Article XXI-D.
MU Mixed Use District Regulations

Sec. 01. Intent.

The purpose of the Mixed Use District is to encourage the redevelopment of substandard and marginal properties into economically viable land uses and to reduce the concentration of multifamily units in areas previously zoned for apartment purposes only.

(Ord. No. 3038-A, § 1, 8-28-95)

Sec. 1. Use regulations.

In the MU Mixed Use District, no land shall be used and no building shall be erected for or converted to any use other than:

(a) *Retail uses:*

(1) Antique shop.

(2) Art gallery.

(3) Bakery.

(4) Barber or beauty salon.

(5) Book, card or stationery store.

(6) Camera and photographic supply shop.

(7) Catering service.

(8) Clothing or apparel store.

(9) Drugstore or pharmacy.

(10) Fabric store.

(11) Fine arts studio.

(12) Florist.

(13) Furniture, home furnishings and appliance store.

(14) Hardware store.

(15) Health club.

(16) Jewelry store.

(17) Laundry pick-up station.

(18) Mailing service.

(19) Martial arts school.

(20) Motor vehicle parts and accessory sales.

(21) Musical instrument sales and repair.

(22) Office furniture, equipment and supply store.

(23) Pet sales and grooming.

(24) Photography or art studio.

(25) Print shop, minor.

(26) Repair shop, personal items.

(27) Repair shop, household items, no outdoor storage.

(28) Restaurant without drive-through or curb service.

(29) Sporting goods store.

(30) Tailor shop.

(31) Toy or hobby shop.

(32) Video rental store.

(b) *Office uses:*

(1) Bank or financial institution.

(2) Office.

(3) Veterinary office.

(c) *Residential/institutional residential uses:*

(1) Assisted living facility.

(2) Independent living facility.

(3) Nursing/convalescent home.

(4) Residential uses allowed in the A-950-M Apartment District, including single-family detached dwellings, duplexes, patio homes, townhomes and apartments.

(d) *Other uses:*

(1) Church.

(2) Childcare center, subject to the supplemental regulations in article XXII-E and excluding night-time operations.

(3) Construction field office.

(4) Parking lot, accessory.

(5) Public buildings excluding a vehicle impoundment lot, field service center, jail or detention facility.

(6) Radio, recording or television studio.

(7) School, parochial, when located on the same lot as the church of the sponsoring religious agency.

(e) No structure design or intended for residential use shall be used for nonresidential activity, nor shall a combination of residential and nonresidential uses be permitted in any single structure or on any single lot.

(Ord. No. 3038-A, § 1, 8-28-95; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3726, § 2, 9-22-08)

Sec. 2. Building regulations.

All nonresidential buildings, including building for institutional uses as listed above, shall have at least 85 percent of the exterior walls constructed of masonry construction. The remainder of the exterior may be of other noncombustible construction as approved by the building official except cementious stucco.

For multifamily, townhome, duplex, patio home and single-family uses, the building regulations of the appropriate district shall apply as follows:

- Apartment and townhome – A-950-M
- Duplex – D-1400-M
- Patio home – RP-1500-M
- Single-family – R-1500-M

(Ord. No. 3038-A, § 1, 8-28-95; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 3. Height regulations.

For nonresidential uses, including institutional uses, no building or structure shall exceed three stories of up to 40 feet in total height. In no event, however, shall any building or structure exceed one standard story of up to 25 feet in height when located within 150 feet of any property zoned for single-family or duplex purposes.

For all residential uses permitted in the A-950-M District, no building or structure shall exceed two stories of up to 40 feet in total height. In no event, however, shall any apartment building exceed one story of up to 25 feet in height when located within 150 feet of any property zoned for single-family or duplex purposes.

(Ord. No. 3038-A, § 1, 8-28-95)

Sec. 4. Area regulations.

