

## Section 10-259. UP-1 Urban Pedestrian District

See the following chart for district intent, permitted uses, and notes for the UP-1 Urban Pedestrian District:

1. District Intent	PERMITTED USES	
	2. Principal Uses	3. Accessory Uses
<p>The UP-1 district is intended to be located in areas designated Suburban on the Future Land Use Map of the Comprehensive Plan and shall apply to compact, linear urban areas with direct access to an arterial roadway. The intent of this district is to promote the redevelopment of areas from lower intensity “strip” development pattern to a more intensive, higher density urban pattern. It is one of the intents of this district to permit the gradual conversion of existing development to the new standards by allowing the continuation of certain existing uses and allowing the conversion of those existing uses to drive-through uses, provided that the new uses meet the development standards of this district and foster an improved pedestrian environment. It is not intended that additional sites within this district be converted to new drive-through uses unless sites are located outside the MMTD and meet the standards of Section 10.284.8 of this Code. The UP-1 district shall be located in areas near employment or activity centers with access to public transit. The provisions of this district are intended to promote more intensive and multiple use developments with pedestrian facilitation and orientation. Retail commercial, professional, office, medium density residential, and community and recreational facilities related to principal permitted uses are permitted. This district is not intended to accommodate regional scale commercial and service activities, nor automotive oriented uses (auto sales, service or repair). New residential development shall have a minimum gross density of 6 dwelling units per acre and a maximum gross density of 16 dwelling units per acre. The minimum gross density requirements may be eliminated if constraints of concurrency or preservation and/or conservation features preclude the attainment of the minimum densities.</p> <p><b>Development standards for properties located within the MMTD are established within Division 4 of this Code.</b></p>	<ol style="list-style-type: none"> <li>1. Antique shops.</li> <li>2. Banks and other financial institutions without drive-through facilities.</li> <li>3. Banks and other financial institutions with drive-through facilities (only allowed on parcels outside the MMTD except parcels located on the east and west side of Thomasville Road).*</li> <li>4. Camera and photographic stores.</li> <li>5. Cocktail lounges and bars.</li> <li>6. Community facilities related to the permitted principal uses, including libraries, religious facilities, vocational and elementary, middle, and high schools, and police/fire stations. Other community facilities may be allowed in accordance with Section 10-413 of these regulations.</li> <li>7. Day care centers.</li> <li>8. Gift, novelty, and souvenir stores.</li> <li>9. Hotels and motels, including bed and breakfast inns.</li> <li>10. Indoor amusements (bowling, billiards, skating, etc.).</li> <li>11. Laundromats, laundry and dry cleaning pick-up stations without drive-through facilities.</li> <li>12. Laundromats, laundry and dry cleaning pick-up stations with drive- through facilities (only allowed on parcels outside the MMTD except parcels located on the east and west side of Thomasville Road ).*</li> <li>13. Mailing services.</li> <li>14. Medical and dental offices, services, laboratories, and clinics.</li> <li>15. (13)Non-medical offices and services, including business and government offices and services.</li> </ol>	<ol style="list-style-type: none"> <li>23. Residential (any type).</li> <li>24. Restaurants without drive through facilities.</li> <li>25. Restaurants with drive- through facilities (only allowed on parcels outside the MMTD except parcels located on the east and west side of Thomasville Road ).*</li> <li>26. Retail bakeries.</li> <li>27. Retail computer, video, record, and other electronics.</li> <li>28. Retail department, apparel, and accessory stores.</li> <li>29. Retail drug store without drive-through facilities.</li> <li>30. Retail drug store with drive-through facilities (only allowed on parcels outside the MMTD except parcels located on the east and west side of Thomasville Road ).*</li> <li>31. Retail florist.</li> <li>32. Retail food and grocery.</li> <li>33. Retail furniture, home appliances, accessories.</li> <li>34. Retail home/garden supply, hardware, and nurseries without outside storage or display.</li> <li>35. Retail jewelry stores.</li> <li>36. Retail needlework shops and instruction.</li> <li>37. Retail newsstand, books, greeting cards.</li> <li>38. Retail package liquors.</li> <li>39. Retail picture framing.</li> <li>40. Retail trophy stores.</li> <li>41. Shoes, luggage, and leather goods.</li> <li>42. Social, fraternal and recreational</li> </ol> <p>(1) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the Land Use Administrator.</p> <p>(2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the Land Use Administrator.</p>

