



**Community Mixed Use District**



**Section: Intent**

The primary purpose of the Community Mixed Use District (CMUD) is to create more pedestrian friendly livable, and attractive development center in River Oaks while providing more diverse retail commercial options. Specifically, the CMUD is intended to:

- A. Allow market-driven growth in River Oaks, by bringing in new type development option.
- B. Encourage economic development through the creation of a mix of uses adjacent to existing commercial corridor of River Oaks Blvd. (SH 183).
- C. Provide new housing type that allows more density with availability to accommodate the incomes and lifestyles of the River Oaks area. Capture the benefits of the nearby Joint Reserve Base and serve those employed there.
- D. Promote a more walkable area of community with streets and circulation that place pedestrian and vehicles on same importance-oriented buildings and open space that connects to nearby destinations.
- E. Create and support lively, human-scaled activity areas and gathering places for the community by encouraging civic uses, plazas, and a mix of uses.
- F. The CMUD used as economic center point to enhance redevelopment of rest of commercial corridor and adjacent single family residential.

**Section: Uses**

- A. Permitted Uses: A lot and/or building may be used for one or more of the following by-right permitted uses:
  - Office, entertainment, institutional and related uses, as listed below:
    - Professional, administrative, medical and business offices.
    - City administrative uses, post offices, community centers, and libraries
    - Financial institutions, excluding drive-through facilities
    - Hotels, bed and breakfast facilities, convention centers, meeting space, and banquet facilities
    - Galleries and museums.

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- Theaters.
- Day care centers.
- Retail, restaurant, and related uses, as follows:
  - Retail commercial sales, excluding drive-through facilities
  - Personal service businesses
  - Restaurants and other food or beverage establishments, excluding drive through facilities
  - Studios for dance, music, fitness, art, or photography
  - Indoor sports facilities, including bowling alley, racquet sports, and health club
  - Attached single-family townhomes
  - Two and three family housing
  - Multifamily residential provided all dwelling units are located on the second floor and above.
  - Civic open space uses, and plazas
  - Structured parking

**B. Conditional Uses**

- A lot and/or building may be used for one or more of the following conditional uses, in conjunction with a permitted use, provided conditional use approval is received in accordance with the requirements of zoning ordinance and all standards of the CMUD District are met:

**C. Prohibited Uses** The following uses, as well as any use not specifically permitted, are prohibited:

- Drive-through window or facilities.
- Self-storage facilities none or climate controlled
- Adult entertainment uses.
- Automobile or other vehicle sales, service, or repair
- Gasoline service station and filling station.

**Section: Mixed Use, and General Requirements**

**A. Mix Requirements.**

1. Groups:

- i. Group 1: Office, Entertainment, Institutional and related uses
- ii. Group 2: Retail, Restaurant, and related uses as listed
- iii. Group 3: Residential, as listed

2. Developments shall meet the following mix of uses requirements, depending on the size of the property at the time the property was zoned CMUD:

- i. Land Use Group-Tracts greater than 10 acres:

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	Min. %	Max %
Group 1:	5%	70%
Group 2:	5%	50%
Group 3:	20%	85%

- ii. Tracts of 1 to 10 acres
    - a. Developments shall include at least two of the land use groups listed in the first column of table, with each of the required groups comprising at least 10% of the developments total building floor area.
    - b. Group 2 shall not comprise over 35% of the development's total building area.
  - iii. Tracts of less than 1 acre
    - a. No mixing requirement. Developments can consist of various uses.
- B. Usable open space and plaza uses shall comprise at least five percent (5%) of the net tract area of all CMUD area.
- C. Land Use Group Tracts greater than 10 acres in size Tracts of 1 to 10 acres in size Tracts of less than 1 acre in size
- D. Minimum Percent of Building Floor Area Maximum Percent of Building Floor Area
- 1. Developments shall include at least two of the land use groups listed in the first column of this table, with each of the required groups comprising at least 10% of the development's total building floor area.
  - 2. Office, Entertainment, Institutional and related uses may not compromised less than 5%, but no more than 70% of the total building floor area within the CMUD
  - 3. Retail, restaurant, and related uses may not comprise less than 5% of the development's total building floor area, but not more than 50%.
  - 4. Residential and related uses must compromise at a minimum 20% of the total building floor area, but not more than 85% of the total building floor area

**Section: Master Plan**

All properties proposed for development shall be developed in accordance with a master plan that has been approved by the municipal governing body.

