

**Section 21-03.02 MU Mixed Use District.**

Intent - The MU Mixed Use *District* is established to promote the development of the a dense urban village environment. The regulations are intended to encourage all the elements of a traditional urban village, including: storefront retail; professional offices; and, *dwelling units* located either in townhouse developments or in the upper stories of mixed-use *buildings*. The *development standards* in this *district* are designed to: encourage a pedestrian oriented design throughout the *district*; and, maintain an appropriate pedestrian scale, massing and relationship between *buildings* and *structures* within the *district*.

(a) ***Permitted Uses.***

(1) ***Primary Uses.***

- (A) **Clothing Service**: Including but not limited to: Costume Rental; Dressmaking; Dry Cleaning and Laundry Establishment; Millinery (Fabric) Shop; Self-service Laundry; Shoe Repair Shop; Tailor and Pressing Shop; Tuxedo Rental.
- (B) **Educational Uses**: Including but not limited to: *Child Care Center*; *Child Care Ministry*; *Cottage School*; Public Library; School – Commercial, Trade or Business.
- (C) **Food Sales and Service**: Including but not limited to: Bakery – Retail; *Cabaret – Family*; Convenience Store; Dairy Bar – Retail; Delicatessen; Farmers Market; Grocery; Ice Cream Store – Retail; *Restaurant – Fast Food* (without drive-in or drive-through); *Restaurant – Family*; *Restaurant – Family, with Lounge*; Yogurt Store – Retail.
- (D) **Governmental Use**: Including but not limited to: Governmental Offices; Post Office – without outside parking of delivery vehicles.
- (E) **Miscellaneous**: Including but not limited to: *Bed & Breakfast*; Bus Station; Clinic (medical, dental or optometrists); *Cottage Business / Residential*; Electrical / Electronics Repair.
- (F) **Office / Professional Services**: Including but not limited to: Architect; Artist; Bank Machines - Walk-up; Construction Companies (office only); Consultant; Contractors (office only); Dentist; Design Services; Engineer; Financial Institution; Insurance Agent; Lawyer; Musician; Physician; Pharmacist; Photographic Studio; Professional Offices; Real Estate Office; Travel Agency.
- (G) **Personal Service**: Including but not limited to: Barber Shop; Beauty Shop.

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- (H) Public Facilities: Including but not limited to: Community Center; Funeral Home; Mortuary; *Neighborhood Recycling Collection Point*; Public or Private *Park – Active or Passive*; *Religious Use*. (Ord. No. 9653-06)
- (I) Recreation: Including but not limited to: Aerobics Studio; Dance Studio; Gymnastics Studio; Theater – Indoor. (Ord. 9760-07)
- (J) Residential: Including but not limited to: *Dwelling Unit* – upper level; *Dwelling Unit* – first floor with business; *Multifamily Dwelling*; *Two Family Dwelling* (see Section 21-03.02 (b) (14) for applicable *development standards*).
- (K) Retail: Including but not limited to: Antique Shop; Apparel Shop; Art Gallery; Arts and Craft Store; Bicycle Sales and Service; Camera Store; Card Shop; Clock Shop; Coin and Stamp Shop; Computer Store; Drug Store; Flower Shop; Frame Shop; Gift Shop; Hobby Shop; Toy or Game Shop; Jewelry Store; Music Store; Newsdealer; Shoe Store; Stationery and Book Store; Video Store.

\* = *Controlled Use*. See Section 21-08.02 – Special Regulations for Controlled Uses for additional requirements.

(2) *Special Exception Uses*.

- (A) Food Sales and Service: Including but not limited to: *Bar* \*; *Cabaret – 21 and Over* \*; *Manufacturing Retailers*; *Nightclub* \*; *Restaurant – Drive In*; *Restaurant – Drive Through*; *Tavern* \*.
- (B) Government Use: Including but not limited to: Fire Station; Municipal / State Road Maintenance Facility; Police Station; Post Office – with outside parking of delivery vehicles.
- (C) Miscellaneous: Including but not limited to: *Artificial Lake*; Conference Center; *Motel*.
- (D) Public Facilities: Including but not limited to: Cemetery – with or without Crematory, Funeral Home, Mausoleum or Mortuary; *Parking Garage*; Parking Lot – Commercial. (Ord. NO. 9653-06)
- (E) Recreation: Including but not limited to: *Amusement Arcade* \*; Banquet Hall; Billiard Hall \*; *Country Club*; Fairgrounds; Fraternal Organization; *Golf Course*; Golf Driving Range; Lodge; Private Club; Social Club; Swimming Pool - private or public. (Ord. NO. 9760-07)
- (F) Residential: Including but not limited to: *Group Residences*.

