

SECTION 33C MU-R MIXED USE DISTRICT

33C.1 INTENT:

The DeSoto MU-R Mixed Use Districts and related Illustrative Guide were created to provide a framework to allow cohesive and orderly mixed use developments within the City of DeSoto. MU-R districts are residential districts which are intended to be a combination of residential uses. They also can serve or surround MU-1 or MU-2 districts. They should act as a buffer district between Mixed Use districts to the surrounding single family districts. MU-R districts should be designed to encourage development that promotes pedestrian-oriented scales, a sense of community, quality architectural design, heightened visual quality, and increased quality of life.

The Districts and related Illustrative Guide establish a community character through examples in land uses, site design, circulation, architectural elements and landscape concepts. This Ordinance and related Illustrative Guide document borrows mixed use design elements from the existing DeSoto Town Center and other mixed use projects. Appropriate flexibility in final design is given to developers and designers to allow creativity for the opportunities associated with individual sites. Also see Mixed Use Illustrative Guide page 5 for examples.

33C.2 MU-R MIXED USE DISTRICTS ESTABLISHED:

There is hereby established the following Zoning District:

The MU-R Mixed Use Residential District can include a mix of architectural styles ranging from contemporary to traditional. The intent of the MU-R category is to utilize existing open space as public parks and surround it with residential uses. MU-R can include a mix of residential products and live-work units which will serve as a transition from MU-1 and MU-2 districts to the existing surrounding neighborhoods.

33C.3 PERMITTED USES:

- A. The mixture of uses allowed in the MU-R Mixed Use District are those uses specified as allowed in the MU-R Districts in Section 36 (Use Charts) and include the following:
 - 1. Residential Uses as specified in the Use Charts.
 - 2. May contain a mix of apartments, rowhomes, townhomes and/or single family attached homes.
 - 3. Single family detached homes are not permitted.

33C.4 MU-R MIXED USE SITE DESIGN PRINCIPLES:

The design of a MU-R Mixed Use site shall include the consideration of pedestrian scales, building uses, circulation and visual quality. The arrangement of building masses, parking, open space, landscaping, walks and site furnishing shall encourage pedestrian activity, create unique views and create a usable site. All planning and design of MU-R sites shall begin with analysis of the site. This analysis shall consider the site's constraints, nature influences, historical qualities and surrounding land uses.

- A. Site Design
 - 1. Building Orientation - Building orientation shall consider uses both within structures and outside. Also see Mixed Use Illustrative Guide page 7 for reference.

2. Block Lengths - Block lengths in MU-R Mixed Use areas shall generally be characterized by smaller, walkable blocks that are connected to each other. Cul-de-sacs or other single entrance streets are not allowed unless, due to topography or existing development patterns, there is no other way to serve the MU-R development and a waiver is granted at the time of Concept Plan approval. These small block lengths and connected street patterns will provide traffic efficiency and opportunities for pedestrian connectivity. Also see Mixed Use Illustrative Guide page 7 for reference.
 - a. The minimum length of a public street block shall be 200 feet.
 - b. The maximum length of a public street block shall be 500 feet.
 3. View Corridors - The arrangement of streets, open space and buildings can create view corridors. View corridors shall be provided for in the Concept Plan prior to its approval unless a waiver is granted by the Planning and Zoning Commission and/or City Council due to unique physical constraints. Also see Mixed Use Illustrative Guide page 7 for reference.
 4. Scale - The massing of all new buildings shall be articulated in a variety of ways, including the use of projecting and recessed elements such as porches, cantilevers, balconies, bay windows and roof dormers, to reduce their apparent overall bulk and volume, to enhance visual quality and to contribute to human-scale development. Larger scale residential buildings with a box like appearance shall be avoided unless a waiver is granted and the buildings meet the intent of the MU-R Mixed Use District and the Illustrative Guide. Also see Mixed Use Illustrative Guide page 7 for reference.
- B. Height and Area Requirements – The following are the height and area requirements as required for all MU-R Mixed Use Residential Developments unless otherwise modified in this Section. All lots and structures shall meet these requirements.
1. Minimum Size of a MU-R rezoning request shall be 3 acres unless it is immediately adjacent to an existing MU-R district.
 2. Minimum Lot Area shall be 3,000 square feet. Duplex units constructed in the MU-R District shall conform to 2F District standards.
 3. Minimum Lot Area for Multi-family tracts shall be 40,000 square feet.
 4. Minimum Lot Width shall be 25 feet.
 5. Minimum Lot Width for Apartment tracts shall be 100 feet.
 6. Minimum Lot Depth shall be 100 feet.
 7. Maximum Lot Coverage, which is the lot area covered by all buildings located thereon, including the area covered by all overhanging roofs shall not exceed 70% of the site. A waiver may be granted as part of a Planned Development for MU-R to exceed that amount.
 8. Minimum Building Height shall be 15 feet.
 9. Maximum Building Height shall be 60 feet.

