

SUBCHAPTER 23: MIXED DENSITY RESIDENTIAL (MX) ZONE

23.005 Purpose

The purpose of the Mixed Density (MX) Residential Zone is to allow a creative mixture of housing styles and types available to citizens of diverse ages and incomes. Development in the MX Zone should provide a coordinated and attractive living environment that responds to local conditions and emphasizes a range of good circulation opportunities for walking, bicycling, and driving personal vehicles. The MX Zone is also intended to implement the Southwest Independence Concept Plan adopted by Independence on June 12, 2012. Consistency with the Southwest Independence Concept Plan will be established through the Master Plan requirement during the annexation process.

23.010 Density

To achieve balance and integration of a range of housing types, sizes, and densities, the Mixed Density Residential (MX) Zone relies on two criteria.

- A. The intent of the MX Zone is to achieve a minimum average density of nine (9) dwelling units per net acre of residential land, while allowing a mix of lot sizes and densities. Net acres of residential land means the total site area devoted to residential uses, not including the area of streets, other rights-of-way to be dedicated to the public, or protected wetland or riparian areas. Net acres does include any area to be devoted to the trail/stormwater/drainage corridors located along the edges of the planning area and adjacent to riparian and wetland areas or corridors.
- B. To reflect the demand for higher-density housing within the region, at least 15 percent of the units must be either in multiple-family or attached single-family structures.

23.015 Permitted and Conditional Uses

Allowed permitted and conditional uses within the Mixed Density Residential Zone are presented in Subchapter 17. Uses not allowed within the matrix are considered to be prohibited, except as provided in Section 10.050.

23.021 Prohibited Uses

The following uses are prohibited in the MX Zone:

- A. Medical Marijuana Grow Site.
- B. Medical Marijuana Dispensary.

- C. Medical Marijuana Processing Site.
- D. Recreational Marijuana Producer.
- E. Recreational Marijuana Processor.
- F. Recreational Marijuana Retailer.
- G. Recreational Marijuana Wholesaler.
- H. Marijuana Research Facility.
- I. Marijuana Testing Laboratory.

23.025 Building Setbacks

- A. Residential Uses
 - 1. Front Yard, Except Townhouses, Rowhouses and Duplexes - 15 feet.
 - 2. Front Yard, Townhouses, Rowhouses, and Duplexes - 10 feet.
 - 3. Alleys - 5 feet.
- B. Attached garages are required to be set back 19 feet from the property line that provides access to the site and at least four feet from the front façade. These standards may be modified by the provisions for garages in front of buildings in IDC 74.005(B).
- C. Open covered and uncovered porches may extend within the front setback to within five (5) feet of the front property line.
- D. Except as may otherwise be required with the MX Zone, there shall be no other minimum building setbacks.

23.030 Density, Area and Dimension Requirements

- A. In the MX Zone, the following lot size and density requirements apply:

Table 23.030 Lot Size and Density Requirements in MX Zone

Development Type	Minimum Lot Size	Maximum Lot Size	Minimum Net Density¹
Detached single-family dwelling	3,500 square feet	10,000 square feet	None

Attached single-family dwellings	2,500 square feet	None	None
Multiple-family dwellings	None	None	15 units per acre

1. See Section 23.010 for definition and calculation of net density.

B. Lot Frontage. Lots within the MX Zone shall have the following street frontage requirements:

	Maximum	Minimum
Single-Family Residential	100 feet	35 feet
Multifamily Residential	30 feet/unit	6 feet/unit, min. 24 feet

C. Lot Coverage in the MX Zone. The following maximum lot coverage standards apply to all development in the MX Zone:

1. Single family development: 40 percent
2. Duplex development: 50 percent
3. Townhouse and rowhouse development: 60 percent
4. Multiple-family development: 70 percent
5. Non-residential development: None

23.035 Building Height

Allowed building heights in the Mixed Density Residential Zone are presented in Subchapter 18.

23.055 Off-Street Parking

A. Number of Spaces Required. The required number of parking spaces shall be as specified in Subchapter 73.

B. Parking Types Allowed.

1. Garage. A garage is allowed subject to the design and setback requirements of the zone.
2. Carport.
 - a. If an attached carport is proposed, the structure shall meet the setback and applicable design requirements for an attached garage.

b. If a detached carport is proposed, the structure shall meet the design and setbacks for detached garages, provided that the side yard setback shall be at least five (5) feet.

3. No Carport or Garage. Where a garage or carport is not proposed, two paved, 10 by 20-foot off-street parking spaces are required for each single-family dwelling or duplex unit.

C. Width of Paving. In no instance shall a paved portion of the front or side yard exceed more than 50 percent of the lot width.

