
Section 3.09 **Mixed-Use Option** [Added Ordinance #20-01]*

Intent – The Mixed Use Option is established, consistent with the Vision Holly Springs *Comprehensive Plan*, to promote and guide integrated diverse but compatible *uses* into a development that is defined by unique and innovative design and pedestrian friendly features. This option is intended to be an alternative to the suburban mind-set that development be unconnected and uncoordinated, increasing reliance on individual vehicles and traffic congestion.

A. General Procedures.

The following general procedures apply to each Commercial / Mixed-Use *District* which refers to Mixed-Use *Option*.

1. Type of Development – Within each *Commercial / Mixed-Use District* (i.e., LB and CB) contained in this UDO which refers to *Mixed-Use Option*, there shall be two opportunities available for the development of a *project*:
 - a. Full Compliance With Base Standards – demonstrate full compliance with the *permitted use*, and *development standards* of the applicable *district* as specified for *Master Plan* or *Development Plan* in Section 9.05 B. Platting, Project Construction Drawing Approval and Recombination Procedures or Section 9.05, D. Development Plans for Architectural and Site Design Review, Development Options and Infill Development Options of this UDO, and follow the platting procedures of Section 9.05, B. – Platting, Project Construction Drawing Approval and Recombination Procedures, of this UDO; or,
 - b. Mixed-Use Option – obtain a *Special Expectation Use* for *Master Plan* or *Development Plan* approval, as specified in Section 9.09 – Decision Matrix of this UDO, to authorize compliance with the minimum *development requirements* specified below for each *district* and utilize the mixed-use option set forth in this Section, and follow the platting procedures of Section 9.05, B. – Platting, Project Construction Drawing Approval and Recombination Procedures, of this UDO.
2. If a *master plan* or *development plan* for a mixed-use option *project* is denied, the subject property shall not be included in any other *development petition* for a period of not less than twelve (12) months after the date of denial.
3. The twelve (12) month time period specified above which prohibits the inclusion of property which has been the subject of a denied *development plan* in any other *development petition* may be reduced by the *Town Council* upon special request made in writing by the owner of such property. Such special request shall

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demonstrate that a substantial change in the particular circumstances which induced the prior denial has occurred.

4. To accomplish the purpose of this Section, a *master plan* or *development plan* for mixed-use option may be approved which includes *waivers* of certain *development requirements* to the extent provided for in this Section below. All *development requirements*, *development standards* and all other regulations of this UDO for which a *waiver* provision is not provided for in this Section shall remain applicable unless a *variance* of this UDO is granted by the *Board of Adjustment* or, in the case of the regulations set forth in Section 7.06 – Lot Design and Public Place Reservation, Section 7.07 – Street Design and Right of Way Reservation, or Section 7.08 – Utility Design and Reservation, of this UDO, a *waiver* is granted by the *Town Council* in connection with the *master plan* or *development plan* approval.

B. *Development Standards.*

1. *Permitted Uses.*

All *uses* established as *permitted uses* in the base zoning district shall be considered *permitted uses* in a Mixed-Use Option *project*.

a. Required Uses

The Mixed-Use Option *project* shall include both non-residential and residential *uses* as specified below:

- i. Each *project* shall contain a minimum of twenty (20) percent of residential *uses* from the following categories:

Residential – *Single Family Dwelling*; *Multifamily – Townhouse*; *Multifamily Dwelling*.

- ii. Each *project* shall contain a minimum of fifty (50) percent of non-residential *uses* from the following categories:

Retail, Office/Professional Services, Miscellaneous, Clothing Service, Food Sales and Service, Personal Services, and Recreation.



- iii. Additional *uses* in the base zoning district not listed in the categories above may be provided but shall not count towards the minimum percent requirement for the particular category.

2. Mixture of *Uses*

- a. *Uses* may be contained within the *project* or within a *building*. The applicant may choose to measure the mix of *uses* by either *gross floor area* or percent of total *project area* but each project shall only use one (1) of the *use* mix measurements (gross floor area or percent of total project area).
- b. A minimum of twenty-five (25) percent of residential *dwellings* shall be located in a *building* containing ground floor non-residential *uses*.
- c. Residential *dwellings* not located in a *building* containing ground floor non-residential *uses* shall be interspersed on small blocks within the larger *development* so that all residential *dwellings* are within short walking distance of shared *parking areas*, *developed recreational open space*, and non-residential *uses*.
- d. Residential *dwellings* should not extend more than two (2) consecutive blocks in any direction unless located in a *building* containing ground floor non-residential *uses*.
- e. Not more than fifty (50) percent of residential *dwellings* shall be *Single Family Dwellings*.
- f. Not more than fifty (50) percent of the residential dwellings shall be issued a *building permit* until such time as *building permits* have been issued for a minimum of fifty (50) percent of the non-residential *floor area* as shown on the approved *Development Plan*.
- g. For Mixed-Use Option *projects* developed in phases, (as defined in the *project's* approved *Master Plan*), each phase shall be able to function as a stand alone development and the *project* shall contain the required common space/*open space* at all times during the phases of construction.

