

MIXED-USE ZONING DISTRICTS

Brief Report & Local Examples

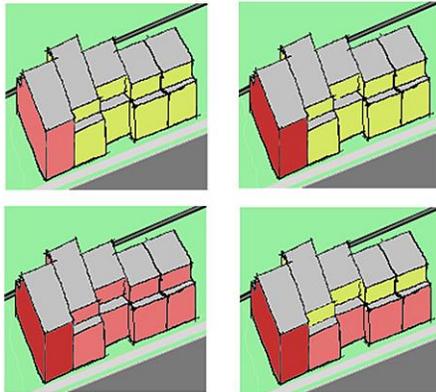
Joseph Furstenberg – Planning Intern – Piedmont Triad Regional Council

DEFINITION: mixed-use makes for three-dimensional, pedestrian-oriented places that layer compatible land uses, public amenities, and utilities together at various scales and intensities. This variety of uses allows for people to live, work, play and shop in one place, which then becomes a destination for people from other neighborhoods. As defined by *The Lexicon of the New Urbanism*, mixed-use is multiple functions within the same building or the same general area through superimposition or within the same area through adjacency... from which many of the benefits are... pedestrian activity and traffic capture. Source: [PlaceMakers](#).



TYPES OF MIXED-USE ZONING:

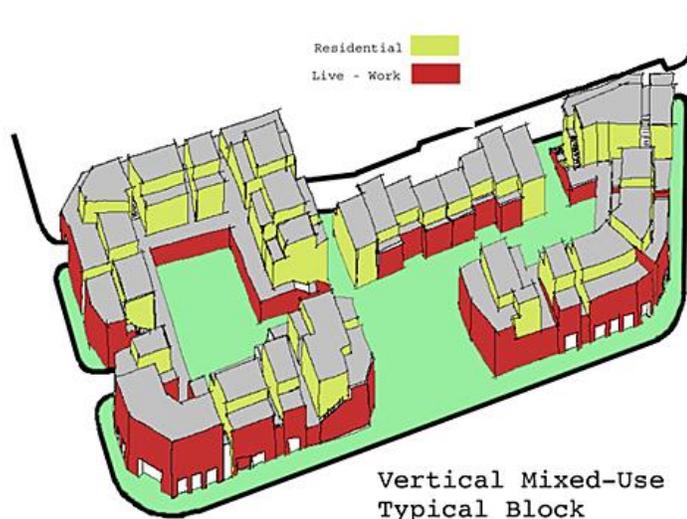
VERTICAL MIXED-USE BUILDING: this type combines different uses in the same building; lower floors should have more public uses with more private uses on the upper floors. For example, the ground floor could have retail, second floor and up having professional offices, and uppermost floors being some form of residential, such as flats or a hotel. In more urban areas, an entire block or neighborhood may be composed of vertical mixed-use buildings (Source: PlaceMakers).



Spatial and Temporal Mixed-Use Buildings

The external envelope must be robust as the building internally can and does change with time.

Residential ■
Live - Work ■
Commercial ■

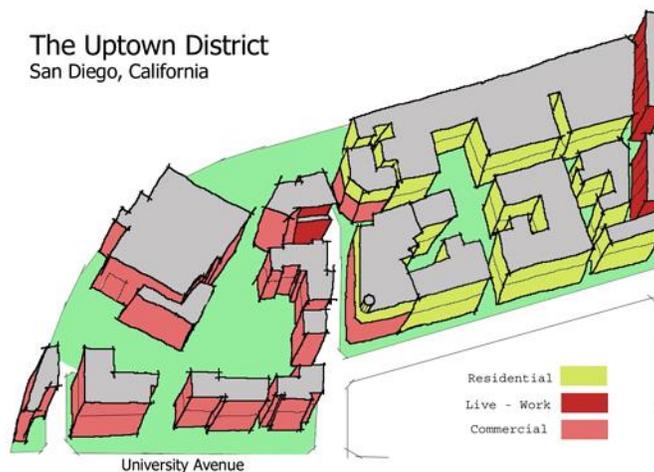


Vertical Mixed-Use Typical Block

HORIZONTAL MIXED-USE BLOCKS: this type combines single-use buildings on distinct parcels in a range of land uses within one block. In more urban areas, this approach avoids the financing and coding complexities of vertical layered uses while achieving the goal of place-making that is made possible by bringing together complementary uses in one place. In less urban areas, horizontal mixed-use offers the advantage of sharing utilities and amenities while providing an easier to build and entitle mix of uses within a walkable block circumscribed by thoroughfares (Source: PlaceMakers).