- A. Master plans shall meet the following requirements:
  - 1. Master plans shall be prepared when any property, existing at the time of adoption of this ordinance, is initially proposed for subdivision or land development.

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2. Subdivided properties that are intended to be developed at a later date shall be subject to this initial master plan.
3. Master plans shall meet the site plan submitted for approval.
4. Master plans shall show proposed buildings, land uses, lots, streets, lighting plan, and open space for the entire tract and shall be consistent with the municipal Subdivision and Zoning ordinance.
5. Master plans shall demonstrate that the mix requirements have been met.
6. Phasing of property development is permitted to be done in phases if desired. However, any proposed subdivision or land development of a property or portion of a property must be consistent with the master plan. If a proposed subdivision or land development is not consistent with the master plan, the approved master plan as a whole may be revised, provided the following requirements are met:
  - i. The master plan complies with all current CMUD requirements, including the mix requirements
  - ii. All owners of land within the original Master Plan development area, whose property is affected by the revised master plan, approve the revisions to the master plan that affect their properties.
  - iii. The revised master plan is approved by the municipal governing body. C. Other Plan Requirements. Applicants submitting preliminary and final plans shall also submit architectural drawings, such as elevations, perspective drawings, and cross-sections, that demonstrate compliance with the standards in the CMUD District.
7. Utilities.
  - i. All development in the CMUD District shall be served by public sewer and public water facilities.
  - ii. Land area proposed for development shall be in one ownership or shall be subject to a joint application filed by every owner of the land area proposed for development, under single direction, using one overall master plan and complying with all requirements of the CMUD District.
  - iii. Ownership and Maintenance of civic open common area, and other facilities. Common open space, plaza areas, and other common facilities shall meet the ownership and maintenance regulations of Code of Ordinance for City of River Oaks. The required usable civic common area and open plaza areas shall be permanently deed restricted from future development.

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- iv. Off street parking, signs and landscaping shall be provide in accordance with applicable sections of City code.

**Section: Dimensional Requirements**

1. Lot Area Requirements
  - a. Minimum Net Lot Area for all apartments and non-residential uses: no minimum lot size; however, all lots must be consistent with the master plan.
  - b. Minimum Net Lot Area for townhouses and twins: 2,000 square feet
  - c. Minimum Net Lot Area for single-family detached homes: 5,000 square feet
2. Lot Width Requirements
  - a. Minimum Lot Width for all apartments and non-residential uses: no minimum lot width; however, all lots must be consistent with the master plan.
  - b. Minimum Lot Width for townhouses and twins: 20 feet
  - c. Minimum Lot Width for single-family detached homes: 50 feet
3. Building Setback from the edge of street curblines:
  - a. When no plaza is between the building and the street
  - b. Minimum Building Setback from Street Curblines, portions of buildings up to 40 feet in height, provided buildings are not located within the street legal right-of-way line:
    - i. Arterial Streets: 20 feet
    - ii. All Other Streets: 12 feet
  - b. Minimum Building Setback from Street Curblines, any portions of buildings from 40 to 75 feet in height: 25 feet c. Maximum Building Setback from Street Curblines for 60% or more of the front façade of the ground floor level of buildings (these standards do not apply to structured parking garages):
    - a. Arterial Streets: 35 feet
    - ii. All Other Streets: 25 feet
  2. Where a plaza is between the building and the street, the Minimum and Maximum Building Setback from Street Curblines shall be the depth of the plaza.
4. Minimum Building Setback from property lines not abutting streets:
  - a. Portions of buildings sharing a party wall: 0 feet.
  - b. Portions of buildings not sharing a party wall, up to 40 feet in height: 10 feet.
  - c. Portions of buildings not sharing a party wall, from 40 to 75 feet in height: 20 feet.
5. Minimum Setback between any portions of separate buildings not sharing a party wall:
  - a. Portions of buildings up to 40 feet in height: 20 feet.
  - b. Portions of buildings from 40 to 75 feet in height: 40 feet.
  - c. Minimum building and parking setback from abutting residential properties that are not part of the proposed Community Mixed Use Development: 40 feet
  - d. Minimum surface parking area setback from street ultimate right-of-way lines and property lines: 10 feet
6. Maximum Building Height:
  - a. 75 feet or 6 stories, whichever is less.

