

ORDINANCE NO. 23- 150

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 23, ZONING, OF THE CODE OF THE COUNTY OF SPOTSYLVANIA, VIRGINIA.

BE IT ORDAINED By the Board of Supervisors of the County of Spotsylvania, Virginia, that Chapter 23, Zoning, is hereby amended and ordained by adoption of the following:

DIVISION 28.

MIXED USE (MU) DISTRICT

Sec. 23-6.28.1. Purpose and Intent

The Mixed Use (MU) District creates a flexible approach to development, to include infill and redevelopment, by allowing a variety of interrelated and compatible commercial, office, residential, civic, recreational, and entertainment uses in a pedestrian-oriented neighborhood setting based on, but not limited to the following principles:

- (1) Connectivity of road networks, including connectivity of new local streets with existing local streets;
- (2) Connected pedestrian networks and pedestrian-friendly road design;
- (3) Reduced front and side yard building setbacks;
- (4) Mixed-use neighborhoods, including mixed housing types; and
- (5) Respects the character of adjacent properties and surrounding neighborhoods.

Sec. 23-6.28.2. Applicability

Unless expressly provided otherwise, any provision of this Division that conflicts with another provision of the Zoning Ordinance or other applicable ordinance or regulation shall be deemed to control to the extent of such conflict.

Sec. 23-6.28.3. Sub-districts

- (1) To meet the intent and purpose of the district, the following sub-districts are established:

- a. Residential Attached (MU-1)

- The MU-1 Sub-district permits detached and attached houses. Permitted nonresidential uses include places of worship, schools and other civic uses.

- b. Residential Townhouse (MU-2)

- In addition to detached houses and attached houses, the MU-2 Sub-district permits townhouses. Permitted nonresidential uses also include places of worship, schools and other civic uses.

- c. Residential Mixed Use (MU-3)

- In addition to detached houses, attached houses and townhouses, the MU-3 Sub-district permits apartments. The sub-district permits limited retail and office uses.

d. Mixed Use Low (MU-4)

The MU-4 Sub-district is a mixed use district that permits retail, office and residential uses in a variety of building types up to four stories in height. Residential configurations include single family attached houses, townhouses, and apartments on upper floors of mixed use buildings.

e. Mixed Use High (MU-5)

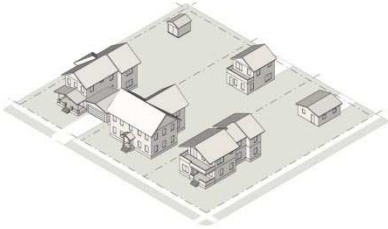
The MU-5 Sub-district is a mixed use district permitting retail, office and residential uses in a variety of building types. Maximum height in the district shall be established in the Generalized Development Plan (GDP) adopted at the time of rezoning. Residential configurations include townhouses, and apartments on upper floors of mixed use buildings.

(2) The Board of Supervisors may approve alternative Sub-District controls as part of a Zoning Map Amendment.

Sec. 23-6.28.4. Development Standards

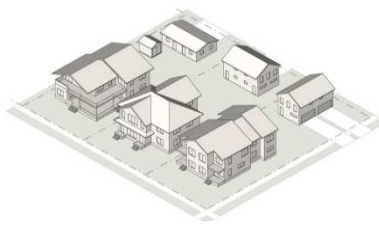
a) Building Types

This section establishes and defines each building type to ensure that proposed development is consistent with the district goals for building form, physical character, land use and quality.



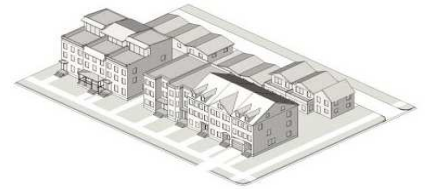
(1) Detached House

A building type designed primarily to accommodate one dwelling unit on an individual lot. In more intense sub-districts, a detached house may be used for mixed purposes.



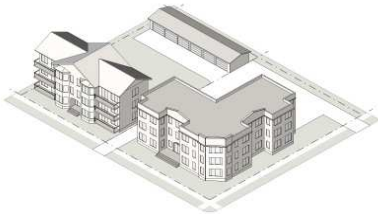
(2) Attached House

A building type designed primarily to accommodate two dwelling units on an individual lot. In more intense sub-districts, an attached house may be used for mixed purposes.



