

**ARTICLE 7.14.6 – MO - MIXED USE OVERLAY DISTRICT**

**A. INTENT:**

The Mixed Use District is intended to allow for a wide range of uses in a manner in which the impacts on adjacent land uses are minimized. The district overlays one or more conventional zoning districts, which are referred to in this article as the “underlying” zoning district.

**B. PRINCIPAL USES PERMITTED:**

In the Mixed Use District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in the ordinance:

1. Those principal uses permitted in the underlying zoning district and which meet the requirements in the underlying zoning district for that use.
2. Accessory buildings and uses customarily incident to any of the above permitted uses.
3. More than one principal use may be permitted on a lot of record with site plan approval by the Planning Commission.

**C. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:**

The following uses may be permitted by the Planning Commission subject to the conditions hereinafter imposed for each use, including the review and approval of the site plan by the Planning Commission, and subject further to public notification and hearing held in accord with ARTICLE 7.18, Section 1:

1. All uses allowed subject to special conditions in the underlying zoning district and which meet the requirements in the underlying zoning district for that use. More than one principal use is allowed.
2. All uses allowed in the R-1, RM, OS-1, B-1, CBD, B-2 and I-1 zoning districts as a principal use permitted unless it is principal use permitted in the underlying zoning district. The use shall meet the requirements in the zoning district in which the use is allowed except as provided for in paragraph D below. Where the use is allowed in more than one district the Planning Commission shall apply the standards that are closest in intensity as the underlying zoning district as well as the standards in Section 3 a below. More than one principal use is allowed.
3. All uses allowed in the R-1, RM, OS-1, B-1, CBD, and B-2 zoning districts as a use subject to special conditions. The use shall meet the requirements in the zoning district in which the use is allowed except as provided for in paragraph D below. Where the use is allowed in more than one district the Planning Commission shall apply the standards that are closest in intensity as the underlying zoning district. More than one principal use is allowed.
  - a. Uses permitted under Sections C.2. and C.3. shall also comply with the following:

- (1) The Planning Commission may impose conditions on the operation of the proposed use including hours of operation, outdoor operations and delivery and shipping of material that is necessary to ensure the uses compatibility with surrounding uses.
- (2) In portions of the mixed use district where residences and offices predominate, any structure proposed for construction or expansion shall have an exterior appearance consistent with the general character of the area, including scale and mass of the building, arrangement of windows, pitch of roof and type of siding material.
- (3) The Planning Commission may reduce minimum number of parking spaces required for property involving two or more uses if their parking demand could expect to overlap.

**D. AREA AND BULK REQUIREMENTS:**

1. Uses shall comply with Article 7.15, SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot permitted land use, the maximum density permitted, and providing minimum yard setback requirements for the underlying zoning district.
2. In addition, the Planning Commission may establish maximum front and street side lot line setbacks and minimum height requirements for any expansion or new development if they determine it is necessary to maintain the urban character of the neighborhood.
3. Where more than one principal use is allowed on a lot of record, setbacks between buildings shall be based on the yard setbacks of the underlying zoning district, but may be modified by the Planning Commission if they determine that adequate conditions have been included to address public health and adequate emergency access within the site.”

Effective Date of Section 7.14.6: 2008 09-18