10. Maximum Density of multi-family residential is 36 dwelling units per acre. Density refers to the ratio of dwelling units per acre of site. It is calculated by dividing the total number of dwelling units per development, tract or parcel by the total acreage for that development, tract or parcel. A waiver may be granted as part of a Planned Development for MU-R to exceed that amount up to 50 dwelling units per acre.
 11. The minimum dwelling unit size in the MU-R district shall be 700 square feet.
- C. Yard and Build-to-Lines, also see Mixed Use Illustrative Guide page 8 for examples.
1. Yards shall be free from any encroachments, unless provided for in the Zoning Ordinance, including primary buildings, accessory buildings, detached garages, and ground mounted equipment.
 2. Structures that may be permitted in the yards include but are not limited to landscaping, walks, drives, parking, walls, fences, movable furniture, umbrellas, benches, planters, tree grates, decorative waste receptacles, lighting, patios, overhangs, canopies, eaves, balconies, and signs.
 3. At least 75% of the front façade of any structure facing a street must be located between the Minimum and the Maximum Build-to-Line. Up to 25% of such façade may be located further from the back of curb than the Maximum Build-to-Line but may not be located greater than 50 feet beyond the Maximum Build-to-Line. No part of any front façade may be located between the back of curb and the Minimum Build-to-Line.
 4. The following requirements shall be met:
 - a. Front Maximum Build-to-Line shall be 20 feet and shall be measured from the property line. No parking is allowed in the front yard.
 - b. Front Minimum Build-to-Line shall be 10 feet and shall be measured from the property line.
 - c. Front Porch Setback Maximum shall be shall be 15 feet.
 - d. All other rear yards shall be a minimum of 10 feet unless adjacent to detached single family residential zoned lands, see Section 33C.4.C.7.a and 33A.4.C.7.b.
 - e. Side Yard shall be a minimum of 10 feet. Side yards adjacent to detached single family residential zoned lands refer to Sections 33C.4.C.7.a and 33C.4.C.7.b.
 - f. All side and rear yard dimensions shall be measured from the property line to the closest building.
 5. All areas adjacent to a street shall be deemed front yards.
 6. Buildings shall be a minimum of 10 feet and a maximum of 20 feet from all other parking lots to allow for site furnishings, landscape and pedestrian corridors.
 7. Side and Rear Yard Setback adjacent to Single Family Residential Zoned Land as provided in Sections 33C.4.C.7.a and 33A.4.C.7.b; also see Mixed Use Illustrative Guide page 9 for examples.

- a. MU-R tracts adjacent to detached single family residential zoned lands, must provide a solid masonry screening fence and buildings must be set back to fit within a 45 degree slope measured from the residential property line to maintain privacy for adjacent detached single family zoned lands. See Illustration 33C-1.

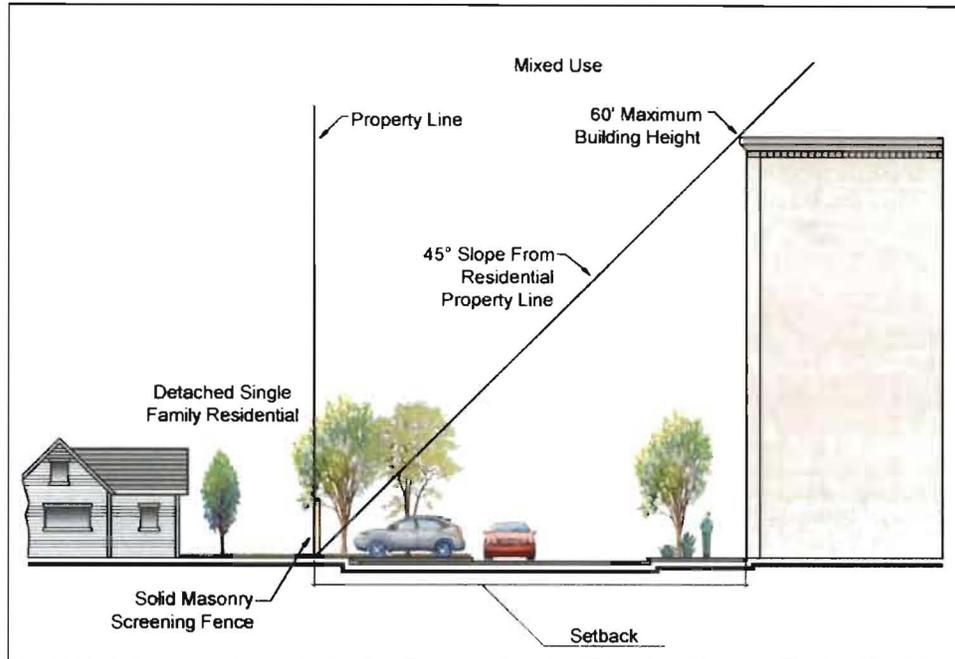


Illustration 33C-1, Example of Setback Adjacent to Detached Single Family Zoned Residential Areas

- b. MU-R Mixed Use tracts that are 200 feet or less in depth and/or where existing structures will not allow structures to meet the setback in paragraph a. above, must provide a solid masonry screening fence in accordance with Section 41.2 and a 10 foot landscape buffer in accordance with Section 39.7.K. Buildings must be set back a minimum of 20 feet from property lines adjacent to detached single family residential zoned lands. In addition, all portions of the building above 36 feet must be setback to fit within a 45 degree slope measured from the building's top located at 36 feet. See Illustration 33C-2.

