

#### **Sec. 4.1001. High intensity mixed-use ("MU-2") district.**

A. *Purpose and intent.* It is the purpose and intent of the high intensity mixed-use ("MU-2") district to provide areas in which a variety of higher density housing types exist among commercial, institutional, and selected light industrial uses.

B. *Uses.* In the high intensity mixed-use ("MU-2") district, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, nor shall a certificate of occupancy be issued, except in accordance with the use table in Chapter 4, Article 8, and the supplemental standards of Chapter 5.

In the high intensity mixed-use ("MU-2") district, residential, commercial and institutional uses may occupy the same building and lot. All projects must comply with the mix of use requirements described in section 4.1001.E.1.

C. *Property development standards.* In the high intensity mixed-use ("MU-2") district, the dimension of yards, the maximum height of buildings, the maximum residential density, and the required open space shall be as follows:

1. *General yard development standards:* Development shall be exempt from chapter 6, article 1, sections 6.101 B., 6.101 C., 6.101 E., and 6.101 F.

2. *Front yard:* 20 feet maximum setback, with the following provisions:

a. Any portion of a building above 60 feet in height must be set back at least 20 feet from the front property line.

b. *Campus developments:* Interior buildings constructed as part of a campus development may be set back from the property line more than 20 feet if at least 50 percent of the public street frontage on each block face within the development contains buildings within the maximum setback of 20 feet. Interior buildings set back farther than 20 feet may not be constructed unless and until this 50 percent requirement has been satisfied.

c. Buildings may exceed the maximum 20-foot setback if angled, perpendicular, or parallel parking on private property meets the conditions of section 4.1001.D.1.f. In these situations, the front yard setback shall be measured from the front of the parking space instead of the property line, and the setback shall be no greater than 20 feet and

3. *Rear yard:* Five feet minimum setback.

4. *Side yard:* Setbacks are required when an abutting property with an existing building has windows facing to the side. Then, any new development or addition shall provide at least ten feet of separation between the existing and new building.

*Note:* Additional setback conditions are included in D. Other Development Standards.

5. *Maximum height.*

a. 60 feet, or five stories, whichever is less; or

b. 120 feet or ten stories, whichever is less, if:

i. Residential uses constitute 20 percent or more of a building's gross floor area, and

ii. Office, eating and entertainment, and/or retail sales and service use constitute ten percent or more of the building's gross floor area.

*Note:* Development in the High Intensity Mixed-Use ("MU-2") District is exempt from section 6.100. Building height for all uses shall be measured from the top of the finished slab at grade level to the top of the highest wall top plate. An unroofed and unenclosed rooftop terrace, and the enclosed stairwell or elevator providing access to the terrace, shall not be included in the measurement of total building height, as described in section 6.100.5. Stealth telecommunication towers are permitted to a height of 90 feet. The scenic preservation and design review commission must approve the design of all stealth telecommunication towers. Telecommunication towers are permitted to a height of 75 feet as a special exception approved by the board of adjustment.

*Note:* Development in the high intensity mixed-use ("MU-2") district is exempt from section 6.100. Building height for all uses shall be measured from the top of the finished slab at grade level to the top of the highest wall top plate.

6. *Maximum residential units per acre:* 60; or

No limit if the project includes office, eating and entertainment, and/or retail sales and service uses that constitute at least ten percent of gross floor area.

7. *Open space:* Open space shall constitute at least:

(1) 20 percent of net land area for single-use residential developments and mixed-use projects in which residential uses constitute greater than 90 percent of gross floor area; or

(2) Ten percent of net land area for commercial, institutional, and industrial uses, and for mixed-use projects which include office, eating and entertainment, and/or retail sales and service uses that constitute ten percent or more of gross floor area.

*Note:* Also see conditions for required landscape areas and bufferyards in chapter 6, article 3, and D. Other Development Standards below.

*Carports/porte cocheres* --Allowed in side, rear and front yard in certain circumstances-- See Sections 5.301D and 6.101A.

*Fences*--Two feet high in public open space easement, eight feet high behind front yard, see Section 5.305 for fence requirements for fences allowed for residential dwellings.

D. *Other development standards.* Development in the high intensity mixed-use ("MU-2") district may be subject to a variety of general development standards in chapter 6, and the following provisions.

