

ARTICLE XX
MIXED USE (MX) DISTRICT

SECTION 2000-PURPOSES OF THIS DISTRICT

In accordance with Policy 23 of the adopted Comprehensive Plan for Lamar County, “---mixed use developments (large-scale developments containing a mixture of office, retail, and residential uses) are encouraged to locate along arterial highways, roads, and streets in Lamar County.”

The purposes of the Mixed Use Zone (MX) are to:

- A. Allow a diversity of uses in close proximity in the district, including residential, retail, office, entertainment, and open space.
- B. Encourage a mix of uses in which non-residential development generates revenues and creates jobs, shopping and entertainment opportunities for residents, while residential development generates 24-hour vitality in support of the commercial uses.
- C. Providing opportunities for a mixture of uses in the same building.
- D. Through a planned development process, provide standards for site design, architecture, landscaping and circulation that segregate vehicular and pedestrian traffic, encourage walking and bicycling for recreation and daily errands, and buffer adjacent and internal residential uses from non-residential use impacts.
- E. To provide maximum flexibility in the design. Unlike Planned Unit Developments (PUD’s), the establishment of a Mixed Use development does not necessarily require conformance with an underlying zoning district. However, a rezoning of the land proposed for development must be obtained along with an amendment to the adopted Land Use Plan. Also, a development plan must be submitted in accordance with Section 2005 below.

SECTION 2001-PERMITTED USES

The following uses are permitted outright in MX districts subject to the regulations prescribed herein:

- A. All uses allowed outright in C-1 district, subject to other requirements of this Ordinance.

- B. Single-family detached residential uses allowed outright in R-E, R-1 and R-2 zones.
- C. Patio homes and townhouses.
- D. Commercial uses in which services performed and merchandise offered for sale are conducted or displayed within enclosed structures, except for the temporary display of individual articles not exceeding a weight of 200 pounds, a height of six feet and a length and/ or a depth of six feet (that is, those articles which can generally be hand-carried by one or two persons)
- E. Buildings in which the second floor is used for residential purposes and the first (ground) floor is used for office or retail purposes.
- F. Hotels and motels.
- G. Full service restaurants.
- H. Public roads and highways (excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.)
- I. Railroads or railroad facilities existing at the effective date of this Ordinance.

SECTION 2002 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2805

- A. Big box retail establishments.
- B. Supermarkets.
- C. Convenience stores.
- D. Fast food restaurants.
- E. Wireless communications facilities.
- F. Modular housing as defined by this Ordinance.

- G. Public or quasi-public facilities and utilities in conformance with Section 402 and other regulations of this Ordinance.
- H. Proposed new railroads or railroad facilities NOT existing at the effective date of this Ordinance.
- I. Nursery, Horticulture.
- J. Manufactured Housing.

SECTION 2003 - DIMENSIONAL REQUIREMENTS

- 2003.01 **Minimum Size of Mixed Use Development:**
The minimum size of any Mixed Use development shall be five (5) acres.
- 2003.02 **All Single-Family Detached Uses Except Patio Homes and Townhouses:**
Maximum Residential Development Density: The basic control of residential development density shall be the density requirement of the particular conventional district (i.e., R-E, R-1, or R-2) that is the most similar to the proposed section or phase of the development.
- 2003.03 Minimum Lot Size, Minimum Lot Width, Minimum Yards and Maximum Height for Single-Family Detached Residences (Except Patio Homes and Townhouses) in Mixed Use Developments:
 - (a) **Minimum Lot Size:** Requirement of the most similar residential zoning district (i.e. R-E, R-1, or R-2) for each section of the Mixed Use development.
 - (b) **Minimum Lot Width:** Requirement of the most similar residential zoning district (i.e. R-E, R-1, or R-2) for each section of the Mixed Use development.
 - (c) **Minimum Yards:** Requirements of the most similar residential zoning district (i.e. R-E, R-1, or R-2) for each section of the Mixed Use development.
- 2003.04 Dimensional Requirements for Patio Homes and Townhouses: Same as the dimensional requirements contained in the PH and TH district regulations.
- 2003.05 All Commercial Uses and Public/Quasi-Public Uses: Dimensional requirements for commercial portions or public/ quasi-public uses in a Mixed Use Development shall be determined by approval of a development

plan submitted in accordance with Section 1905 and the site plans required by Section 1907. All commercial and public/quasi-public sections of a MXD shall be linked to common open space features of the development.

