Chapter 19.36
MU -- MIXED USE ZONE

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19.36.010 Purposes.

A. The purposes of the MU zone are to provide areas in the city primarily for medium to high density residential mixed-use developments, with commercial, institutional, office and service uses apportioned on-site in a manner sensitive to the street environment and adjacent residential areas; to support an urban village where amenities are focused on a local main street; and to enhance the accessibility of the Fort Union area and the Gateway Overlay District.

B. The MU zone is intended to achieve cohabitation of uses, while ensuring that negative impacts on residents are minimized. The spaces created in the MU zone are intended to encourage a diminished need for motorized travel and shall possess characteristics (accomplished through roads, passages and sidewalks) that serve the needs of pedestrians, bicyclists and motor vehicle users while still allowing casual encounters of human beings at an intimate, or pedestrian, scale.

19.36.020 Permitted uses.

A. Permitted uses in the MU zone include the following:

1. Mixed-use residential buildings as defined in this chapter;
2. Bed and breakfast;
3. Commercial recreation;
4. Convenience store without gasoline or convenience store/fast food combination without gasoline;
5. Community recreation services;
6. Convenience retail stores;
7. Government services;
8. Retail;
9. Public libraries and cultural exhibits;
10. Office building professional with a maximum of two stories, and a maximum of 10,000 gross square feet; and
11. Grocery store, foodstuffs, retailing, or delicatessen with a maximum gross floor area of 10,000 square feet.

B. Any use with an individual gross floor area greater than 10,000 square feet, or more than two stories in height, shall be considered a conditional use regardless of its possible classification here as a permitted use.

19.36.030 Conditional uses.

A. Conditional uses in the MU zone include the following:

1. Churches;
2. Home occupations;
3. Home pre-schools;
4. Child daycare/preschool;
5. Parks, playgrounds or community recreation;
6. Planned unit developments;
7. Public and private utility buildings or facilities;
8. Residential facilities for persons with disabilities;

9. Residential facilities for elderly persons;
10. Schools;
11. Hotels;
12. Class D private clubs;
13. Retail with gross square footage greater than 10,000 square feet;
14. Commercial schools;
15. Supermarkets (groceries, meats and baked goods);
16. Hardware, lawn and garden supply stores;
17. Administration or professional offices with a floor area greater than 10,000 square feet;
18. Restaurant;
19. Indoor theatre;
20. Shop for making articles sold primarily at retail on the premises;
21. Commercial recreation;
22. Banks, savings, loan, and finance offices;
23. Department stores, furniture and variety stores;
24. Open stands or markets;
25. Garages (public); and
26. Mixed-use self-storage.

B. Unlike the NC zone, which is intended for smaller mixed-use developments potentially within established communities, the MU zone does not have a maximum allowed floor area for most uses. Such deregulation is intended to encourage those proposing larger commercial and residential developments to consider creating a mixed-use development rather than a regional commercial type development.

C. Any applicant requesting an increase in height or decrease in setbacks which are standard in the MU zone, or any other variation based on permitted planning commission approval under this chapter, shall be considered a conditional use.

19.36.040 Mixed-use building.

A mixed-use building is a single building containing more than one type of land use, or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas. An example of a mixed-use residential building with a retail storefront on the main floor and two floors of residential living above the main floor is below (three story buildings are a conditional use):

19.36.050 Maximum height of structures.

Structures in an MU zone shall not exceed a height of two stories, or 35 feet, whichever is less. The planning commission, after receiving favorable recommendation from the DRC, may increase the maximum height of a structure in an MU zone to no more than three stories, upon a finding that such increased height will not adversely affect the public health, safety or welfare.

19.36.060 Maximum lot coverage.

In an MU zone, buildings shall not occupy more than 65 percent of the lot area.

19.36.070 Development standards.

Any development in the MU zone shall conform to the city's general plan, the standards of the city's Gateway Overlay District (established under chapter 19.49 of this title), and the standards of this chapter. The maximum density of any development in the MU zone is 12 units per acre. If a developer clearly shows that a proposed development meets, or exceeds, the guidelines, goals, objectives and standards of the city's Gateway Overlay District, and conditioned on the planning commission's receipt of a favorable recommendation of the DRC, the planning commission may authorize density of no greater than 16 residential units per acre upon a finding that such increased density will not adversely affect the public health, safety or welfare.

19.36.080 Minimum lot size.

Except as may be required to meet minimum setbacks and any requirements providing for a minimum square footage of a building or structure, there are no minimum lot size requirements, provided that the density requirements of this chapter are met.