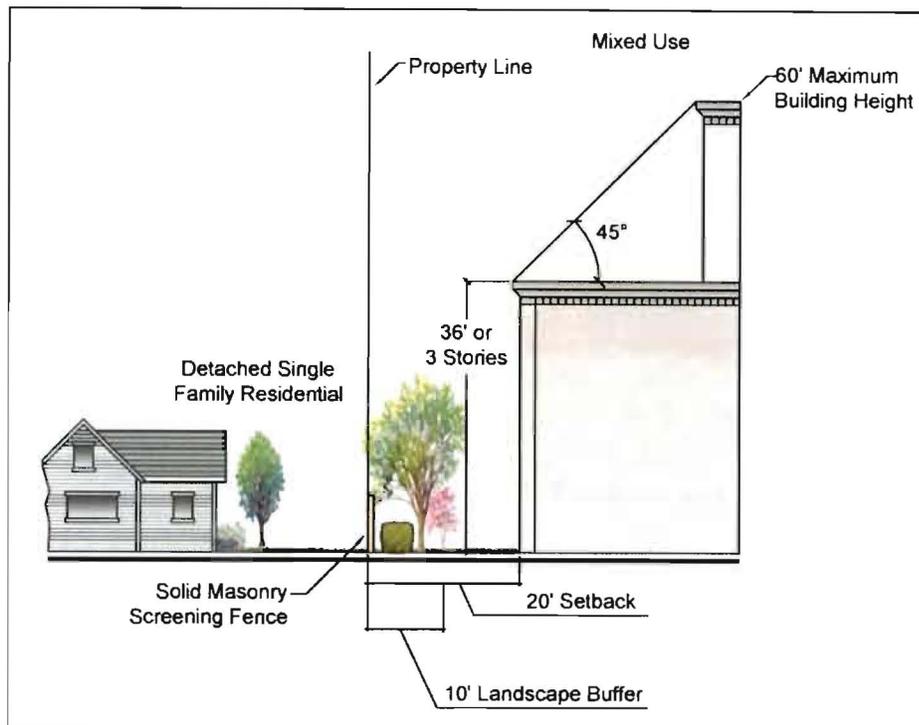


Illustration 33C-2, Example of Setback on Shallow Parcels Adjacent to Detached Single Family Zoned Residential Areas

- D. Landscape buffer requirements, see Section 39 Landscape Requirements.
- E. Fencing, Walls and Screening, see Section 41 Fencing, Walls, And Screening Requirements.

33C.5 ARCHITECTURAL DESIGN:

MU-R Architectural Intent: The intent of the architectural design for MU-R is to promote a pedestrian scale and high quality architectural design that reflects a similar architectural style as adjacent or nearby MU-1 or MU-2 districts. The standard and requirements set forth in this section are intended to provide continuity in both redevelopment projects and new structures. Generally, architectural design in MU-R districts shall have a form and look consistent with any adjacent Mixed Use Developments. For the following standards, see Illustrative Guide for examples and intent.

A. General Standards

1. All building façade appearances, materials and colors are subject to approval during the Concept Plan submittal.
2. Horizontal Building Articulation - Building façades greater than 40 feet in length shall require at least one horizontal articulation break and be at least 2 feet in horizontal depth; at a minimum length of 20% of the building's total street facing width. See Mixed Use Illustrative Guide page 17 for examples.
3. Building façades greater than 100 feet in length shall require at least three horizontal articulation breaks and each articulation shall be at least 2 feet in horizontal depth each, with no less than 2 feet and no greater than 40 feet between articulations; cumulative articulations shall be a minimum length of 20% of the building's total street facing length. See Mixed Use Illustrative Guide page 17 for examples.

4. Vertical Building Articulation - Building façades greater than 40 feet in length shall require at least one vertical building articulation; at a minimum width of 20% of the street facing façade's width and a minimum height of 15 percent of the façade's total non articulated height. See Mixed Use Illustrative Guide page 16 for examples.
5. Building façades greater than 100 feet in length shall require at least three vertical building articulations, with no less than 2 feet and no greater than 40 feet between articulations; cumulative articulations shall be a minimum width of 20% of the façade's street facing width and a minimum height of 15 percent of the façade's total non articulated height each. See Mixed Use Illustrative Guide page 16 for examples.
6. Each sequential block of new development shall contain a unique building façade so as to encourage architectural variety within larger projects by using a combination of architectural elements.
7. The use of highly reflective materials and surfaces are prohibited.
8. The use of metal siding is prohibited.
9. The use of mirrored glass glazing is prohibited.
10. Concrete Masonry Unit (CMU) block exterior treatments are prohibited unless the CMU is colored, split face or oversized.

B. Façades and Building Forms, also see Mixed Use Illustrative Guide pages 14-19 for examples.

Intent: Street facing building façades shall be designed with identifiable first floor, upper façade and rooflines. First floor façades shall be designed at human scale with elements such as window bays, recessed entries, awnings, canopies or other human scale architectural features.

1. First floor façades may not exceed 20 feet in height but may be taller than upper level building floor to ceiling heights.
2. The first floor façade heights shall be consistent for individual buildings and not varied in first floor heights, as to form a single horizontal element.
3. Buildings shall reflect a small scale street frontage rhythm, with building bay widths approximately 25-50 feet. See Mixed Use Illustrative Guide pages 18 for photo example.
4. Upper façades shall be designed with a rhythm, a repeating pattern, in architectural elements such as window spacing, façade sections, projections, awnings, window covers, window hoods and balconies.
5. Each upper façade floor shall be a consistent height and not varied floor heights per individual floors, as to form a single horizontal element per individual floor.
6. Individual floors shall be identifiable with elements such as material changes, trim, color changes, molding, cornice, belt course, awnings, balconies or other similar architectural features.
7. To emphasize the community character and pedestrian scales, building façades shall incorporate the following elements:

- a. Architectural Elements: Cornice, piers, columns, frieze, quoin, mullion, fenestration, pilasters, rustication and/or belt course.
 - b. Variation in Wall Plane: Canopies, balconies and/or awnings.
 - c. Change in Materials and Color: Each façade shall incorporate a minimum of 2 separate materials or color changes excluding glazing. Each separate material or color change shall be at least 20% of the façade's appearance excluding glazing.
- C. Exterior Materials, also see Mixed Use Illustrative Guide pages 117-18 for examples.
- 1. Building materials shall promote the architectural style of the development in forms and textures.
 - 2. Windows and door glazing shall not exceed 50 percent of exterior walls.
 - 3. At least 50 percent, excluding window glazing, of exterior walls shall be brick.
 - 4. No single material shall exceed 80 percent (excluding window glazing) of the exterior wall.
 - 5. Stucco shall not exceed 30 percent (excluding windows and doors) of the exterior wall.
 - 6. Permitted exterior wall materials are brick, limestone, sandstone, flagstone, stucco, slate, cast stone, river stone, tile and concrete.
- D. Exterior Colors, also see Mixed Use Illustrative Guide pages 17-18 for examples.
- 1. The color restrictions shall apply to building materials, painted surfaces, architectural features and site furnishings.
 - 2. The use of fluorescent paint, fluorescent colors and exterior neon tubular lights shall be prohibited.
 - 3. The use of large applications of bright colors is prohibited.
 - 4. Color elevations shall be required at time of Concept Plan approval.
 - 5. Exterior colors shall be complementary to one another and promote the architectural style of the district.
- E. Building Entries
- 1. Main Entrances from Public Sidewalks or Plazas:
 - a. In order to create a pedestrian oriented environment in which buildings are oriented toward publicly accessible streets and sidewalks, a building must have its main entrance from a public sidewalk or plaza or from a private sidewalk or plaza that is publicly accessible through a public easement.
 - b. The main entrance shall not be from a parking lot.
 - c. Secondary entrances from a parking lot are permitted.
 - d. Primary entrances should be identifiable and utilize pedestrian scale.

