

## Appendix 3-1 Sample Mixed-Use Development Ordinance

### Whitewater/Mesa County Mixed Use Zoning District

1. Purpose. The purpose of the Whitewater Mixed Use District (MU) is to encourage the development of a mix of commercial and residential uses within the Whitewater Community Plan Boundary. The Mixed Use District accommodates mixed use buildings with local retail, service and other uses on the ground floor and residential uses in the upper stories. The Mixed Use District also permits a mix of residential and retail/service uses in close proximity to each other. Within Mesa County, the Mixed Use District also promotes the health and well being of residents by ensuring availability of adequate and concurrent urban infrastructure, utilities, and services while encouraging physical activity, alternative transportation, and greater social interaction. The Mixed Use District implements the MUC and MUR in the Whitewater Area Plan.

The design of a mixed use development shall conform to the Mesa County Design Standards adopted as Appendix D in the Land Development Code 2000, as amended. In general, these standards require compact development built at a neighborhood scale. Rather than designing structured specifically for individual tenants, buildings within the mixed use district should be designed to function over the life of multiple tenants in a manner similar to a main street or community core. In the review of mixed use districts, the County shall consider the following:

- ability of the residential development to provide for a variety of housing types;
- inclusion of mixed use buildings with non-residential uses on the ground floor and residential units on the second floor;
- ability of the commercial development, either as proposed or in conjunction with surrounding development, to serve daily or frequent needs of the surrounding neighborhood;
- creation within the overall mixed use area of the Whitewater Plan area of a commercial core with supporting nodes supported by an adequate supply of residential development;
- provision of a variety of building sizes compatible with character of mixed use district and the potential for the long-term function of those buildings;
- encouraging an orderly, phased pattern of development supported by adequate public facilities; and
- specific issues of the functioning of the development, including access, parking, drainage, landscaping, and design.

2. Description. The application of the Mixed Use District is grouped based on the predominant use of the proposed development. Two districts are available as Mixed Use, either Mixed Use Residential (MUR) or Mixed Use Commercial (MUC). In a Mixed Use Residential district, between 60 and 75 percent of the uses in the district are residential. In a Mixed Use

Commercial district, between 60 and 75 percent of the uses in the district are commercial. Minimum lot sizes are established by use category and a mix of lot sizes and uses is encouraged. The goal of this approach is to permit buildings and uses for all property owners without mandating a specific mix, while recognizing that each lot must fit into the overall whole of the development pattern.

3. Uses. Permitted uses are divided based on the type of district, either Mixed Use Residential or Mixed Use Commercial.



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**Table 1 Mixed Use District Permitted Uses**

Use Category	Specific Use Type	MUR	MUC
<b>A = Allowed Use C = Conditional Use</b>			
<b>Household Living</b>	Business Residence (live/work space)	A	A
	Rooming/Boarding House	C	C
	Single Family Attached	A	A
	Single Family Detached	A	A
	Accessory Dwelling Unit	A	A
	Duplex	A	A
	Multifamily	A	A
	Agricultural Labor Housing		
	Townhouse/Rowhouse	A	A
	Manufactured Housing Park		
	All Other Household Living	C	C
<b>Group Living</b>	Assisted Living Facility	C	C
	Treatment Facility		C
	Small Group Living Facility	C	C
	Large Group Living Facility	C	C
<b>Institutional and Civic (see Section 12.4)</b>			
<b>Colleges and Vocational Schools</b>	Colleges and Universities		A
	Vocational/Technical/Trade Schools		A
	All Other Educational Institutions		C
<b>Community Service</b>	Community Activity Building	A	A
	All Other Community Service	C	C
<b>Cultural</b>	Museums, Art Galleries, Opera Houses, Libraries	A	A
<b>Day Care</b>	Home-based Day Care	C	C
	Limited Day Care	C	C
	General Day Care	C	C
<b>Detention Facilities</b>	Jails, Honor Camps, Reformatories		
	Law Enforcement Rehabilitation Centers		
<b>Hospital/Clinic</b>	Medical and Dental Clinics	C	A
	Counseling Centers (non-residential)	C	A
	Hospital/Mental Hospital	C	C
	Physical and Mental Rehabilitation (residential)		C
	All Other		C
<b>Parks and Open Space</b>	Cemetery		C
	Golf Course	A	A

