surface cover limits greater than or equal to the standards in comparable general use zoning district permitting the use(s).

[B] Streetyard (F,W,C,L). ~~A minimum fifty (50) foot wide streetyard shall be provided along all public rights-of-way adjacent to the district.~~ Streetyards, if required, shall be determined as appropriate through the site plan review process in accordance with the MU-S purpose statement.

[C] Streetyards (K). A minimum fifty (50) foot wide streetyard shall be provided along all public rights-of-way adjacent to the district or an alternative compliance approved by the Planning Board during Phase II. The alternative approval shall be based upon findings that the proposed streetyard plan fulfills the intent and purpose of a streetyard and the following shall be met:

[1] Minimum number of plants, shall be calculated as required by Chapter B, Article III, 3-4.3, (B) Streetyards;

[2] plantings are dispersed throughout the required streetyard.

[D] Bufferyards (F,W,K,L). ~~Peripheral bufferyards shall be provided in accordance with Section 3-5. Although the bufferyard standards of Section 3-5 do not apply internally to the district, the site plan submittal with the second phase shall ensure compatibility between internal uses. Both peripheral and internal bufferyards, if required, shall be determined as appropriate through the site plan review process in accordance with the MU-S purpose statement.~~

[E] Larger Sites. Larger sites containing more than ~~three hundred (300)~~ one hundred (100) acres will be evaluated to determine if development will negatively impact existing or future public facilities and services. Depending upon the size, intensity, and/or complexity of the proposal, the Director of Planning may require the petitioner to submit additional information to assist regulatory agencies with their findings, including, but not limited to, analysis of traffic impacts, availability of public water and sewer, and capacity of schools. As warranted, staff may also recommend certain on-site or off-site infrastructure improvements or other mitigation measures as conditions for zoning approval.

[F] Screening Mechanical Equipment. All on-site mechanical equipment shall be screened.

(c) Parking.

Except for single family residential uses, all parking shall be located to the rear or side of the principal building, except that the Planning Board may allow a limited number of parking spaces in the front of the building if all required spaces cannot be provided in the rear or side, due to lot size, shape, or topographic features. Any parking in the front of the building shall be subject to the streetyard provisions of Section 3-4.3(B).

(i) Number of Spaces. Off-street parking for any use in the MU-S District may be reduced fifteen percent (15%) from the requirements of Table 3.8.

(ii) On-Street Parking. Some on-street parking may be permitted to satisfy off-street required parking requirements in accordance with Section 3-3.5(M) of this ordinance. (F,W,C,L)

(d) Effects of Approval. The approval of a development plan and the accompanying preliminary plat shall have the following effects:

(i) The area of an approved MU-S District shall be noted on the *Official Zoning Maps*. After approval of a final development plan, such plan shall control the development of the property. After approval of a final development plan, no building or structure may be erected or building permit issued nor any lots sold from any such plat nor any final plat approved or recorded, unless such building, structure, permit or plat is consistent with every respect with the approved final development plan.

- (ii) Approval of the application shall also constitute the required approval for the preliminary plat included in the application. The applicant may then request approval of a final plat in accordance with the *Subdivision Regulations (F,W)/Subdivision Ordinance (K,C,L)*.
- (e) Development in Phases. The applicant may propose that a MU-S District be developed in phases.
- (i) The phasing provisions of a proposed final development plan shall be approved only if the proposed plan meets the following standards:
 - [A] All phases shall be shown with precise boundaries on the final development plan and shall be numbered in the proposed order of development;
 - [B] All data required for the project as a whole shall be given for each phase shown on the plan;
 - [C] Phasing plan shall demonstrate a balanced and integrated mixture of uses in accordance with the overall MU-S plan concept. In general, residential components of the MU-S District shall be proportionately phased with commercial elements.
 - ~~[D]~~ [D] The cumulative density of a phase and all phases to be developed prior to that phase shall not exceed the proposed net density of the entire MU-S District by more than ten percent (10%); (F,W,C,L)
 - ~~[E]~~ [E] The cumulative density of a phase and all phases to be developed prior to that phase shall not exceed the proposed net density of the entire MU-S District by more than ten percent (10%) or as approved by the Planning Board upon findings that the development pattern of all approved density levels has been followed with consistency; (K)
 - ~~[F]~~ [F] A proportionate share of the project's open space and common facilities, if any, shall be included in each phase of development; and,
 - ~~[G]~~ [G] The phasing shall be consistent with the development plan for the entire MU-S District.