e. All entrances shall conform to American Disabilities Act (ADA) requirements and guidelines.

2. Entrances shall be accented by architectural elements such as recessed façades, columns, overhanging roofs, awnings and or balconies.

3. Rear Entries: Spaces behind buildings that are along pedestrian walkways and parking lots where pedestrians may access the building shall have rear entrances. These rear entrances shall be identifiable with elements such as signage, plantings, awnings above rear window or other human scale elements.

4. Residential Entries: Street level dwelling units within multi-unit structures shall have individual street oriented entries for each unit.

a. The fronts of all townhomes, rowhomes or other single family attached dwelling units must face any adjacent open space, parks or adjacent streets.

b. All single family attached homes shall have a front porch with a minimum depth of seven (7) feet. Porch foundations shall be an extension of the house foundation, not a constructed deck. Porches shall be a minimum of 70 square feet.

F. Roofs

1. Roofs shall be designed as individual design elements and be utilized to block equipment and satellite dishes.

2. The use of wood shake or clay tile roofing materials are prohibited.

3. The use of mansard or gambrel roofs are prohibited, see Mixed Use Illustrative Guide page 16 for example.

G. Parking Garages and Parking

1. To emphasize the community character of the site and to break up its overall volume appearance, parking garage façades shall incorporate at least two of the following elements:

a. Architectural Elements; examples include cornice, piers, columns, frieze, quoin, mullion, fenestration, pilasters, rustication and/or belt course.

b. Variation in Wall Planes; examples include wall openings, canopies, articulations, wall breaks, balconies and/or awnings.

c. Change in Materials and Color; defined as a minimum of 2 separate materials or color changes excluding glazing. Each separate material or color change shall be at least 20% of the façade's appearance excluding glazing.

2. Steel parking garages and steel guard cables on garage façades are prohibited.

3. Parking garage façades shall be designed with distinguishable first floor, upper façades and roofs. Parking garage first floors shall be designed at human scale with elements such as awnings, canopies, window breaks and door openings.

4. Parking garage façades shall be designed to complement the surrounding buildings' architectural character.

5. Unless a single parking bay, which includes only a single drive aisle and parking along each side is provided along a major roadway, residential parking lots or areas shall be located at the rear of the building, screened from primary streets.
6. MU-R Residential Garages and Carports
 - a. Garages shall be alley loaded.
 - b. Garages shall utilize rear setback of 20 feet minimum.
 - c. Carports and detached garages shall be designed as the same architectural character as the primary building with the use of similar forms, materials and colors.

H. Site Furnishings, also see Mixed Use Illustrative Guide pages 11-13 for examples.

1. Site furnishings, including benches, litter receptacles, planters, bollards, lighting, bicycle racks, public art and fountains shall emphasize the architectural character of each individual Mixed Use development, see Illustrative Guide for examples.
2. Individual Mixed Use developments shall maintain continuity in site furnishing's style, forms, materials and color. Site furnishings shall be of the same architectural character of the surrounding buildings.
3. Site furnishings shall be low maintenance and resistant to vandalism.
4. Site furnishings shall maintain an unencumbered walkway for pedestrians.
5. Lighting for off street parking facilities and pedestrian corridors shall be of the same height, style and color per development. Lighting shall be of the same architectural style and character as the surrounding buildings.

SECTION 33D MIXED USE DISTRICT UNIVERSAL REQUIREMENTS AND PROCEDURE

33D.1 PARKING AND CIRCULATION REGULATIONS:

- A. Parking for Mixed Use sites shall be located behind or besides the primary building as to minimize parking lot exposure along roadways. In addition to these parking and circulation regulations, all requirements set forth in Section 38 of the City's Zoning Ordinance shall apply. Where conflicts occur, the Section 33D regulations shall apply. Also see Mixed Use Illustrative Guide pages 9-10 for examples.
- B. Required Parking
1. The minimum required number of parking spaces provided shall be equal to 90% of the required parking for non-residential uses per the minimum requirements listed in Zoning Ordinance, Section 38, unless otherwise provided for in this section.
 2. The maximum number of parking spaces provided shall be limited to the minimum non-residential use requirements listed in Zoning Ordinance, Section 38.
 3. Required non-residential parking, including offsite parking, shall be provided within 600 feet of building.
 4. Adjacent on street parking shall be credited towards minimum parking space requirements. Adjacent on street parking shall refer to the parking spaces located along the street between the properties' lot line.
 5. On street parking located on internal drives or internal streets within a site or development shall be credited towards required parking.
 6. Apartment uses including loft apartments, flats and condominiums shall provide a minimum 1 parking space per one bedroom and 0.5 parking spaces for each additional bedroom and a maximum of 2 spaces per unit.
 7. Townhouse and rowhouse uses shall provide a minimum of 1 parking space per unit and a maximum of 2 parking spaces per unit.
 9. Shared parking is permitted for two or more MU uses, provided the required parking per use occurs at alternating time periods. Developers are required to provide a time of day and use study for parking spaces. Required parking shall be determined based on peak demand studies using approved standards and meet the approval of the DeSoto Engineering Department.