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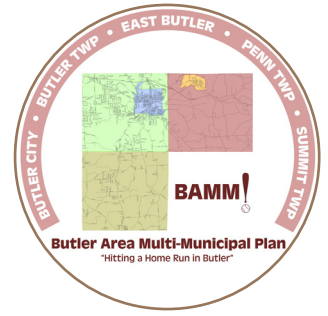
Use Category	Specific Use Type	MUR	MUC
<b>A = Allowed Use C = Conditional Use</b>			
	Campground, Primitive		
	Golf Driving Ranges	C	C
	Parks/Lakes/Reservoirs	A	A
	All Other	C	C
<b>Religious Assembly</b>	All	A	A
<b>Safety Services</b>	All	C	A
<b>Schools</b>	Boarding School	C	C
	Elementary Schools	A	A
	Secondary Schools	A	A
<b>Utility, Basic</b>	Utility Service Facilities	A	A
	All Other Utility, Basic	C	A
<b>Utility Corridors</b>	Transmission Lines (above ground)	C	C
	Transmission Lines (under ground)	A	A
	Utility Treatment, Production or Service Facility	C	C
	All Other	C	C
<b>Commercial (See Section 12.5)</b>			
<b>Entertainment Event, Major</b>	Indoor Facilities		C
	Outdoor Facilities		C
<b>Lodging</b>	Hotels and Motels	C	A
	Bed and Breakfast (1-3 guest rooms)	A	A
	Bed and Breakfast (4-5 guest rooms)	A	A
<b>Offices</b>	General Offices	A	A
	Office with Drive-Through	C	A
<b>Parking, Commercial</b>		A	A
<b>Recreation and Entertainment, Outdoor</b>	Campgrounds and Camps (non-primitive)		C
	Resort Cabins and Lodges	A	A
	Swimming Pools, Community	A	A
	Shooting Ranges (indoor)		C
	Amusement Park		C
	Drive-In Theater		C
	Miniature Golf		A
	Riding Academy, Roping, or Equestrian Area		
	Zoo		C
All Other Outdoor Recreation	C	C	
<b>Retail Sales and Service</b>	Adult Entertainment		
	Alcohol Sales, retail	A	A
	Alcohol Sales, by the drink	A	A
	Animal Care/Boarding/Sales, Indoor		A
	Animal Care/Boarding/Sales, Outdoor		
	Contractors and Trade Shops, Indoor operations and storage		C
	Contractors and Trade Shops, Indoor operations and outdoor storage		



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Use Category	Specific Use Type	MUR	MUC
<b>A = Allowed Use C = Conditional Use</b>			
	(including heavy vehicles)		
	Contractors and Trade Shops, outdoor storage and operations		
	Delivery and Dispatch Services (vehicles on site)		C
	Drive-through uses		C
	Food Service, Catering	C	A
	Food Service, Restaurant (including alcohol sales)	A	A
	Food Service, Restaurant with Drive-Through	C	C
	Farm Implement/Equipment Sales/Service		
	Farmer's Market	C	C
	Flea Market		A
	Feed Store		
	Fuel sales, automotive/ appliance	C	A
	Fuel sales, heavy vehicle		C
	General Retail Sales, Indoor operations, display and storage	A	A
	General Retail Sales, outdoor operations, display and storage		C
	Landscaping materials sale		A
	Manufactured Building Sales, Service, and Storage		C
	Rental Service, Indoor display/ storage	C	A
	Rental Service, outdoor display/ storage		C
	Repair, small appliance	C	A
	Repair, large appliance		A
	Personal Services	A	A
	All Other Retail Sales and Services	C	C
<b>Self-Service Storage</b>	Mini-Warehouse		
<b>Vehicle Repair</b>	Auto and Light Truck Mechanical Repair		C
	Body Shop		C
	Truck Stop/Travel Plaza		
	Tire Recapping and Storage		
	All Other Vehicle Repair	C	C
<b>Vehicle Service, Limited</b>	Car Wash	C	A
	Gasoline Service Station	A	A
	Quick Lubrication	A	A
	All Other Vehicle Service	C	C
<b>Industrial (see Section 12.6)</b>			
<b>Manufacturing and Production, Junk Yard</b>	<b>Indoor Operations and Storage</b>		
	Assembly	C See 5.3.	C See 5.3.
	Food Products		