MIXED-USE WALKABLE NEIGHBORHOODS: this type has an infinite number of various possibilities, these places combine vertical and horizontal use mixing in an area ideally within a 5 to 10 minute walking distance (a Pedestrian Shed) or quarter mile radius of a neighborhood center (Source: PlaceMakers).



DESIGN FEATURES IN MIXED USE SETTING:

Source: [Mixed Use Zoning: A Planners' Guide](#) – Metropolitan Area Planning Council

Balanced mix of uses: To be successful, a mixed use district should include a balanced and vibrant mix of compatible uses, with first floor street-front uses generally reserved for retail, restaurant, and in some cases office uses. Bylaws encourage this mix by regulating first-floor street front uses and by incorporating a goals and performance criterion that considers a development's mix and its impact on the existing mix. Thus they allow residential uses on first floors of buildings or parts of buildings only where they are behind those with street frontage or where the permit-granting authority deems these uses not to have an adverse impact. These bylaws also allow uses to be commingled in a single structure or located in separate structures on site. Other communities set limitations on the percentage of certain uses relative to other uses.

Connectivity of uses: Traditional bylaws tend to emphasize buffering and protecting one use from others. Successful mixed use, by contrast, encourages links among uses. It encourages people to walk from one use to another and to enjoy and socialize in an attractive outdoor setting. Many design features promote this ambience. They include the layout and orientation of buildings; the network of sidewalks and pathways; the location of parking relative to structures and walkways; and the amount and placement of green space, landscaping, benches, and other amenities.

Active street frontage: In addition to the first-floor street-front use provisions mentioned earlier, communities influence street frontage through setbacks and other yard dimensions. Bylaws allow a zero minimum front yard depth in some areas, set a maximum front yard depth, and prohibit front yard parking.

Compactness: The walkability of a mixed use development depends on the proximity of structures. Thus some bylaws set dimensional requirements that allow a zero side-yard width and a zero rear yard depth except where the property abuts a residential district.

Compatibility with town character and historic or traditional context: Although the bylaw should authorize the board to consider compatibility in awarding permits, the elements of such compatibility are generally no different in a mixed use setting than in any other new development. Hence, whatever guidance applies to other new development can simply be incorporated by reference in the mixed use bylaw.

Good bicycle and pedestrian access: One of the key benefits of mixed use is its emphasis on walking and bicycling to reduce auto dependence. Mixed use bylaws can promote walking and bicycling by including bicycle parking and storage facilities, creating a network of walkways among uses, minimizing curb cuts, and requiring that automobile parking be in back.

Reduced parking: Under certain circumstances, mixed use districts may set aside less parking than in traditional, single use settings. Reductions could occur near public transportation, where uses are clearly at different times and can share the same spaces, or 10 where there is a strong program to manage transportation demand. For the town to allow such reductions, the public would need to be assured that the resulting parking is adequate to meet the need.

PLANNING IMPLEMENTATION TOOLS

There are three major types of zoning practices that planning boards and administrators must consider: conventional zones, special use districts, and conditional zoning.

Conventional Zones are general use districts, there are no conditions on basic rezoning and all applications of development that fall under the description of the conventional zone type are available to current and future developers. Conventional zones are defined in a municipalities zoning district outline.

Special Use Districts combine rezoning with special use permits. This is usually a complex process that involves legislative and quasi-judicial zoning and rezoning decision-making. This practice is being phased out in North Carolina for the most part with the development of conditional zoning.

Conditional Zoning was adopted in North Carolina by the General Assembly in 2005, allowing for the creation of zoning districts with individualized standards/uses, usually accompanied with a site plan which is legally part of the ordinance standards. Conditional zoning is a new method in which planning boards and governing boards can develop mixed-use zoning with specific and detailed applications by parcel. Conditional zoning follows the property, not the owner/developer, so when/if buildings within the conditional zoning area are sold the individualized conditions of the zoning district apply to the new owners. In order to develop a conditional zoning ordinance, the proposed conditions must be mutually approved by the applicant and local government. There are legal restraints in place in North Carolina that prohibit setting conditions that exclude certain practices and all conditions should be approved by legal counsel prior to implementation. These limitations include: agricultural uses, cell towers, manufactured housing, adult businesses, limits on regulating design, and regulating signs.