- (G) Retail: Including but not limited to: Liquor Store; Tobacco Store.
- (H) Utilities: Including but not limited to: Electricity Relay Station; Public Utility Substation; Pumping Stations; Water Towers.

\* = *Controlled Use*. See Section 21-08.02 – Special Regulations for Controlled Uses for additional requirements.

- (3) Accessory Uses – See Section 21-03.11 (a) – Accessory Uses, Buildings and Structures.
- (4) Temporary Uses – See Section 21-03.11 (b) – Temporary Uses, Buildings and Structures.
- (5) Home Occupations – See Section 21-03.11 (c) – Home Occupations.

**(b) Development Standards.**

- (1) Minimum Lot Width and Frontage - each lot or integrated center shall have a minimum lot width and frontage on a public street of 30 feet.
- (2) Yards and Building Setbacks
  - (A) Front - a front yard and building setback measured from the greater of the proposed right-of-way or existing right-of-way shall be provided as follows:

	<u>Minimum</u>	<u>Maximum</u>
Limited Access Highway:	50'	NA
All other Streets:	5'	20'

Provided, however, on all streets except limited access highways, building placement shall be in compliance with the following regulations:

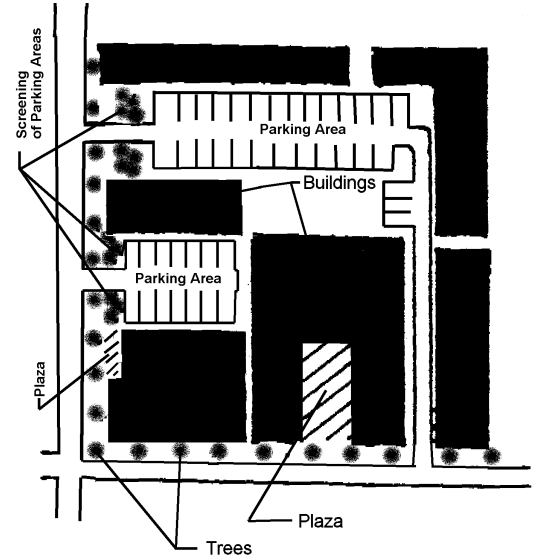
- i. For sites containing one building – in elevation view from the street frontage, at least fifty percent (50%) of the length of the façade of the building facing a street shall be located at or between the minimum setback and the maximum setback;
- ii. For sites containing multiple buildings – in elevation view from the street frontage, at least fifty percent (50%) of the visible façades of the buildings facing a street shall be located at or between the minimum setback and the maximum setback; and,
- iii. parking areas and interior access drives shall not be located in front of the maximum setback.

- (B) *Minimum Side Yard and Setback* – The *minimum side yard and setback* for all *integrated centers* and *single use sites* shall be as follows:
- i. *Minimum Side Yard* – zero (0) feet, provided, however, if a *side yard* is provided along a *side lot line* not abutting an *alley*, such *setback* shall not be less than five (5) feet.
  - ii. *Minimum Side Residential Bufferyard* – fifteen (15) feet.
- (C) *Minimum Rear Yard and Setback* – The *minimum rear yard and setback* for all *integrated centers* and *single use sites* shall be as follows:
- i. *Minimum Rear Yard* – ten (10) feet
  - ii. *Minimum Rear Residential Bufferyard* – fifteen (15) feet
- (D) *Minimum Yards for Out Lots* - All *lots* which are part of an *integrated center* shall be considered *out lots*. *Out lots* within an *integrated center* shall not be required to provide a *minimum side yard* or *minimum rear yard* along *lot lines* in common with other *out lots*. If any portion of an *out lot* abuts the perimeter of an *integrated center*, that portion of the *out lot* shall be required to comply with the applicable *minimum front yard*, *minimum side yard* or *minimum rear yard* requirements set forth above.
- (3) Use of *Minimum Yards* and *Residential Bufferyards*

