

Zoning Interpretation Record

Subject of Interpretation:

Mixed Use Buffer Requirement between Uses and from District Boundary

Zoning Ordinance Reference (Article and Section):

Title I, Art 5, §8A.9.10

Interpretation:

Title I, Art 5, §8A.9.10 requires that “No residential use shall be located closer than fifty (50) feet to the boundary of the district or to any adjoining existing or proposed road except as part of a combined use. No use other than residential uses shall be located closer than one hundred (100) feet to the boundary of the district or to any adjoining existing or proposed road except as may be part of a combined use. In addition, all commercial or institutional uses shall be located no closer than one hundred (100) feet to any residential use within the district.”

The intent of the Mixed Use District is to provide for more efficient land uses and to offer an opportunity for design flexibility and innovations that create stronger relationships between differing land uses. Allowing for close proximity of residential and commercial helps to achieve the intent of the district.

The buffer shall be measured from the closest point of the facade of the structure which faces the boundary of the district to the nearest point of the boundary line or to the nearest point on any adjoining existing or proposed road.

A building which includes both residential and non-residential uses is a “combined use” structure.

Combined residential, commercial and institutional use structures meet the definition of residential use; and therefore, the 100’ buffer within the district is not applied.

Examples:

Within a mixed use development, multi-family or single-family dwellings are on same street or across the street or block from structures with commercial or institutional uses.
Specific case: C-20-06 Lowe

Approved by David P. Maloney, Deputy Director of Planning 10/15/08