Additional information pertaining to conditional zoning can be obtained from Adam Lovelady from the UNC School of Government at adamlovelady@sog.unc.edu or David Owens at owens@sog.unc.edu.

Another tool that municipalities utilize for mixed-use districts is called Overlay Zoning. Overlay zoning is a regulatory tool that creates a special zoning district, placed over an existing base zone(s), which identifies special provisions in addition to those in the underlying base zone. The overlay district can share common boundaries with the base zone or cut across base zone boundaries. Regulations of incentives are attached to the overlay district to protect a specific resource or guide development within a special area. Source: [Overlay Zoning](#)

There are two common uses for Overlay Zoning: natural resource protection and development guidance.

Natural Resource Protection: Overlay districts can manage development in or near environmentally sensitive areas, such as groundwater recharge areas (e.g. to ensure water quality and quantity), special habitat (e.g. species or feature protection) or floodplains (e.g. prevent flood damage). Common requirements may include building setbacks, density standards, lot sizes, impervious surface reduction and vegetation requirements. Structure requirements could include building floor height minimums and flood-proofing to high water level.

Development Guidance: Overlay zones may also be applied to protect historical areas or encourage or discourage specific types of development. Land within the historic overlay district

may be subject to requirements that protect the historical nature of the area (e.g. materials, façade design, or color). A community might use incentives along a transit corridor to encourage higher development densities, target uses or control appearance.

Other uses might include: creating a walkable community, connecting pathways, preserving/enhancing a special district, encouraging economic development, preserving/enhancing rural character, protecting quality of surface water, protecting groundwater quality and quantity, managing stormwater, preserving forestry integrity, preserving sensitive area/wildlife habitat, protecting aesthetics of the natural environment, and preserving farmlands.

Case Study Areas:

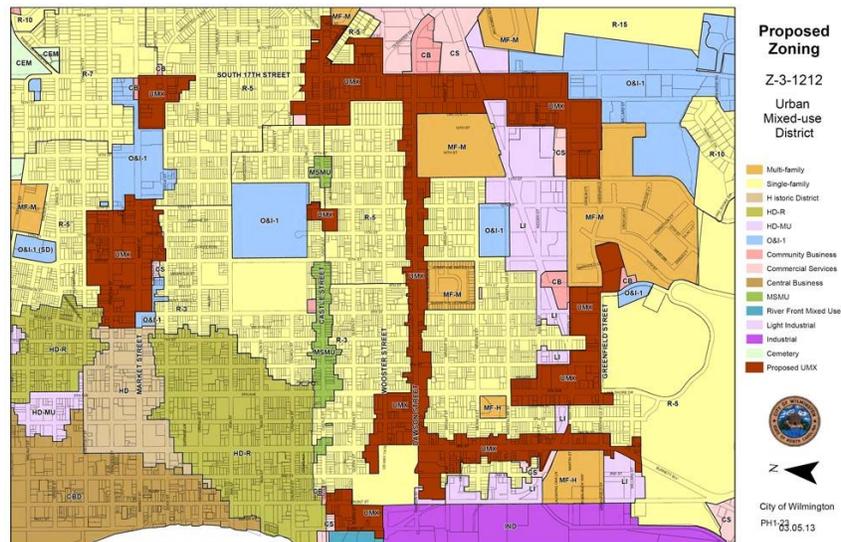
Wilmington, NC: [Wilmington](#)

Wilmington, NC created an Urban Mixed-Use Zoning (UMX) district to facilitate and encourage infill development and redevelopment of property in the older parts of Wilmington (referred to as the 1945 Corporate Limits). Infill development and redevelopment lead to higher property values and are desired ways for the city to grow and expand its tax base. UMX is the latest tool in the city's effort to grow inward.

UMX Zoning allows a mix of uses (residential, retail, commercial, etc.) and encourages development that is compatible with the unique, urban context of the area. Compared to traditional zoning districts, which focus on the permitted uses of a property, UMX places more emphasis on how the building looks and how the design fits in with the neighborhood. It encourages the revitalization of viable historic buildings when possible (redevelopment) and new buildings that fit the historic character of these neighborhoods (infill development). UMX characteristics include locating buildings close to the sidewalk, encouraging pedestrian activity with the use of street-level facades, and promoting density by encouraging multiple story buildings and eliminating the requirement for off-street parking spaces.

