

Section 20: MU Mixed Use Zone District

(orig. 2-26-13)

A. Intent and Purpose

1. The intent of this section is to allow for mixed use developments when the subject property can meet any of the following criteria. (orig. 2-26-13)
 - a. It is an existing commercial or residential property that will be redeveloped as a mixed-use area. (orig. 2-26-13)
 - b. It is an infill site surrounded on at least two sides by existing development. (orig. 2-26-13)
 - c. It is identified within the Master Plan as a mixed use area. (orig. 2-26-13)
2. The purpose of the Mixed Use Zone District is to create a flexible approach to land uses and enhance the character of Jefferson County's commercial centers by promoting development that: (orig. 2-26-13)
 - a. Allows a mixture of land uses that includes housing, retail, office, commercial services, and civic uses, to create economic and social vitality, and provides market flexibility; (orig. 2-26-13)
 - b. Encourages commercial infill and the redevelopment of commercial properties already served by existing infrastructure; (orig. 2-26-13)
 - c. Develops commercial and mixed-use areas that are safe, comfortable and attractive to pedestrians, bicyclists, and transit users; (orig. 2-26-13)
 - d. Encourages efficient land use by facilitating compact development and minimizing the amount of land that is needed for surface parking; (orig. 2-26-13)
 - e. Plans for all modes of travel; (orig. 2-26-13)
 - f. Designs buildings to a human scale for aesthetic appeal, pedestrian comfort, and computability with other land uses; (orig. 2-26-13)
 - g. Reinforces streets as public places that encourage pedestrians and bicycle use; (orig. 2-26-13)
 - h. Maintains the integrity of adjacent neighborhoods. (orig. 2-26-13)
3. Existing structures: Where a structure (legal or legal non-conforming) existed at the time of rezoning of the subject property to any mixed use district, and which would not be allowed by the provisions of this section because of either building placement or orientation, building design, parking placement or design, parking requirements, or site and vehicular access, such structure may continue to exist and may be enlarged, altered or added to provided that the alteration or addition does not require a Site Development Plan. (orig. 2-11-14)
 - a. Any new addition or expansion through the Site Development Plan process shall comply with all provision of this section. (orig. 2-11-14)
 - b. Any new modification to existing structures to allow residential, shall be subject to the Site Development Plan process and shall comply with all provision of this section. (2-11-14)

B. Concept Plan

In order to provide more cohesive development and ensure a rezoning application complies with the Intent and Purpose section of this Chapter, at the time of rezoning application or site development plan, staff may request the applicant provide a Concept Plan. This Concept Plan may contain such components as a description of the project, the general site layout, landscaping, street alignments, and proposed uses. (orig. 2-26-13)

C. Sub-District Categories

The Mixed Use Zone District is divided into the following sub-districts. (orig. 2-26-13)

1. Mixed Use Limited Commercial (MU-L1 and MU-L2)

The Mixed Use Limited Commercial Sub-Districts are intended to provide for a less intense mix of residential and/or commercial uses. They allow flexibility in development standards to recognize the challenge of developing small scale mixed use buildings or lots that are similar scale to surrounding residential development. MU-L is most appropriate for mixed use developments of less than 5 acres in areas that are located on collector streets or roads. (orig. 2-26-13)

There are two types of MU-L, it is always zoned in combination with an appropriate residential zone district, and shall follow all the provisions of the residential district in addition to allowing additional uses as indicated in the Permitted Uses Section (i.e. MU-L1-R1 generally follows the Residential-One Zone District). All other development standards shall comply with the applicable section of the Jefferson County Zoning Resolution. (orig. 2-26-13)

Types of MU-L:

- a. Mixed Use Limited Commercial-One (MU-L1): Allows commercial uses as indicated in the Permitted Uses Section and/or residential uses. (orig. 2-26-13)
- b. Mixed Use Limited Commercial-Two (MU-L2): Allows commercial uses as indicated in the Permitted Uses Section, but limits residential uses to no more than 75% of the total gross square footage. (orig. 2-26-13)

2. Mixed Use Neighborhood Commercial (MU-N)

The Mixed Use Neighborhood Commercial Sub-District is intended for mixed use developments that are adjacent and/or connected to residential district(s). MU-N is intended for areas of larger commercial square footages such as typical grocery stores, along with higher density multifamily development and greater building heights. It is most appropriate for mixed use developments of between 5 and 50 acres in area and located on arterial streets. Auto-related uses (such as gas stations, auto repair, etc.) should be secondary uses and located at peripheral locations. (orig. 2-26-13)

