

## Division 4.6 - Medium Density Mixed-Use Neighborhood District (M-M-N)

(A) **Purpose** . The Medium Density Mixed-Use Neighborhood District is intended to be a setting for concentrated housing within easy walking distance of transit and a commercial district. Secondly, a neighborhood may also contain other moderate-intensity complementary and supporting land uses that serve the neighborhood. These neighborhoods will form a transition and a link between surrounding neighborhoods and the commercial core with a unifying pattern of streets and blocks. Buildings, streets, bike and walking paths, open spaces and parks will be configured to create an inviting and convenient living environment. This District is intended to function together with surrounding low density neighborhoods (typically the L-M-N zone district) and a central commercial core (typically an N-C or C-C zone district). The intent is for the component zone districts to form an integral, town-like pattern of development, and not merely a series of individual development projects in separate zone districts.

(B) **Permitted Uses** .

(1) The following uses are permitted in the M-M-N District, subject to basic development review, provided that such uses are located on lots that are part of an approved site-specific development plan:

(a) **Accessory/Miscellaneous Uses:**

1. Accessory buildings.
2. Accessory uses.
3. Urban agriculture.
4. Off-site construction staging.
5. Wireless telecommunication equipment.

(b) Any use authorized pursuant to a site-specific development plan that was processed and approved either in compliance with the Zoning Code in effect on March 27, 1997, or in compliance with this Code (other than a final subdivision plat, or minor subdivision plat, approved pursuant to Section 29-643 or 29-644 of prior law, for any nonresidential development or any multi-family dwelling containing more than four [4] dwelling units), provided that such use shall be subject to all of the use and density requirements and conditions of said site-specific development plan.

(c) Any use which is not hereafter listed as a permitted use in this zone district but which was permitted for a specific parcel of property pursuant to the zone district regulations in effect for such parcel on March 27, 1997; and which physically existed upon such parcel on March 27, 1997; provided, however, that such existing use shall constitute a permitted use only on such parcel of property.

(d) **Institutional/Civic/Public Uses:**

1. Neighborhood parks as defined by the Parks and Recreation Policy Plan.

(e) **Residential Uses:**

1. Extra occupancy rental houses with five (5) or fewer tenants.
2. Shelters for victims of domestic violence.
3. Short term primary rentals.

(2) The following uses are permitted in the M-M-N District, subject to administrative review:

(a) **Residential Uses:**

1. Single-family detached dwellings on lots containing no more than six thousand (6,000) square feet.
2. Two-family dwellings.
3. Single-family attached dwellings.
4. Two-family attached dwellings.
5. Any residential use consisting in whole or in part of multi-family dwellings that contain fifty (50) dwelling units or less, and seventy-five (75) bedrooms or less.
6. Mixed-use dwellings.
7. Group homes for up to eight (8) developmentally disabled or elderly persons.
8. Extra occupancy rental houses with more than five (5) tenants.

(b) **Institutional/Civic/Public Uses:**

1. Places of worship or assembly.
2. Public and private schools, including colleges, universities, vocational and technical training.
3. Community facilities.
4. Minor public facilities.
5. Parks, recreation and other open lands, except neighborhood parks as defined by the Parks and Recreation Policy Plan.
6. Seasonal overflow shelters.

(c) **Commercial/Retail Uses:**

1. Bed and breakfast establishments with no more than six (6) beds.
2. Convenience retail stores without fuel sales.
3. Artisan and photography studios and galleries.
4. Child care centers.
5. Adult day/respite care centers.
6. Restaurant, limited mixed-use.

