CHAPTER 8

MIXED USE ~~DEVELOPMENT OVERLAY~~ DISTRICT (MU) AND SENSITIVE LANDS DEVELOPMENT REGULATIONS ~~OVERLAY DISTRICT (SL)~~

Part 1

Mixed Use Development ~~Overlays~~ District (MU)

16.08.101 Purpose and requirements. (NOTE: This Section is rewritten in its entirety.)

The mixed use district is provided to allow opportunities to create land use patterns and layouts that provide for a complementary and compatible mix of uses and a diversity of dwelling unit types. The mixed use district allows a combination of compatible residential and nonresidential uses, with necessary supporting uses, consistent with a convenient and pedestrian friendly development layout and a destination resort community. It is the purpose of the mixed use district to allow flexibility and creativity in the combination and arrangement of uses while promoting efficiencies in the delivery of required infrastructure and services. (Ord. 2018-16, 2018)

16.08.102 Uses allowed within mixed use ~~development~~ district; district establishment. The mixed use ~~Development overlays~~ District (MU) allows a combination of uses ~~within the same building or on the same lot or parcel,~~ according to an approved mixed use project plan, as provided herein.

The uses allowed by the establishment of a mixed use ~~Development overlay~~ District (MU) shall be a combination of those uses allowed by one (1) of the residential zoning districts identified in table 8-1, column A of this section, with those uses allowed by one (1) of the nonresidential zoning districts identified in Table 8-1, column B of this section. If the resort commercial zoning district is selected as the commercial component, the mixed use district may be designated on the zoning map as (RMU); otherwise a mixed use overlay is designated on the zoning map as (MU).~~The uses allowed within a Mixed Use Development Overlay District (MU) may be further restricted by the Council as identified in the required and approved mixed use project plan and development agreement, as applicable.~~ (Ord. 2018-09, 2018)

TABLE 8-1
MIXED USE ~~DEVELOPMENT~~ OVERLAY COMBINATIONS
~~DISTRICT USE COMBINATIONS~~

Allowed Zoning Districts	
A	**B**

Residential Agriculture (RA-5)	Neighborhood Commercial (CN)
Residential Agriculture (RA-1)	Community Commercial (C-1)
Residential Estates (RE-43.0)	Resort Commercial (RC)
Residential Estates (RE-37.0)	
Residential Estates (RE-25.0)	
Residential Estates (RE-20.0)	
Residential Estates (RE-17.5)	
Residential Estates (RE-15.0)	
Residential Estates (RE-12.5)	
Single-Family (R-1-10)	
Single-Family (R-1-7.5)	
Single-Family (R-1-5)	
Twinhome (R-2-10)	
Townhouse (TH)	
Multi-Family Residential (R-M)	

~~(Ord. 2014-05, 2014; amd. Ord. 2016-06, 2016; Ord. 2017-06, 2017; Ord. 2017-17,~~ (Ord. 2018-16, 2018)

16.08.103 Approval procedures. The establishment of a mixed use district shall require the approval of a zoning map amendment application, and the approval of a mixed use project plan.~~, with an accompanying development agreement, as may be determined necessary by the City Council, following the receipt of a commission recommendation.~~ (Ord. 2018-16, 2018)

16.08.104 Approval criteria. The establishment of a mixed use ~~development overlay~~ District (MU) may be approved by the City Council, following the receipt of a commission recommendation, with a finding that a mixed use overlay District will:

(1) Enhance the subject property by integrated planning and design as a whole, pursuant to the provisions of this chapter.

(2) ~~Not conflict with any policies~~ Meet the intent and purpose of the General Plan and

~~(3) Meet the intent and purpose of~~ this Title ~~chapter~~ in the exercise of the City Council's legislative authority and discretion.

(3) Be in the interest of the general welfare of the city and its residents.

(4) Promote economies in the provision of infrastructure, facilities and services, and promote efficiencies in the long term maintenance of open space areas and the amenities being provided.

(5) Provide a better land use pattern, site design and increased amenities than would be likely if the property were developed as separate zoning districts.

(6) Enhance the economic base of the City.