3. Mixed Use Large Scale (MU-LS)

The Mixed Use Large Scale Sub-District is intended for areas where a compatible mix of the most intense land uses occurs. These are areas with commercial uses that serve the local or regional population, are intended to allow higher-wage employment opportunities, with the highest density housing and the greatest building heights. It is most appropriate for mixed use developments of greater than 50 acres in area, and located on arterial roads and/or County and State Highways. (orig. 2-26-13)

D. Permitted Uses (orig. 3-26-13)

Uses	MU-L1	MU-L2	MU-N	MU-LS
Residential uses, as allowed by the associated residential zone district.	X	X		
Multi-family dwellings	X ¹	X ¹	X ²	X ³
All uses allowed in the Convenience Level of Commercial-One, except gas stations, car washes, service stations and automobile repair.	X	X		
Grocery stores	X, up to 10,000 s.f. GFA	X, up to 10,000 s.f. GFA	X, up to 75,000 s.f. GFA	X
Fast food restaurants	X ⁴	X ⁴	X	X
All uses allowed in the Neighborhood Level of Commercial-One. Individual retail businesses, except grocery stores (see above), are limited to 24,000 square feet of gross floor area.			X	
All uses allowed in the Regional Level of Commercial-One.				X
Entertainment facilities, including but not limited to movie theaters, bowling alleys, skating rinks, and pool halls.			X	X

¹ No limitation on number of residential units above ground floor commercial.

² Up to 15 du/ac, additional densities may be allowed as indicated under Design Incentives below.

³ Up to 20 du/ac, additional densities may be allowed as indicated under Design Incentives below.

⁴ Without drive-thru

1. In all districts, multiple buildings are allowed on the same lot.
2. In MU-N and MU-LS:
 - a. Residential is allowed above ground floor commercial.
 - b. Residential is also allowed at ground floor as long as it comprises no more than 50 percent of the total ground floor building space per lot, parcel or development.
 - c. Night clubs, dance halls, and uses that produce similar noise impacts shall not be located directly below or adjacent to residential units.

E. Accessory Uses (orig. 3-26-13)

Uses	MU-L1	MU-L2	MU-N	MU-LS
Accessory uses as allowed per the Residential-One A (R-1A) Zone District.	X	X		
Accessory uses as allowed by the Accessory Uses Section of the Zoning Resolution.			X	X

F. Lot and Building Standards

Mixed use developments should be livable places. Commercial areas and associated streets should be planned and designed to balance traffic needs with those of pedestrians. The following lot and building standards are intended to encourage creative site and building design to promote a “sense of place” that provides visual interest and human scale. (orig. 2-26-13)

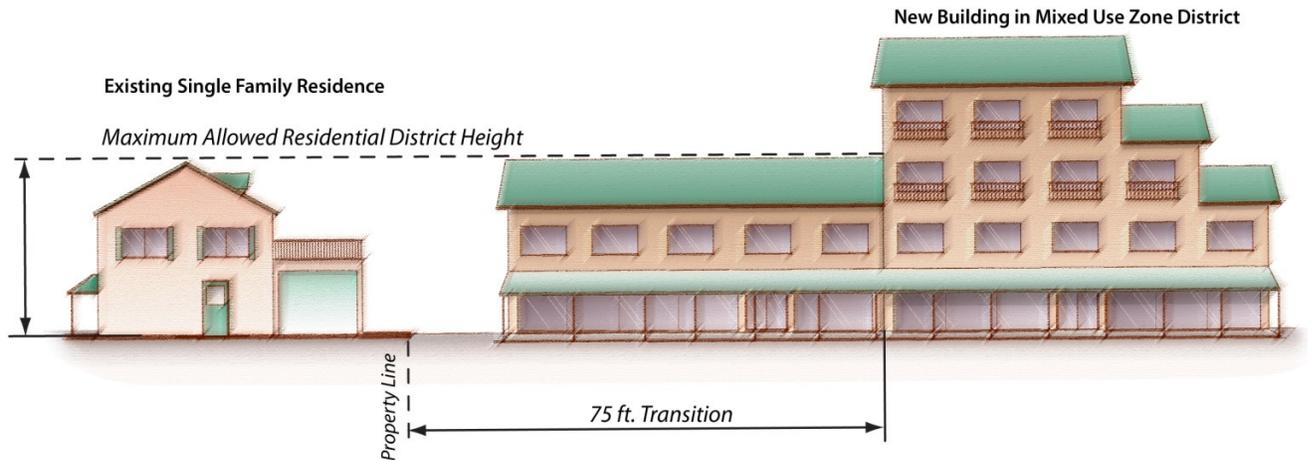
1. Maximum Building Height (orig. 2-26-13)