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- b. Maximum Impervious Coverage: 85%.
7. Floor Area Ratio
- a. Maximum Floor Area Ratio (FAR) with no bonus: 1.5.
  - b. Maximum Floor Area Ratio with bonuses, as described in section 6: 2.5.

### **Section: Design Standards**

All development within the CMUD District shall comply with the following design standards:

1. Various land uses shall be laid out and spaced to make walking from one land use to any other land uses as easy as possible.
2. Retail uses shall be located as physically close to as many of the following on and off-site features as possible: existing retail areas, transit stops, existing collector or higher classification streets, and proposed plaza areas.
3. Single-use residential buildings, when proposed, shall be located and designed to provide a transition between abutting off-site residential zoning districts, when they exist, and the nonresidential uses in the NTMU district.
4. CMUD developments shall be laid out with streets, in accordance with the following standards:
  - a. Streets shall be laid out to create blocks, and blocks shall not exceed 800 feet in length before being interrupted by a street intersection, unless the reuse of existing buildings longer than 800 feet or the presence of unique barriers, such as a creek or a grade-separated highway, preclude the creation of a street intersection. In such cases, blocks shall be as small as feasible. Alley and driveway intersections shall not be used to meet the block length requirement.
  - b. All proposed buildings, except structured parking garages, must be located within a certain distance of a street, as shown in section 4.C, Building Setback from the edge of street curblines. Buildings do not have to meet these standards from alleys or driveways.
  - c. Streets shall be interconnected with each other and with streets on abutting properties in a grid or modified grid pattern.
  - d. Streets shall be extended to abutting properties in logical locations, as determined by the municipal governing body. When warranted by unique circumstances, the municipal governing body may allow driveways to be used instead of streets for these connections, provided access for the driveway is guaranteed to the abutting property.
  - e. On tracts of ten (10) acres or more, new streets within an NTMU development shall have a street connectivity index of 1.40 or more. The street connectivity index shall

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be computed by dividing the number of new street links (defined as street segments between intersections and/ or cul-de-sac heads) by the number of new street intersections/permanent cul-de-sac heads.

5. At least every 500 linear feet, blocks shall include public pedestrian connections through the block between generally parallel streets, unless the reuse of existing buildings longer than 500 feet or the presence of unique barriers, such as a creek or grade-separated highway, preclude the creation of a pedestrian connection.
6. Developments shall be designed to support existing and/or future public transportation service through the provision of transit shelters, public transportation pick-up areas, roads and driveways designed to handle the weight and length of a forty-foot bus, and other similar features.
7. On tracts next to passenger rail stations and/or on tracts of twenty (20) acres or more, the layout of uses and buildings shall be designed to encourage pedestrian access to the existing passenger rail service or to future public transportation service.

### **Section: Building Design Standards**

1. Building Orientation and Entrances
  - a. Front facades of buildings shall be oriented towards existing and proposed streets, with an everyday entrance in the front façade. Buildings with multiple front facades shall have entrances in each front façade, corner entrances, or, if permitted by the municipal governing body, entrances in only some of the front facades.
  - b. All primary building entrances shall be accentuated. Permitted entrance accents may include: recessed, protruding, canopy, portico, or overhang. c. Loading doors, service doors, and loading docks shall not be located in any façade facing a street or any portion of a façade within 35 feet of a street.
2. Walls and Windows
  - a. Blank walls shall not be permitted along any exterior wall facing a street or passenger train station. Walls in these locations shall comprise a minimum of 35 percent window area and a maximum of 75 percent window area, with windows interspersed across the façade.
  - b. Ground floor facades of retail, restaurant, and related uses facing a street or passenger train station shall comprise a minimum of 50 percent clear window area, with windows providing views of display areas or the inside of the building. These ground floor windows shall begin between 12 to 24 inches above ground level and shall end above 86 inches above ground level.
  - c. Smoked, reflective, or black glass in windows is prohibited.



