

SECTION 24 - MU MIXED USE DISTRICT

Purpose: The MU Mixed Use District is intended to accommodate projects which combine several compatible land uses into an integrated development and to allow for flexibility in the siting of buildings and the layout of lots.

24.1 PERMITTED USES

The MU District may be used to designate parts of the County that are appropriate for a mixture of residential, commercial, office, or light industrial uses. The district permits mixing residential areas with workplaces and services. Developments within the MU District must accommodate diverse transportation systems, including pedestrian and bicycle movements, and integrate them with surrounding environments. All projects developed in a MU District are subject to approval of a development agreement.

24.1.1 A Change of Zone resolution establishing a MU District shall identify the use types permitted within its boundaries and reference a Mixed Use Development Agreement. The Mixed Use Development Agreement shall provide additional definition and details of the use types allowed. The Change of Zone resolution establishing a MU District and the Mixed Use Development Agreement shall be approved contingent upon each other. The zoning change to a MU District shall not become effective until a Mixed Use Development Agreement is approved. The Mixed Use Development Agreement shall be filed with the Sarpy County Register of Deeds.

24.1.2 Each MU District should contain use types within at least two use categories. Use categories include residential, civic, office, commercial, transportation, and light industrial uses. No single use category should account for more than 80% of the building area or net developable land area of a MU District. Net developable area includes the land area of a development excluding dedicated streets, private streets, or other dedicated public land.

24.2 SITE DEVELOPMENT REGULATIONS

24.2.1 No building permits or other authorization shall be issued within a MU District until the County Board approves the Mixed Use Development Agreement. All projects within the district shall be consistent with the approved Mixed Use Development Agreement.

24.2.2 Applications for a MU Zoning District must include the following information at a minimum:

- (A) An application form as provided by the County Planning Department
- (B) A list of proposed uses for the MU district
- (C) A conceptual site and landscaping plan for the proposed development project

24.2.3 Submittals for a Mixed Use Development Agreement in a MU District must contain the following information at a minimum:

- (A) A detailed site map, including:
 1. A boundary survey
 2. Site dimensions
 3. Contour lines at no greater than five-foot intervals

4. Adjacent public rights-of-way, transportation routes and pedestrian or bicycle systems
 5. Description of adjacent land uses
 6. Utility services to the site and easements through the site
 7. Description of other features, including drainage, soils, or other considerations that may affect development
- (B) A detailed development plan which shall include:
1. A site plan layout, including the location of proposed buildings, parking, open space, and other facilities
 2. Location, capacity, and conceptual design of parking facilities
 3. Description of the use of individual buildings
 4. Description of all use types to be included in the project and maximum floor area devoted to each general use
 5. Maximum height of the buildings
 6. Schematic location and design of open space on the site, including a landscaping plan
 7. Vehicular and pedestrian circulation plan, including relationship to external transportation systems
 8. Schematic building elevations and sections if required to described the project
 9. Grading and drainage plan
 10. Proposed sewer and utility improvements.
 11. Location, size, and type of all proposed signage.
 12. Specific proposed development regulations for the project, including:
 - (a) The specific use types permitted within the proposed district.
 - (b) Maximum floor area ratios
 - (c) Front, side, and rear yard setbacks.
 - (d) Maximum heights.
 - (e) Maximum building and impervious coverage.
 - (f) Design standards applicable to the project.
 - (g) A traffic impact analysis, if required by the County.
- (C) An application for a Mixed Use Development Agreement shall include an editable draft agreement (in Microsoft Word format, unless otherwise specified by the Planning Director.) Attachments such as maps and illustrations, may be provided as separate files in any digitally reproducible format approved by the Planning Director.

24.3 ADOPTION OF MU DISTRICT

- 24.3.1 The Planning Commission and County Board shall review and evaluate each proposal or application for a MU Mixed Use District. The county may impose reasonable conditions

as deemed necessary to ensure that projects within an MU District are compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare of the community.

- (A) The Planning Commission, after proper notice, shall hold a public hearing and act upon each application
- (B) The Planning Commission may recommend amendments to MU District applications
- (C) The recommendation of the Planning Commission shall be transmitted to the County Board for final action.
- (D) The County Board, after proper notice, shall hold a public hearing and act upon any resolution establishing a MU Mixed Use District. Proper notice shall mean the same notice established for any other zoning amendment.
- (E) Any approval of a MU Mixed Use District shall be contingent upon the approval by the County Board of a Mixed Use Development Agreement.
- (F) The County shall not issue a building permit, certificate of occupancy or permit for a building, structure or use within a MU Mixed Use District unless it is in compliance with the approved Mixed Use Development Agreement, including any approved amendments.
- (G) The zoning change to a MU District shall not become effective until a Mixed Use Development Agreement is approved.

24.4 AMENDMENT PROCEDURE

24.4.1 The Planning Director is authorized at his/her discretion to approve minor amendments to an approved development plan within a Mixed Use Development Agreement, provided that:

- (A) A written request, amendment application, and fee are filed with the Planning Director, along with information specifying the exact nature of the proposed amendment.
- (B) The amendment is consistent with the provisions of this article
- (C) The amendment does not alter the approved site regulations of the development plan and does not materially alter other aspects of the plan, including traffic circulation, mixture of use types and physical design.
- (D) Any amendment not conforming to these provisions shall be submitted to the Planning Commission and County Board for action.