Maximum Building Height			
	MU-L	MU-N	MU-LS
<u>Minimum Lot Area</u>	As per associated residential zone district.	None	None
<u>Maximum Height</u>	As per associated residential zone district.	35' Height may be increased by an additional story for each level that is either residential, parking or a combination, to a maximum height of 60'.	60' Height may be increased by an additional story for each level that is either residential, parking, or a combination, to a maximum height of 100'.

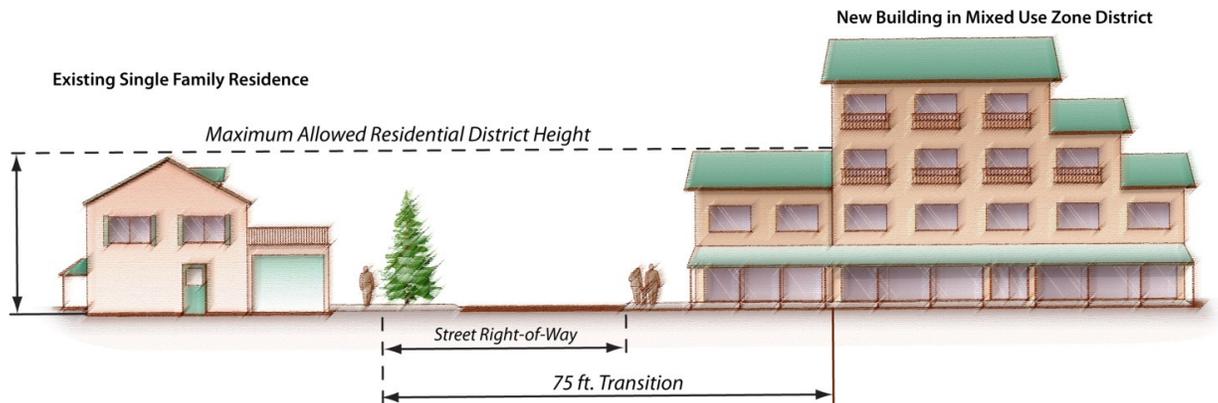
Floors above the second story shall be stepped back a minimum of five feet (5') for each additional story.

Any portion of a new building located within 75 feet of the property line of an adjacent single family residence shall have a maximum height no greater than the maximum height allowed for the adjacent residences. Where a street separates the buildings, the measurement shall be from the right-of-way line opposite the mixed use zone district.

Any portion of a new building located within 75 feet of the property line of an adjacent single family residence shall have a maximum height no greater than the maximum height allowed for the adjacent residences.



Where a street separates a new mixed use building and an adjacent residence, any portion of the new building located within 75 feet of the property line of the adjacent single family residence shall have a maximum height no greater than the maximum height allowed for the adjacent residences.