3. Development Standards.

- a. Maximum *Project Gross Density*

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Maximum *gross density* shall be determined based on the Future Land Use designation of the lot, or combination of lots, as specified in the *Comprehensive Plan*, Section 1 Land Use & Character, Future Land Use Map.

	Maximum <i>gross density</i>
<i>Comprehensive Plan, Section 1 Land Use & Character, Future Land Use Map Designation</i>	
Neighborhood Center	eight (8) units per acre
Mixed-Use Center	fifteen (15) units per acre
Regional Center	Twenty (20) units per acre

- b. *Minimum Lot Width and Frontage* – None
- c. *Yards and Building Setbacks*
 - (1) *Perimeter Setbacks and Landscape Yard Requirements* – A *setback* and *perimeter yard* shall be provided along all property lines of the *project* as follows:

		Minimum and Maximum
<i>Perimeter Setbacks and Landscape Yard</i>		
Front		
	Freeway – NC-540 / US 1	50' Min
		100' Max
	Freeway – NC 55:	50' Min
		100' Max
	Thoroughfare	10' Min
		30' Max
	Collector Street	10' Min
		20' Max
	Local Street / Cul-de-Sac	10' Min
		20' Max
Side		
	Yard	10' Min
	Bufferyard	20' Min
Rear		
	Yard	10' Min
	Bufferyard	20' Min

Provided, however, in elevation view from the *street frontage*, at least fifty (50) percent of the length of the *façade* of the *building* facing a *street* shall be located at or between the *minimum setback* and the *maximum setback*.

- (2) *Interior Setbacks and Landscape Yard Requirements* – A *setback* and *perimeter yard* shall be provided along all interior property lines of the *project* as follows:

		Minimum and Maximum
<i>Interior Setbacks and Landscape Yard</i>		
Front		
	Freeway – NC-540 / US 1	50' Min
		100' Max
	Freeway – NC 55:	50' Min
		100' Max
	Thoroughfare	10' Min
		30' Max
	Collector Street	10' Min
		20' Max
	Local Street / Cul-de-Sac	10' Min
		20' Max
Side		
	Yard	5' Min
Rear		
	Yard	5' Min

Provided, however, in elevation view from the *street frontage*, at least fifty (50) percent of the length of the *façade* of the *building* facing a *street* shall be located at or between the *minimum setback* and the *maximum setback*.

- (3) *Minimum Yards for Out Lots* - *Out lots* may provide a *minimum yard* of zero (0) feet along all *lot lines* in common with other *out lots* or in common with the main portion of the Mixed-Use Option *project*. If any portion of an *out lot* abuts the perimeter of the Mixed-Use Option *project*, that portion of the *out lot* shall be required to comply with the applicable *minimum front, side* or *rear perimeter setbacks* and *landscape yard* requirements set forth above. If an *out lot* is for an *individual tenant space* within a

multi-tenant building, there shall be a *minimum side yard* of zero (0) feet.

Provided, however, the *minimum yards* for *out lots* along all *lot lines* in common with other *out lots* may be used for *parking areas*, *loading areas*, *interior drives* or *interior access drives* provided that:

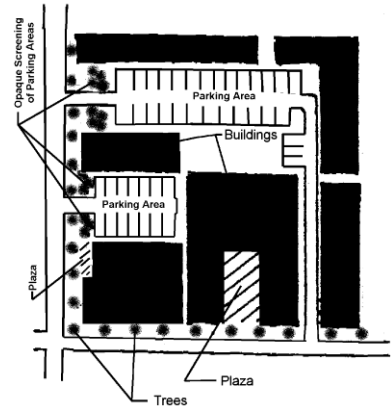
- (a) the area of each such *minimum yard* that would have been devoted to landscaping and the amount of landscape material that would have been required to be installed in each such *minimum yard*, if not complying with the special provisions of this sub-Section, are provided elsewhere on each of the affected *out lots* as either additional *foundation landscaping area* or additional interior *parking area* landscaping; and,
- (b) documentary assurances are provided on the *final plat* or by other legally binding instrument which binds the adjoining *lots* to be developed in compliance with the special provisions of this sub-Section allowing such *minimum yards* to be used for *parking areas*, *loading areas*, *interior drives* or *interior access drives* subject to the provision of such additional *foundation landscaping area* or additional interior *parking area* landscaping.