19.36.090 Setbacks, yards and other requirements.

A. Yards and setbacks.

1. The minimum front or side yard along a street shall be 20 feet; however, the planning commission may reduce that setback if it finds that the reduction helps create a better designed development, and that the reduction will not adversely affect the public health, safety or welfare.

2. Minimum side and rear yards of 25 feet shall be required for side or rear yards of a lot in an MU zone abutting a residential zone. For lots adjacent to a non-residential zone, the minimum setback shall be ten feet for side and rear yards not on a street; however, the planning commission may reduce the setback if it finds that the reduction helps to create a better designed development, and that the reduction will not adversely affect the public health, safety or welfare.

B. Building orientation.

1. All single-family attached homes and multi-family residential complexes shall have their primary orientation to the street. Entrances to multi-family buildings may include entrances to individual units or breezeway/ courtyard entrances; or

2. All single-family attached homes and multi-family residential complexes may have their primary orientation to a side yard when a direct pedestrian walkway is provided between the main entrance and the street, with at least one entrance located not more than 20 feet from the curb line of the street.

C. Design guidelines and standards. If multi-family residential design guidelines, standards, or a review process are not indicated by a location in the Gateway Overlay District, all multi-family residential developments shall meet, and shall be reviewed and approved by the ARC under, the standards contained in the city's Gateway Design Guidelines, which shall be in addition to the development standards specified in this chapter.

D. Parking. The provisions of chapter 19.80 of this title regarding off-street parking, loading and driveway standards shall apply to all residential developments in the MU zone.

E. Landscaping. All applications for development in the MU zone shall provide landscaping in compliance with

the standards of this chapter and the Gateway Overlay District.

19.36.100 Use of existing structures.

The continued use of an existing structure in the MU zone is permitted, provided that the structure meets the requirements of this chapter and any other applicable ordinances.

19.36.110 Master development plan required.

Developments of three or more acres in the MU zone must submit a master development plan, which is subject to planning commission approval.

19.36.120 Lighting.

A. Uniformity of lighting is desirable to achieve an overall objective of continuity, and to avoid objectionable glare.

B. The maximum height of luminaries shall be 18 feet unless the planning commission requires a lower height as part of conditional use approval. The light shall be low intensity, shielded from uses on adjoining lots, and directed away from adjacent property in a residential or agricultural zone or an adjacent residential or agricultural use.

C. Pedestrian walkways shall be lighted.

D. All lighting next to residential uses, or where the planning commission requires, shall be full-cut-off lighting to reduce light pollution.

19.36.130 Screening.

A. All trash or refuse receptacle areas shall be completely screened from surrounding properties by a masonry wall or screening that is a minimum of six feet high with visually obscuring painted metal gates or shall be enclosed within a building. Any trash or refuse receptacle area shall be a minimum of fifty feet from any residential or agricultural zone boundary or property containing a residential or agricultural use.

B. All ground-mounted mechanical equipment (including, without limitation, heating and air conditioning units) shall be completely screened from surrounding properties by a masonry wall or shall be enclosed within a building.

C. The use of roof appurtenances is discouraged. If roof appurtenances (including, without limitation, air conditioning units and mechanical equipment) are used, they shall be placed within an enclosure at least as high as such roof appurtenances that reflects the architectural design scheme of the project and complies with the requirements for penthouses and roof structures of the city's building code. Such enclosures require planning commission approval, and shall minimize visibility from on-site parking areas, adjacent public streets, and residential or rural residential zoned property.

D. All utility connections shall be compatible with the architectural elements of the site and not be exposed except where necessary. Pad-mounted transformers and/or meter box locations shall be included in the site plan with an appropriate screening treatment. Power lines and other utility cables shall be installed underground where possible.

E. Loading areas and docks shall be screened by landscaping and/or visual barriers from adjacent properties and public streets.

F. All development located in a Gateway Overlay District shall comply

with the stated goals and standards of such district.

19.36.140 Landscaping requirements.

All developments 1 acre or more in size shall dedicate 15% of the lot to landscaping, including, without limitation, landscape buffers, seating areas, natural walking paths separate from sidewalks, and so on. Drought resistant plants are encouraged. Further,

A. All developments in the MU zone shall provide a landscaped buffer between any commercial development and any adjoining residential zone. The landscaped buffer shall be at least 8 feet wide, and shall include trees planted at least every 30 feet on center. This requirement may be included within the side and rear setbacks of the MU zone.