Some high profile parcels that have been rezoned are prime for redevelopment. These include the former Coca-Cola bottling facility at 10th and Princess streets, the former Rippy automotive repair center at Market and 10th streets, the parcels that serve as the gateways into the city, such as the auto sales lot on S. 3rd Street near the Memorial Bridge, and many others.

Because the zoning classification only affects future development, owners of the 602 parcels that were rezoned do not have to do anything to comply with the new ordinance.



Cary, NC

Cary, NC made changes to zoning districts consistent with the Northwest Area Plan which recommends a mixed-use Community Activity Center. A citizen requested a Mixed Use Overlay District (MUOD) zoning on this property. The use of the Overlay District allows landowners to still be able to develop using their base zoning, or they can choose to activate the MUOD zoning by submitting a mixed-use sketch plan for review by the Town of Cary. This can be found in the Staff Report to Town Council here: [Staff Report](#)

The proposed development is the Alston Regional Activity Center, Link: [Alston Regional Activity Center](#)

A map of the Alston Activity Center Concept Plan is found here: [Alston Concept Plan](#)

Apex, NC [Apex](#)

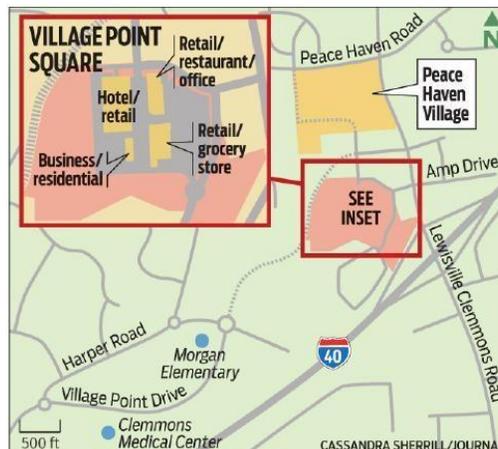
Apex, NC recently rezoned 165 acres as mixed-use development to include retail, office space, townhomes and single family houses known as “Sweetwater”. In Apex, a *Mixed Office-Residential-Retail District* (MORR) has the purpose and “intent to build on the traditional neighborhood and small-town character of Apex by providing lands that allow a mix of residential, professional office, and limited retail uses that are designed and developed consistent with neo-traditional principles. The district allows single family development on small lots, duplexes, bed and breakfasts, and small-scale professional office and retail uses built to a scale that is consistent with Apex’s small-town character” (Apex, NC [ApexDistricts](#)).

The Official Zoning District Map for Apex, NC can be found here: [Apex Zoning District Map](#)

Clemmons, NC

Clemmons, NC has a mixed-use district called The Clemmons Town Center Campus, on a 20-acre site off Lewisville-Clemmons Road. The facility will be a 246,000 square-foot mixed-use development anchored by a 139-room hotel. The plan includes retail shops, restaurants, a boutique food store, offices and town homes. The campus will feature surface parking and a two-level parking deck.

Source: [Mixed-Use Campus in Clemmons](#)



Clemmons, NC used an Overlay and Special Use Purpose Zoning District for this development area. Link to the Ordinance Amending the Unified Development Ordinance for “The Village of Clemmons”: [Link](#)

Greensboro, NC

Zoning and Land Use: [Zoning and Land Use in Greensboro](#)

Zoning Districts: [Zoning Districts in Greensboro](#)

The City of Greensboro has six different Mixed Use Districts which are all listed as “new district” types from the Land Development Ordinance from 1/1/15. The MU districts are intended to accommodate a rich mixture of complimentary land uses that include housing, retail, offices, commercial services, and civic uses, to create economic vitality, encourage the linking of trips, and emphasize pedestrian travel. Individual buildings, as well as overall developments should be designed to provide commercial and mixed use areas that are safe, comfortable, and attractive to pedestrians and include an integrated network of sidewalks, trails, and other paths. The district is intended to include buildings oriented toward the street to encourage transit, pedestrian and bicycle travel; parking lots that are secondary on the site; and reduced parking requirements if certain criteria are met. Uses and developments oriented primarily towards the automobile are discouraged. Mixed use zoning should provide transitions between areas of higher intensity and traffic and lower intensity residential neighborhoods.