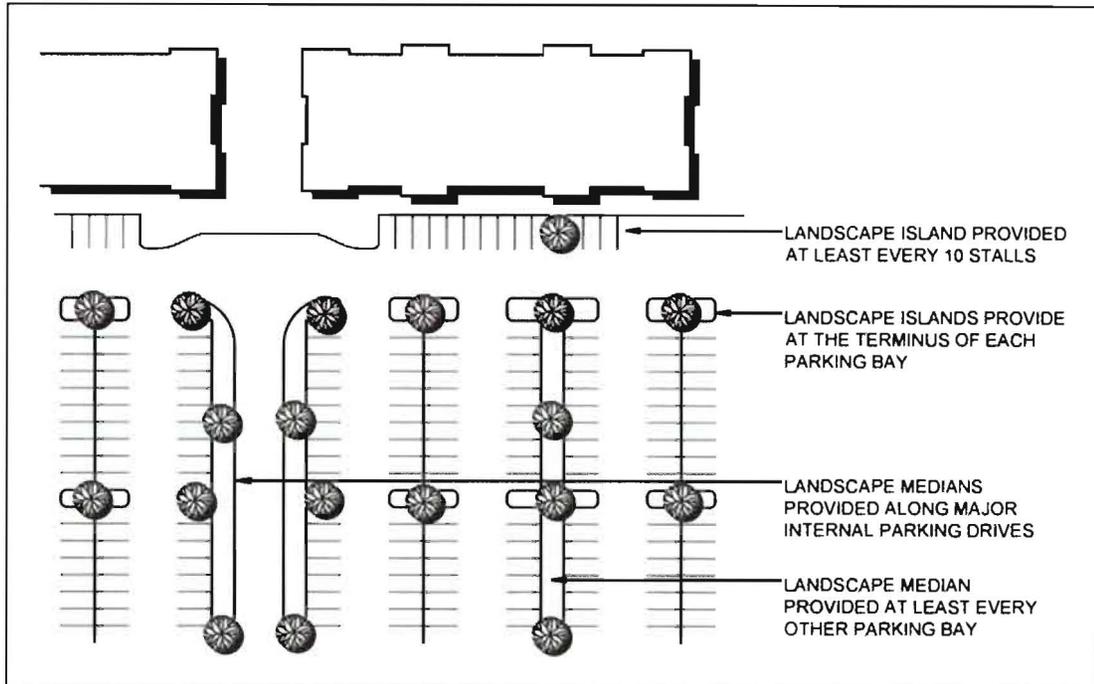


Illustration 33D-1, Example of Large Parking Lot Layout and Landscaping

C. General Parking Lot Standards

1. Only a single Browser Lane (See Illustration 33A-2) is permitted between roadways and buildings along the front of the property in MU-1 and MU-2 districts.
2. Also see Section 39 Landscape Requirements.

D. Vehicular and Pedestrian Circulation

Intent: One of the key design elements and consideration for mixed use developments is the safe movement and opportunities for pedestrian circulation. While vehicles are a necessity, the mixed use development shall maintain a pedestrian oriented site plan. Site plans shall provide safe paths, minimize vehicular and pedestrian conflicts and establish logical circulation patterns. All development shall meet Americans with Disabilities Act (ADA), as revised.

1. Entry
 - a. Primary site entrances for vehicles shall be part of an arrival sequence and shall provide a clear line of site and avoid conflicts with pedestrian and vehicular movements.
 - b. When possible, driveways shall be aligned with driveways on opposite sides of arterial, major collector and collector streets as defined in the City of DeSoto paving Design Manual and Adopted Thoroughfare Plans, see Illustration 33D-2.
2. Connectivity and Shared Access, also see Mixed Use Illustrative Guide page 10 for examples.

- a. Site plans and developments shall provide cross access easements to adjacent properties, in order to provide both sidewalks and drives. See Illustration 33D-2.
- b. New developments shall provide driveway stubs to adjacent undeveloped tracts.
- c. If Mixed Use development exists on adjacent tracts, then development shall connect to existing drive stubs and sidewalks from adjacent properties.