- (ii) If an approved development plan includes phasing provisions, then:
- ~~[A]~~ ~~The landowner may submit final plats for the projects for areas including one or more complete phases. However, no application for a final plat shall be accepted for a phase unless applications for final plat for all phases with lower numbers have already been approved or are included with such application; (F,W,C,L)~~
 - ~~[B]~~ [A] The landowner may submit final plats for the projects for areas including one or more complete phases. Unless, however, approved by the Planning Board based on a consistent density level and land use pattern, no application for a final plat shall be accepted for a phase unless applications for final plat for all phases with lower numbers have already been approved or are included with such application; ~~(K)~~
 - ~~[C]~~ ~~No final plat for a phase of a MU-S District shall be approved unless all open space and common facilities included in previous phases are substantially complete; (F,W,C,L) and;~~
 - ~~[D]~~ [B] No final plat for a phase of a MU-S District shall be approved unless all open space and common facilities included in previous phases are substantially complete or a surety meeting the requirements of the *Unified Development Ordinances*; ~~(K)~~ and,
 - ~~[E]~~ [C] No final plat for a phase of a MU-S District shall be approved if there is any uncorrected violation of the development plan, a preliminary plat, a final plat or this section in any previous phase.
- (f) Maintenance. An application for approval of a MU-S District shall be accompanied by copies of documents related to the proposed homeowners association or other entity proposed to manage and maintain private streets, open space, and other common areas and facilities, if any. Such documents shall:
- (i) Set forth the nature of the permanent organization under which common ownership is to be established, including its purposes; how it shall be governed and administered; the provisions made for permanent care and maintenance of the common property, including necessary bonds when required by the city; and, the method of assessing the individual property for its share of the cost of administering and maintaining such common property; and,

- (ii) Set forth the extent of common interest held by the owner of each individual parcel in the tract held in common with others.

Section 3. The ordinance shall be effective upon adoption.

UDO-86
AN ORDINANCE AMENDING
THE UNIFIED DEVELOPMENT ORDINANCES
REGARDING THE REQUIREMENTS OF
THE MU-S MIXED USE - SPECIAL USE DISTRICT

Be it resolved, by the Board of Aldermen of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Table 2.6 "Permitted Uses", Article II, "Zoning Districts, Official Zoning Maps, and Uses" of Chapter B "Zoning," is hereby amended by adding a "Z" under the MU-S column for the following uses: "Non-Store Retailer"; "Services Personal"; "Theater, Indoor"; "Adult Day Care Center"; "Club or Lodge"; "Neighborhood Organization"; and "Post Office". All applicable conditions referenced in the "CONDS" column shall apply.

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 - (i) Time. The developer shall file an application for approval of a MU-S District within one hundred eighty (180) days after the written response from the Director of Planning. ~~(F,W,C,L)~~
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- (ii) Set forth the extent of common interest held by the owner of each individual parcel in the tract held in common with others.

Section 3. The ordinance shall be effective upon adoption.

UDO-86
AN ORDINANCE AMENDING
THE UNIFIED DEVELOPMENT ORDINANCES
REGARDING THE REQUIREMENTS OF
THE MU-S MIXED USE - SPECIAL USE DISTRICT

Be it resolved, by the Board of Aldermen of the Town of Kernersville, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Table 2.6 "Permitted Uses", Article II, "Zoning Districts, Official Zoning Maps, and Uses" of Chapter B "Zoning," is hereby amended by adding a "Z" under the MU-S column for the following uses: "Non-Store Retailer"; "Services Personal"; "Theater, Indoor"; "Adult Day Care Center"; "Club or Lodge"; "Neighborhood Organization"; and "Post Office". All applicable conditions referenced in the "CONDS" column shall apply.

