

Article 18: Mixed Use District (MU)

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SECTION 18-1 INTENT

18-101. It is the intent of the MU District to encourage a compatible mixed use environment, utilizing the character of a particular area. This district facilitates compatible mixed use activity within a residential neighborhood. The district includes a balance of compatible residential, office, civic, and neighborhood commercial retail/service uses of low to moderate intensity that complement and support neighborhood residential areas and pedestrian usage with quality urban design. The objectives of the district include:

- a. Retention and attraction of businesses, workplaces and residences through adaptive reuse and rehabilitation of existing buildings; and
- b. Redeveloping vacant and under-utilized properties through appropriately scaled in-fill development; and
- c. High quality development and urban design standards that maintain a sense of history, human scale, and pedestrian-orientation.

18-102. Applicability of Mixed Use Districts. The MU District shall only be permitted on an area that merits special design considerations, involving a variety of property owners and uses within a developed urban environment. The MU District shall be sufficiently cohesive and substantial to achieve objectives identified in the City's comprehensive plan.

SECTION 18-2 PERMITTED USES

18-201. In the MU District no building, land or premises shall be used and no building or structure shall be hereafter erected or altered unless otherwise provided for in these regulations, except for the following uses:

- a. Any use permitted in the R-2 or R-3 zoning districts.
- b. Any use permitted in the C-1 or C-2 zoning districts.

SECTION 18-3 CONDITIONAL USES

18-301. In the MU District the following uses are allowed upon the issuance of a Conditional Use Permit in accordance with the provisions of Article 26 of these regulations:

- a. Any use allowed as a conditional use in the R-2 or R-3 zoning districts.
- b. Any use allowed as a conditional use in the C-1 or C-2 zoning districts.

SECTION 18-4 HOME OCCUPATIONS

18-401. Regulations relating to home occupations in the MU District shall be the same as those for the R-2 zoning district, as set out in Article 20.

SECTION 18-5 ACCESSORY USES

18-501. Regulations relating to accessory uses in the MU District are set out in Article 20.

SECTION 18-6 HEIGHT AND YARD REGULATIONS; DESIGN STANDARDS

18-601. No building in the MU District shall exceed thirty-five (35) feet in height, except as otherwise provided in Article 20.

18-602.

- a. Front yard.
 1. Front yards on arterial and collector streets and unplatted tracts on local streets shall conform with the provisions of Article 20.
 2. There shall be a front yard having a depth of not less than ~~thirty (30)~~ fifteen (15) feet or the established building line as defined in Article 20.
 3. No accessory building shall project beyond the front building setback line of any lot.

18-603. Side yard. Except as otherwise provided in Article 20, there shall be a side yard of not less than eight (8) feet on each side of a building.

18-604. Rear yard. Except as otherwise required in Article 20, there shall be a rear yard having a depth of not less than ~~thirty (30)~~ fifteen (15) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller.

18-605. Design Standards. All new development, including permitted commercial, office, institutional, residential uses, or combination thereof, or change of uses with exterior modifications shall be consistent with the following applicable design standards:

- a. *Setbacks, massing, and form* – Minimize building setbacks within neighborhood or downtown district settings so as to reflect and align with existing setbacks of buildings on the block or facing block. Massing and form of building shall also be compatible with buildings on block, facing block, or neighborhood.
- b. *Building types* – Permitted building types shall include a rear yard building that occupies the front of its lot at full width, a side yard building that occupies one side of the lot at full depth, or a courtyard building that occupies all or most of the edges of its lot while internally defining one or more private spaces.
- c. *Parking lots* – Parking lots shall not dominate the frontage of pedestrian-oriented and image streets or conflict with pedestrian crossings. ~~No parking space shall be closer to the primary frontage street than the building.~~
- d. *Facades* – Blank walls in excess of 50 feet shall be avoided. Buildings with multiple storefronts should be unified in character and compatible with any upper floors.
- e. *Outdoor activity* – Buildings should accommodate outdoor activity with balconies, arcades, terraces, decks and courtyards for patrons', residents', or workers' interaction to the extent reasonably feasible.
- f. *Outdoor cafes* – Restaurants should be encouraged to operate outdoor cafes on sidewalks, within buildings setbacks or courtyard provided that pedestrian circulation and access to store entrances is not impaired, the space is well-kept, and street furniture/coverings are compatible with architectural character of the building/block.
- g. *Pedestrian circulation* – Adequate pedestrian circulation must be maintained at all times. Pedestrian linkages between parking lots, alleys, parks, and the street or building fronts shall be provided for within the public right-of-way or by dedicated easement.
- h. *Transition yards and landscaping screening* – Where a commercial ~~lot use~~ abuts a residential use, a landscaped yard consisting of, but not limited to, trees, vegetation, wood ~~privacy~~ fencing, landscaped earthen berm, or other plantings shall be provided for as a visual buffer that creates spatial separation. Front yard setback areas shall be landscaped. ~~Landscaping plans shall be submitted to the Zoning Administrator for approval.~~ On through lots, the rear yard that is immediately across the street from a residential district shall also require screening.
- i. *Open storage* – Any open storage visible from the street, adjacent to residential uses shall be screened to substantially reduce visual impact by fencing, landscaping, or other appropriate means.
- j. The Zoning Administrator may waive any of the above-listed design standards if he or she determines it to be unnecessary to the scope and nature of the proposed development.

Commented [JW1]: 30 feet seems to contradict 18-605a which encourages setbacks to be minimized. 30 feet also encourages parking in the front which seems to contradict 18-605h. 30 feet is also greater than required in the R-2 and R-3 districts. 15 feet is the same setback that is required in the R-3 district (C-3 is only 10) and fits better. On the N Summit Mixed Use corridor many of the houses are closer to 15 or 20 feet setbacks.

Commented [JW2]: Same comment as for the front yard above.

Commented [JW3]: The requirement for no parking in the front actually creates a new issue along the Summit Street Mixed Use corridor. The other language is acceptable. Parking should be screened per h below as much as possible.

Commented [JW4]: These edits are for a bit of clarification but also the last new sentence was added to help deal with problems associated with the mixed use district along the N Summit corridor as it immediately borders a residential area but is separated by a street.

SECTION 18-7 SIGN REGULATIONS

18-701. Sign regulations for the MU District are set out in Article 27.

SECTION 18-8 PARKING REGULATIONS

18-801. Parking regulations for the MU District are as follows:

- a. Residential dwellings: One space per dwelling unit.
- b. Private clubs, drinking establishments, and restaurants with 50 percent of gross income in food sales: One space per four occupants permitted.
- c. Private clubs, drinking establishments, and restaurants with 50 percent of gross income in alcohol or cereal malt beverage sales: One space per three occupants permitted.
- d. Retail and office uses: One space per 300 square feet of floor area.
- e. All other uses not specified shall be consistent with parking requirements as set out in Article 22.
- f. Minimum off-street parking requirements for uses within the MU District may be exempted by the Zoning Administrator for any change of use or expansion of an existing building provided adequate off-street or on-street parking can be demonstrated, and such exemption does not impose an unreasonable hardship on a residential neighborhood.
- g. A maximum number of off-street parking spaces for a particular use may be imposed by the Zoning Administrator to conserve open space, or to prevent unnecessary demolition of buildings and damage to the historic integrity of a district.

SECTION 18-9 MINIMUM DISTRICT SIZE

18-901. No area shall be zoned as MU District, unless it comprises an entire city block or three (3) acres, whichever is the lesser.