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Use Category	Specific Use Type	MUR	MUC
<b>A = Allowed Use C = Conditional Use</b>			
	Manufacturing/Processing	C See 5.3.	C See 5.3.
	<b>Indoor Operations with Outdoor Storage</b>		
	Assembly		
	Food Products		
	Manufacturing/Processing		
	<b>Outdoor Operations and Storage</b>		
	Assembly		
	Food Products		
	Manufacturing/Processing		
	All Other Industrial Service		
Junk Yard			
<b>Warehouse and Freight Movement</b>	Indoor Operations Storage and Loading		
	Indoor Storage w/Outdoor Loading Docks		
	Outdoor Storage or Loading		
	Gas or Petroleum Storage		
	Sand or Gravel Storage		
	All Other		
<b>Waste-Related Use</b>	Non-hazardous Waste Transfer		
	Medical/Hazardous Waste Transfer Station		
	Solid Waste Disposal Sites		
	Recycling Collection		A
	All Other Waste-Related		
<b>Wholesale Sales</b>	Wholesale Business (No Highly Flammable Materials/Liquids)		
	Agricultural Products		
	All Other Wholesale Uses		
<b>Other (see Section 12.7)</b>			
<b>Agricultural</b>	Animal Confinement		
	Dairy		
	Confined Animal Feeding Operation, Feedlot		
	Forestry, Commercial		
	Pasture		
	Winery	C	A
All Other Agriculture			
<b>Aviation or Surface Passenger Terminal</b>	Airports/Heliports		
	Bus/Commuter Stops	A	A
	Bus/Railroad Depot		
	Helipads		
	All Other Aviation or Surface Passenger Terminal		
<b>Mining</b>	Oil or Gas Drilling		
	Sand or Gravel Extraction or Processing		



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Use Category	Specific Use Type	MUR	MUC
<b>A = Allowed Use C = Conditional Use</b>			
	All Other Mining		
<b>Telecom. Facilities</b>	Telecommunication Support Structures	C	C
	Telecommunications Facilities	C	C

#### 4. Required Mix Of Uses.

A. Mix of Uses. In the Mixed Use District, a mix of uses – either within a single building or on a development site – shall be provided unless it can be demonstrated that adjacent properties provide or will provide a complimentary diversity of uses. The uses of adjacent properties can be established through one of the following: (1) existing uses, (2) approved site plan for development, or (3) approved Comprehensive or Area Plan.

B. Residential. Residential uses are encouraged in the development, but are not permitted on the ground floor of mixed use structure.

#### 5. Layout, Dimensions and Size Requirements.

A. Minimum Lot Size. The minimum lot size of uses shall be as follows:

B. Floor to Floor Heights and Floor Area of Ground Floor Space.

Use	Minimum Lot Size Mixed Use	Minimum Lot Size Traditional Use
Detached Single Family	4,000 sf	4,000 sf
Duplex	4,000 sf	4,000 sf
Attached Single Family	2,000 sf	2,000 sf
Commercial up to 10,000 sf	5,000 sf	8,000 sf
Commercial up to 25,000 sf	12,500 sf	20,000 sf
Commercial up to 50,000 sf	25,000 sf	40,000 sf
	note: maximum FAR 2.0	note: maximum FAR 1.25

1. All commercial floor space provided on a ground floor of a mixed-use building must have a minimum floor-to-ceiling height of 11 feet.

2. All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:

(a) At least 800 sq. ft. or 25% of the buildable lot area, whichever is greater, on lots with street frontage of less than 50 feet; or

(b) At least 20% of the buildable lot area on lots with 50 feet or more of street frontage.

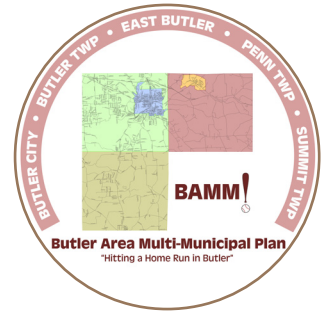
D. Setbacks.

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1. Front and Side Street. Where possible, and in keeping with sight line requirements, the entire building façade shall abut front and side street property lines or be located within 15 feet of such property lines. Exceptions may be made for corner lots or commercial structures where outdoor seating may be provided.

2. Rear. Where there is an alley, street, or public right of way behind the building, no rear setback is required. Where the MU district abuts a residential use or district, the rear setback shall be 20 feet.

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3. Interior Side. No interior side setbacks are required in the MU district unless the interior side abuts a residential use or district. Where an MU district does abut a residential use or district, the MU interior setback shall be identical to that of the residential district.

E. Building Height. The maximum building height shall be 38 feet for mixed use buildings and 35 feet for all other buildings.

6. Parking.

A. On Street. On-street parking within three hundred feet of the proposed use may be counted to meet the parking requirements for non-residential uses. Assignment of on-street parking shall be allocated at the time of site plan approval. On street parking shall not be allocated to more than one use.

B. Off Street.

1. No off-street parking shall be required for nonresidential uses in the MX district unless such uses exceed 2,500 square feet of gross floor area, in which case off street parking must be provided for the floor area in excess of 2,500 square feet.

2. Off street parking shall be provided as described in Section 7.1: Off-Street Parking.