	16. Non-store retailers. 17. Off-street parking facilities. 18. Passive and active recreational facilities. 19. Personal services (barber shops, fitness clubs etc.). 20. Photocopying and duplicating services. 21. Rental and sales of dvds, video tapes and games. 22. Repair services, non-automotive.  *NOTE: Drive through facilities shall comply with Section 10.284.8 of this Code.	clubs and lodges, including assembly halls. 43. Studios for photography, music, art, drama, and voice. 44. Tailoring. 45. Existing drive-through uses and existing motor vehicle fuel sales which were legally established and in existence on November 1, 1997. 46. Other uses, which in the opinion of the Land Use Administrator, are of a similar and compatible nature to those uses described in this district.	
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<b>DEVELOPMENT STANDARDS</b>									
	<b>4. Minimum Lot or Site Size</b>			<b>5. Minimum or Maximum Building Setbacks</b>				<b>6. Maximum Building Restrictions</b>	
<b>Use Category</b>	<b>a. Lot or Site Area</b>	<b>b. Lot Width</b>	<b>c. Lot Depth</b>	<b>a. Front</b>	<b>b. Side-Interior Lot</b>	<b>c. Side-Corner Lot</b>	<b>d. Rear</b>	<b>a. Building Size (excluding gross building floor area used for parking)</b>	<b>b. Building Height</b>
Any Permitted Principal Use	none	none	none	0 feet minimum 10 feet maximum	none	0 feet minimum 10 feet maximum	20 feet minimum if adjoining a residential district	20,000 square feet of gross building floor area per acre and commercial uses not to exceed	6 stories (excluding stories used for parking); or 4 stories (including stories used for parking) if proposed structure is within 150 feet of a low density residential zoning district
<p><b>7. Requirements and Incentives for Off-Street Parking Facilities:</b> In order to create developments consistent with the intent of the district and to encourage mixed uses and pedestrian friendly developments, off-street parking facilities associated with the construction of a new building or the expansion of an existing building are prohibited from being located in the front of the subject lot or parcel. The off-street parking requirements set forth in Article XVI, including the number of required off-street parking spaces and dimensional requirements are not applicable to properties in the UP-1 zoning district. Instead, the number of required off-street parking spaces and dimensional requirements shall be approved by the City Traffic Engineer during site plan review or permitting (whichever comes first) based on the information provided by the applicant.</p> <p><b>8. Additional Criteria for Non-Residential Uses:</b> The construction of a new non-residential building or expansion of an existing non-residential building shall require the front lot and street side exterior walls on the ground floor to contain a minimum of 70 percent transparent material.</p> <p><b>9. Street Vehicular Access Restrictions:</b> Properties in the UP-1 zoning district may have vehicular access to any type of street. However, in order to protect residential areas and neighborhoods from non-residential traffic, vehicular access to a local street is prohibited if one of the following zoning districts is located on the other side of the local street: RA, R-1, R-2, R-3, R-4, R-5, MH, MR-1, RP-1, RP-2, RP-MH, RP-UF, and RP-R.</p> <p><b>10. Criteria for Conditional Uses for Properties Located Within the MMTD:</b> After November 1, 1997, drive through facilities as part of a permitted use in this district may be permitted as conditional uses, providing that the following criteria are met: (a) the new use must be the redevelopment of a site which contains a conforming motor vehicle fuel sale use or a conforming drive through use (see Section #2 of this chart); (b) the new use complies with development standards of the zoning district; (c) the use has a gross building floor area in excess of 5,000 square feet; and (d) arterial street access does not exceed one vehicular access point per arterial street frontage.</p>									

**GENERAL NOTES:**

1. If central sanitary sewer is not available, residential development is limited to a minimum of 0.50 acre lots and non-residential development is limited to a maximum of 2,500 square feet of building area. Community service facilities are limited to a maximum of 5,000 square feet of building area or a 500 gallon septic tank. Also, refer to Sanitary Sewer Policy 2.1.12 of the Comprehensive Plan for additional requirements.
2. Refer to chapter 5, environmental management for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.
3. Refer to chapter 4, concurrency management for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).
4. For cluster development standards, refer to Section 10-426.