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- d. Walls or portions of walls where windows are not provided shall have architectural treatments designed to break up the bulk of the wall, including at least four of the following treatments: masonry but not flat concrete block; concrete or masonry plinth at the base of the wall; belt courses of a different texture or color; projecting cornice; projecting metal canopy; decorative tilework; trellis containing planting; medallions; opaque or translucent glass; artwork; vertical/ horizontal articulation; lighting fixtures; or a similar architectural element not listed above, as approved by the municipal governing body.

### 3. Roofs

- a. Building ridgelines or roof planes facing a street, parking area, or walking area must be interrupted at least once every one hundred (100) feet by the inclusion of at least two of the following: a gable, a dormer, a vertical change of five (5) feet or more, a tower, a dome, a barrel vault, a projecting cornice, an articulated parapet of five (5) feet or more, or the inclusion of a similar architectural feature.
- b. Buildings shall use parapets or mansard type roof styles to conceal flat roofs, elevator and stair shafts, large vents, and rooftop equipment such as HVAC units along all roof edges.

### 4. Building Massing

- a. Buildings shall be designed to achieve a fine-grained texture by dividing large facades into the appearance of several sections or smaller buildings to avoid the appearance of a large, monotonous building mass.
- b. Buildings must have at least a 3 foot break in depth in all front facades for every one hundred (100) feet of continuous façade. Such breaks may be met through the use of bay windows, porches, porticos, building extensions, building recesses, balconies, towers, and other architectural treatments.
- c. In addition to the required 3 foot break, building facades of two hundred (200) feet or more facing a street, surface parking lot, passenger train station, or walking area shall include design elements that will break up the façade, such as awnings, porches, canopies, towers, balconies, bays, gables, changes in materials, changes in façade treatments, etc.

## Section: Parking Design Standards

### 1. Surface Parking

- a. Surface parking lots shall be located to the rear of principal buildings or to the side.
- b. Surface parking shall not be located between a building and a street.



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- c. Surface parking shall not extend more than 70 feet in width along any street without being interrupted with a principal building.
  - d. Parking lots visible from a street shall be continuously screened by a 3-foot-high wall/fence or hedge. Parking lots adjacent to a residential use shall be continuously screened by a 6-foot-high wall/fence or hedge. Screening shall also include street trees.
  - e. Surface parking lots within a block in an CMUD development shall be interconnected by access driveways. e. Each lot created within an CMUD development shall provide cross-access easements for its parking areas and access driveways guaranteeing access to adjacent lots within the same block that are zoned CMUD. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.
2. Structured Parking
- a. Except for their pedestrian and vehicular entrances, structured parking garages, or structured parking within a principal building, that is located within fifty (50) feet of a street curblin at street level shall have office, entertainment, institutional, apartment lobby, retail, restaurant, or a related use in occupied space along 70% of the first floor of the structured parking that faces the street.
  - b. Structured parking shall have design treatments such as colonnades, arcades, awnings, landscaping, street furniture, and other public amenities to create the appearance of an occupied building. Blank walls are not permitted.
  - c. Cars shall be generally visually screened from the street through features such as grills, lattices, mock windows, louvers, false facades, etc. Such screening shall be in keeping with the rest of the building's architectural style and materials.
3. Access to Off-Street Parking.
- a. When feasible, vehicular access to off-street parking facilities shall be from a street, alley, or driveway that has no retail or related uses facing this street or alley. When this is not feasible, access shall be located as far from retail or related uses' front facades as possible.