

## SEC. 51A-4.125. MIXED USE DISTRICTS.

(a) **In general.** Single or multiple uses may be developed on one site in a mixed use district as in any other district; however, in order to encourage a mixture of uses and promote innovative and energy conscious design, efficient circulation systems, the conservation of land, and the minimization of vehicular travel, density bonuses are awarded to developments that qualify as "mixed use projects" as defined in Subsection (b). If a development does not qualify as an MUP, it is limited to a "base" dwelling unit density and floor area ratio. When a development qualifies as an MUP, it earns a higher maximum dwelling unit density and floor area ratio and, in some instances, a greater maximum structure height. Additional FAR bonuses are incrementally awarded to encourage the inclusion of "residential" as part of an MUP. The exact increments of increase vary depending on the actual use categories mixed and the district that the MUP is in. For more information regarding the exact increments of increase, consult the yard, lot, and space regulations in this section governing the particular district of interest.

(b) **Qualifying as a mixed use project.** To qualify as a MIXED USE PROJECT (MUP) for purposes of this section, a development must contain uses in two or more of the following categories, and the combined floor areas of the uses in each category must equal or exceed the following percentages of the total floor area of the project:

MU-1 AND MU-1(SAH) DISTRICTS	
Use Category	% of Total Floor Area
Lodging	15%
Office	15%
Residential	15%
Retail and personal service	10%

MU-2 AND MU-2(SAH) DISTRICTS	
Use Category	% of Total Floor Area
Lodging	10%
Office	15%
Residential	10%
Retail and personal service	5%

MU-3 AND MU-3(SAH) DISTRICTS	
Use Category	% of Total Floor Area

Lodging	10%
Office	15%
Residential	10%
Retail and personal service	5%
Wholesale, distribution, and storage	15%

(c) Mixed use project (MUP) regulations.

- (1) If an MUP is proposed, a project plan must be submitted to and approved by the building official.
- (2) If an MUP is constructed in phases:
  - (A) the first phase must independently qualify as an MUP under Subsection (b); and
  - (B) each subsequent phase combined with all previous phases already completed or under construction must also qualify as an MUP under Subsection (b).
- (3) An MUP may consist of two or more building sites if they are developed under a unified development plan. The plan must be:
  - (A) signed by or on behalf of all of the owners of the property involved;
  - (B) approved by the building official; and
  - (C) filed in the deed records of the county where the property is located.
- (4) When an MUP consists of multiple building sites, its development standards and off-street parking and loading requirements are calculated by combining the sites and treating them as a single building site.

(d) MU-1 and MU-1(SAH) districts.

(1) Purpose. To provide for the development of moderate density retail, office, and/or multifamily residential uses in combination on single or contiguous building sites; to encourage innovative and energy conscious design, efficient circulation systems, the conservation of land, and the minimization of vehicular travel. Additionally, the MU-1(SAH) district is created to encourage the provision of affordable housing.

(2) Main uses permitted.

- (A) Agricultural uses.
  - Crop production.
- (B) Commercial and business service uses.
  - Catering service.
  - Custom business services.
  - Electronics service center.
  - Labor hall. *[SUP]*
  - Medical or scientific laboratory. *[SUP]*
- (C) Industrial uses.

- Gas drilling and production. *[SUP]*
  - Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*
- (D) Institutional and community service uses.
- Adult day care facility.
  - Cemetery or mausoleum. *[SUP]*
  - Child-care facility.
  - Church.
  - College, university or seminary.
  - Community service center. *[SUP]*
  - Convalescent and nursing homes, hospice care, and related institutions. *[RAR]*
  - Convent or monastery.
  - Foster home.
  - Hospital. *[SUP]*
  - Library, art gallery, or museum.
  - Open-enrollment charter school or private school. *[SUP]*
  - Public school other than an open-enrollment charter school. *[RAR]*
- (E) Lodging uses.
- Extended stay hotel or motel. *[SUP]*
  - Hotel or motel. *[RAR]* or *[SUP]* *[See Section 51A-4.202(1).]*
- (F) Miscellaneous uses.
- Attached non-premise sign. *[SUP]*
  - Carnival or circus (temporary). *[By special authorization of the building official.]*
  - Temporary construction or sales office.
- (G) Office uses.
- Financial institution without drive-in window.
  - Financial institution with drive-in window. *[DIR]*
  - Medical clinic or ambulatory surgical center.
  - Office.
- (H) Recreation uses.
- Country club with private membership.
  - Private recreation center, club, or area.
  - Public park, playground, or golf course.
- (I) Residential uses.

- College dormitory, fraternity, or sorority house.
- Duplex.
- Group residential facility. *[See Section 51A-4.209(3).]*
- Handicapped group dwelling unit. *[See Section 51A-4.209 (3.1).]*
- Multifamily.
- Residential hotel.
- Retirement housing.
- Single family.