1. *Off-street parking and loading.*

a. Townhouses require a minimum of one off-street parking space per dwelling unit, with a maximum of two off-street parking spaces per unit. For uses other than townhouses in the high intensity mixed-use ("MU-2") district, the parking requirements listed in section 6.201B. shall be reduced by the following proportions:

(1) 25 percent reduction for all uses in buildings not within 1,000 feet of an entrance to a passenger rail station, with the maximum number of parking spaces limited to 100 percent of the minimum requirement listed in section 6.201 B.; or

(2) 50 percent reduction for all uses in buildings whose primary entrance is within 1,000 feet of an entrance to a passenger rail station or rail stop, with the maximum number of parking spaces limited to 100 percent of the minimum requirement listed in section 6.201 B.

b. For mixed-use buildings and projects, the total parking requirement shall be the sum of the individual requirements for all uses. A joint use parking agreement, if executed according to the standards set forth in section e. below, would allow a reduction in the total requirement for a mixed-use building or project.

c. The required off-street parking for any use may be located off-site, on property within 500 feet of the subject site.

d. Adjacent on-street parking may be applied toward the minimum parking requirements, but shall not reduce the pertinent maximum parking limitations.

e. Joint use parking facilities are encouraged. Uses may provide more than the maximum number of parking spaces if the additional spaces are provided as part of a joint use parking facility. However, if the joint use parking facility is a surface parking lot, the total number of spaces in the surface lot shall not exceed the sum of the maximum spaces allowed for all individual uses sharing the facility. This limit shall not apply to a multilevel parking garage that is used as a joint use facility. Joint use of required parking spaces may occur where two or more uses on the same site or on separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed if the following documentation is

submitted in writing to the development department as part of a building permit application or site plan review:

- (1) The names and addresses of the uses and of the owners or tenants that are sharing the parking;
- (2) The location and number of parking spaces that are being shared;
- (3) An analysis showing that the peak parking demands for the different uses occur at different times, and that the parking area will supply at least the minimum number of required spaces for each use during its respective peak parking times; and
- (4) A legal instrument such as an easement or deed restriction that guarantees access to the joint parking for all uses.

f. Surface parking shall not be permitted between a building front and the street.

g. Uses located in historically significant buildings shall be exempt from off-street parking requirements. For the purposes of this exemption, historically significant buildings shall include those determined by the historic preservation officer to be eligible, based on the applicable criteria, for:

- (1) Listing in the National Register of Historic Places; or
- (2) Local designation as either historic and cultural landmark ("HC") or highly significant endangered ("HSE").

h. These requirements supersede the parking requirements of section 6.201 B. All other requirements of chapter 6, article 2 apply.

2. *Landscaping and buffers.* The requirements of chapter 6, article 3 apply, with the following provisions.

a. *Bufferyard and supplemental building setback.*

(1) For the purposes of this section, the high intensity mixed-use ("MU-2") district shall be considered a nonresidential district.

(2) A bufferyard and supplemental building setback are not required between the boundary of a one- or two-family development within the high intensity mixed-use ("MU-2") district and an adjacent one- or two-family district.

(3) All uses, other than one- or two-family adjacent to one- and two-family districts, shall conform to the supplemental building setback and bufferyard width standards required for the neighborhood commercial ("E") district, as described in section 6.300 C. Area Requirements. In addition, a transitional height plane of 45 degrees shall apply to portions of a building above 45 feet or three stories, whichever is less. Any portion of a building above 45 feet or three stories, whichever is less, shall be set back so that the building does not encroach the transitional height plane; i.e. the portion of a building above 45 feet or three stories must be set back an additional foot for each additional foot in height. This standard is illustrated in Figure 2. These supplemental building setback and transitional height plane requirements shall not apply to buildings adjacent to one- or two-family districts that serve as public open space, such as parks and drainage ways.

*Note:* Section 8 of this ordinance amends the table in section 6.300 C. to reflect this standard.

**GRAPHIC LINK:**[Figure 2: MU-2](#)

b. *Landscaping.*

(1) *Submittal of landscape plan.* The location and description of decorative paving, sidewalk furniture or other decorative elements, if any, shall be indicated on the landscape plan.

(2) *Landscape area required.* When there is a front yard setback of at least five feet, front yard landscaping is required for areas outside of ground level encroachments. This front yard landscaping must adhere to the tree and shrub planting requirements of section 6.301 H. as well as other applicable landscaping requirements described or referenced within the MU-2 regulations. Street trees planted in the parkway abutting the

property may be credited towards the tree planting requirement described in section 6.301 H. if the property owner assumes responsibility for their maintenance through formal agreement with the parks and community services department. This credit is applicable to properties with or without required front yard landscaping. Multifamily and mixed-use developments shall conform to the requirements of commercial and institutional uses in section 6.301 H.

(3) *Irrigation.* An irrigation system shall not be required if the landscape plan demonstrates that use of drought resistant plants does not require irrigation. Trees shall require an irrigation system, regardless of species, and the irrigation system may be provided entirely within the property boundary.

(4) *Miscellaneous requirements.* Sections 6.301 J.3. and 6.301 J.4. shall not apply. In addition to required trees and shrubs, all of the required landscape area must be covered with grass, organic mulch, live groundcover, decorative paving, sidewalk furniture or other decorative elements.