d. Use of *Minimum Yards* and *Bufferyards*

All *minimum yards* and *bufferyards* shall be landscaped in compliance with the requirements for perimeter *yard* landscaping as set forth in Section 7.01 – Landscape Regulations of this UDO and shall remain free from *structures* except where expressly permitted below:

- (1) *Minimum Front Yards* –
 - (a) along *freeways* – may include *signs* as regulated by Section 7.03 – Sign Regulations of this UDO, and shall be otherwise maintained as *open space* free from *buildings* or *structures*;
 - (b) along *thoroughfares*, *collector streets*, and *local streets* – may include: *driveways*; or, *signs* as regulated by Section 7.03 – Sign Regulations of this UDO, and shall otherwise be developed with landscaping, outdoor seating or *plazas* to create an urban streetscape.

- (c) **Minimum Front Bufferyards** - may include: *driveways*; or, *signs* as regulated by Section 7.03 – Sign Regulations of this UDO, and shall otherwise be maintained as *open space* free from *buildings* or *structures*;



- (d) **Minimum Side and Rear Yards** - may include: *interior access driveways*; or, *walkways* or other pedestrian way connections to adjoining *lots*, provided that the remainder of said *yards* shall be maintained as *open space* free from *buildings* or *structures*;
- (e) **Minimum Side and Rear Bufferyards** – may include *walkways* or other pedestrian way connections to adjoining residential areas provided that the remainder of said *yards* shall otherwise be maintained as *open space* free from *buildings* or *structures*.

e. **Building Height**

Building height shall be determined based on the Future Land Use designation of the lot, or combination of lots, as specified in the *Comprehensive Plan*, Section 1 Land Use & Character, Future Land Use Map.

Comprehensive Plan, Section 1 Land Use & Character, Future Land Use Map Designation	Minimum and Maximum
Neighborhood Center	Twenty (20) feet min. two (2) stories min. sixty (60) feet max. three (3) stories max.
Mixed-Use Center	Twenty-five (25) feet min. two (2) stories min. seventy-five (75) feet max. six (6) stories max.
Regional Center	Twenty-five (25) feet min.

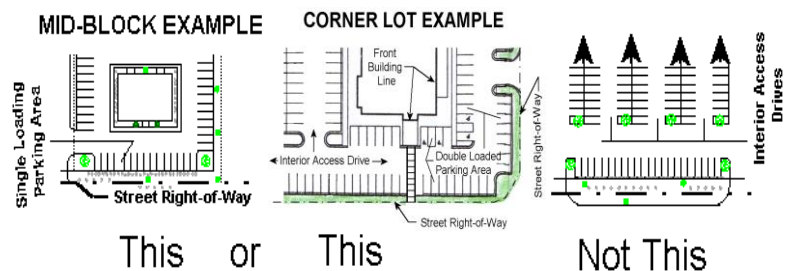
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	two (2) stories min.
	one hundred and ten (110) feet max.
	ten (10) stories max.

f. Parking and Loading - See Section 7.04 – Off-Street Parking Regulations and Section 7.05 – Off-Street Loading Regulations, except where modified below:

(1) Development Standards:

- (a) *Off-Street Parking areas* shall be located where residents and businesses have easy and convenient access. The *project* shall consider dedicating a certain portion of *off-street parking* for each *use* and must submit a parking study based on the proposed breakdown. The parking study shall be based on similar projects, with similar *use* percentage breakdowns when possible, in the surrounding area. The *off-street parking area* should not be located in such a manner that it dominates the *street frontage*.
- (b) *parking areas*, when located between a *front building line* and a *street right-of-way*, shall be limited to either a single loaded *parking area* or a double loaded *parking area* served by not more than one (1) *interior access drive*, where the *interior access drive* is located generally parallel to the *street right-of-way*.



- (c) To allow for infill development and higher *densities*, structured parking shall be encouraged to meet *off-street parking* requirements.

(2) Design Guidelines:

- (a) Shared Parking - Where parking demands for the various *uses* within the *project* peak during different times of the

day, parking should be shared. *Off-street parking* should be developed as a combined *off-street parking area* under the provisions outlined in Section 7.04 – Off-Street Parking Regulations.

