



PREPARED FOR THE PLAN COMMISSION

**Proposal:**                    **Zoning Text Amendment**

**Legistar File ID #:**        [41715](#)

**Prepared By:**              Planning and Zoning Staff

The following is a summary of the proposed zoning text amendment for Plan Commission consideration.

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**[41715](#) – Amending Sections 28.066, 28.140(1)(e), and 28.151 of the Zoning Code to add more substance and clarity to the Mixed-Use Center (MXC) District ordinance so that it can be more effectively implemented to achieve the purposes for which it exists.**

The purpose of this zoning text amendment is to effectively overhaul the Mixed-Use Center (MXC) district, which is one of the Mixed-use and Commercial Districts in Sub-Chapter D of the 2012 Zoning Code. The MXC District was created to encourage the development or redevelopment of mixed-use centers that combine new or existing retail development with a variety of housing, offices, studios, live-work space, civic buildings, and other complementary uses. The redevelopment of Hilldale Shopping Center served as the inspiration for MXC, with the purpose of encouraging other similar developments throughout the City without need for Planned Development (PD) zoning like had been used at Hilldale.

One of the key components of the MXC district is that it is based on the master planning principle, which is similar to the General Development Plan principle in a Planned Development, but relies on the building design and land use restrictions that apply in the other mixed-use and commercial zoning districts such as Traditional Shopping Street (TSS) and CC-T (Commercial Corridor–Transitional). In an MXC District, a map amendment and a master plan are intended to be approved at the same time. Like other districts with master plan requirements, such as EC (Employment Campus District), the master plan is key to allowing the development to build out over time.

However, MXC zoning is not like PD-zoned properties in that once the master plan is approved, Plan Commission involvement is intended to be limited to the consideration of conditional uses as identified in Table 28D-2 of Section 28.061 of the Zoning Code, which enumerates the permitted or conditional uses in all of the Mixed-use and Commercial zoning districts. Likewise, the bulk regulations in MXC will apply to any building and lot zoned MXC across the City regardless of a specific master plan, unlike development in PD zoning, which is governed by the tenets of that specific PD district.

The intended advantage of developing in MXC zoning is less public review throughout the development process compared to developing in PD zoning, for example. If a specific project proposes a permitted use in MXC, is consistent with the approved master plan, and meets the district bulk requirements, it may proceed to administrative site plan approval and issuance of building permits without first having to submit to a public approval process like a Specific Implementation Plan in PD zoning. (Conditional uses will still require Plan Commission approval, as will any project in MXC that also requires Urban Design Commission approval, such as projects in an Urban Design District.) In the event that the project is inconsistent with MXC zoning or the approved master plan, an alteration process is described in the proposed amendments.

To date, there have been no developments approved using MXC zoning, and only one property is zoned MXC at this time. However, that parcel does not have an approved master plan, and thus has no entitlements to build. Staff believes one reason that the MXC zoning district has not be utilized so far is the current language

in the Zoning Code, which staff feels is insufficiently clear and robust to provide developers with the direction and certainty necessary to undertake a development in MXC.

Therefore, the proposed text amendment substantially revises the MXC district to provide more clarity and substance. For example, this amendment:

- Clarifies the intent of the district in the statement or purpose;
- Clarifies the standards of approval for these districts and associated master plans, including major alterations to approved master plans;
- More thoroughly establishes the requirements for a master plan, including the minimum and maximum range of development envisioned, the arrangement of buildings and lots across the MXC-zoned site, and any site development standards intended to be more restrictive than the minimums required in the Zoning Code;
- Establishes a clear approval process, including a requirement that the MXC district master plan go to the Urban Design Commission for a recommendation on the arrangement of buildings, parking and circulation, and site design standards above and beyond the Zoning Code minimums;
- Re-orders some of the base requirements of the district, such as the maximum height requirement;
- Cross-references the “large retail establishments” section of the ordinances (Sec. 33.24, MGO);
- Provides an alteration process similar to the alteration process for conditional uses;
- Includes a timeline for implementation that requires re-approval after 10 years.

Staff believes these changes will help achieve the purpose and intent of the original MXC District ordinance when it was made part of the new Zoning Code. The clearer and more substantive requirements of the district should enable the types of mixed-use development projects envisioned in the goals, policies and objectives of the Comprehensive Plan and adopted neighborhood or special area plans.