

## Sec. 3.34. - MX—Mixed Use District.

### **Sec. 1.0 District Intent**

National trends toward urbanization are bolstering many "town centers" and neighborhood commercial districts, creating new destinations across the Atlanta region. The success of these new places is driven by burgeoning traffic congestion in Atlanta and market demand being generated by Millennials. This age cohort is seeking reduced commuting times and environments that offer a wide range of services and activities. Mixed Use Districts have been devised that revisit traditional development patterns. These districts can deliver a variety of housing options in close proximity to employment, consumer services, entertainment, recreation, public art and gathering spaces all within a setting that emphasizes walking rather than vehicle trips.

The Mixed Use District is intended to capitalize on this market demand by establishing standards more consistent with that market than commercial districts of the past that are more suburban in character. These standards allow the flexibility developers of mixed use projects desire.

The District promotes tailoring of development scale to the context by introducing a site plan specific process in which the development standards of the District are woven into an approved site plan. In this manner, development scale may be referenced to a neighborhood context as well as to a development setting more regional in scale.

A full range of urban housing, employment, retail and entertainment options is accommodated by the Mixed Use District. Development standards are geared toward traditional downtowns with buildings at the street, dwellings above store fronts and offices and broad sidewalks and streetscapes designed to encourage a lively street scene.

The Millennial market is generating demand for active and passive recreation, alternate transportation modes and greater social interaction. The creation of destinations that offer such public amenities proximate to developer generated housing, employment and shopping is a central tenet of the Mixed Use District.

### **Sec. 2.0 Applicability**

Any property assigned the MX — Mixed Use District shall be subject to the standards of this Article. The District applies to limited scale and region scale developments with the latter geared toward a more intense development model.

### **Sec. 3.0 District Boundary**

The boundaries of the Mixed Use District as indicated on the Official Zoning Map are incorporated in Article 5, Zoning Map, of this Ordinance. Copies of the Zoning Map are available for inspection during normal business hours at the Clayton County Department of Community Development.

### **Sec. 4.0 Permitted uses**

Only the following uses shall be permitted in the MX District. Uses not specifically listed shall be prohibited. The range of uses shall be limited to those serving the Mixed Use District and surrounding neighborhoods and suited to the character of the District.

1. Antique shops.
2. Apparel shops.
3. Art galleries.
4. Artist studios.
5. Assembly halls and amphitheaters, on arterials, only.
6. Bookstores.
7. Business and professional offices.

8. Cafes and restaurants, which may feature outdoor dining, excluding drive-in and drive-through restaurants.
9. Car washes, detail shops and service stations located inside a parking garage provided such uses are not visible from the exterior of the parking garage.
10. Catering establishments.
11. Child and adult day care centers.
12. Clubs and lodges.
13. Community centers.
14. Dance schools and other group instruction.
15. Department stores.
16. Drug stores.
17. Farmers markets.
18. Financial institutions.
19. Fitness centers and gymnasiums.
20. Florists and gift shops.
21. Fruit markets.
22. Full-service grocery stores.
23. Hardware stores.
24. Health clubs and spas.
25. Hotels, on arterials, only.
26. Institutions of higher learning including business colleges, music conservatories, and similar facilities.
27. Jewelry stores.
28. Live/local theaters.
29. Live/work dwelling units.
30. Medical clinics.
31. Medical, dental and optical offices.
32. Motion picture theaters, on arterials, only.
33. Multifamily dwellings.
34. Museums.
35. Office supply and equipment stores.
36. Personal service establishments including barber shops, beauty salons, dry cleaners, electrical appliance repair shops, clothing laundries, optical or watch repair shops, outdoor garden shops, photographic studios, shoe repair shops, tailoring shops, dressmaking shops and similar establishments.
37. Photographic studios.
38. Places of worship, as a conditional use.
39. Professional and business offices.
40. Recording studios, provided acoustical treatments are installed.

41. Research laboratories.
42. Retail sales.
43. Townhouses and condominiums, including mixed use structures incorporating townhouses and condominiums atop hotel properties.
44. Other uses deemed substantially similar in character and impact to a use permitted in the MX District.

#### **Sec. 5.0 Mixture of Uses**

Any rezoning application for the MX District must contain a mixture of residential and non-residential uses, either within the same structure or in separate buildings, but included as part of a unified development.

#### **Sec. 6.0 Accessory Uses**

Uses customarily accessory to any use permitted in the OI District, including but not limited to parking garages, parking decks, and surface parking lots.