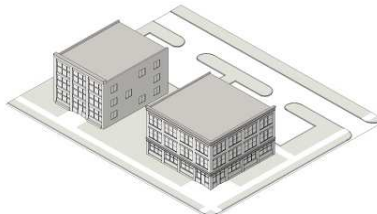
(3) Townhouse Building

A building type designed primarily to accommodate two or more dwelling units consolidated side-by-side into a single structure, with no more than eight in a single building. In more intense sub-districts, a townhouse may be used for mixed purposes.



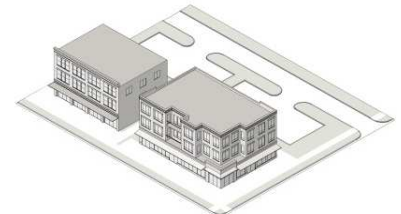
(4) Apartment Building

A building type containing three or more dwelling units consolidated into a single structure. Units must be either situated wholly or partially over or under other units, or back to back with other units in the same structure.



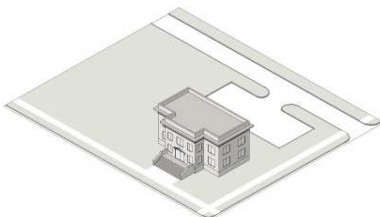
(5) General Building

A building type intended primarily for commercial, office, manufacturing and employment uses.



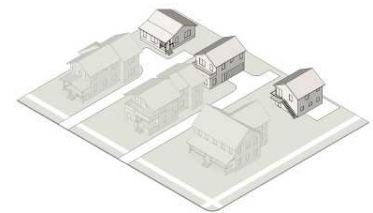
(6) Mixed Use Building

A building type intended primarily for ground floor commercial uses with upper-story residential or offices uses.



(7) Civic Building

A building type intended primarily for civic, institutional or public uses.



(8) Accessory Apartment

A small dwelling located on the same lot as a detached house, attached house, or townhouse. An accessory apartment may be located above a garage.

b) Building Types Permitted by Sub-district

- a. Building types are permitted by sub-district as set forth below. Shaded cells indicate allowed building types.

| | MU-1 | MU-2 | MU-3 | MU-4 | MU-5 |
|---------------------|------|------|------|------|------|
| Detached House | | | | | |
| Attached House | | | | | |
| Townhouse Building | | | | | |
| Apartment Building | | | | | |
| General Building | | | | | |
| Mixed Use Building | | | | | |
| Civic Building | | | | | |
| Accessory Apartment | | | | | |

- b. A square footage amount equal to 15% of the land area within a sub-district may be the types of uses allowed in adjacent sub-districts.

c) Requirements for All Building Types

(1) Site

a. Defined

A site is any lot or group of contiguous lots owned or functionally controlled by the same person or entity, assembled for the purpose of development.

b. Site Area

Site area is the area included within the rear, side and front lot lines of the site. Does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

c. Site Width

Site width is the distance between the side lot lines of the site (generally running perpendicular to a street) measured at the primary street property line along a straight line or along the chord of the property line.

(2) Lot

a. Defined

- A parcel of land either vacant or occupied intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership, or possession, or for the purpose of development.
- All lots must front on a street.

b. Lot Standards

- In the MU-1 District only one principal structure is permitted per lot.

c. Lot Area

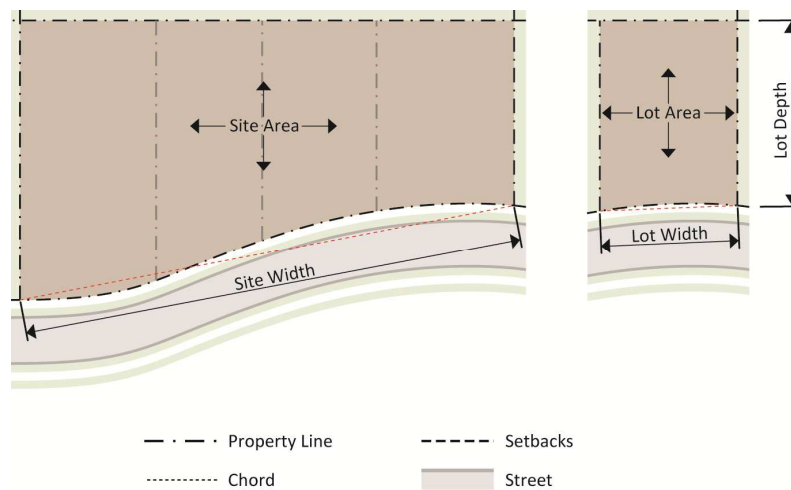
Lot area is the area included within the rear, side and front lot lines. Lot area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

d. Lot Width

Lot width is the distance between the side lot lines (generally running perpendicular to a street) measured at the primary street property line along a straight line or along the chord of the property line.

e. Lot Depth

Lot depth is the distance between the front and rear property lines measured along a line midway between the side property lines.