- (b) *On-street parking* located along the *project frontage* may be counted towards the minimum number of required *off-street parking spaces* for the commercial component within the *project*. The number of *off-street parking spaces* may be reduced if a combined *off-street parking area* is approved based on the shared parking and parking study requirements set forth above.
- (c) However, in no case shall the combined required *off-street parking* for the mixed use *project* provide less than the minimum required *off-street parking* for the residential *use*.
- (d) The *Director* shall determine the required *off-street parking* for *uses* not mentioned in this section or elsewhere in the UDO, based on the requirements for similar *uses*.
- (e) The *Director* may authorize the use of combined *off-street parking areas* for *uses* or activities located within mixed use *projects* if it finds that the mixed use *project* is in accordance with Section 7.04, E., 4. – Reduction for Combined Off-Street Parking Areas.
- (f) Alternate Parking Plan approval shall be subject to the following conditions and limitations:
 - (i) No more than fifty (50) percent of the *off-street parking* required for a *building* or *use* may be supplied by *off-street parking areas* required for any other *building* or *use*.
 - (ii) The applicant shall submit sufficient data to indicate that there is no substantial conflict in the principal operating hours of the *uses* proposing to make use of the combined *off-street parking areas*.
 - (iii) The property owners involved in the joint use of *off-street parking areas* shall submit a legal agreement approved by the town attorney as to form and content guaranteeing that said required *off-street parking* shall be maintained so long as the *use*



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requiring *off-street parking* is in existence or unless the required *off-street parking* is provided elsewhere in accordance with the provisions of this Section. Such instrument, when approved as conforming to the provisions of this section, shall be recorded by the property owner with the Wake County Register of Deeds and a copy thereof filed with the Department of Planning & Zoning.

- g. Outdoor Operations - All uses and operations (except *off-street parking*, *off-street loading* and delivery, walk-up customer service windows, drive-through customer service windows, outdoor recreation uses, and outdoor public facilities) shall be conducted completely within enclosed *buildings*, except where expressly permitted in the base zoning *district*.
 - (1) Notwithstanding the restrictions for outdoor seating for restaurants expressly permitted in the base zoning *district*, outdoor seating for restaurants may be permitted between the *minimum front setback* and the *maximum front setback*.

- h. Landscape Requirements - See Section 7.01 – Landscape Regulations, except where modified below:
 - (1) Perimeter yards shall be landscaped in accordance with Section 7.01 D - Required Landscaping of Required Front, Side and Rear Yards and Required Front, Side and Rear Bufferyards, provided that:
 - (a) *Front yards* and *bufferyards* along Freeways shall follow the landscape requirements for the base zoning *district*.
 - (b) *Front yards* along *Thoroughfares*, *Collector Streets*, and *Local Streets / Cul-de-Sacs* shall follow the landscape requirements for the TV *District*.
 - (c) *Front bufferyards* along *Thoroughfares*, *Collector Streets*, and *Local Streets / Cul-de-Sacs* shall follow the landscape requirements for the R-8 *District*.
 - (d) *Side* and *rear yards* and *bufferyards* shall follow the landscape requirements for the base zoning *district*.
 - (2) Street trees shall be provided along all internal *streets* in accordance with Section 7.01 F - Street Trees for Residential Subdivisions and Development Plans.

- (3) *Foundation landscaping* shall be provided in accordance with Section 7.01 G - Foundation Landscaping in Multifamily Districts, Commercial/Mixed Use Districts and Industrial Districts, except that the required *Plant Unit Value* along or adjacent to each applicable façade of a *building* located between the *minimum front setback* and the *maximum front setback* may be reduced by fifty (50) percent.

i. Transition Zones

To insure compatibility with adjoining land *uses*, a transition zone of fifty (50) feet in width shall be established along the perimeter of the *project* directly adjacent to a residential *district*.

- (1) Only residential *uses* or *open space* shall be permitted within the transition zone.
- (2) The maximum *building height* within the transition zone area shall be three (3) stories.
- (3) There shall be no *accessory structures* or non-residential *parking areas* located within the transition zone.

j. *Open Space* and Public Spaces

The purpose of *open space* is to provide areas for passive and active social interaction. Areas which are accessible to the passing public are considered public spaces and are just as important to a development as those accessible only to the residents of the *project*. *Open space* areas should be surrounded by attractively designed *building* and landscape elements as well as *uses* that effectively shape and energize the *open spaces* as necessary to create a focal point of activity. Each Mixed Use Option *project* must contain *open space*, to be comprised of an amount of five (5) percent, of the total *project* acreage/square feet.