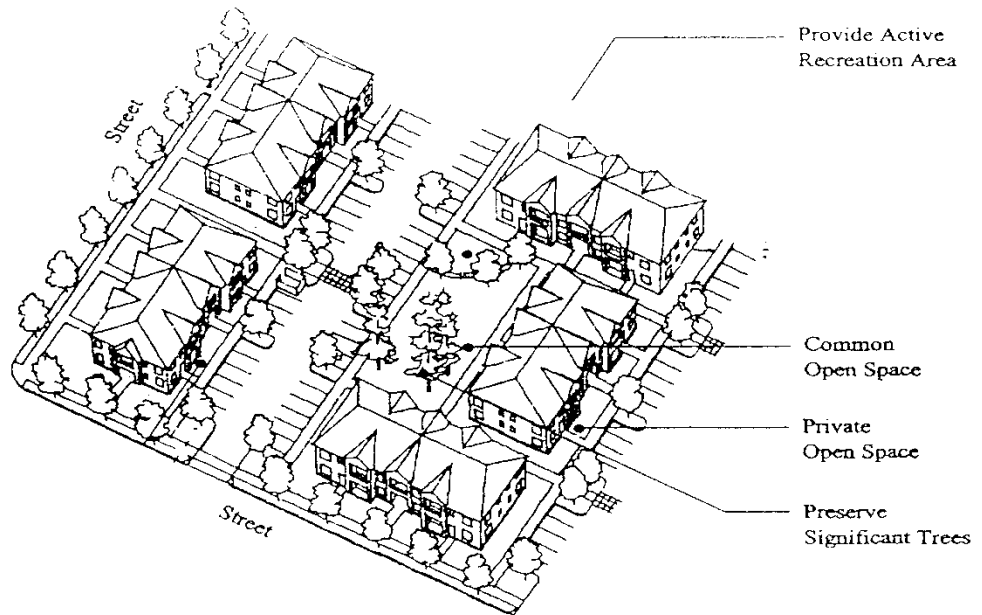
23.060 Residential Design Standards

Design standards for residential uses in the Mixed-Density Residential Zone are presented in Subchapter 19.

23.065 Development Standards for Multiple-Family Development

A. Multiple-family housing. Multiple-family housing is allowed per the Site Design Review process within the Mixed Residential (MX) Zone. Multiple-family housing means housing that provides three (3) or more dwellings on an individual lot. New multiple-family developments shall comply with all of the following standards:

Figure 23.050(3) – Multiple-family Housing (typical site layout)



1. Common open space standard. Inclusive of required setback yards, a minimum of 15 percent of the site area shall be designated and permanently reserved as usable common open space in

developments that are at least three (3) acres in size with more than 10 multiple-family or attached single-family dwellings as specified by Subsection 23.010(B). The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.

2. Private open space standard. Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following standards:
 - a. A minimum of 50 percent of all ground-floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);
 - b. A minimum of 50 percent of all upper-floor housing units shall have balconies or porches measuring at least 24 square feet. Upper-floor housing means housing units that are more than 5 feet above the finished grade; and
 - c. Private open space areas shall be oriented toward common open space areas and away from adjacent single-family residences, trash receptacles, parking and drives to the greatest extent practicable.
3. Exemptions. Exemptions to the common open space standard may be granted for multi-unit developments of up to 10 units. Exemptions may be granted for the first 20 units of a larger project when these developments are within one-quarter mile (measured walking distance) of a public park; and there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), lighted, and maintained pedestrian trail or sidewalk between the site and the park. An exemption shall be granted only when the nearby park provides active recreation areas such as play fields; children's play area, sports courts, walking/fitness course, or similar facilities.
4. Landscaping. All development is subject to the landscaping provisions in Subchapter 54. Recreation areas may be included as part of the required landscaping.

5. Screening. All exterior garbage collection areas, recycling areas, and mechanical equipment shall be screened with a sight obscuring fence, wall and/or sufficient landscaping. Unsightly garbage collection areas, recycling areas and mechanical equipment shall be located away from the street.
6. Signs. Signs shall be subject to the provisions of Subchapter 58.

23.070 Reference to Additional Standards

Additional or alternative use and development standards may be found in the following chapters:

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| A. Flood Damage Prevention | Subchapter 51 |
| B. Willamette Greenway Development District | Subchapter 52 |
| C. Buffering/Screening/Landscape/Ash Creek Setbacks | Subchapter 54 |
| D. Planned Unit Developments | Subchapter 60 |
| E. Manufactured Dwellings | Subchapter 61 |
| F. Home Occupations | Subchapter 72 |
| G. Parking | Subchapter 73 |
| H. Accessory Structures | Subchapter 74 |
| I. General Development Standards | Subchapter 75 |