

3.4-11. "MU-B" high intensity mixed use district.

Purpose. The MU-B High Intensity Mixed Use District is intended to provide for a mixture of more intense retail, office, and industrial uses in close proximity to enable people to live, work and shop in a single location. Bed-and-breakfast establishments could also be located in this district. Pedestrian walkways and open areas are desired in order to promote a pedestrian-friendly environment.

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the Land Use Matrix in Section 4 of this Chapter. The allowed uses in the district, which are intended to be identical with those listed in the Land Use Matrix, are as follows

(1) *Uses permitted by right:*

Residential uses:

Accessory building/structure
Bed and breakfast inn (see Sec. 5.6)
Boardinghouse/lodging house
Community home (see definition)
Dormitory (in which individual rooms are for rental)
Hospice

Multifamily (apartments/condominiums – at least five units)
Rental or occupancy for less than one month (see Sec. 5.17)
Residential use in buildings with the following non-residential uses
Townhouse (at least five lots)

Non-residential uses:

Accounting, auditing, bookkeeping, and tax preparations
Adult day care (no overnight stay)
Adult day care (with overnight stay)
Aircraft support and related services
Airport
All terrain vehicle (ATV) dealer / sales
Ambulance service (private)
Amphitheater
Amusement devices/arcade (4 or more devices)
Amusement services or venues (indoors) (see Sec. 5.13)
Amusement services or venues (outdoors)
Animal grooming shop
Answering and message services
Antique shop
Appliance repair
Archery range
Armed services recruiting center
Art dealer / gallery
Artist or artisan's studio
Assembly/exhibition hall or areas
Assisted living facility / retirement home
Athletic fields
Auction sales (non-vehicle)
Auto body repair, garages (see Sec. 5.11)
Auto glass repair/tinting (see Sec. 5.11)
Auto interior shop / upholstery (see Sec. 5.11)
Auto leasing
Auto muffler shop (see Sec. 5.11)
Auto or trailer sales rooms or yards (Sec. 5.12)
Auto or truck sales rooms or yards - primarily new (see Sec. 5.12)

Auto paint shop
Auto repair as an accessory use to retail sales
Auto repair garage (general) (see Sec. 5.11)
Auto supply store for new and factory rebuilt parts
Auto tire repair /sales (indoor)
Automobile driving school (including defensive driving)
Bakery (retail)
Bank, savings and loan, or credit union
Bar/Tavern
Barber/beauty college (cosmetology school)
Barber/beauty shop, haircutting (non-college)
Barns and farm equipment storage (related to agricultural uses)
Battery charging station
Bicycle sales and/or repair
Billiard / pool facility
Bingo facility
Bio-medical facilities
Blacksmith or wagon shops
Book binding
Book store
Bottling or distribution plants (milk)
Bottling works
Bowling alley/center (see Sec. 5.13)
Broadcast station (with tower) (see Sec. 5.6)
Bus barns or lots
Bus passenger stations
Cafeteria / café / delicatessen
Campers' supplies
Car wash (self service; automated)
Car wash, full service (detail shop)
Carpenter, cabinet, or pattern shops

Carpet cleaning establishments
 Caterer
 Cemetery and/or mausoleum
 Check cashing service
 Chemical laboratories (not producing noxious fumes or odors)
 Child day care / children's nursery (business)
 Church/place of religious assembly
 Civic/conference center and facilities
 Cleaning, pressing and dyeing (non-explosive fluids used)
 Clinic (dental)
 Clinic (emergency care)
 Clinic (medical)
 Club (private)
 Coffee shop
 Cold storage plant
 Commercial amusement concessions and facilities
 Communication equipment - installation or repair
 Computer and electronic sales
 Computer repair
 Confectionery store (retail)
 Consignment shop
 Contractor's office/sales, with outside storage including vehicles
 Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
 Convenience store with or without fuel sales
 Country club (private)
 Credit agency
 Curio shops
 Custom work shops
 Dance hall / dancing facility (see Sec. 5.13)
 Day camp
 Department store
 Drapery shop / blind shop
 Driving range
 Drug sales/pharmacy
 Electrical repair shop
 Electrical substation
 Electronic assembly/high tech manufacturing
 Electroplating works
 Engine repair, manufacturing/re-manufacturing
 Exterminator service
 Fair ground
 Farmers market (produce market - wholesale)
 Farms, general (crops) (see Chapter 6, Municipal Code and Sec. 5.9)
 Farms, general (livestock/ranch) (see Chapter 6, Municipal Code and Sec. 5.9)
 Feed and grain store
 Filling station (tanks must be below the ground)
 Florist
 Food or grocery store with or without fuel sales