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 - (i) Time. The developer shall file an application for approval of a MU-S District within one hundred eighty (180) days after the written response from the Director of Planning. ~~(F,W,C,L)~~
 - (ii) ~~Time. The developer shall file an application for approval of a MU-S District within one hundred eighty (180) days after the written response is provided from the Director of Planning. (K)~~

(iii) (ii) Site Plan Requirements and Procedure. The procedure for approval of a MU-S District shall be the same as a two-phase special use district rezoning in conformance with procedures set forth in Section 7-4.2 of this Ordinance.

[A] Natural Features. Petitioner shall show in the first phase submittal the sensitive natural areas to be retained and indicate impervious surface cover limits greater than or equal to the standards in comparable general use zoning district permitting the use(s).

[B] Streetyard (F,W,C,L). ~~A minimum fifty (50) foot wide streetyard shall be provided along all public rights-of-way adjacent to the district.~~ Streetyards, if required, shall be determined as appropriate through the site plan review process in accordance with the MU-S purpose statement.

[C] Streetyards (K). A minimum fifty (50) foot wide streetyard shall be provided along all public rights-of-way adjacent to the district or an alternative compliance approved by the Planning Board during Phase II. The alternative approval shall be based upon findings that the proposed streetyard plan fulfills the intent and purpose of a streetyard and the following shall be met:

[1] Minimum number of plants, shall be calculated as required by Chapter B, Article III, 3-4.3, (B) Streetyards;

[2] plantings are dispersed throughout the required streetyard.

[D] Bufferyards (F,W,K,L). ~~Peripheral bufferyards shall be provided in accordance with Section 3-5. Although the bufferyard standards of Section 3-5 do not apply internally to the district, the site plan submittal with the second phase shall ensure compatibility between internal uses. Both peripheral and internal bufferyards, if required, shall be determined as appropriate through the site plan review process in accordance with the MU-S purpose statement.~~

[E] Larger Sites. Larger sites containing more than ~~three hundred (300)~~ one hundred (100) acres will be evaluated to determine if development will negatively impact existing or future public facilities and services. Depending upon the size, intensity, and/or complexity of the proposal, the Director of Planning may require the petitioner to submit additional information to assist regulatory agencies with their findings, including, but not limited to, analysis of traffic impacts, availability of public water and sewer, and capacity of schools. As warranted, staff may also recommend certain on-site or off-site infrastructure improvements or other mitigation measures as conditions for zoning approval.

[F] Screening Mechanical Equipment. All on-site mechanical equipment shall be screened.

(c) Parking.

Except for single family residential uses, all parking shall be located to the rear or side of the principal building, except that the Planning Board may allow a limited number of parking spaces in the front of the building if all required spaces cannot be provided in the rear or side, due to lot size, shape, or topographic features. Any parking in the front of the building shall be subject to the streetyard provisions of Section 3-4.3(B).

(i) Number of Spaces. Off-street parking for any use in the MU-S District may be reduced fifteen percent (15%) from the requirements of Table 3.8.

(ii) On-Street Parking. Some on-street parking may be permitted to satisfy off-street required parking requirements in accordance with Section 3-3.5(M) of this ordinance. (F,W,C,L)

(d) Effects of Approval. The approval of a development plan and the accompanying preliminary plat shall have the following effects:

(i) The area of an approved MU-S District shall be noted on the *Official Zoning Maps*. After approval of a final development plan, such plan shall control the development of the property. After approval of a final development plan, no building or structure may be erected or building permit issued nor any lots sold from any such plat nor any final plat approved or recorded, unless such building, structure, permit or plat is consistent with every respect with the approved final development plan.