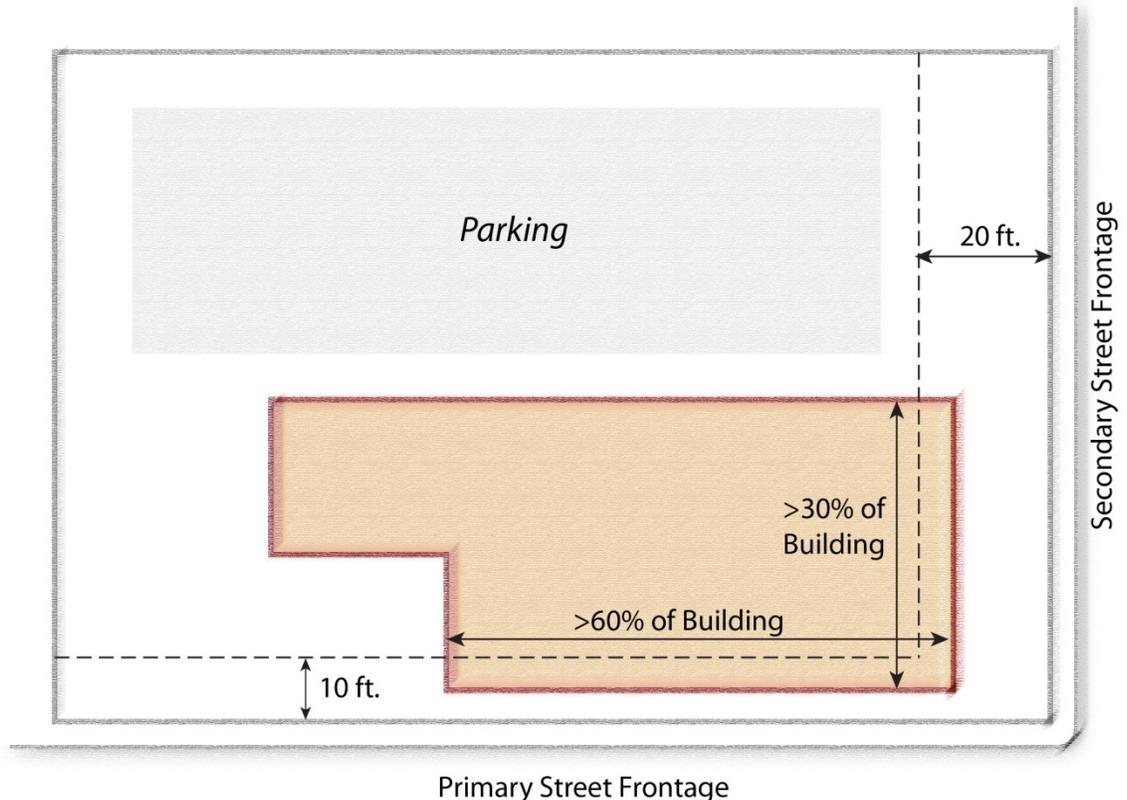


2. Setbacks and Build-To Requirements

In order to create vibrant streets and enhance the pedestrian experience, all new buildings should be placed close to the street and oriented toward the public realm. Rather than the traditional setback which requires buildings to be pushed away from the public realm, “build-to” requirements are intended to ensure a minimum percentage of the building addresses the street. For the purpose of build-to requirements, there are two different types of streets. (orig. 2-26-13)

- a. Primary Streets - are intended to be the primary pedestrian way, and therefore, are the streets that should have the main entrances to buildings, windows facing the street to provide “eyes on the street” for 24-hour safety, and limited or no driveways for vehicular access. Primary streets” should provide the most continuous, safest, and most interesting pedestrian experiences within the area. Therefore, more streetscaping, more heavily articulated facades, shade trees, ornate lighting, and signage are all important elements of “primary streets. Each Mixed Use Development should orient to at least one primary street. (orig. 2-26-13)
- b. Secondary streets - while being critical pathways for circulation, both vehicular and pedestrian, tend to focus more on the vehicle by providing the primary vehicular access points into properties and neighborhoods. As such, “secondary streets” tend to contain more curb-cuts and driveway entrances, usually provide the access for loading bays and dumpsters, and tend to have the sides of buildings facing them and fewer building entrances. Secondary streets apply to lots with more than one street frontage and buildings with non-primary street frontage. (orig. 2-26-13)

Example of Build-To Area
This example shows at least 60% of the building length must be within 10 feet of the property line which fronts a Primary Street.