Food processing (no outside public consumption)
 Forge (hand)
 Forge (power)
 Fraternal organization/civic club (private club)
 Freight terminal, rail/truck (when any storage of freight is outside an enclosed building)
 Freight terminal, truck (all storage of freight in an enclosed building)
 Frozen food storage for individual or family use
 Funeral home/mortuary
 Furniture manufacture
 Furniture sales (indoor)
 Galvanizing works
 Garden shops and greenhouses
 Golf course (public or private)
 Golf course (miniature)
 Governmental building or use with no outside storage
 Greenhouse (commercial)
 Handicraft shop
 Hardware store
 Health club (physical fitness; indoors only)
 Heating and air-conditioning sales / services
 Heavy load (farm) vehicle sales/repair (Sec. 5.14)
 Heliport
 Home repair and yard equipment retail and rental outlets
 Hospital, general (acute care/chronic care)
 Hospital, rehabilitation
 Hotel/motel
 Hotels/motels - extended stay (residence hotels)
 Ice delivery stations (for storage and sale of ice at retail only)
 Ice plants
 Industrial laundries
 Kiosk (providing a retail service)
 Laboratory equipment manufacturing
 Laundromat and laundry pickup stations
 Laundry, commercial (w/o self serve)
 Laundry/dry cleaning (drop off/pick up)
 Laundry/washateria (self serve)
 Lawnmower sales and/or repair
 Leather products manufacturing
 Light manufacturing
 Limousine / taxi service
 Locksmith
 Lumberyard (see Sec. 5.15)
 Lumberyard or building material sales (Sec. 5.15)
 Machine shop
 Maintenance/janitorial service
 Major appliance sales (indoor)
 Manufactured home sales
 Manufacturing and processes
 Market (public, flea)
 Martial arts school
 Medical supplies and equipment