- (ii) Approval of the application shall also constitute the required approval for the preliminary plat included in the application. The applicant may then request approval of a final plat in accordance with the *Subdivision Regulations (F,W)/Subdivision Ordinance (K,C,L)*.
- (e) Development in Phases. The applicant may propose that a MU-S District be developed in phases.
- (i) The phasing provisions of a proposed final development plan shall be approved only if the proposed plan meets the following standards:
 - [A] All phases shall be shown with precise boundaries on the final development plan and shall be numbered in the proposed order of development;
 - [B] All data required for the project as a whole shall be given for each phase shown on the plan;
 - [C] Phasing plan shall demonstrate a balanced and integrated mixture of uses in accordance with the overall MU-S plan concept. In general, residential components of the MU-S District shall be proportionately phased with commercial elements.
 - ~~[D]~~ [D] The cumulative density of a phase and all phases to be developed prior to that phase shall not exceed the proposed net density of the entire MU-S District by more than ten percent (10%); (F,W,C,L)
 - ~~[E]~~ [E] The cumulative density of a phase and all phases to be developed prior to that phase shall not exceed the proposed net density of the entire MU-S District by more than ten percent (10%) or as approved by the Planning Board upon findings that the development pattern of all approved density levels has been followed with consistency; (K)
 - ~~[F]~~ [F] A proportionate share of the project's open space and common facilities, if any, shall be included in each phase of development; and,
 - ~~[G]~~ [G] The phasing shall be consistent with the development plan for the entire MU-S District.

- (ii) If an approved development plan includes phasing provisions, then:
 - ~~[A]~~ ~~The landowner may submit final plats for the projects for areas including one or more complete phases. However, no application for a final plat shall be accepted for a phase unless applications for final plat for all phases with lower numbers have already been approved or are included with such application; (F,W,C,L)~~
 - ~~[B]~~ [A] The landowner may submit final plats for the projects for areas including one or more complete phases. Unless, however, approved by the Planning Board based on a consistent density level and land use pattern, no application for a final plat shall be accepted for a phase unless applications for final plat for all phases with lower numbers have already been approved or are included with such application; ~~(K)~~
 - ~~[C]~~ ~~No final plat for a phase of a MU-S District shall be approved unless all open space and common facilities included in previous phases are substantially complete; (F,W,C,L) and;~~
 - ~~[D]~~ [B] No final plat for a phase of a MU-S District shall be approved unless all open space and common facilities included in previous phases are substantially complete or a surety meeting the requirements of the *Unified Development Ordinances*; ~~(K)~~ and,
 - ~~[E]~~ [C] No final plat for a phase of a MU-S District shall be approved if there is any uncorrected violation of the development plan, a preliminary plat, a final plat or this section in any previous phase.
- (f) Maintenance. An application for approval of a MU-S District shall be accompanied by copies of documents related to the proposed homeowners association or other entity proposed to manage and maintain private streets, open space, and other common areas and facilities, if any. Such documents shall:
 - (i) Set forth the nature of the permanent organization under which common ownership is to be established, including its purposes; how it shall be governed and administered; the provisions made for permanent care and maintenance of the common property, including necessary bonds when required by the city; and, the method of assessing the individual property for its share of the cost of administering and maintaining such common property; and,

- (ii) Set forth the extent of common interest held by the owner of each individual parcel in the tract held in common with others.

Section 3. The ordinance shall be effective upon adoption.

UDO-86
AN ORDINANCE AMENDING
THE UNIFIED DEVELOPMENT ORDINANCES
REGARDING THE REQUIREMENTS OF
THE MU-S MIXED USE - SPECIAL USE DISTRICT

Be it resolved, by the Village Council of the Village of Clemmons, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Table 2.6 "Permitted Uses", Article II, "Zoning Districts, Official Zoning Maps, and Uses" of Chapter B "Zoning," is hereby amended by adding a "Z" under the MU-S column for the following uses: "Non-Store Retailer"; "Services Personal"; "Theater, Indoor"; "Adult Day Care Center"; "Club or Lodge"; "Neighborhood Organization"; and "Post Office". All applicable conditions referenced in the "CONDS" column shall apply.