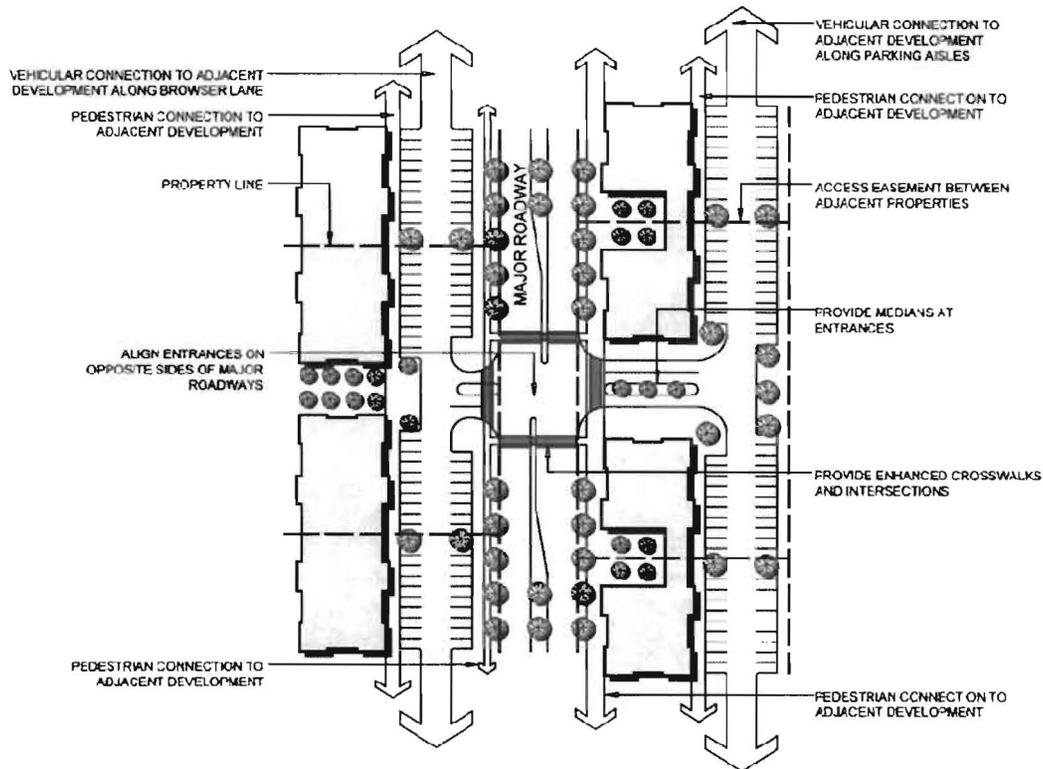


Illustration 33D-2, Sample of Connectivity and Shared Access

3. Sidewalks Clear Zone - Along all front yard setbacks or the areas between the buildings and the street or parking lot shall provide an unencumbered walkway for pedestrian use with a minimum of 8 feet in MU-1 and MU-2 and 6 foot in MU-R shall be maintained. Also see Mixed Use Illustrative Guide page 9 for examples.
4. Enhanced Intersections, Crosswalks, Drop Offs and Paving:
 - a. Mixed Use developments shall provide clearly marked crosswalks at street intersections and drop off areas.
 - b. Crosswalks are required at major pedestrian corridors.
 - c. In addition to any paint required by City or State ordinance, such crosswalks shall be delineated with variations in material, textures, paving patterns and color.

5. Medians, also see Mixed Use Illustrative Guide page 9 for examples:
 - a. Medians shall be used on all new arterial, major collector and collector streets in Mixed Use districts. Medians shall be a minimum of 8 feet in width. Median widths may vary depending on street types and turn lanes.
 - b. A minimum 6 feet driveway median is required for all driveways that connect to arterial and major collector streets.
 - c. Required driveway medians may contain approved signage.
 - d. The ground surface for all required driveway medians shall be covered with mulch, turf, small shrubs or groundcovers.
6. Driveway Criteria – Driveways in a Mixed Use Development shall be designed and located in conformance with the following requirements.

Table 33D - 1 Driveway Criteria Requirements				
Street Type		Arterial	Collector	Residential
Minimum Spacing ¹	Driveway	300 ft	200 ft	n/a
Minimum Throat Length ²		40 ft	30 ft	30 ft

¹ Driveways spacing shall be measured from center of driveways or from corners of street intersections.

² Throat lengths shall be measured from edge of street pavement to first parking drive aisle.

33D.2 MIXED USE SIGN REGULATIONS:

- A. Signs and markers are used to create an easily identifiable destination. They are also utilized to create a sense of community and define areas or districts. Signs should complement the building's or development's architectural character in the Mixed Use Districts. All Mixed Use District Signs shall comply with Article 3.1000 "Sign Regulations."

33D.3 OPEN SPACE AND RECREATIONAL AMENITIES:

- A. Open Space and Recreational Amenities in a Mixed Use Development shall be designed and located in conformance with the following requirements and all other applicable DeSoto Ordinances. Where conflicts occur, the restrictions in Section 33D shall apply. Open space is intended to provide passive and active recreational opportunities to the project's residents and visitors; also see Mixed Use Illustrative Guide page 13 for examples.
- B. Each multi-family complex may be required at the time of Concept Plan Approval to provide recreational facilities designed for use by the tenants of the complex, including community buildings and/or a swimming pool.
- C. All Mixed Use projects must provide open space that satisfies the percentage requirements listed below.

1. MU-1 must provide 10 percent of net land area.
 2. MU-R must provide 20 percent of net land area.
 3. MU-2 must provide 10 percent of net land area.
- D. Open space credit will be applied to public spaces including but not limited to parks, playground, sports courts, sports fields, plazas, roof top terraces, courtyards and areas of tree preservation.
 - E. Open space shall be accessible to the public.
 - F. Open Space shall contain appropriate site furnishings and landscaping.
 - G. Adjacent MU-R developments shall design open space so that it is contiguous from the open space of the adjacent parcel if possible. It is the intent of the MU-R open space areas to provide interconnected areas for recreation and pedestrian circulation.
 - H. Required yards, medians and parking lot islands are not considered open space.
 - I. All open space credit is subject to the Planning and Zoning Manager or their designee determination that such open space meets the requirements of this Ordinance.

33D.4 LANDSCAPING, see Section 39 Landscape Requirements.

33D.5 SPECIAL REQUIREMENTS:

- A. Open storage is prohibited.
- B. Boats, campers, trailers and other recreational vehicles shall be prohibited.
- C. All buildings containing residential units shall provide a sign, visible from the entrances, identifying the unit numbers within the building.
- D. All mechanical, heating and air conditioning units shall be screened or hidden from view.

33D.6 REFUSE FACILITIES:

- A. Every multi-family dwelling unit shall be located within two hundred fifty feet (250') of a refuse facility; measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar receptacle designed for receiving garbage in bulk for more than one dwelling. Refuse dumpsters shall be no closer than thirty feet (30') to any adjacent single-family property.
- B. Each refuse facility shall be screened from view on three (3) sides from persons standing at ground level on the site or immediately adjoining property, by solid screening wall of brick or stone masonry not less than six (6) feet, nor more than eight (8) feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy local public health and sanitary regulations. Each refuse facility shall have a gate and be located so as to provide safe and convenient pickup by refuse collection agencies. (See Illustration 11 for gate design of the DeSoto Landscaping Ordinance).