Metal fabrication shop	Recreation buildings (public or private)
Micro brewery (onsite manufacturing and sales)	Recycling kiosk
Mini-warehouse/self storage units (with or without outside boat and RV storage)	Refreshment/beverage stand
Motion picture studio, commercial film	Research lab (non-hazardous)
Motion picture theater (indoors)	Restaurant with drive through
Motion picture theater (outdoors, drive-in)	Restaurant/prepared food sales
Motorcycle dealer (primarily new / repair)	Retail store and shopping center
Moving storage company	Retirement home/home for the aged
Moving, transfer, or storage plant	Rodeo grounds
Museum	RV park
Needlework shop	RV/travel trailer sales
Non-bulk storage of fuel, petroleum products and liquefied petroleum	School, K-12 (public or private)
Nursing/convalescent home/sanitarium	School, vocational (business/commercial trade)
Offices, brokerage services	Security monitoring company
Offices, business or professional	Security systems installation company
Offices, computer programming/ data processing	Sheet metal shop
Offices, consulting	Shoe repair shops
Offices, engineering, architecture, surveying or similar	Shooting gallery - indoor (see Sec. 5.13)
Offices, health services	Shopping center
Offices, insurance agency	Sign manufacturing/painting plant
Offices, legal services - including court reporting	Specialty shops in support of project guests and tourists
Offices, medical offices	Storage - exterior storage for boats and recreational vehicles
Offices, real estate	Storage in bulk
Offices, security/commodity brokers, dealers, exchanges and financial services	Studio for radio or television (with tower) (see Sec. 5.7)
Outside storage (as primary use)	Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)
Park and/or playground (private or public)	Tailor shop
Parking lots (for passenger car only) (not as incidental to the main use)	Tattoo or body piercing studio
Parking structure / public garage	Taxidermist
Pawn shop	Telemarketing agency
Personal watercraft sales (primarily new / repair)	Telephone exchange (office and other structures)
Pet shop / supplies (10,000 sq. ft. or less)	Tennis court (commercial)
Pet store (more than 10,000 sq. ft.)	Theater (non-motion picture; live drama)
Photo engraving plant	Tire sales (outdoors)
Photographic printing/duplicating/copy shop	Tool rental
Photographic studio (no sale of cameras or supplies)	Transfer station (refuse/pick-up)
Photographic supply	Travel agency
Plant nursery	Truck or transit terminal (with outside storage)
Plant nursery (growing for commercial purposes with retail sales on site)	Truck Stop
Plastic products molding/reshaping	University or college (public or private)
Plumbing shop	Upholstery shop (non-auto)
Portable building sales	Used or second hand merchandise/furniture store
Propane sales (retail)	Vacuum cleaner sales and repair
Public recreation/services building for public park/playground areas	Veterinary hospital with or without outside animal runs or kennels) with the exception that outdoor kennels may not be used between the hours of 9:00 p.m. and 7:00 a.m. and are prohibited adjacent to residential
Publishing/printing company (e.g., newspaper)	Video rental / sales
Quick lube/oil change/minor inspection	Warehouse/office and storage/distribution center
Radio/television shop, electronics, computer repair	Waterfront amusement facilities - berthing facilities sales and rentals
Rappelling facilities	

Waterfront amusement facilities - boat fuel storage / dispensing facilities
 Waterfront amusement facilities - boat landing piers/launching ramps
 Waterfront amusement facilities – swimming / wading pools / bathhouses

Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system
 Welding shop
 Wholesale sales offices and sample rooms
 Woodworking shop (ornamental)

Any comparable business or use not included in or excluded from any other district described herein.

- (2) *Conflict.* In the event of conflict between the uses listed in the Land Use Matrix and those listed in Subsection (1), the uses listed in this subsection shall be deemed those authorized in the district.

(b) *Maximum height, minimum area and setback requirements:*

(1) Non-residential uses.

- (i) *Height.* 120 feet.
- (ii) *Front building setback.* No front building setback required.
- (iii) *Side building setback.* No side building setback is required.
- (iv) *Rear building setback.* Five feet minimum with an additional two feet required for each story above 24 feet, up to a maximum setback of 25 feet; there shall be no encroachment or overhangs into this required rear building setback.
- (v) *Residential setback.* Where a non-residential building or a multifamily development of more than three units abuts a one or two family use or zoning district, the setback from the residential property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
- (vi) *Minimum lot area.* The minimum internal lot area shall be 6,000 square feet or 7,000 square feet for a corner lot.
- (viii) *Minimum lot frontage:* 60 feet.
- (ix) *Lot depth.* 100 feet.
- (x) *Parking.* See Section 5.1 for other permitted uses' parking.

(2) Multifamily dwellings.

- (i) *Height.* 120 feet.
- (ii) *Front building setbacks.* 25 feet.
- (iii) *Rear building setback.* 25 feet.
- (iv) *Side building setback.* A side building setback of 20 feet shall be provided. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots.