Section 2. Section 2-1.5(C), Article II, "Zoning Districts, Official Zoning Maps, and Uses" of Chapter B "Zoning," is hereby rewritten to read as follows:

(C) MU-S Mixed Use - Special Use District.

- (1) Purpose. The MU-S District is intended to accommodate and positively integrate a balanced mixture ~~a mix~~ of residential, commercial, and in some cases light industrial uses ~~in a cohesive development which is compatible with the natural terrain and surrounding uses within the district and the surrounding area.~~ Depending upon the existing land use context in which the MU-S District is proposed, at least three distinctly different use components are expected for any MU-S zoning proposal. Building mass, rhythm, scale, and transition, as well as a cohesive and connected pedestrian and vehicular network are intended to be key elements of the overall design concept. This district encourages innovation by offering flexibility in design and layout requirements to achieve a greater choice of living and working environments. The development design should also be compatible with the natural terrain and surrounding uses, protect natural and/or historic resources, and provide useful open space. This district is only permitted through the special use district zoning process. This district is suitable in Growth Management Areas 1, 2, 3, 4, and activity centers.

(2) General Dimensional Requirements - MU-S.

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks ²				Maximum Impervious Surface Cover (%)	Maximum Height (ft) ¹
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
MU-S	5,000	30	30 15	±0	--	--	±0	--	60/ unlimited

1. There is no height limit unless adjacent to property zoned RS, RM (except RM-U), YR, AG, or H. Height of structure above sixty (60) feet may be increased by one foot for each foot of additional setback beyond the forty (40) foot minimum required, if adjacent to property zoned RS, RM (except RM-U), YR, AG, or H.
2. Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the residential district, whichever is greater.

(3) Supplementary District Requirements.

- (a) Preapplication Conference. Prior to the formal submission of a proposed MU-S District, the developer or representative shall attend a preapplication conference with the Director of Planning concerning the proposed plan of development. At this preapplication conference, the developer shall submit a sketch plan for the MU-S District and general information on traffic circulation and utilities for tentative review, comments, and recommendations by the Director of Planning. The Director of Planning shall comment on the information presented at that meeting in writing within sixty (60) days. The official plan of development and rezoning request shall be submitted to the Planning Board only after the completion of the preapplication conference and the written response.
- (b) MU-S District Application.
 - (i) Time. The developer shall file an application for approval of a MU-S District within one hundred eighty (180) days after the written response from the Director of Planning. ~~(F,W,C,L)~~
 - (ii) ~~Time. The developer shall file an application for approval of a MU-S District within one hundred eighty (180) days after the written response is provided from the Director of Planning. (K)~~

(iii) (ii) Site Plan Requirements and Procedure. The procedure for approval of a MU-S District shall be the same as a two-phase special use district rezoning in conformance with procedures set forth in Section 7-4.2 of this Ordinance.

[A] Natural Features. Petitioner shall show in the first phase submittal the sensitive natural areas to be retained and indicate impervious surface cover limits greater than or equal to the standards in comparable general use zoning district permitting the use(s).

[B] Streetyard (F,W,C,L). ~~A minimum fifty (50) foot wide streetyard shall be provided along all public rights-of-way adjacent to the district.~~ Streetyards, if required, shall be determined as appropriate through the site plan review process in accordance with the MU-S purpose statement.

[C] Streetyards (K). A minimum fifty (50) foot wide streetyard shall be provided along all public rights-of-way adjacent to the district or an alternative compliance approved by the Planning Board during Phase II. The alternative approval shall be based upon findings that the proposed streetyard plan fulfills the intent and purpose of a streetyard and the following shall be met:

[1] Minimum number of plants, shall be calculated as required by Chapter B, Article III, 3-4.3, (B) Streetyards;

[2] plantings are dispersed throughout the required streetyard.