#### **Sec. 7.0 Site Plan Approval Process**

Site Development Plan approval shall be required for all rezonings to MX. All such developments in the MX Mixed Use District shall comply with Sec. 11.4 - Review Process and Standards of the Zoning Ordinance. The MX zoning shall be conditioned upon the site plan in terms layout of the structures, streets, and uses depicted on the approved site plan.

#### **Sec. 8.0 MX - Mixed Use District Development Standards**

The following standards shall apply to all new development in the MX District and to existing development on which an addition greater than half the existing floor area or remodeling of more than one half of the building facade is planned. Any expansion of a parking lot greater than half the area of the existing parking lot shall trigger compliance with all parking lot standards of the Ordinance, including landscaping standards.

##### Minimum Lot Area

- None

##### Minimum Lot Width

- None

##### Maximum Lot Depth

- None, provided that no "through lot" shall be created.

##### Build to Line/Front Yard Setback

- 0 feet
- 15 feet when outdoor dining, landscaping, public art, fountains or similar amenities are provided.

##### Minimum Side Yard Setback

- 0 feet
- 10 feet, when interior wall has windows, doors or other openings.
- 20 feet, when abutting a residential zoning district or residential use

#### Minimum Rear Yard Setback

- 15 feet abutting non-residential
- 25 feet abutting a residential zoning district or residential use

#### Minimum Building Height

- A full two stories

#### Maximum Building Height

- 64 feet on a collector or local street
- 120 feet on an arterial

#### Maximum Building Dimension

- 80 feet on a collector or local street
- 160 feet on an arterial

#### Maximum Building Footprint

- Single purpose buildings shall have a maximum footprint of 30,000 square feet
- Mixed use development on a collector or local street shall have a maximum building footprint of 100,000 square feet.
- Mixed use development located on an arterial shall have no maximum building footprint.

#### Minimum Distance between Buildings

- 0 feet in a walkable, downtown setting; otherwise as determined by Building and Life Safety Codes.

#### Maximum Lot Coverage

- Building footprint of all structures, and impervious pavements, shall not exceed 80 percent of the lot area.

#### Minimum Open Space

- 15 percent on a collector or local street
- 10 percent on an arterial

#### Maximum Density

- 12 dwelling units per acre on a collector or local street
- 24 dwelling units per acre on a collector or local street in a mixed use structure
- 48 dwelling units per acre on an arterial
- 72 dwelling units per acre on an arterial in a mixed use structure

#### Minimum Living Area

- 576 square feet for a live/work space

- 600 square feet for one-bedroom unit
- 800 square feet for two-bedroom unit
- 1,000 square feet for three-bedroom unit

#### Development Timing

Non-residential uses on an MX site shall be developed prior to or concurrently with residential uses. Concurrency may be established by implementation of a Concept Plan that documents the approved mix of residential and non-residential uses. Construction of individual phases shall comply with the percentages of these respective for the entire development as represented on the Concept Plan. Certificates of Occupancy will only be issued for residential construction following issuance of C.O.s for the non-residential portions of the development. This timing shall apply to the entire development and to individual phases of the proposed development.

#### Location of Residential Occupancy

Multi-story "row houses" built to the front and side lot line, or a configuration of a typical "brownstone" of two or more stories, may feature ground floor residential. No other form of ground floor residential shall be permitted within a mixed use building.

#### Incentives for Mixed Use Buildings

Dwelling unit floor area for developments that propose mixed use in a single building in compliance with this Article may be reduced by twenty (20) percent, provided no reduction beyond the minimum floor area for live/work units shall be allowed. The parking requirement for such developments may also be reduced by twenty (20) percent.

### **Sec. 9.0 Block Dimensions**

Subdivision of land creating individual blocks shall yield block dimensions no greater than 400 linear feet on collectors and local streets and no greater than 600 linear feet on an arterial.

### **Sec. 10.0 Building Orientation**

1. All buildings shall be oriented to the thoroughfare of greatest traffic intensity based on traffic volume, number of travel lanes and pedestrian activity. Buildings may also be oriented to accessible open space.
2. Individual uses shall have pedestrian entrances directly adjacent to the public sidewalk and oriented toward the thoroughfare of greatest intensity. This requirement shall not preclude secondary entrances at the side or rear of buildings.
3. Buildings may be oriented to face a courtyard and individual uses may have pedestrian entrances that open directly on to a courtyard.

### **Sec. 11.0 Architectural Standards**

- A. *Fenestration in the MX District.* Architectural design of all buildings and structures shall adhere to the following standards:
  1. Display windows and pedestrian entrances shall be provided on all primary building facades. Buildings on corner lots shall also provide display windows on the secondary facade with pedestrian entrances on such facades provided at the owner's option.
  2. Primary facades shall be detailed as storefronts and glazed with clear glass no less than 60 percent of the length of the facade to a minimum height of eight feet.
  3. The length of primary facades shall not exceed 20 feet without intervening fenestration, architectural detailing or entryway.