(J) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
- Animal shelter or clinic without outside runs. *[RAR]*
- Auto service center. *[RAR]*
- Business school.
- Car wash. *[RAR]*
- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
- Commercial amusement (outside). *[SUP]*
- Commercial parking lot or garage. *[RAR]*
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store 100,000 square feet or more. *[SUP]*
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service. *[RAR]*
- Restaurant with drive-in or drive-through service. *[DIR]*
- Swap or buy shop. *[SUP]*
- Temporary retail use.
- Theater.

(K) Transportation uses.

- Transit passenger shelter.
- Transit passenger station or transfer center. *[By SUP or city council resolution. See Section [51A-4.211](#).]*

(L) Utility and public service uses.

- Commercial radio or television transmitting station.
- Electrical substation.
- Local utilities. *[SUP or RAR may be required. See Section [51A-4.212\(4\)](#).]*
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. *[SUP]*
- Tower/antenna for cellular communication. *[See Section [51A-4.212\(10.1\)](#).]*
- Utility or government installation other than listed. *[SUP]*

(M) Wholesale, distribution, and storage uses.

- Mini-warehouse. *[SUP]*
- Recycling buy-back center *[See Section [51A-4.213 \(11\)](#).]*
- Recycling collection center. *[See Section [51A-4.213 \(11.1\)](#).]*
- Recycling drop-off container. *[See Section [51A-4.213 \(11.2\)](#).]*
- Recycling drop-off for special occasion collection. *[See Section [51A-4.213 \(11.3\)](#).]*

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section [51A-4.217](#). For more information regarding accessory uses, consult Section [51A-4.217](#).

(A) The following accessory uses are not permitted in this district:

- Private stable.

(B) In this district, the following accessory use is permitted by SUP only:

- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:

- Accessory medical/infectious waste incinerator. *[See Section [51A-4.217 \(3.1\)](#).]*

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division [51A-4.400](#). In the event of a conflict between this subsection and Division [51A-4.400](#), Division [51A-4.400](#) controls.)

(A) Front yard.

- (i) Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(B) Side and rear yard.

## (i) Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density.

(i) MU-1 district. Maximum dwelling unit density varies depending on whether the development is a "mixed use project" as follows:

MAXIMUM DWELLING UNIT DENSITY (dwelling units per net acre)		
Base (No MUP)	MUP with Mix of 2 Categories	MUP with Mix of 3 or More Categories
15	20	25

(ii) MU-1(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division §1A-4.500 and the development is a "mixed use project" as follows:

MAXIMUM DWELLING UNIT DENSITY (dwelling units per net acre)			
Percentage of SAH Units Provided	Base (No MUP)	MUP with Mix of 2 Categories	MUP with Mix of 3 or More Categories
0%	10	15	20
20%	15	20	25

(D) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is a "mixed use project" as follows:

[Note: The first column is the base FAR, which applies when there is no MUP. The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is "residential." The third column (MUP=2/with Res) is the FAR for an MUP with a mix of "residential" plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which is "residential." The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of "residential" plus two or more other use categories.]

**MAXIMUM FLOOR AREA RATIO**

Use Categories	Base (no MUP)	MUP=2 (no Res)	MUP=2 (with Res)	MUP=3 (no Res)	MUP=3 (with Res)
Lodging	0.8	0.85	0.9	0.85	0.95
Office	0.8	0.85	0.9	0.85	0.95
Residential	0.8	---	0.95	---	0.95
Retail and personal service	0.4	0.5	0.5	0.6	0.6
TOTAL DEVELOPMENT	0.8	0.9	1.0	1.0	1.1

**(E) Height.**

(i) **Residential proximity slope.** If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. **Exception:** Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) **Maximum height.** Unless further restricted under Subparagraph (i), maximum structure height varies depending on whether the development is a "mixed use project" as follows:

[Note: The first column is the base height, which applies when there is no MUP. The second column (MUP/No Retail) is the height for an MUP with a mix of two use categories when neither category is "retail and personal service." The third column (MUP/with Retail) is the height for an MUP with a mix of "retail and personal service" plus one or more other use categories.]

**MAXIMUM STRUCTURE HEIGHT  
(in feet)**

Base (No MUP)	MUP with Mix (No Retail)	MUP (with Retail)
80	90	120

(F) **Lot coverage.** Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) **Lot size.** No minimum lot size.

**(H) Stories.**

(i) Maximum number of stories above grade is:

- (aa) seven when the maximum structure height is 90 feet; and
- (bb) nine when the maximum structure height is 120 feet.

(ii) Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(SAH), MF-1(A), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope which originates in that district. (See Section 1A-4.412.) For purposes of this paragraph, the term "opening" means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.