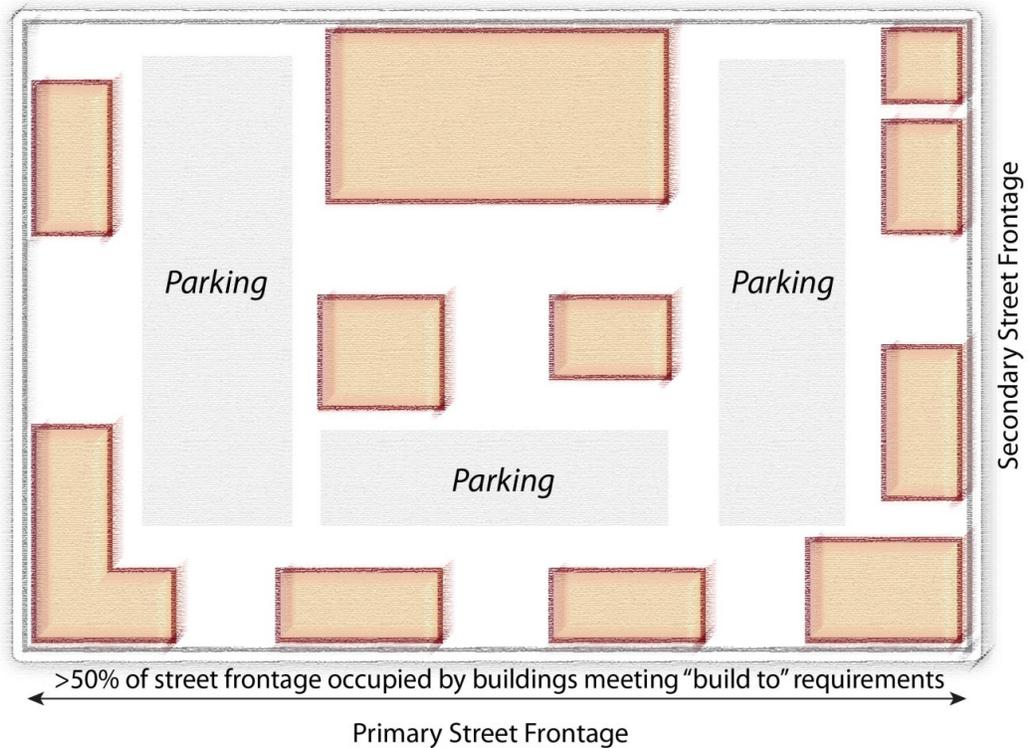
c. Required Setbacks and Build-To Lines. (orig. 2-26-13)

Build-To Requirements			
	MU-L	MU-N Build-To	MU-LS Build-To
Primary Street	Setbacks per associated residential zone district.	At least 60% of the building length must be within 10 feet of property line.	At least 50% of building length must be within 20 feet of property line.
Secondary Street	Setbacks per associated residential zone district.	At least 30% of building length must be within 20 feet of property line.	At least 30% of building length must be within 20 feet of property line.
Setbacks			
	MU-L	MU-N	MU-LS
<u>Side</u>	Setbacks per associated residential zone district.	5' setback No side setback when buildings share a side common wall.	5' setback No side setback when buildings share a side common wall.
<u>Rear</u>	Setbacks per associated residential zone district.	5' setback	5' setback

1. For development sites with more than one building, not all buildings must meet the build-to requirement as long as those buildings closest to the street fulfill the requirements set forth in the table above. At least 50% of the primary street frontage shall be occupied by buildings that meet the build-to requirement.
2. For properties meeting the build-to requirement, the width of the street/road perimeter areas landscape strip per the perimeter requirements of the Landscaping Section of the Zoning Resolution may be reduced along the Primary or Secondary Street, but the required number of trees and shrubs still apply.
3. In certain instances, where the provided primary building frontage exceeds the minimum requirement, the required secondary street build-to may be reduced by an equal or lesser amount, subject to approval by Planning and Zoning.
4. Right-of-Way Encroachments: Architectural elements attached to the building façade may encroach into the right-of-way up to 3 feet at the ground floor, and up to 5 feet at upper levels, subject to an approved right-of-way use permit through the Road and Bridge Division. Such encroachments may include window planter boxes, eaves, balconies, projecting wall signs, canopies, and awnings.

Setbacks For Properties Directly Abutting A Residentially Or Agriculturally Zoned Lot That Contains A Single- Or Two Family Residential Use (orig. 2-26-13)		
	MU-N	MU-LS
Front	20'	20'
Side	50'	50'
Rear	50'	50'

"For a development site with more than one building, not all buildings must meet the build-to requirement, as long as those buildings closest to the street fulfill the requirements set forth in the table above."



G. Building Placement, Design and Orientation

The intent of this subsection is to require buildings and entrances to be oriented to and address the street to the maximum extent practicable to encourage pedestrian access and movement. This provides for convenient, direct and accessible pedestrian routes to and from public sidewalks and transit facilities; provides for safe, pleasant and convenient pedestrian circulation by connecting activities within a structure to the adjacent sidewalk and to nearby transit stops; and promotes the use of pedestrian and transit modes of transportation to retail and commercial facilities. (orig. 2-26-13)