SECTION 2004 - DEVELOPMENT PLAN APPROVAL REQUIRED PRIOR TO DESIGNATION OF MIXED USE DEVELOPMENT ON OFFICIAL ZONING MAP

Any person desiring to subdivide land for purposes of creating a Mixed Use development shall first prepare and submit a “development plan” to the Zoning Administrator in accordance with the Subdivision Regulations. All development plans for proposed MX development shall be reviewed by the Lamar County Planning Commission as well as the Zoning Administrator and the County Engineer. A development plan is a drawing or set of drawings depicting the ultimate layout and proposed land uses for a large tract of land, usually involving varying lot sizes and/or different proposed land uses. A development plan of a subdivision may be also be considered the “preliminary plat” (if it meets the specifications for preliminary plats), but the preliminary plat for each phase or stage of a Mixed Use development shall be approved by the Board of Supervisors prior to the initiation of any construction by the subdivider. Following approval of the development plan and/ or preliminary plats (where the development plan meets the requirements for a preliminary plat), said development plan and/ or preliminary plats shall be become the zoning requirements for the development unless amended in accordance with Section 2006 of this Ordinance.

SECTION 2005 - CHANGES IN DEVELOPMENT PLANS OR SUBDIVISION PLATS

A development plan may include minimum lot sizes and proposed open space keyed to different areas of a proposed Mixed Use development. If the development plan meets the requirements of the Subdivision Regulations for preliminary plats, the provisions of this section shall apply to previously approved preliminary plats. If a subdivider proposes changes in lot sizes for a particular portion of a Mixed Use District, changes in land reserved for open space or recreational areas or major changes in proposed street configurations (as determined by the Zoning Administrator and County Engineer) from the development plan or preliminary subdivision plat approved by the Board of Supervisors, A public hearing shall be held before the Lamar County Planning Commission in accordance with Section 2806 (Amendments to the Official Zoning Map—Rezoning) of this Ordinance to consider the proposed changes (since the development plan constitutes the zoning for the Mixed Use District). Such proposed changes shall be reviewed by the Planning Commission, which shall make a recommendation to the Board of Supervisors. The changes may be approved or denied by the Board of Supervisors. No construction that would involve proposed changes in the development plan or subdivision plats previously approved by the Board of Supervisors shall be initiated by the subdivider prior to approval of the revised development plan or subdivision plats.

SECTION 2006 - LAND USE PERMITS AND SITE PLANS REQUIRED FOR ALL USES IN A MIXED USE DEVELOPMENT

In accordance with Sections 400.01 and 400.03 of this Ordinance, a Land Use Permit and a site plan shall be required prior to construction of ANY use, including single-family detached residences, within a proposed Mixed Use Development.