7. Open-air farmers markets if located within a park, central feature or gathering place.
- (3) The following uses are permitted in the M-M-N District, subject to Planning and Zoning Board review:
  - (a) **Residential Uses:**
    1. Group homes, other than allowed in subparagraph (2)(a) above.
    2. Fraternity and sorority houses.
    3. Any residential use consisting in whole or in part of multi-family dwellings that contain more than fifty (50) dwelling units, or more than seventy-five (75) bedrooms.
  - (b) **Institutional/Civic/Public Uses:**
    1. Public and private schools for elementary, intermediate and high school education.
    2. Long-term care facilities.
  - (c) **Commercial and Retail Uses:**
    1. Personal and business service shops.
    2. Offices, financial services, clinics and small animal veterinary clinics.
  - (d) **Industrial Uses:**
    1. Small-scale and medium-scale solar energy systems.
- (C) **Prohibited Uses** . All uses that are not (1) expressly allowed as permitted uses in this Section or (2) determined to be permitted by the Director or the Planning and Zoning Board pursuant to Section 1.3.4 of this Code shall be prohibited.
- (D) **Land Use Standards** .
  - (1) **Density** . Residential developments in the Medium Density Mixed-Use Neighborhood District shall have an overall minimum average density of twelve (12) dwelling units per net acre of residential land, except that residential developments (whether approved pursuant to overall development plans or project development plans) containing twenty (20) acres or less shall have an overall minimum average density of seven (7) dwelling units per net acre of residential land. The requirements of this paragraph shall not apply to mixed-use dwellings in multistory mixed-use buildings.
    - (a) The minimum residential density of any phase in a multiple-phase development plan shall be seven (7) dwelling units per net acre of residential land.
  - (2) **Secondary Uses** . All residential uses, parks and recreational facilities and community facilities are considered the primary uses of this zone district. All other permitted uses are considered secondary uses in this zone district and, for projects containing ten (10) or more acres, together shall occupy no more than fifteen (15) percent of the total gross area of any development plan. If the project contains less than ten (10) acres, the development plan must demonstrate how it contributes to the overall mix of land uses within the surrounding area but shall not be required to provide a mix of land uses within the development.
  - (3) **Building Height** . Buildings shall be limited to a maximum of three (3) stories.
  - (4) **Seasonal Overflow Shelters** . Seasonal overflow shelters may be allowed in this zone district only on parcels that abut an arterial street.
- (E) **Buildings** .
  - (1) Notwithstanding the M-M-N district maximum building height, the portion of a building located within a radius of seventy-five (75) feet of the apex at the corner of the two (2) property lines at the intersection of two (2) arterial streets may contain an additional story if the resulting building height conforms to the maximum allowable height in the district.
  - (2) Notwithstanding the M-M-N district maximum building height, the portion of a building within a radius of fifty (50) feet of the apex at the corner of the two (2) property lines at any street intersection (except an arterial/arterial intersection) may contain an additional story if the resulting building height conforms to the maximum allowable height in the district.

(Ord. No. 15, 1998 §1, 2/17/98; Ord. No. 90, 1998, 5/19/98; Ord. No. 41, 1999 §57, 8, 3/16/99; Ord. No. 99, 1999 §19, 6/15/99; Ord. No. 183, 2000 §§14, 28, 12/19/00; Ord. No. 107, 2001 §41, 6/19/01; Ord. No. 204, 2001 §1, 12/18/01; Ord. No. 090, 2003 §§11—14, 6/17/03; Ord. No. 091, 2004 §§31, 32, 6/15/04; Ord. No. 123, 2005 §§14, 15, 11/15/05; Ord. No. 161, 2005 §10, 12/20/05; Ord. No. 104, 2006 §§21, 22, 7/18/06; Ord. No. 131, 2006 §3, 9/19/06; Ord. No. 192, 2006 §20, 12/19/06; Ord. No. 081, 2007 §13, 7/17/07; Ord. No. 073, 2008 §§9, 10, 24, 7/1/08; Ord. No. 066, 2009 §20, 7/7/09; Ord. No. 036, 2011 §7, 3/22/11; Ord. No. 120, 2011 §18, 9/20/2011; Ord. No. 092, 2012 §2, 9/18/12; Ord. No. 130, 2012 §§3, 4, 11/20/12; Ord. No. 096, 2013 §§8, 9, 7/16/13; Ord. No. 086, 2014 §§49, 50, 7/1/14; Ord. No. 110, 2015 §§7, 8, 9/15/15; Ord. No. 044, 2017 , §9, 3/21/17; Ord. No. 059, 2017 , § 16, 5/2/17; Ord. No. 129, 2017 , § 10, 10/3/17; Ord. No. 063, 2018 , §§38, 39, 6/5/18)