(5) *Exemptions from landscape requirements.* Section 6.301 G.3. shall not apply. Construction and expansion of multifamily and mixed-use developments within the MU-2 districts are not subject to the unified residential development provisions set forth in section 6.506, except for 6.506 H., but are subject to the landscaping requirements described and/or referenced within the MU-2 regulations, which include provisions of the landscape ordinance.

c. *Landscaping in parking and driveway areas.*

(1) Landscape islands shall be required in parking lots with 12 or more parking spaces. The total area of landscape islands shall equal at a minimum five square feet per parking space.

(2) Parking lots shall be screened from the public right-of-way with landscaping, berms, fences or walls 36 to 42 inches in height.

(3) Driveways that are located adjacent and parallel to a public right-of-way shall be screened from the public right-of-way with landscaping, berms, fences, or walls 36 to 42 inches in height.

3. *Signs.* Sign requirements included in chapter 6, article 4 for the light industrial ("I") district shall apply to the high intensity mixed-use ("MU-2") district, with the following exceptions:

a. Pole signs are not allowed; and

b. The maximum aggregate area for attached signs as described in section 6.404 E. shall be 200 square feet per facade; and

c. Permitted detached signs shall be monument style and shall be limited to eight feet in height.

4. *Residential design standards.*

a. For townhouses and other one- and two-family residential development, the "MU-2" property development standards of section 4.1001.C. shall apply, with the exception of maximum residential units per acre and maximum height. For townhouses and other one- and two-family development, the maximum residential units per acre shall be 24, and the maximum building height shall be 45 feet or three stories, whichever is less.

b. Multifamily development and mixed-use projects are exempt from the requirements of section 6.506 unified residential development except section 6.506 H., which lists spacing requirements for projects consisting of multiple buildings. Section 6.506 H. shall apply to all multifamily development and to mixed-use projects in which the residential uses constitute greater than 90 percent of gross floor area.

c. The following requirements are applicable to open space in multifamily developments and mixed-use projects in which the residential uses constitute greater than 90 percent of gross floor area:

(1) Rooftop terraces and other common spaces may be included as part of the required open space.

(2) No space or area less than six feet in any dimension shall be counted as open space.

5. *Outdoor storage or display.* Outdoor storage or display requirements for the intensive commercial ("G") district shall apply to the high intensity mixed-use ("MU-2") district.

6. *Entrances.* A principal building must have its main entrance from a public sidewalk or plaza.

E. *Administrative review requirements.*

1. *Conceptual land use plan.* Developers of projects equal to or larger than three acres in size shall submit a conceptual land use plan for approval by the development director. The conceptual land use plan must be approved before a building permit application is accepted by the development department. The development director may require a conceptual land use plan for a project smaller than three acres if the project is part of a development equal to or larger than three acres in size.

a. The conceptual land use plan shall illustrate the proposed location of land uses on the site, using the following land use categories:

- One- or two-family residential;
- Multifamily residential;
- Commercial;
- Institutional;
- Mixed-use buildings (a mix of residential and non-residential within the same building, meeting the percentage requirements defined in section 4.1001.C.5.b); or
- Public park.

Parking facilities and private open spaces shall be classified the same as the primary land use they serve.

b. *Project test.* The conceptual land use plan shall show that the proposed project includes uses within at least two of the land use categories, and that no land use category other than mixed-use buildings occupies greater than 66 2/3 percent of the total land area. The land use area percentages shall be calculated using property information obtained from the applicable tax appraisal district. If a development does not comply with this test, then the vicinity test described below shall apply.

c. *Vicinity test.* Developments in which a single land use other than mixed-use buildings exceeds 66 2/3 percent of the site's total land area are permitted if:

i. The development director determines that the following conditions are satisfied:

a) The proposed land use at any location within the proposed development site must be within a walking distance of 1,000 feet of a different land use, as measured by the shortest pedestrian route, and

b) The percentage of any single land use category other than mixed-use buildings within a 1,000-foot radius of any location within the proposed development site shall not be greater than 66 2/3 percent of the land area within the radius. The proposed development shall be included in the calculation of this percentage.

Or

ii. The development director determines that the developer has demonstrated that unique site conditions (e.g. adjacency to natural features, highways, freight yards, etc.) make compliance with the conditions of section i. above impractical in certain areas of the development site.

2. *Conceptual site plan.* In order to facilitate compliance with the mixed-use zoning standards, developers shall submit a conceptual site plan to the development department for administrative review prior to submittal of permit applications for new

construction projects. The site plan shall show the anticipated location of proposed streets, sidewalks and walkways, building footprints, parking areas, landscaped areas and features, and open space.

(Ord. No. 14556, § 5, 3-20-01; Ord. No. 15283, § 10, 10-8-02; Ord. No. 15285, §§ 2, 4, 6, 10-8-02; Ord. No. 15927, § 2, 3-23-04; Ord. No. 15978, § 2, 5-13-04; Ord. No. 16330, §§ 2, 4, 10, 3-8-05)