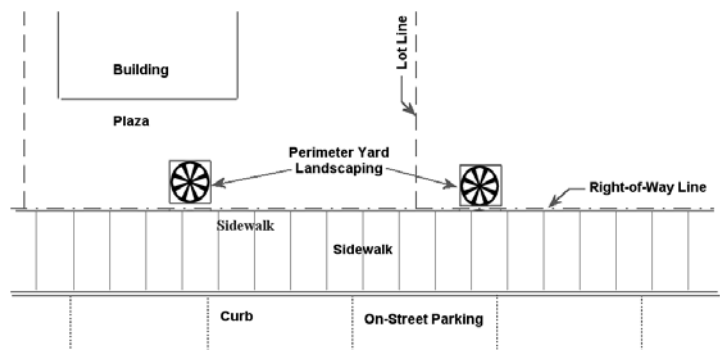
All *minimum yards* and *Residential Bufferyards* shall be landscaped in compliance with the requirements for perimeter *yard* landscaping as set forth in Section 21-07.01 – Landscape Regulations of this Ordinance and shall remain free from *structures* except where expressly permitted below:

- (A) *Minimum Front Yards* –
- i. along *limited access highways* – may include: *parking areas*, *loading areas*, *interior access drives*, or *interior access driveways*, provided that no portion of such area may be located closer to the *right-of-way* than fifteen (15) feet; or, *signs* as regulated by Section 21-07.03 – Sign Regulations of this Ordinance, and shall be otherwise maintained as *open space* free from *buildings* or *structures*;
  - ii. along all other *streets* – may include: *driveways*; or, *signs* as regulated by Section 21-07.03 – Sign Regulations of this Ordinance, and shall otherwise be developed as *plazas* in compliance with the following requirements:

- a. shall be located adjacent to a *building*;
- b. shall be surfaced with concrete, brick or other form of hardsurface paver appropriate for the proposed development, except for those areas used for trees, foundation landscaping, lawn area or planters;
- c. shall maintain surface areas at a slope of less than 3%, surface areas may be stepped, where appropriate, as necessary to accommodate natural topography; and,



Plaza Location and Street Frontage Landscaping



Example of Tree Placement along Street Frontage

- d. the *street frontage* portion of the *plaza* perimeter shall include shade or ornamental trees planted with a maximum spacing of forty (40) feet on-center. If *street* trees have already been installed on an abutting lot, the on-center spacing shall be measured from the existing *street* trees. Overall *street* tree location within each MU *District* shall

begin in any block with a measurement from the edge of the nearest clear site area.

- (B) Minimum Front *Residential Bufferyards* - may include: *driveways*; or, *signs* as regulated by Section 21-07.03 – Sign Regulations of this Ordinance, and shall otherwise be maintained as *open space* free from *buildings* or *structures*;
  - (C) Minimum *Side and Rear Yards* – may include *driveways, interior access driveways, parking areas, loading areas, walkways* or other pedestrian way connections to adjoining *lots*, provided that the remainder of said *yards* shall be maintained as *opens space* free from *buildings* or *structures*;
  - (D) Minimum *Side and Rear Residential Bufferyards* – may include *walkways* or other pedestrian way connections to adjoining residential areas provided that the remainder of said *yards* shall otherwise be maintained as *open space* free from *buildings* or *structures*.
- (4) *Building Height*:
- (A) Minimum Front Facade Height – in the elevation view from the *street frontage*, twenty-two (22) feet.
  - (B) Maximum *Building Height* – Forty (40) feet; not to exceed three (3) stories.
- (5) Maximum *Gross Floor Area*:
- (A) For any use listed under the following headings, no single use, whether free-standing or contained in an *integrated center*, shall exceed eight thousand (8,000) square feet of *gross floor area*:

<u>Clothing Service</u>	<u>Personal Services</u>
<u>Food Sales and Service</u>	<u>Recreation</u>
<u>Miscellaneous</u>	<u>Retail</u>
  - (B) For any use listed under the following headings, no single use, whether free-standing or contained in an *integrated center*, shall exceed fifty thousand (50,000) square feet in *gross floor area*:

<u>Educational Use</u>	<u>Public Facilities</u>
<u>Governmental Use</u>	<u>Residential</u>
<u>Office / Professional Services</u>	<u>Utilities</u>