- (v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (vi) *Parking and accessory uses.* Parking may encroach into the interior side and rear building setback as long as a solid screening fence or wall of six to eight feet in height is erected along the interior side and rear property lines. Accessory uses such as swimming pools, tennis courts and playgrounds will not be permitted within any required yard.
- (vii) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.
- (viii) *Density.* No maximum.
- (ix) *Lot area* 20,000 square feet.
- (x) *Lot coverage.* The combined area of all yards shall not be less than 50 percent of the total lot or tract; provided however, that in the event enclosed or covered parking is provided, the minimum total yard area requirement shall be 40 percent of the total lot or tract.
- (xi) *Distance between structures.* There shall be a minimum of 10 feet between structures side by side; a minimum of 20 feet between structures side by front or rear; a minimum of 40 feet between structures front to front; a minimum of 20 feet between structures backing rear to rear, and a minimum of 20' between structures front to rear. (See Illustration 1)
- (xii) *Access to an arterial roadway or state highway required.* Developments in this district must have direct access to either an arterial roadway or state highway.
- (xiii) *Lot depth.* 100 feet.
- (xiv) *Parking.*
For apartments, apartment hotel units and other multifamily dwellings, off-street parking spaces shall be provided in accord with the following schedule:
 1. One-bedroom apartment or unit: 1 1/2 spaces
 2. Two-bedroom apartment or unit: 2 spaces
 3. Each Additional bedroom: 1/2 space
 4. Each dwelling unit provided exclusively for low income elderly occupancy: 3/4 space ("Low income elderly" is defined as any person 55 years of age or older with low or moderate income, according to HUD standards.)

See Section 5.1 for other permitted uses' parking.

(3) Townhouses.

- (i) *Height.* 35 feet.
- (ii) *Front building setback.* 10 feet. If front entry garages/carports are provided, a minimum front yard of 20 feet shall be provided to the garage/carport.

- (iii) *Side building setback.* No side building setbacks are required for interior lots except the minimum distance between two building groups shall be 20 feet and the minimum distance between a building group and any abutting subdivision boundary or zoning district boundary line shall be 20 feet. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street, except where the rear lot line of a corner lot coincides with a side lot line of an adjacent lot, then 25-foot minimum side yards adjacent to the street shall be provided.
- (iv) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (v) *Rear building setback.* No building shall be constructed closer than ten feet from the rear property line. If the rear of the lots abut any other residential zoning district, the rear building setback shall have a minimum depth of 20 feet.
- (vi) *Width of lot.* Interior lots shall have a minimum width of 25 feet. Corner lots shall have a minimum width of 40 feet except where the rear lot line of a corner lot coincides with a side lot line of an adjacent lot, then the corner lot shall have a minimum width of 50 feet.
- (vii) *Lot depth.* 100 feet.
- (viii) *Lot area per family.* 2,500 square feet.
- (ix) *Common open space.* A minimum of 250 square feet of common open space per lot shall be provided within the townhouse project. In computing the required common open space, individually owned townhouse lots, required front, rear, or side setbacks, streets, alleys, or public rights-of-way of any kind, vehicular drives, parking areas, service drives, or utility easements containing or permitting overhead pole carried service shall not be included. Drainage easements and detention ponds may be used in computing common open space.
- (x) *Building group.* There shall be no less than five lots. There shall be no less than two nor more than eight individual dwelling units in each building or dwelling group. Each building group shall be at least 20 feet from any other building group, measured from the nearest points of their foundations. Each building or building group shall be at least 20 feet from any subdivision or zoning district boundary line.
- (xi) *Accessory buildings.* Any detached accessory buildings permitted, except carports open on at least two sides, shall be set at least three feet away from the side lot line unless their walls are equal in fire resistance to the common walls of the main structure. Detached carports, open on at least two sides, may be built to the property line with no common wall required. Rear building setback for an accessory building shall be three feet. Any accessory building permitted in district "R-1" shall be permitted in district "TH."
- (xii) *Parking.* There shall be at least two off-street parking spaces for each townhouse. See Section 5.1 for other permitted uses' parking.