1. Building Orientation

- a. Each business with primary street frontage shall have at least one main public entry that faces the primary street or is directly accessed by a sidewalk or plaza within 10 feet of the entrance. If a building has frontage on more than one street, the building shall provide a main building entrance oriented to one of the streets or a single entrance at the corner where the two streets intersect. If this requirement is impractical, unfeasible, or cost prohibitive, exceptions may be granted by Planning and Zoning if it is demonstrated that strict adherence to this requirement would be detrimental to the project and the applicant proposes an alternative which meets the intent of this subsection. (orig. 2-26-13)
- b. Such an entrance shall open directly to the outside and shall not require a pedestrian to first pass through a garage, parking lot or loading area to gain access to the entrance from the street, but the entrance may include architectural features such as arcades, anti-chambers, porticos and the like without being in violation of this provision. (orig. 2-26-13)

- c. In all districts, for development sites with more than one structure, those buildings that do not directly front a street shall have at least one primary entrance that adjoin a pedestrian walk. The primary entrance should be connected to the street by a walkway that is clearly defined and separated from parking areas. (orig. 2-26-13)

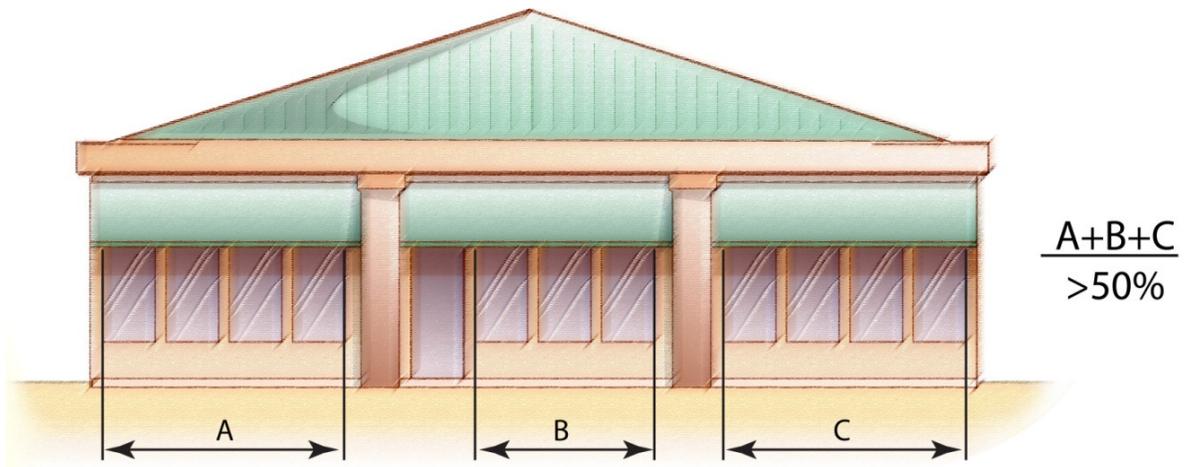
2. Ground Floor Transparency

Long expanses of blank walls facing a street or other public areas detract from the attractiveness of the streetscape, discourage walking, and reduce the perceived safety of pedestrians using those spaces. The standards help enhance the economic vitality of a neighborhood by providing the opportunity for merchants to display goods and advertise their wares to shoppers. By encouraging “window shopping” in mixed use districts the activity on the street is increased along with security. (orig. 2-26-13)

For retail commercial buildings along a Primary Street (including food or drink establishments), a minimum of 50 percent of the distance of the front facade at the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior. This minimum percentage shall be 30% along Secondary Streets. (orig. 2-26-13)

- a. Semi-transparent glass and/or spandrel glass may account for as much as 25% of the ground floor transparency requirement. (orig. 2-26-13)
- b. Glass display cases may count toward the transparency requirement only if they give the appearance of windows, are at least 18 inches deep, and are maintained with items of interest, including window display graphics. (orig. 2-26-13)
- c. For retail uses, windows at the ground floor shall be at least 5 feet high. (orig. 2-26-13)

Example of Ground Floor Transparency
A minimum of 50 percent of the front facade on the ground floor shall be transparent



3. Drive Through Facilities

Any drive-up lane that is visible from a street or public space shall incorporate the following screening elements. (orig. 2-26-13)

- a. A screen wall, at least 36 inches in height, with finish materials consistent with or complimentary to the primary building. Such screen wall may count toward the “build to” requirement. (orig. 2-26-13)
- b. A landscaped buffer, at least 4 feet in width, between the property line and the screen wall. (orig. 2-26-13)