30-6-3.1 MU-L – Mixed Use-Low-intensity District

The MU-L, Mixed Use Low-intensity district is primarily intended to accommodate low- to moderate-intensity office and institutional uses, moderate-density residential uses, and supporting service and retail uses.

30-6-3.2 MU-M – Mixed Use-Medium-intensity District

The MU-M, Mixed Use Medium-intensity district is primarily intended to accommodate moderate to high-intensity office and institutional uses, moderate-intensity retail and service uses, and moderate density residential uses, and supporting service and retail uses.

30-6-3.3 MU-H – Mixed Use-High-intensity District

The MU-H, Mixed Use High-intensity district is primarily intended to accommodate a rich mixture of high-intensity office and institutional uses, high-intensity retail and service uses, and high-density residential uses. The MU-H district is intended to be applied in Activity Centers and other areas with excellent public transportation access and a full range of public facilities and infrastructure.

30-6-3.4 AO – Auto Oriented District

The AO, Auto Oriented district is solely intended for application in designated reinvestment corridors with an adopted plan. The district is established to accommodate and support quality, high-intensity, mixed-use and auto-oriented development with an emphasis on retail, service, convention, sports-recreation, entertainment, and lodging uses. In addition, development should provide a more pedestrian-friendly environment achieved through strategic building placement,

enhanced connectivity, and landscape enhancements. Transitions shall be required between higher-intensity development and adjacent single-family neighborhoods to ensure compatibility.

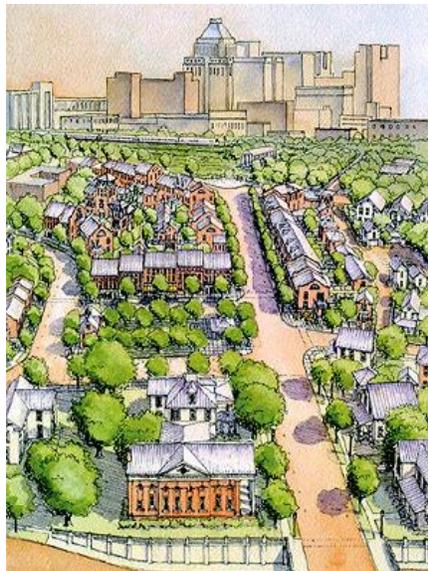
30-6-3.5 UMU – University Mixed Use District

The UMU, University Mixed Use district is solely intended for application in designated reinvestment corridors with an adopted plan. The district is established to promote a mix of retail, office, residential, civic, and institutional uses in a compact, pedestrian-oriented environment in close proximity to a college or university. Development should address appropriate and compatible transitions to existing single-family residential neighborhoods. The adaptive re-use of existing historic structures will be encouraged along with new development.

30-6-3.6 NS – Neighborhood Support District

The NS, Neighborhood Support district is solely intended for application in designated reinvestment corridors with an adopted plan. The district is established to provide a transition between the more intense auto-oriented pattern of development and neighborhoods. A mix of pedestrian-oriented retail, office, residential, civic, and institutional uses will be encouraged. The City of Greensboro, North Carolina - Land Development Ordinance – 1/1/15 Page 148 scale of development will be limited by the sub-district’s small, shallow pattern of lots and by transitions required between higher-intensity development and adjacent single-family neighborhoods to ensure compatibility. The adaptive re-use of existing historic structures will be encouraged along with new development.

Southside is a prime example of where local government support improved a community and produced significant fiscal benefits. The new urbanist revitalization of the Southside neighborhood has been a huge financial success for the City of Greensboro. In addition to a host of social benefits (e.g. reduced crime, improved health, etc.), Southside’s assessed values have climbed 800% since 1995, or over \$13 million. Based on property tax revenues alone, the City will recover its \$6.3 million investment in less than 25 years. Source: DowntownGreensboro.net



ADDITIONAL SOURCES AND INFORMATION:

“Mixed-Use Neighborhoods May Be Safe, Too” – Emily Badger (City Lab) [City Lab Article](#)

“Overcoming Obstacles to Smart Growth through Code Reform” – Grow Smart Tri.org [Executive Summary](#)

“Model Mixed Use Zoning District Ordinance” – Planning Advisory Service Report [MixedUseZoningDistrictOrdinance.pdf](#)