(3) Building Setbacks

a. Setback Types

There are four types of setbacks – primary street setback, side street setback, side setback and rear setback. Through lots are considered to have two primary street setbacks.

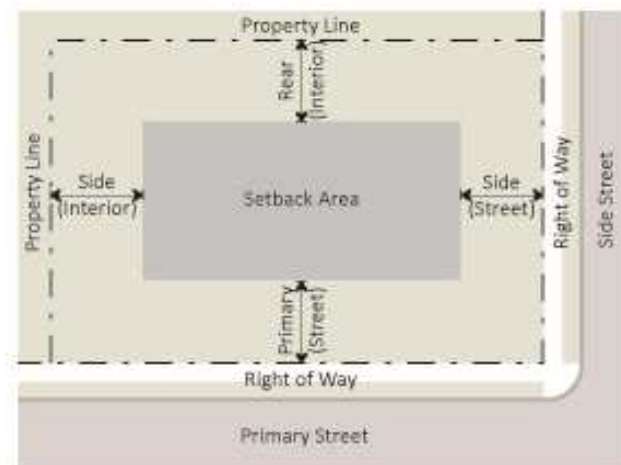
b. Measurement of Building Setbacks

- i. Primary and side street setbacks are measured from the edge of the right-of-way.
- ii. Side setbacks are measured from the side property line.
- iii. Rear setbacks are measured from the rear property line or the edge of the right-of-way where there is an alley.

c. Corner Lots

A corner lot shall have one primary street. In determining the primary street, the following conditions must be considered:

- i. The street with the highest street classification;
- ii. The established orientation of the block, if any;
- iii. The street abutting the longest face of the block;
- iv. The street parallel to an alley within the block;
- v. The street from which the lot takes its address.



d. Setbacks and Utilities

The Zoning Administrator may approve modified setbacks where necessary to accommodate the easement width for public and private utilities that are not permitted to be under a street or in an alley.

(4) Setback Encroachments

All buildings and structures must be located at or behind required setback lines, except as listed below. Structures below and covered by the ground may encroach into a required setback.

a. Building Features

- i. Porches, stoops, balconies, galleries and awnings may encroach, provided that such extension is at least two (2) feet from the vertical plane of any lot line.
- ii. Chimneys or flues may encroach up to four (4) feet, provided that such extension is at least two (2) feet from the vertical plane of any lot line.
- iii. Building eaves, roof overhangs and light shelves may encroach up to five (5) feet, provided that such extension is at least two (2) feet from the vertical plane of any lot line.
- iv. Bay windows, entrances and similar features that are less than ten (10) feet wide may encroach up to four (4) feet, provided that such extension is at least two (2) feet from the vertical plane of any lot line.
- v. Unenclosed fire escapes or stairways may encroach up to four (4) feet into a required side or rear setback, provided that such extension is at least five (5) feet from the vertical plane of any lot line.
- vi. Unenclosed patios, decks or terraces may encroach up to four (4) feet into a required side setback, or up to eight (8) feet into a required rear setback, provided that such extension is at least five (5) feet from the vertical plane of any lot line.
- vii. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features may encroach up to 1½ feet.
- viii. Handicap ramps may encroach to the extent necessary to perform their proper function.

b. Mechanical Equipment and Utility Lines

- i. Mechanical equipment associated with residential uses, such as HVAC units and security lighting, may encroach into a required rear or side setback, provided that such extension is at least five (5) feet from the vertical plane of any lot line.
- ii. Sustainable energy systems, including solar panels and wind turbines, may extend into a required rear or side setback, provided that such extension is at least three (3) feet from the vertical plane of any lot line.
- iii. Rainwater collection or harvesting systems may extend into a required rear or side setback, provided that such extension is at least three feet from the vertical plane of any lot line.
- iv. Utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes, and transformers and other cabinet structures) may extend into a required rear or side setback.

c. Other Permitted Encroachments

- i. Fences and walls.
- ii. Signs.
- iii. Driveways.