[D] Bufferyards (F,W,K,L). ~~Peripheral bufferyards shall be provided in accordance with Section 3-5. Although the bufferyard standards of Section 3-5 do not apply internally to the district, the site plan submittal with the second phase shall ensure compatibility between internal uses. Both peripheral and internal bufferyards, if required, shall be determined as appropriate through the site plan review process in accordance with the MU-S purpose statement.~~

[E] Larger Sites. Larger sites containing more than ~~three hundred (300)~~ one hundred (100) acres will be evaluated to determine if development will negatively impact existing or future public facilities and services. Depending upon the size, intensity, and/or complexity of the proposal, the Director of Planning may require the petitioner to submit additional information to assist regulatory agencies with their findings, including, but not limited to, analysis of traffic impacts, availability of public water and sewer, and capacity of schools. As warranted, staff may also recommend certain on-site or off-site infrastructure improvements or other mitigation measures as conditions for zoning approval.

[F] Screening Mechanical Equipment. All on-site mechanical equipment shall be screened.

(c) Parking.

Except for single family residential uses, all parking shall be located to the rear or side of the principal building, except that the Planning Board may allow a limited number of parking spaces in the front of the building if all required spaces cannot be provided in the rear or side, due to lot size, shape, or topographic features. Any parking in the front of the building shall be subject to the streetyard provisions of Section 3-4.3(B).

(i) Number of Spaces. Off-street parking for any use in the MU-S District may be reduced fifteen percent (15%) from the requirements of Table 3.8.

(ii) On-Street Parking. Some on-street parking may be permitted to satisfy off-street required parking requirements in accordance with Section 3-3.5(M) of this ordinance. (F,W,C,L)

(d) Effects of Approval. The approval of a development plan and the accompanying preliminary plat shall have the following effects:

(i) The area of an approved MU-S District shall be noted on the *Official Zoning Maps*. After approval of a final development plan, such plan shall control the development of the property. After approval of a final development plan, no building or structure may be erected or building permit issued nor any lots sold from any such plat nor any final plat approved or recorded, unless such building, structure, permit or plat is consistent with every respect with the approved final development plan.

- (ii) Approval of the application shall also constitute the required approval for the preliminary plat included in the application. The applicant may then request approval of a final plat in accordance with the *Subdivision Regulations (F,W)/Subdivision Ordinance (K,C,L)*.
- (e) Development in Phases. The applicant may propose that a MU-S District be developed in phases.
- (i) The phasing provisions of a proposed final development plan shall be approved only if the proposed plan meets the following standards:
 - [A] All phases shall be shown with precise boundaries on the final development plan and shall be numbered in the proposed order of development;
 - [B] All data required for the project as a whole shall be given for each phase shown on the plan;
 - [C] Phasing plan shall demonstrate a balanced and integrated mixture of uses in accordance with the overall MU-S plan concept. In general, residential components of the MU-S District shall be proportionately phased with commercial elements.
 - ~~[D]~~ [D] The cumulative density of a phase and all phases to be developed prior to that phase shall not exceed the proposed net density of the entire MU-S District by more than ten percent (10%); (F,W,C,L)
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 - ~~[F]~~ [F] A proportionate share of the project's open space and common facilities, if any, shall be included in each phase of development; and,
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 - ~~[A]~~ ~~The landowner may submit final plats for the projects for areas including one or more complete phases. However, no application for a final plat shall be accepted for a phase unless applications for final plat for all phases with lower numbers have already been approved or are included with such application; (F,W,C,L)~~
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- (ii) Set forth the extent of common interest held by the owner of each individual parcel in the tract held in common with others.

Section 3. The ordinance shall be effective upon adoption.