3.5. *Planned Development Districts.*

3.5-1. *Purpose:* The planned development district is a free-standing district designed to provide for the development of land as an integral unit for single or mixed uses in accordance with a plan that may vary from the established regulations of other zoning districts. It is the intent in such a district to insure compliance with good zoning practices while allowing certain desirable departures from the strict provisions of specific zoning classifications.

3.5-2. *Application:* An application for a planned development district shall be processed in accordance with this Chapter. A pre-planning conference is required between the applicant and the Planning Director prior to the actual filing of the application.

3.5-3. *Base District.* A base zoning district shall be specified. The regulations in the base zoning district shall control unless specifically stated otherwise in the PD.

3.5-4. *District plans and requirements:* There are two types of plans that may be used in the planned development process. The general purpose and use of each plan is described as follows:

- (a) *Concept plan.* This plan is intended to be used as the first step in the planned development process. It establishes the most general guidelines for the district by identifying the land use types, development standards, approximate road locations and project boundaries and illustrates the integration of these elements into a master plan for the whole district.
- (b) *Detail plan.* The detail plan is the final step of the planned development process. It contains the details of development for the property. For smaller tracts or where final development plans are otherwise known, the detail plan may be used to establish the district and be the only required step in the planned development process.

3.5-5. *Concept plan requirements:* Said concept plan shall include the following:

- (a) *Relation to the comprehensive plan.* A general statement setting forth how the proposed district will relate to the city's comprehensive plan and the degree to which it is or is not consistent with that plan and the proposed base zoning district.
- (b) *Acreage.* The total acreage within the proposed district.
- (c) *Survey.* An accurate survey of the boundaries of the district.
- (d) *Land uses.* Proposed general land uses and the acreage for each use, including open space. For residential development, the total number of units and the number of units per acre.
- (e) *General thoroughfare layout.* Proposed streets, as a minimum to arterial street level. (Showing collector and local streets is optional.)
- (f) *Development standards.* Development standards, if different from the base zoning district, for each proposed land use, as follows:
 - (1) Minimum lot area.
 - (2) Minimum lot width and depth.
 - (3) Minimum front, side, and rear building setback areas.
 - (4) Maximum height of buildings.
 - (5) Maximum building coverage.
 - (6) Maximum floor to area ratios for nonresidential uses.
 - (7) Minimum parking standards for each general land use.
 - (8) Other standards as deemed appropriate.
- (g) *Existing conditions.* On a scaled map sufficient to determine detail, the following shall be shown for the area within the proposed district.
 - (1) Topographic contours of ten feet or less.

- (2) Existing streets.
- (3) Existing 100-year floodplain, floodway and major drainage ways.
- (4) City limits and E.T.J. boundaries.
- (5) Zoning districts within and adjacent to the proposed district.
- (6) Land use.
- (7) Utilities, including water, wastewater and electric lines.

3.5-6. *Detail plan requirements:* The application for a planned development district shall include a detail plan consistent with the concept plan. Said detail plan shall include the following:

- (a) *Acreage.* The acreage in the plan as shown by a survey, certified by a registered surveyor.
- (b) *Land uses.* Permitted uses, specified in detail, and the acreage for each use.
- (c) *Off-site information.* Adjacent or surrounding land uses, zoning, streets, drainage facilities and other existing or proposed off-site improvements, as specified by the department, sufficient to demonstrate the relationship and compatibility of the district to the surrounding properties, uses, and facilities.
- (d) *Traffic and transportation.* The location and size of all streets, alleys, parking lots and parking spaces, loading areas or other areas to be used for vehicular traffic; the proposed access and connection to existing or proposed streets adjacent to the district; and the traffic generated by the proposed uses.
- (e) *Buildings.* The locations, maximum height, maximum floor area and minimum setbacks for all nonresidential buildings.
- (f) *Residential development.* The numbers, location, and dimensions of the lots, the minimum setbacks, the number of dwelling units, and number of units per acre (density).
- (g) *Water and drainage.* The location of all creeks, ponds, lakes, floodplains or other water retention or major drainage facilities and improvements.
- (h) *Utilities.* The location and route of all major sewer, water, or electrical lines and facilities necessary to serve the district.
- (i) *Open space.* The approximate location and size of greenbelt, open, common, or recreation areas, the proposed use of such areas, and whether they are to be for public or private use.
- (j) *Sidewalks and bike paths.* Sidewalks or other improved ways for pedestrian or bicycle use.
- (k) If multifamily or non-residential development, a landscape plan.