B. Developments in the MU zone are intended to blend with the surrounding land uses, whether they are residential or non-residential. For that reason, the landscaped buffer should not be used as an obstructing barrier between land uses, but instead should provide a landscaped transition between uses and pedestrian walkways and trails.

19.36.150 Mixed-use self-storage.

In this title, "*mixed-use self-storage*" means a single building containing more than the primary land use of self-storage, or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas. A mixed-use self-storage facility is intended to be used for a mix of uses between the primary use of a private non-commercial, non-industrial storage facility and general, professional office, medical or dental offices, retail or residential dwelling units' uses.

A. Mixed-use self-storage shall be reviewed by the architecture review commission (the "*ARC*"). The ARC shall make a recommendation regarding the proposed mixed-use self-storage facility to the planning commission.

B. The following criteria shall be considered by the ARC and the planning commission when reviewing conditional use requests for mixed-use self-storage facilities:

1. The second (and any additional) principal use shall be distinct from, unrelated to and not an accessory of the self-storage use of the facility.

2. A minimum of 1,500 square feet or 10% of the ground floor area of the self-storage principal use of the facility, whichever is greater, shall be devoted to at least one additional principal use in each building housing a self-storage use. The additional principal use may be either general, professional office, medical or dental offices, retail or residential dwelling units' uses or an appropriate mix of any or all of the above uses.

3. Detailed building elevations and color/material boards shall be submitted to and reviewed by the ARC prior to any consideration by the planning commission of an application for conditional use permit for a mixed-use self-storage facility.

4. Exterior building materials must be approved by the ARC, and shall match the quality, texture and architectural intent of surrounding buildings and the intent and regulations of the gateway overlay zone design guidelines.

5. All buildings shall have a minimum of 15% transparency on all

floors, which shall consist of functioning windows that provide visibility into a room from the public right-of-way or adjacent property and out of a room from the interior.

6. All building facades shall have the appearance of an office, residential and/or retail building through the use of doors, windows, awnings, and other appropriate building elements as approved by the ARC.

7. Buildings with more than one story shall be designed to have the appearance and function of a multi-story building through the use of windows, doors, awnings, canopies and other appropriate building elements.

8. The front façade of the building, visible from the public right of way, shall be designed to have ample bulk and massing to adequately mitigate the potential aesthetic impact of the self-storage primary use, as approved by the ARC.

9. External unit doors must be screened from neighboring land uses to an extent determined appropriate by the ARC based on the potential impact to surrounding land uses.

C. Signage. Approval of signage is subject to the applicant meeting the regulations contained herein and in other pertinent chapters of this title. Signage in mixed-use self-storage facilities shall be limited to wall, monument and projecting signs as outlined below.

1. Wall signs for mixed-use self-storage facilities are:

(a) Limited to one sign for each separate principal use for each unit, suite or other division of the building whose business facade fronts on a public street.

(b) Limited to no more than 10% of the business façade frontage for each associated principal use.

(c) No sign shall exceed six feet in overall height.

(d) Signage is limited to individual pan-channel lettering only. Cabinet signs are not permitted.

2. Monument signs for the uses in the mixed-use self-storage facilities are:

(a) Limited to one sign along an adjacent public street for each building façade which fronts that street.

(b) Limited to a total of 48 square feet of signable area.

(c) Limited to a maximum height of six feet, including the pedestal.

3. Projecting signs for mixed-use self-storage facilities may be used in lieu of wall signs and:

(a) Are limited to no more than 10% of the business façade frontage for each associated principal use.

(b) Shall maintain a vertical clearance of at least eight feet, and no more than 18 feet, from the adjacent sidewalk, drive area or other adjacent ground.

4. The ARC shall review proposed signage plans for mixed-use self-storage facilities and shall make a recommendation to the planning commission on the design compliance of the signage as it relates to:

(a) Consistency with existing signage in the district where the facility is located.

(b) Consistency with the design intent of the facility as it relates to materials, colors and placement on buildings and in landscaped areas.

D. No resident manager apartment shall be allowed in mixed-use self-storage facilities unless at least 50% of secondary uses are residential.

E. No outside storage of vehicles, boats, motor homes, RVs or any other materials or equipment shall be allowed

at or around any mixed-use self-storage facility.

F. Commercial moving truck rentals shall be prohibited at mixed-use self-storage facilities. A mixed-use self-storage facility shall be allowed to have no more than two private moving trucks owned and operated by the facility and available to the renters of units within the facility only. Moving trucks meeting the above regulation shall be stored out of sight of the public way.