All buildings hereinafter erected, constructed, reconstructed, altered, repaired or used in this district shall provide setbacks as follows:

(a) *Front yard:*

(1) For all nonresidential uses, including institutional uses – 40 feet. Within this front yard area, a landscape strip a minimum of ten feet in width shall be provided adjacent to any street. Within the ten-foot landscape strip, the developer shall install, and all subsequent owners shall maintain, plant materials as follows:

A minimum of one canopy tree and one ornamental tree shall be required for every 50 lineal feet of street frontage, generally as indicated on the attached exhibit labeled “Mixed Use District, Landscape Buffer (Adjacent to Street)”. In addition, evergreen shrubs, which shall reach a minimum height of 30 inches, shall be installed to buffer any parking areas adjacent to a street.

Plants shall be selected from the “recommended plant list”, attached hereto and made a part of this ordinance.

(2) For all residential uses permitted in the A-950-M District, the requirements of the appropriate zoning district shall apply as follows:

- Apartment – A-950-M
- Duplex – D-1400-M
- Patio home – RP-1500-M
- Single-family – R-1500-M
- Townhome – RA-1100-M

(3) For properties developed as apartments, the 30-foot front yard setback shall be landscaped, at a minimum, with materials of the same type and in the same quantities as for nonresidential and institutional uses, except that a berm at least three feet in height may be substituted for all or a portion of the required evergreen shrubs.

(b) *Side yard:*

(1) For nonresidential uses, including institutional uses – 25 feet, except where the side of a nonresidential development abuts on a single-family or duplex district, a 50-foot setback, exclusive of alley right-of-way, shall be required. This setback shall include a minimum eight-foot landscape strip adjacent to the required screening wall on the common property line between the residential and nonresidential uses and shall be measured from the face of the wall. Within this strip, the developer shall install, and all subsequent owners shall maintain, plant materials as follows:

A minimum of one canopy tree; or three ornamental trees; or an evergreen hedge which will reach a minimum height of 10 feet; or a combination thereof, shall be required for every 30 lineal feet along the side property line.

Plants shall be selected from the “recommended plant list”, attached hereto and made a part of this ordinance.

(2) For apartment uses – 15 feet, except where the side of an apartment development abuts on a single-family or duplex district, a 50-foot setback, exclusive of alley right-of-way, shall be required. This setback shall include a minimum eight-foot landscape strip adjacent to the required screening wall on the common property line between the apartment and single-family or duplex uses and shall be measured from the face of the wall. Within this strip, the developer shall install and all subsequent owners shall maintain plant material as follows:

(a) For every 30 lineal feet along the screening wall, one canopy tree or three ornamental trees shall be installed; or

(b) A continuous evergreen hedge which will reach a minimum of ten feet in height shall be installed; or

(c) A combination of canopy trees, ornamental trees and evergreen hedge materials may be used to satisfy the requirements of this section.

Plants shall be selected from the “Recommended Plant List”, attached hereto and made a part of this ordinance.

(3) Where residential uses other than apartments occur, the side yard setback of the appropriate zoning district shall apply as follows:

- Duplex – D-1400-M
- Patio home – RP-1500-M
- Single-family – R-1500-M
- Townhome – RA-1100-M

Where a development sides on a dedicated street, the front yard regulations shall apply to that side yard; provided, however, that the requirements of chapter 16, article IV and V, which are not in conflict with the provisions contained herein, shall apply.

(c) *Rear yard:*

(1) For nonresidential uses, including institutional uses – 25 feet, except where the rear of a nonresidential development abuts on a single-family or duplex district, a 50-foot setback, exclusive of alley right-of-way, shall be required. This 50-foot setback shall be measured from the face of the required screening wall and shall include a minimum eight-foot landscape strip adjacent to the required screening wall on the common property line between the residential and nonresidential uses. Within this landscape strip, the developer shall install, and all subsequent owners shall maintain plant materials as follows:

A minimum of one canopy tree; or three ornamental trees; or an evergreen hedge which will reach a minimum height of ten feet; or a combination thereof, shall be required for every 30 lineal feet along the rear property line.