33D.7 MIXED USE DEVELOPMENT REQUIREMENT WAIVERS:

- A. A Major Waiver to Design Standards is a significant change to both the standards and intent of this Zoning District. A Major Waiver may only be granted through the approval of a Planned Development that incorporates the MU-1, MU-2 or MU-R District as a base district and specifically amends individual requirements in the Planned Development Ordinance. Such

Planned Development must be processed and approved by the City Council in accordance with the City of DeSoto Zoning Ordinance.

33D.8 CONCEPT PLAN (CONCEPTUAL PLAN):

- A. The first step in the approval of a Mixed Use Development is the review of a preliminary draft of the concept plan with staff prior to formal submission to determine whether it complies with this code and will be recommended for approval.
- B. The second step in the approval of a Mixed Use Development is the submission and approval of a Concept Plan (Conceptual Plan) of the proposed project by the Planning and Zoning Commission and City Council.
- C. This Concept Plan shall be submitted by the applicant prior to submission of any building plans or development approval requests. The plan shall show the applicant's intent for the use of the land within the Mixed Use District in a graphic manner and supporting written documentation of proposals and standards for development may be required. The Concept Plan shall be prepared in accordance with this Ordinance. The City may prepare application form(s) which further describe and explain the Mixed Use District Concept Plan submission requirements. At a minimum the mixed use Concept Plan shall conceptually illustrate the following: location of streets, sidewalks and walkways, building footprints and elevations, parking areas and requirements, landscaped areas and features, open space, screening and building elevations. Also see Mixed Use Illustrative Guide page 6 for examples.
 - 1. Residential Concept Plan - A Concept Plan for residential land use shall conceptually show general use, thoroughfares and preliminary lot arrangements. For residential development (such as multi-family) which does not propose individual platted lots, the Concept plan shall conceptually set forth the size, type and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, project scheduling, and other pertinent development data.
 - 2. Non-residential Concept Plan - A Concept Plan for uses other than residential uses shall conceptually set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Conceptual data which may be submitted by the applicant, or required by the Planning and Zoning Manager or designee, Planning and Zoning Commission or City Council, may include but is not limited to the types of use(s), and boundary of the site, physical features of the site, existing streets, alleys and easements, location of future public facilities, building height and location, parking ratios, project scheduling and other information to adequately describe the proposed development concepts and to provide data for approval which is to be used in drafting the final Detailed Site Plan.
- D. A Detailed Site Plan may be submitted in lieu of the Concept Plan, but must be approved by the Planning and Zoning Commission and City Council. If the applicant chooses to submit a Detailed Site Plan in lieu of the Concept Plan, then the applicant assumes all responsibility for any changes or time delays caused by the final submission.
- E. Concept Plan Approval - In approving a Mixed Use Development in accordance with this section, the City Council, upon recommendation of the Planning and Zoning Commission, shall approve, approve with conditions or deny the appropriate plans and standards for each Mixed Use Development. Approval of the Concept Plan is an administrative review process and does not require notice to surrounding properties or a public hearing. If Council approves with conditions, the Site Plan and other documentation must be revised as stipulated and brought back to Council for ratification.
 - 1. In recommending that a Concept Plan under consideration be granted, the Planning and Zoning Commission shall determine that the arrangement and location of such uses are harmonious and adaptable to building structures and uses of abutting

property and other property in the vicinity of the premises under consideration, and may add conditions as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening and open space, heights of structures, and compatibility of buildings. In approving a requested Mixed Use Development Concept Plan, the Planning and Zoning Commission and City Council may consider and impose conditions to ensure the following:

- a. Compliance with this Ordinance and with the adopted City of DeSoto Mixed Use District Illustrative Guide.
 - b. The arrangement of uses are harmonious and compatible with surrounding existing uses or proposed uses.
 - c. The arrangement, location and screening of structures and parking is adequate to protect surrounding residential neighborhoods.
 - d. Any negative impact on the surrounding area has been mitigated.
 - e. The intent of the district purposes are being upheld, impacts are minimized and the design has been improved to meet the intent of this Ordinance.
2. A Concept Plan may be denied if the City Council determines it is of poor design, does not fit the area, or has an incompatible mix of uses.
 3. No Concept Plan shall be approved unless the applicant, owner and grantee of the Concept Plan shall be willing to accept and agree to be bound by and comply with the Concept Plan as approved with any related conditions and any written requirements attached to the Concept Plan drawing (or drawings).
 4. Any approved plans will be placed on file with all related documents in the Planning Department. The Planning and Zoning Commission and the City Council may approve the Concept Plan or Detailed Site Plan separately or jointly.
 5. Once the mixed use Concept Plan is approved, the development may proceed to Detailed Site Plan review.
 6. If the City Council approves the Concept Plan with conditions, the Concept Plan, Site Plan or other documentation must be revised as stipulated and brought back to the City Council for ratification.
 7. No permits other than those for preliminary grading and site preparation may be issued by the City without approval of a Concept Plan and subsequent Detailed Site Plan in accordance with this Ordinance. All other site plans, landscape plans, elevations or other documents must also be revised to reflect any conditions of approval.
- F. The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the Concept Plan and related conditions.

33D.9 DETAILED SITE PLAN:

A "Detailed Site Plan" is the third step in the approval process of a Mixed Use Development. This plan shall set forth the final plans for the proposed Mixed Use Development and may be approved administratively by the City Council upon recommendation by the Planning and Zoning Commission if it conforms to the data, and concepts presented and approved on the Concept Plan. Administrative approval of the Detailed Site Plan

shall not require notice or a public hearing and shall be the basis for issuance of a building permit. It does not release the applicant of the responsibility to submit plans to the Building Official for a building permit.