- (6) Landscaping – See Section 21-07.01 – Landscape Regulations.
- (7) Lighting – See Section 21-07.02 – Lighting Regulations.
- (8) *Signs* – See Section 21-07.03 – Sign Regulations.
- (9) Parking – See Section 21-07.04 – Off-Street Parking Regulations; provided, however, a *single use site* or *integrated center* in the MU District may include *on-street parking* located immediately adjacent to the *single use site* or *integrated center*, if such adjacent *on-street parking* is approved by the Board of Public Works and the design of the *on-street parking* is approved by the Board of Public Works. If *on-street parking* is provided, the amount of *off-street parking* required by this Ordinance for the *single use site* or *integrated center* shall be deemed to be reduced by the number of *on-street parking spaces* provided immediately adjacent to the *single use site* or *integrated center*.
- (10) Loading – See Section 21-07.05 – Off-Street Loading Regulations.
- (11) *Greenway* Connection Required – If the *lot* abuts any portion of a *greenway*, a direct linkage from the *project* to such *greenway* shall be provided.
- (12) Outdoor Operations - All uses and operations (except *off-street parking*, *off-street loading* and delivery and walk-up customer service windows) shall be conducted completely within enclosed *buildings*, except where expressly permitted below:
  - (A) Outdoor seating for restaurants provided that such outdoor seating:
    - i. shall not be located in any *street right-of-way*;
    - ii. shall be permitted only along the business' tenant bay or storefront façade; and,
    - iii. shall not block an entrance or exit to or from the business or *building*;
  - (B) *Outdoor display* or sales of merchandise:
    - i. shall not be located in any *street right-of-way*;
    - ii. shall be located against the *building* façade;
    - iii. shall be permitted only along the business' tenant bay or storefront façade;
    - iv. shall not block an entrance or exit to or from the business or *building*;

- v. shall not exceed ten percent (10%) of the *gross floor area* of each non-related and separately operated use;
  - vi. shall be permitted only during the hours of operation of the business and shall be removed at the close of each business day;
  - vii. merchandise displayed or sold shall be merchandise normally found within the on-premise business. (Ord. No. 9653-06)
- (C) Walk-up customer service windows or Automated Teller Machines (ATM's), provided that such facilities are not free-standing and are set flush with the façade of the *building*.
- (D) Vending machines - provided that vending machines:
- i. shall abut the exterior wall of the *building* ; and,
  - ii. shall not be located in a required *yard* or required *Residential Bufferyard*.
- (13) Architecture:
- (A) Additions to Existing *Buildings*: All additions to existing *buildings* shall utilize *building materials* that are compatible and harmonious with the materials used on the existing *building*.
- (B) Exterior Renovations, Major Additions and *Accessory Buildings*: Exterior renovations, major additions and *accessory buildings* to existing *buildings* or facilities are encouraged to comply with the provisions in sub-Section (C), below, for new construction, however, the minimum requirement for exterior renovations, major additions and accessory buildings shall be the same as in sub-Section (A), above, for additions to existing *buildings*.
- (C) New Construction: In order to create variation and interest in the built environment, all new primary *buildings* shall comply with one (1) of the following two (2) sets of architectural regulations regarding *building material* and architectural features on each facade visible from a *public street*:
- i. All brick (excluding window, display window, door, roofing, fascia and soffit materials), provided that the brick used on each applicable facade shall include:
    - a. at least two (2) architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.); or,

- b. at least two (2) colors of brick, with the secondary color constituting a minimum of ten (10) percent of the façade (excluding windows, display windows, doors, roofing, fascia or soffit materials); or,
  - ii. Two (2) or more *building materials* (excluding window, display window, door and roofing materials), provided:
    - a. *Primary Building Material*: The primary *building material* shall be either: brick; stone (limestone, granite, fieldstone, etc.); architectural pre-cast concrete, if the surface looks like brick or stone; or, exterior insulation and finish system (E.I.F.S.) or equivalent, and shall constitute a minimum of fifty (50) percent of each applicable façade.
    - b. *Secondary Building Material*: The secondary *building material* shall constitute a minimum of ten (10) percent of the façade. Glass curtain wall or a faux window (not intended for use as a window or display window) may qualify as a secondary *building material*.
    - c. *Architectural Features*: In addition, the exterior *building material* selection shall be supplemented with the use of multiple colors, textures (e.g., rough, smooth, striated, etc.) or architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each facade visible from a *public street*.
- (14) *Development Standards for Two Family Dwellings.*

Notwithstanding anything in this MU *District* to the contrary, a *two family dwelling* shall be subject to the applicable *development standards* of the SF2 *District*.