(7) Not create a burden on the infrastructure, facilities and service capacities of the City. (2018-16, 2018)

16.08.105 Mixed use project plan and/or development agreement required. A mixed use project plan ("project plan") shall be a blend of the residential and commercial zoning districts selected for the project and shall be presented to the commission for recommendation, and approval by the city council. The project plan shall be part of the application for a zoning districts map amendment to establish a mixed use ~~development overlay~~ development district (MU). The project plan must achieve, and must identify techniques to provide, a mixed use development with uniform and compatible site and building standards when the project area is completely built out. The project plan must also demonstrate compliance with the requirements of this chapter, all provisions of this title, and all other land use regulations ~~ordinances,~~ as applicable.

The project plan shall be required to be accompanied by a development agreement when the project is to be constructed in phases and may be required when otherwise deemed necessary by the city council. Regardless of the size and ownership of lands proposed to be included within a mixed use development ~~overlay~~ district (MU), the required project plan shall include amenities and elements to create, or complement a "walkable" mixed use area.

The project plan shall include all property proposed for a mixed use development ~~overlay~~ district (MU) and shall show all phases of the development (including any phasing plans). Once approved by the city council, the project plan shall be controlling for all required future approvals, permits and licenses, including, but not limited to, subdivision and use applications, and any additional procedural requirements set forth in this chapter, this title and all other land use regulations ~~ordinances~~, as applicable. (Ord. 2018-16, 2018)

16.08.106 Development approval procedures. Applications for any required approvals, permits or licenses for property located in a mixed use development ~~overlay~~ district (MU) shall be submitted, processed and considered in accordance with the requirements and procedures set forth in all land use regulations ~~ordinances~~, including this title, consistent with the approved project plan. Amendments to any existing approvals, permits or licenses shall be obtained by following the procedure required for the original approval. (Ord. 2018-16, 2018)

16.08.107 Development requirements and standards. The purpose of this section is to achieve the purposes of this chapter and to ensure all allowed uses are located and conducted so as to not adversely impact adjacent uses, including, but not limited to, traffic, noise and safety. All proposed uses and activities shall be approved only if such uses and activities comply fully with the following standards, in addition to all other applicable requirements of this title. Table 8-2 of this section identifies the development requirements and standards applicable to all mixed use development ~~overlays~~ districts (MU). (2018-16, 2018)

TABLE 8-2
MIXED USE DEVELOPMENT ~~OVERLAY~~ DISTRICT
DEVELOPMENT REQUIREMENTS AND STANDARDS

(NOTE: The text of Table 8-2, other than the change to its title, remains unchanged.)

(Ord. 2018-09, 2018)

Part 2

Sensitive Lands Development Regulations ~~Overlays District (SL)~~

16.08.201 Purpose. The purposes of ~~the~~ sensitive lands development regulations ~~overlay district (SL)~~ are to:

(NOTE: The rest of this section remains unchanged.)

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16.08.209 Sensitive Lands Protection Regulations; Slopes, Low Density Residential:

* * *

(5) Maximum Limits of Disturbance Area. The maximum area of any lot or parcel that may be disturbed shall be limited as determined by the average slope of the subdivision lot or parcel, as provided by table 8-3 of this section. ~~The maximum area of any lot or parcel that may be disturbed may be increased, as further provided by table 8-3 of this section, if the lot or parcel is located in an area within a planned development overlay (PD) district.~~ The maximum limits of disturbance area shall be identified on each lot or parcel and shall include all graded, excavated, filled or otherwise disturbed areas, the area occupied by the primary building, all accessory building areas, areas of hard surfacing, including driveways, walkways, patios, off street parking areas, and all areas of disturbance of nonnative vegetation.

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TABLE 8-3

MAXIMUM SUBDIVISION LOT OR PARCEL LIMITS OF DISTURBANCE

(NOTE: Column C of Table 8-3, dealing with maximum limits of disturbance for lots located in a planned development overlay (PD) district, shall be stricken in its entirety.)

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TABLE 8-4

SENSITIVE LANDS DEVELOPMENT RIGHTS

(NOTE: Column B of Table 8-4, dealing with transferable sensitive land development rights located in a planned development overlay (PD) district, shall be stricken in its entirety.)

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16.06.216 Repealed.

16.08.217 Repealed.

16.08.218 Repealed.