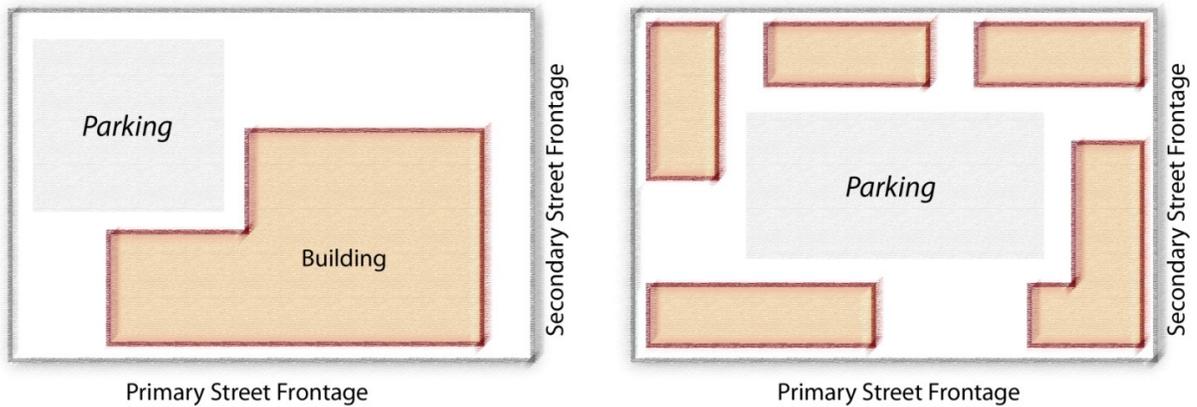
- c. Where there is more than one drive-up lane, structural elements shall be used for further screening. These screening elements shall be compatible with or complimentary to the architectural qualities of the main building including materials, form, scale, and color. (orig. 2-26-13)
- d. Drive through facilities should be oriented away from the Primary Street. (orig. 2-26-13)

H. Parking

Streets and developments are more vibrant and interesting to pedestrians if they are lined with buildings and active uses. Surface parking should be located behind buildings, toward the interior of lots, and should be screened from view from adjacent streets. (orig. 2-26-13)

- 1. Surface Parking Placement: Parking areas, including parking garages, should be located to the rear or side of the building and away from the Primary Street. For development sites with more than one building, parking is not allowed between the building and the street, but is allowed in front of or between permitted buildings interior to the development site. If this requirement is impractical, unfeasible, or cost prohibitive, exceptions may be granted by Planning and Zoning if it is demonstrated that strict adherence to this requirement would be detrimental to the project and the applicant proposes an alternative which meets the intent of this subsection. (orig. 2-26-13)

Parking should be located to the rear or side of buildings.



- 2. Parking is allowed in front of the building and the main street when on street parking is utilized. (orig. 2-26-13)

The amount of required off-street parking shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, subject to County standards, except that angled parking may be allowed for some streets, as approved by the County. (orig. 2-26-13)

- 3. Parking lots and drive aisles shall be designed to maximize connectivity between developments and minimize the distances pedestrians must travel between buildings. (orig. 2-26-13)
- 4. Shared Parking Where multiple uses share the same off street parking facilities, reduced total demand for parking spaces may result due to differences in parking demand for each use during the course of the day. The following schedule of shared parking is provided indicating how shared parking for certain uses can be used to reduce the total parking required for shared parking facilities. (orig. 2-26-13)

Shared Parking						
	Weekday			Weekend		
	Midnight to 7 AM	7AM to 6PM	6PM to Midnight	Midnight to 7AM	7AM to 6PM	6PM to Midnight
Colleges						
Library/Museum	0%	30%	75%	0%	100%	80%
Hotel	100%	65%	100%	100%	65%	100%
Convention Facility	0%	100%	50%	0%	100%	50%
Office/Industrial	5%	100%	5%	0%	50%	5%
Medical Office	5%	100%	30%	0%	100%	5%
Religious Assembly	0%	30%	50%	0%	100%	75%
Residential	100%	50%	90%	100%	75%	75%
Restaurant (sit down)	50%	100%	100%	25%	100%	100%
Restaurant (fast food)	50%	100%	80%	50%	100%	100%
Service Establishment	0%	100%	80%	0%	100%	60%
Entertainment Facility	5%	25%	100%	50%	50%	100%
Retail	0%	75%	80%	0%	100%	60%

- Determining the Total Requirements for Shared Parking Facilities: For each applicable general land use category, calculate the number of spaces required for a use if it were the only use (refer to the Parking and Loading Section of the Jefferson County Zoning Resolution). Use those figures for each land use to calculate the number of spaces required for each time period for each use (6 time periods per use). For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six (6) time periods. Select the time period with the highest total parking requirement and use that total as the shared parking requirement. (orig. 2-26-13)