SECTION 2007 - PERFORMANCE STANDARDS

- A. Architecture should demonstrate the cohesive planning of the development and present a clearly identifiable design feature throughout. It is not intended that buildings be totally uniform in appearance or that designers and developers be restricted in their creativity. Rather, cohesion and identity can be demonstrated in similar building scale or mass; consistent use of facade materials; similar ground level detailing, color or signage; consistency in functional systems such as roadway or pedestrian way surfaces, signage, or landscaping; the framing of outdoor open space and linkages, or a clear conveyance in the importance of various buildings and features on the site.
- B. Buildings adjacent to usable open space should generally be oriented to that space, with access to the building opening onto the open space.
- C. Landscaped space, and particularly usable open space, shall be designed and located to connect as a network throughout the Mixed Use development. It is also generally intended that said space be designed and located to connect with existing offsite usable open space, and provide potential for connection with future open space by extending to the perimeter of the Mixed Use development, particularly when a plan exists for the location and networking of such future open space.
- D. Commercial uses shall be designed and operated, and hours of operation limited where appropriate, so that neighboring residents are not exposed to offensive noise, especially from traffic or late-night activity. No amplified music shall be audible to neighboring residents. Vehicular access to and from public roads is intended to be consolidated. Vehicular access to Mixed Use development sites from a public roadway shall generally be limited to one (1) access point, particularly when Mixed Use development frontage along said roadway is three hundred (300) feet or less.
- E. Internal streets shall consist of local and collector roadways, designed in accordance with standard traffic engineering practice. Any street proposed for public dedication shall be designed and constructed in accordance with Lamar County Subdivision Regulations.
- F. The design should preserve and enhance natural features such as topography, waterways, vegetation, and drainage ways.
- G. The design should minimize impervious surfaces and incorporate other design features to minimize storm water runoff.
- H. Mixed Use Developments shall maximize pedestrian-oriented development.

SECTION 2008 - LIGHTING

All outdoor lighting shall be designed so as not to adversely impact surrounding uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate or be of unusually high intensity of brightness and shielded so that the light does not create a public nuisance.

SECTION 2009 - COMMON AREA AND OPEN SPACE REQUIREMENT

- A. The developer of a Mixed Use development shall set aside and convey, to the developer's successive owners of developed properties associated in a Maintenance Organization at least one (1%) of the gross area of the development as common area and/or open space, which areas shall be accessible subject to reasonable rule, assessments and fees to all residents of the district. However, a lesser amount may be permitted for larger developments, subject to reviewed by Plan Commission and final approval by Board of Supervisors.
- B. No more than one hundred percent (100%) of the required amount of open space may be covered by water (lakes, ponds, streams, etc.)
- C. The amount of land to be set aside and donated to a Maintenance Organization, shall be substantiated by the developer to the satisfaction of the Board of Supervisors.
- D. Open space may be any reasonable use of land that causes spaciousness between groupings lots or dwelling units. Open spaces areas may include areas that are lakes, parks, golf courses, wide medians in boulevard boundaries, and similar land uses which provide aesthetic views and/or provide areas adequate for low-impact recreation and pedestrian movement by residents living within the district. Common areas may contain improvements and must be owned and maintained by a Owners Association. Common areas may include lands that are open space.
- E. The Board of Supervisors has the authority to require as a prerequisite to approval of a Site Plan for a development within a Mixed Use District such features, infrastructure, covenants, condition and restrictions as the Board deems necessary to promote and preserve the health, safety, welfare and properties of the citizens of Lamar County.
- F. To be considered as common area or open space which meet the requirements of this section of this ordinance, the lands set aside and conveyed as common area or open space must be adequate in size and topography to be practically used for or serve their intended purpose(s).

SECTION 2010- MAINTENANCE OF COMMON AREAS AND OPEN SPACE

- A. As a part of the plans and documents submitted for the Development Plan Review of a proposed development within the Mixed Use District, the developer shall include a draft of those covenants, conditions and restrictions to which those developed lots and parcels within the development shall be subjected.
- B. Such covenants, conditions and restrictions shall provide for the organization and operation of an Owners Association in which each successive property owner (including successive purchasers) within the development shall be a mandatory member subject to reasonable rules, assessments and fees.
- C. The Owners Association must be responsible for liability insurance, property taxes, and the administration, operation, security, repair and maintenance of all common areas and open space areas, including any improvements thereon, owned and maintained by such organization.
- D. The Owners Association must provide for reasonable and pro rata collection from the owners of developed lots and properties within the development of monies sufficient to pay the costs for such insurance, taxes, administration, operation, security, repair and maintenance. The collection of such monies from such owners shall be enforceable by the Owners Association having the authorities to assess such costs to such owners and to enforce the collection of unpaid assessments by placing a lien on the property of owners not paying proper assessments.