Plants shall be selected from the “recommended plant list”, attached hereto and made a part of this ordinance.

(2) For apartment uses – 25 feet, except where the rear of an apartment development abuts on a single-family or duplex district, a 50-foot setback, exclusive of alley right-of-way, shall be required. This setback shall include a minimum eight-foot landscape strip adjacent to the required screening wall on the common property line between the apartment and single-family or duplex uses and shall be measured from the face of the wall. Within this landscape strip, the developer shall install, and all subsequent owners shall maintain, plant material as follows:

(a) For every 30 lineal feet along the screening wall, one canopy tree or three ornamental trees shall be installed; or

(b) A continuous evergreen hedge which will reach a minimum of ten feet in height shall be installed; or

(c) A combination of canopy trees, ornamental trees and evergreen hedge materials may be used to satisfy the requirements of this section.

Plants shall be selected from the “recommended plant list”, attached hereto and made a part of this ordinance.

(3) Where residential uses other than apartments occur, the rear yard setback of the appropriate zoning district shall apply as follows:

- Duplex – D-1400-M
- Patio home – RP-1500-M
- Single-family – R-1500-M
- Townhome – RA-1100-M

(d) *Floor area ratio:* For all nonresidential and institutional uses, a maximum floor area ratio of 0.5:1 shall be permitted.

(e) *Residential density:* For multifamily uses, a maximum density of 18 units per acre shall be permitted. For all other residential uses permitted in the A-950-M District, the density regulations of the appropriate zoning district shall apply as follows:

- Duplex – D-1400-M
- Patio home – RP-1500-M
- Single-family – R-1500-M
- Townhome – RA-1100-M

(f) Where a development sides on a dedicated street, the front yard regulations shall apply to that side yard; provided, however, that the requirements of chapter 21, Subdivision and Development, of the Code of Ordinances, which are not in conflict with the provisions contained herein, shall apply.

(Ord. No. 3038-A, § 1, 8-28-95; Ord. No. 3598, § 10, 3-26-07; Ord. No. 3726, § 1, 9-22-08; Ord. No. 3763, § 1, 10-12-09)

Sec. 5. Reserved.

Editor's note: *Ord. No. 3598, § 10, adopted March 26, 2007, repealed § 5, which pertained to site plan approval and derived from Ord. No. 3038-A, § 1, adopted Aug. 28, 1995.*

Sec. 6. Outside storage and display of goods, wares or merchandise.

The outside storage and display of goods, wares and merchandise is prohibited except as specifically authorized herein. Provided further, that the above prohibition shall not be construed to prohibit the following:

- The above limitation shall not apply to storage and display of Christmas trees for a period not to exceed 40 days prior to Christmas each year.
- The above prohibition shall not be construed to prohibit the outside storage and display of newspaper racks.
- The above prohibition shall not be construed to prohibit outdoor seating areas for restaurants.

(Ord. No. 3038-A, § 1, 8-28-95)

Sec. 7. Reserved.

Editor's note: *Ord. No. 3598, § 10, adopted March 26, 2007, repealed § 7, which pertained to landscaping plan approval and derived from Ord. No. 3038-A, § 1, adopted Aug. 28, 1995.*

Sec. 8. Lighting plan approval.

Approval of a lighting plan by the city plan commission shall be required at the time of site plan review for all multifamily, townhome, and nonresidential uses, including institutional uses as described above.

(Ord. No. 3038-A, § 1, 8-28-95)

Sec. 9. General provisions.

(1) An MU District must contain a minimum of three acres.

(2) No building or structure located on the premises which was used for residential purposes prior to zoning the property to MU, may be used for any of the nonresidential or institutional uses allowed herein.

(3) In granting an MU zoning classification, the city council may impose reasonable conditions consistent with the purposes stated in this article.

(Ord. No. 3038-A, § 1, 8-28-95)

End of Article XXI-D