The total number of surface parking spaces provided shall not exceed 125% of the minimum parking required. This does not apply to dedicated parking for residential uses and structured/covered parking. (orig. 2-26-13)

I. Landscaped Area and Common Usable Area

Parks, plazas, squares and other forms of public spaces play an important role in the quality of a place. Landscaped and hardscaped areas contribute to the public realm by providing places for people to gather, relax, and recreate. To provide active recreation areas, create a focal point for the community, save environmental features, and provide incentives for walking, biking and social interaction, all new mixed use developments shall contain the following minimum percentages of landscaped area. (orig. 2-26-13)

- MU-L – Shall meet the landscaping and open space requirements of the Jefferson County Zoning Resolution. (orig. 2-26-13)
- MU-N - 15% (orig. 2-26-13)
- MU-LS – 25% (orig. 2-26-13)

For all development sites, at least 75 percent of the required landscaped area must be common useable area. (orig. 2-26-13)

- For all development sites, at least 75 percent of the required landscaped area must be common useable area. (orig. 2-26-13)
- At least 35 percent of the total square footage of the common useable area shall consist of communal amenities. (orig. 2-26-13)

- (1) When clubhouses, indoor recreational facilities or similar structural amenities are proposed, each square foot shall be credited 2 times the required square footage. (orig. 2-26-13)
- (2) Public plazas shall be credited two times the minimum requirements of this section when the plaza contains at least 3 of the following. (orig. 2-26-13)
 - (a) At least one permanent sitting space per every 250 feet of plaza or public space area. (orig. 2-26-13)
 - (b) A mixture of areas that provide shade through canopies, canopy trees, awnings, arcades, etc. (orig. 2-26-13)
 - (c) A water feature or piece of public art. (orig. 2-26-13)
 - (d) Permanent outdoor dining areas. (orig. 2-26-13)
 - (e) Use of decorative pavers and pervious pavement treatment for hardscape areas. (orig. 2-26-13)
 - (f) Similar amenities as approved by Planning and Zoning. (orig. 2-26-13)

J. Design Incentives

In order to encourage excellent site design and increase sense of place, Planning and Zoning can grant additional incentives when an applicant exceeds the minimum design requirements of this section. As indicated in the table below, additional design components can gain an applicant increases in density or reductions in required parks fees. Incentives will only be given for design elements that exceed the minimum development standards. In order to apply for these incentives, the applicant may be required to submit a Concept Plan, as well as a letter, to Planning and Zoning which demonstrates how the proposed development utilizes the following design components. (orig. 2-26-13)

Points	Density Bonus	Required Parks Reduction (As required by the Park and Schools Requirements Section of the Land Development Regulation)
> = 3	25%	15%
> = 5	50%	30%
> = 10	100%	

1 Point	2 Points
Installing street furniture: benches, decorative trash receptacles, bicycle racks, etc. One point will be credited for each 3 of these items per Primary Street.	Pedestrian-scaled lighting at a maximum of 100 feet apart along the length of at least one primary street of the development. "Pedestrian-scaled lighting" is typically decorative light posts, between 10-15 feet in height, which provide both illumination and accent to pedestrian corridors.
Increased required landscaping area by at least 10%	Sidewalks of at least 8 feet in width for the length of at least one primary street. These sidewalks shall include components such as landscape plantings, street trees, street furniture, public art, decorative pedestrian lighting, etc.

1 Point	2 Points
Special features such as a sculpture, water feature, or a similar element (except for features or images which are trademarked or in some way related to a specific business, such as a logo).	A combination of entry building frontage elements such as porches, pent roofs, roof overhangs, stoops, or other similar architectural elements defining the front entrance to at least 75% of the buildings along the length of at least one primary street. These elements shall be in addition to what would be required per the Architecture Section of the Jefferson County Zoning Resolution.
Inclusion of projecting wall signs with a consistent sign design program along at least one street front or pedestrian way.	At least 25% of the parking requirements satisfied by on-street, angled parking. Back out-head in parking is encouraged.
Permanent and functional outdoor patios or dining areas accounting for at least 10% of the square footage of the total building footprints.	At least 35% of the total parking requirement is met by structured parking.
Additional elements that meet the intent of these design incentives may be approved by Planning and Zoning.	