A. Detailed Site Plan Submission Requirements

The required Detailed Site Plan shall include:

1. A site inventory analysis including a scale drawing showing major existing vegetation, natural water courses, creeks or bodies of water and an analysis of planned changes in such natural features as a result of the development. This shall include a delineation of any flood prone areas.
2. A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with a topographical contour interval of not more than two feet (2').
3. A site plan for proposed building complexes showing the location of separate buildings and the minimum distance between buildings, and between building and property lines, street lines, and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking.
4. A landscape plan showing turf areas, screening walls, ornamental planting, wooded areas and trees to be planted.
5. An architectural plan (elevations, etc.) showing elevations and signage style to be used throughout the Mixed Use development. Proposed residential uses other than multi-family may use a typical elevation and a typical site/lot arrangement may be authorized by the Planning and Zoning Manager or designee if deemed appropriate.
6. All Detailed Site Plans may be required to have supplemental data describing standards, regulations or other data pertinent to the development of the Mixed Use Project as appropriate to adequately explain or understand the request and which is to be included in the text submitted and attached to the Detailed Site Plan.
7. Locations and typicals of proposed signs shall be shown on the Detailed Site Plan in accordance with Article 3.1000, Sign Regulations. Any required changes shall be authorized by Article 3.1000, Sign Regulations.
8. The Detailed Site Plan shall be prepared in accordance with and comply with this Ordinance and all other Ordinances of the City.

B. Detailed Site Plan Approval

The required Detailed Site Plan may be approved by the City Council upon recommendation of the Planning and Zoning Commission.

1. The Council may approve or approve with conditions the proposed Detailed Site Plan if it determines that:
 - a. It does not significantly differ from the original Concept Plan and/or alter the basic relationship of the proposed development to adjacent property, the uses permitted, or

- b. Increase the density, building height or coverage of the site, the off-street parking ratio or reduce the yards provided at the boundary of the site, or significantly alters the landscape plans as indicated on the approved Concept Plan.
 - c. The Detailed Site Plan may be approved in sections as phases by the Council at their discretion and provided such approval does not contradict the Concept Plan approval and enough information is provided to assure compliance with this Ordinance.
2. The Council may deny the proposed Detailed Site Plan if it determines that it does not meet the provisions in paragraph 1.a or 1.b above or the requirements of this or any other City of DeSoto Ordinance.
3. A Detailed Site Plan shall be submitted for approval within six (6) months from the approval of the Concept Plan for some portion of the Concept Plan. If a partial Detailed Site Plan is not submitted within six (6) months, the Concept Plan is subject to review by the Planning and Zoning Commission and City Council. If some portion of the entire project is not started within two (2) years, the Planning and Zoning Commission and City Council may review the original Concept Plan to ensure its continued validity. If the City Council determines the concept is not valid, a new Concept Plan and Detailed Site Plan must be approved in accordance with this Ordinance prior to issuing a building permit for any portion of the Mixed Use Development.
4. Revisions to an approved Detailed Site Plan, which differ from the original approved Detailed Site Plan, but do not alter the basic relationship of the proposed development to adjacent property, the uses permitted, or increase the density, building height or coverage of the site, the off-street parking ratio or reduce the yards provided at the boundary of the site, or does not significantly alter the landscape plans as indicated on the approved Detailed Site Plan may be authorized by the Planning and Zoning Manager or designee without having to obtain Planning and Zoning Commission or City Council approval.
5. No permits other than those for preliminary grading and site preparation may be issued by the City without approval of a Detailed Site Plan in accordance with this Ordinance.
6. If the City Council approves the Detailed Site Plan with conditions, the Detailed Site Plan or other documentation must be revised as stipulated and brought back to the City Council for ratification.

33D.10 NON-CONFORMING USES AND STRUCTURES:

- A. In addition to the regulations in Section 7, Non-conforming Uses and Structures, the following requirements regarding non-conforming use and alteration/modification of structures shall apply. Where there is conflict, the requirements of this section shall supersede those in Section 7.
- B. The expansion of square footage and/or increase in value amounts discussed below will be defined as the cumulative amounts over the previous five year period. When a project includes an expansion and remodel, only the highest calculated percentage requirement will apply (e.g., a project expands a structure by 40% in area and includes a remodel valued at 30% of the original structure. The project would need to have the expansion meet all the requirements of the district, but would not have to improve 30% of the site.).

- C. Expansion of any existing business, residence, or structure within MU-1, MU-R, or MU-2 Mixed Use Districts that increases its square footage:
1. Less than thirty (30) percent of the existing building or structure's square footage shall not be required to meet the requirements of the Mixed Use District it is zoned.
 2. Equal to or greater than thirty (30) percent of the area of the existing building or structure shall have the area of the expansion meet the requirements of the Mixed Use District it is zoned.
 3. Equal to or greater than sixty (60) percent of the area of the existing building or structure shall have the entire structure and site meet the requirements of the Mixed Use District it is zoned with the exception of those area requirements that an existing structure cannot physically meet.
- D. Remodeling of any existing business, residence, or structure within MU-1, MU-R, or MU-2 Mixed Use Districts that increases its value, as determined on the certified tax roll:
1. Less than thirty (30) percent of the value of the existing building or structure shall not be required to meet the requirements of the Mixed Use District it is zoned.
 2. Equal to or greater than thirty (30) percent of the value of the existing building or structure shall have improvements in an amount equal to or greater than 30% of the total value made to the exterior façade and site to meet the requirements of the Mixed Use District it is zoned.
 3. Equal to or greater than sixty (60) percent of the value of the existing building or structure's value as determined on the certified tax role shall have the entire structure and site meet the requirements of the Mixed Use District it is zoned with the exception of those area requirements that an existing structure cannot physically meet."