4. Significant building elements such as balconies, porches, canopies, towers, entry features, etc. that visually divide the facade shall be incorporated into building design.
  5. A maximum of 15 percent of fenestration treatments may utilize architectural detailing in lieu of glass materials to meet the fenestration treatment standards.
  6. Pedestrian entrances may be used to comply with the fenestration treatment standards.
  7. Multi-level buildings with commercial, office, service or residential uses shall create a clearly-defined street edge and provide upper-story activities, which overlook the street and plazas.
  8. Service/utility areas or enclosures shall not be located in or be visible from public plazas or courts.
- B. *Building Materials.* Exterior facades visible from any thoroughfare shall utilize brick, glass, wood, hard coat stucco or approved Dryvit stucco, stone (including faux stone) or cement-based siding materials. Metal or metallic materials may be permitted, but shall not constitute more than 30 percent of any individual facade.
- C. *Streetscape/Pedestrian Scale.*
1. Pavements, street trees, pedestrian scale lighting, street lights, benches, signs, trash receptacles, etc. along streets should be consistent and help create an identifiable character for the area.
  2. Street trees with tree grates and landscaping are required on primary and secondary streets and medians.
  3. Sidewalks shall be constructed of concrete. Special textured pavers, brick, colored concrete, and pavers or a combination of these materials that provide patterns and/or decorative tones shall be used to accent sidewalk and plaza areas.
  4. A 14-foot wide streetscape is required on both sides of the street that includes ground floor retail and office uses. The streetscape includes a 4-foot curb zone (for street trees, street lights, landscaping and pedestrian amenities) and a 10-foot wide sidewalk.
  5. Pedestrian-oriented ground-floor retail, restaurant or other pedestrian-oriented use is required on building fronts. Public facilities such as a library or community center would also be considered pedestrian-oriented uses.
- D. *Parking Lot Landscaping.*
1. One (1) canopy tree for every four parking spaces distributed throughout designated parking areas shall be provided.
  2. Individual parking bays shall be separated by a landscape median having a minimum width of eight feet. In addition, end aisle landscaped islands having a minimum width of eight feet and a minimum depth of 16 feet shall be established for every 10 parking spaces.
  3. Parking lots fronting on any street shall be screened by a landscaped buffer having a minimum horizontal dimension of five feet and using the following, additional screening techniques. Acceptable screening shall be of durable construction materials and/or appropriate landscaping including:
    - a. A trellis or grillwork of steel or cast iron with vines;
    - b. A low masonry or stone wall or planter between 36 and 42 inches high combined with a five-foot landscaped buffer;
    - c. Landscaped buffer of trees and evergreen shrubs sufficient to form a solid screen; or
    - d. Landscaped berm of sufficient height and width to visually obscure parking areas.
- E. *Parking Lot Standards.*

1. Shared parking between land uses is encouraged where it can be demonstrated that parking demands of the respective uses occur at different times of the day or on different days.
2. On-street parking on public streets in the Mixed Use District may be credited toward required parking, provided the spaces are located along the frontage of the property accepting this parking credit.
3. Parking areas shall be designed as smaller, scattered lots rather than large lots and be screened from view from adjacent streets and building occupants. A guideline of 48 spaces as an upper limit is encouraged.
4. Parking lots shall not be located between the primary facade of commercial buildings and the street.
5. Parking lots exceeding 48 spaces on a collector or local street or 100 spaces on an arterial shall be divided into smaller connected lots to minimize the impact of vehicles. Creation of substantially landscaped areas no less than eight feet wide shall be provided to divide large parking areas.
6. Curb cuts for parking lots should be minimized by requiring shared entrances and exits, where appropriate. All developments shall provide interparcel access, with written agreements between adjacent property owners subject to approval by the Clayton County Department of Transportation.
7. A pedestrian crosswalk shall be provided at all parking lot entrances and exits.
8. Lighting shall be provided in parking lots and adjacent landscaped areas for greater visibility and security. All such lighting shall be directed downward and into the site to avoid spillover.
9. Permeable pavements, excluding such materials intended for industrial applications such as #57 stone, are permitted. Parking requirements may be reduced up to 10 percent in exchange for application of Low Impact Development design that routes stormwater into landscaped areas rather than sheet flowing to a stormwater collection device.

(Ord. No. 2017-41, § 3, 5-30-17)