A detailed plan, with all of the information required of a concept plan, may be submitted in lieu of a concept plan.

3.5-7. *Phasing schedule:* PD districts larger than 350 acres shall provide a phasing schedule depicting the different construction phases.

3.5-8. *Approval of district:* The City Council may, after receiving a recommendation from the Planning Commission, approve by Ordinance the creation of a district based upon a concept plan or a detail plan. The approved plan shall be made part of the ordinance establishing the district. Upon approval said change shall be indicated on the zoning maps of the city.

The development standards and requirements including, but not limited to, maximum height, lot width, lot depth, floor area, lot area, setbacks and maximum off-street parking and loading requirements for uses proposed shall be established for each planned development district based upon the particular merits of the development design and layout. Such standards and requirements shall comply with or

be more restrictive than the standards established in the base zoning district for the specific type uses allowed in the district, except that modifications in these regulations may be granted if it shall be found that such modifications are in the public interest, are in harmony with the purposes of this Chapter and will not adversely affect nearby properties.

3.5-9. *Planning Commission approval of detail plan:* The Planning Commission is authorized to approve a detail plan or the amendment of a detail plan for property for which a concept plan has been approved by the City Council. If the City Council initially approved a detail plan in establishing the district, the detail plan may only be amended by the City Council. The approved detail plan shall be permanently filed in the Planning Department. The Planning Commission shall approve the detail plan if it finds that:

- (a) *Compliance.* The plan complies with the concept plan approved for that property and the standards and conditions of the PD district;
- (b) *Compatibility.* The plan provides for a compatible arrangement of buildings and land uses and would not adversely affect adjoining neighborhood or properties outside the plan; and
- (c) *Circulation of vehicular traffic.* The plan provides for the adequate and safe circulation of vehicular traffic.

If no detail plan has been approved for the property within ten years of the date of approval of a concept plan, the detail plan must be approved by the City Council, after receiving a recommendation from the Planning Commission, after notice and hearing.

3.5-10. *Expiration of detail plan:* A detail plan shall be valid for five years from the date of its approval. If a building permit has not been issued or construction begun on the detail plan within the five years, the detail plan shall automatically expire and no longer be valid. The Planning Commission may, prior to expiration of the detail plan, for good cause shown, extend for up to 24 months the time for which the detail plan is valid.

3.5-11. *Appeals from Planning Commission action:* If the Planning Commission disapproves a detail plan over which it has final approval authority, or imposes conditions, or refuses to grant an extension of time for which a detail plan is valid, the applicant may appeal the decision to the City Council by filing a written request with the Planning Director within ten days of the decision.

3.5-12. *Changes in detail plan:* Changes in the detail plan shall be considered the same as changes in the zoning ordinance and shall be processed as required in Section 2.3. Those changes which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor area ratio, height, or coverage of the site, or which do not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site, as indicated on the approved detail plan, may be authorized by the Planning Director. Any applicant may appeal the decision of the Planning Director to the Planning Commission for review and decision as to whether an amendment to the Planned Development District ordinance shall be required.

3.5-13. *Minimum development size:* The total initial development of any Planned Development District shall not be less than two acres for nonresidential developments and five acres for residential developments.

3.5-14. *Deviation from code standards:* The City Council may approve a PD concept plan with deviations from any provision in the Code of Ordinances. Such deviations shall be listed or shown as part of the Ordinance that approves the concept plan.