- (1) As a whole, *open space* should satisfy the following criteria:
 - (a) Provide areas for social interaction with other people; or for passive and active *uses* as appropriate.
 - (b) Public spaces shall be accessible to residents.
 - (c) Provide a strong image and sense of place.

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- (d) Be a part of the pedestrian linkage throughout the *project* and adjacent land *uses*.
 - (e) Provide an overall theme and visual connection between spaces and *uses* within the *project*.
 - (f) Be designed or located to ensure that it is useable year-round.
 - (g) Provide areas which have awnings, wind breaks, sun shade and/or landscaping that would provide shelter from the elements.
 - (h) Create a pleasant pedestrian village-like atmosphere.
- (2) *Open space* may include, but is not limited to, outdoor areas such as *plazas*, outdoor dining areas, rooftop gardens, and landscaped areas designed for active use.
- (3) *Open space* should be located or designed in such a manner that noise or activity does not unduly impact the residents of the mixed use *project* or nearby residential *projects*.
- (4) Encouraged to be located adjacent to the retail component of the *project* that can be converted for joint use with outdoor dining and pedestrian access. However, when used in conjunction with an outdoor dining area, the area shall be designed in such a manner that pedestrian access is not being impeded or hindered. The minimum dimension for clear pedestrian access should be at least six (6) feet.
- (5) Where possible, larger public spaces should be located near the main pedestrian access to the *project*.
- (6) Low-impact landscape design techniques and sustainable stormwater practices should be incorporated.
- (7) Green roof elements and/or rooftop gardens are encouraged.



k. Design Guidelines

- (1) Non-residential and Vertical Mixed-Use *Buildings* Design Guidelines - When positioning non-residential *uses*, issues such as access and entrances, address, identity and visibility, security, marketability, and connections to other *uses* should be taken into account. Retail space should be designed with adequate access from all internal *uses*.

Proximity to existing commercial *uses* located on adjacent parcels is essential because it allows for the continuation of commercial corridors. Whenever possible, the non-residential areas should include *street* front retail that promotes an active pedestrian area to draw the attention of the passing public. To accommodate the conditions of the ever-changing economic trends, the commercial areas should be designed to allow easy conversion from one commercial *use* to another.

- (a) The non-residential area of the Mixed-Use Option *project* shall include the following elements:
- (i) Storefront windows that provide transparency to the *building* at the pedestrian level.
 - (ii) Visual interest which can draw the attention of the passing public.
 - (iii) Whenever feasible, orientation towards the *street* and major pedestrian or plaza areas.
 - (iv) Locate retail commercial *uses* relying heavily on passing foot traffic such as retail *uses* at ground level, with less active *uses* (i.e., office *uses*) located above ground level.
- (b) In all cases, unless stated elsewhere in this section, non-residential and vertical mixed-use *buildings* shall be subject



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to the architectural and site design requirement set forth in Section 3.08 – Architectural and Site Design Requirements.

- (2) Residential Design Guidelines - Residential *uses* may be located in a separate *building* or in mixed configurations with commercial *uses* in the same *structure*. Factors such as privacy, security, amenities, and views are very important. To provide adequate privacy and security, residential entrances can be placed in the quieter areas away from the main commercial portions. Access to *open space* areas, either public or private is important.



- (a) Single family detached *lots* and/or *multifamily townhouses* may be located in an integrated area of the Mixed-Use Option *project*. In no case shall residential *dwelling*s be located on the ground floor of a *building* located on a *thoroughfare*.
- (b) Single family detached *lots* and/or *multifamily townhouses* shall be accessed from the rear with use of alleys.
- (c) In all cases, multifamily *buildings* (i.e. *apartments, condominiums*) shall be subject to the architectural and site design requirement set forth in Section 2.07, D. – Architectural and Site Design Review of this UDO.
- (d) In all cases, *single family dwelling*s and/or *multifamily townhouses* shall be subject to the design features set forth in Section 2.09, C., 2., d.- Design Features of this UDO.
- (3) Design Features shall be required for each *dwelling unit* over fifteen (15) *dwelling units* per acre for any *multifamily project* which includes a *gross density* of greater than fifteen (15) *dwelling units* per acre as specified in Section 2.07, C., 2. – R-MF-15 Multifamily Residential District- Design Features of this UDO.