

Sec. 17-22.8.3. - "MU-90" Mixed-Use Ninety District regulations.

- (a) *Use.* The MU-90 District is intended to provide a planning, regulatory, and management framework for the design, development and operation of urban mixed-use centers which promote social interaction, community identity and efficient use of land and resources. The MU-90 District should also support and encourage a variety of transportation options, including transit, bicycles and walking. The zoning district is applicable primarily to large undeveloped properties where higher density residential and commercial uses are appropriate. An application for MU-90 zoning must represent a site containing a minimum of 90 acres.

Uses may include, but are not limited to:

- (1) Department stores and similar retail stores.
- (2) Professional service offices, such as doctors, attorneys, architects, engineers, real estate, insurance and veterinarian clinics with no outside runs.
- (3) Restaurants, including those with outdoor seating areas.
- (4) Multifamily dwellings (for sale or for rent units) and single-family attached dwelling units (townhouses).
- (5) Grocery stores.
- (6) Video rental stores, movie theaters and other indoor amusements.
- (7) Barber and beauty shops.
- (8) Book, card, gift and stationary stores.
- (9) Dry cleaning and laundry services.
- (10) Florists.
- (11) Day nurseries.
- (12) Hotels.
- (13) Automobile parking structures.
- (14) Church worship facilities.
- (15) Buildings and uses owned or operated by public governmental agencies.
- (16) Other retail, office and service uses of a similar nature, provided that the business supplies the everyday needs of the immediate neighborhood and is subject to the following conditions:
  - a. The incidental display or sale of merchandise placed on private sidewalks in front of the store selling the merchandise shall be allowed during store operating hours. Uses involving overnight outside display of merchandise shall be prohibited except for seasonal sales for periods not to exceed 30 consecutive days and a maximum aggregate of 60 days per year (i.e., Christmas tree sales and sidewalk sales).
  - b. Outside storage is prohibited.

- c. Platted front and side yards shall not be used for storage of merchandise, equipment, or waste containers, except as noted in subsection (a)(16)a., above.
  - d. The use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance.
  - e. Only residential uses shall be allowed in multifamily dwelling units and townhouse units except commercial uses qualifying as a home occupation.
- (17) Temporary buildings for uses incidental to construction work on the premises. Such buildings shall be removed upon the completion or abandonment of construction work.
- (18) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.
- (19) Bed and breakfast (SUP required).
- (20) Private utility plants or sub-stations (including alternative energy) (SUP required).
- (21) Brewery, distillery or winery.
- (22) Hotels, motels and inns with rooms containing a cooktop or oven (SUP required).
- (b) *Height.* There shall be no maximum height restriction except as required by the building and fire codes.
- (c) *Area.*
  - (1) *Size of yards.*
    - a. *Front yard.* There shall be a front yard having a minimum depth of five feet except that a setback of not less than 25 feet shall be provided adjacent to a state or federal highway.
    - b. *Side yard.* A side yard of not less than five feet shall be provided on the side of a lot adjoining a side street, except that a setback of not less than 25 feet shall be provided adjacent to a state or federal highway, otherwise no side yard setback is required.
    - c. *Rear yard.* No rear setback is required except that a setback of not less than 25 feet shall be provided adjacent to a state or federal highway.
- (d) *Multifamily use.*
  - (1) *Minimum dwelling size.* The floor area of any multifamily dwelling unit shall contain a minimum of 500 square feet of livable floor space, but units within any single building must contain an average of 650 square feet of livable floor space, excluding garages, porches, breezeways, common entry halls or common storage.
- (e) *Single-family attached (townhouse) use.*
  - (1) *Minimum dwelling size.* The floor area of each townhouse unit shall contain a minimum of 1,200 square feet of livable floor space, exclusive of garages, porches, breezeways, common entry halls or common storage.
  - (2) *Size of lot.*

- a. *Lot area.* No townhouse shall be constructed on any lot less than 1,700 square feet per dwelling unit.
  - b. *Lot width.* The width of a lot shall not be less than 20 feet at any point.
  - c. *Lot depth.* The depth of a lot shall not be less than 75 feet at any point.
- (f) *Concept plan required.*
  - (1) At the time of submitting a request for a change in zoning to mixed-use ninety, the applicant shall include a concept plan for the proposed development. The concept plan is a comprehensive narrative, complete with illustrations, outlining the proposed development in detail. The concept plan shall show the applicant's intent for the use of the land within the proposed zoning district in a graphic manner and as may be required, supported by written documentation of proposals and standards for development.
  - (2) As part of the zoning ordinance adoption process, the planning and zoning commission shall recommend and the city council shall approve the concept plan, which shall be attached to and included as part of the ordinance.
  - (3) The concept plan shall include, and is not limited to the following:
    - a. Thoroughfares and access;
    - b. Preliminary lot layout;
    - c. Size, type and location of buildings, including:
      - i. Building size;
      - ii. Height of buildings; and
      - iii. Number of stories of buildings;
    - d. Density;
    - e. Total number of dwelling units;
    - f. Total square feet of nonresidential uses;
    - g. Screening;
    - h. Concept landscape plan;
    - i. Lighting plan;
    - j. Building elevations in color (one set);
    - k. Exterior finish material and architectural character;
    - l. Total square feet of open space;
    - m. Amenities;
    - n. Phasing plan;
    - o. Project scheduling;
    - p. Items not consistent with the city's general development ordinance;

- q. Requested variances;
  - r. Traffic study (if needed);
  - s. Physical features of the site.
- (4) The plat and engineering site plan shall be substantially consistent with the concept plan approved with the zoning request.
- a. A new zone change request with an amended concept plan will be required for any changes to the concept plan which impact the following:
    - i. the height, number of stories, and size of buildings and other structures;
    - ii. the percentage of a lot that may be occupied;
    - iii. the size of yards, courts, and other open spaces;
    - iv. population density; or
    - v. the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes.
  - b. Changes to the concept plan that do not impact the conditions listed in subsection a., above, may be approved by the planning and zoning commission with an amended concept plan and narrative submittal explaining the conditions for change, with an option to appeal the denial to the city council for a final resolution. Such appeal must be filed within 15 days after the final decision has been rendered by the planning and zoning commission, by filing with the director of planning or his designee a notice of appeal specifying the grounds. The city council shall decide the appeal within a reasonable time.