UDO-86
AN ORDINANCE AMENDING
THE UNIFIED DEVELOPMENT ORDINANCES
REGARDING THE REQUIREMENTS OF
THE MU-S MIXED USE - SPECIAL USE DISTRICT

Be it resolved, by the Town Council of the Town of Lewisville, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Table 2.6 "Permitted Uses", Article II, "Zoning Districts, Official Zoning Maps, and Uses" of Chapter B "Zoning," is hereby amended by adding a "Z" under the MU-S column for the following uses: "Non-Store Retailer"; "Services Personal"; "Theater, Indoor"; "Adult Day Care Center"; "Club or Lodge"; "Neighborhood Organization"; and "Post Office". All applicable conditions referenced in the "CONDS" column shall apply.

Section 2. Section 2-1.5(C), Article II, "Zoning Districts, Official Zoning Maps, and Uses" of Chapter B "Zoning," is hereby rewritten to read as follows:

(C) MU-S Mixed Use - Special Use District.

- (1) Purpose. The MU-S District is intended to accommodate and positively integrate a balanced mixture ~~a mix~~ of residential, commercial, and in some cases light industrial uses ~~in a cohesive development which is compatible with the natural terrain and surrounding uses within the district and the surrounding area.~~ Depending upon the existing land use context in which the MU-S District is proposed, at least three distinctly different use components are expected for any MU-S zoning proposal. Building mass, rhythm, scale, and transition, as well as a cohesive and connected pedestrian and vehicular network are intended to be key elements of the overall design concept. This district encourages innovation by offering flexibility in design and layout requirements to achieve a greater choice of living and working environments. The development design should also be compatible with the natural terrain and surrounding uses, protect natural and/or historic resources, and provide useful open space. This district is only permitted through the special use district zoning process. This district is suitable in Growth Management Areas 1, 2, 3, 4, and activity centers.

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MU-S	5,000	30	30 15	±0	--	--	±0	--	60/ unlimited

1. There is no height limit unless adjacent to property zoned RS, RM (except RM-U), YR, AG, or H. Height of structure above sixty (60) feet may be increased by one foot for each foot of additional setback beyond the forty (40) foot minimum required, if adjacent to property zoned RS, RM (except RM-U), YR, AG, or H.
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- (b) MU-S District Application.
 - (i) Time. The developer shall file an application for approval of a MU-S District within one hundred eighty (180) days after the written response from the Director of Planning. ~~(F,W,C,L)~~
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(iii) (ii) Site Plan Requirements and Procedure. The procedure for approval of a MU-S District shall be the same as a two-phase special use district rezoning in conformance with procedures set forth in Section 7-4.2 of this Ordinance.

[A] Natural Features. Petitioner shall show in the first phase submittal the sensitive natural areas to be retained and indicate impervious surface cover limits greater than or equal to the standards in comparable general use zoning district permitting the use(s).

[B] Streetyard (F,W,C,L). ~~A minimum fifty (50) foot wide streetyard shall be provided along all public rights-of-way adjacent to the district.~~ Streetyards, if required, shall be determined as appropriate through the site plan review process in accordance with the MU-S purpose statement.

[C] Streetyards (K). A minimum fifty (50) foot wide streetyard shall be provided along all public rights-of-way adjacent to the district or an alternative compliance approved by the Planning Board during Phase II. The alternative approval shall be based upon findings that the proposed streetyard plan fulfills the intent and purpose of a streetyard and the following shall be met:

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 - ~~[C]~~ ~~No final plat for a phase of a MU-S District shall be approved unless all open space and common facilities included in previous phases are substantially complete; (F,W,C,L) and;~~
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 - (i) Set forth the nature of the permanent organization under which common ownership is to be established, including its purposes; how it shall be governed and administered; the provisions made for permanent care and maintenance of the common property, including necessary bonds when required by the city; and, the method of assessing the individual property for its share of the cost of administering and maintaining such common property; and,

- (ii) Set forth the extent of common interest held by the owner of each individual parcel in the tract held in common with others.

Section 3. The ordinance shall be effective upon adoption.