(5) Build-to Zone

a. Defined

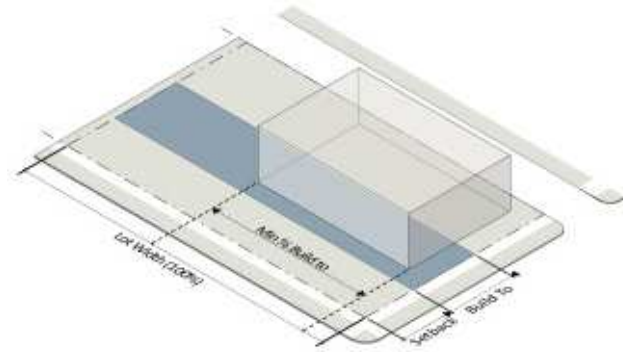
- i. The build-to zone is the area on the lot where a certain percentage of the front building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.
- ii. The required percentage specifies the amount of the front building façade that must be located in the build-to area, measured based on the width of the building divided by the width of the site or lot.

b. Corner Lots

On corner lots, a building facade must be placed within the build-to area for the first 30 feet along the street extending from the block corner. No other build-to zone requirements apply on side streets that are not primary streets.

c. Encroachments

With the exception of parking areas, all structures and uses customarily allowed on the lot are permitted in the build-to area.



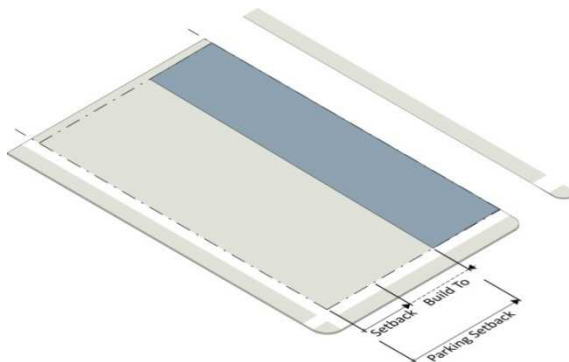
(6) Parking Setbacks

a. Parking Setback Types

There are four (4) types of parking setbacks – primary street setback, side street setback, side setback and rear setback. Through lots are considered to have two primary street setbacks.

b. Measurement of Parking Setbacks

- i. Primary and side street setbacks are measured from the edge of the right-of-way.
- ii. Side setbacks are measured from the side property line.
- iii. Rear setbacks are measured from the rear property line or the edge of the right-of-way if there is an alley.



c. Parking Not Allowed

On-site surface and structured parking must be located behind the parking setback line. This requirement is not intended to restrict on-street parking.

d. Parking setback shall not apply to detached, attached, or townhouse lots.

(7) Open Space

a. Defined

For the purposes of this Division, open space may be met on an average basis of the amount of open space on each lot shown on a final plat.

b. Standards

- i. Open space may be met in one contiguous open area or in multiple open areas on the lot; however, to receive credit the area must be at least five (5) feet in width and length. Setback areas that meet this requirement may be counted towards open area provided they meet the other requirements of this section.
- ii. Open space must be located at grade, and cannot be built, parked or driven upon, except for emergency access and permitted temporary events.
- iii. Open space may be provided above ground for a general or mixed use building type. Examples include an outside roof deck, roof top garden, pool area or similar outdoor common area.

(8) Height

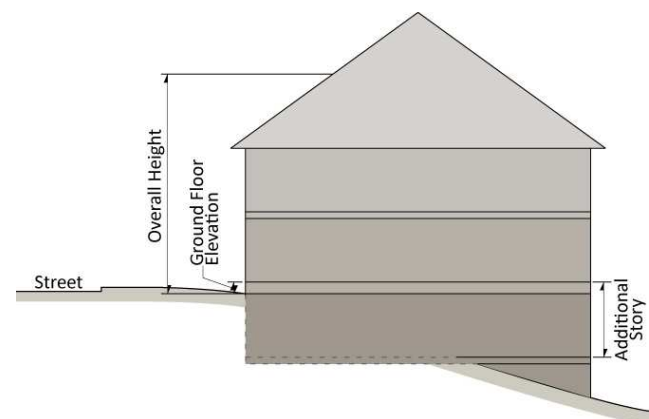
a. Building Height

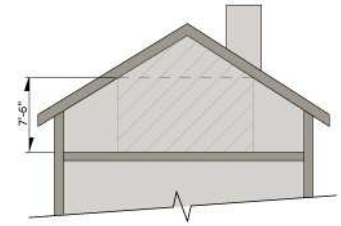
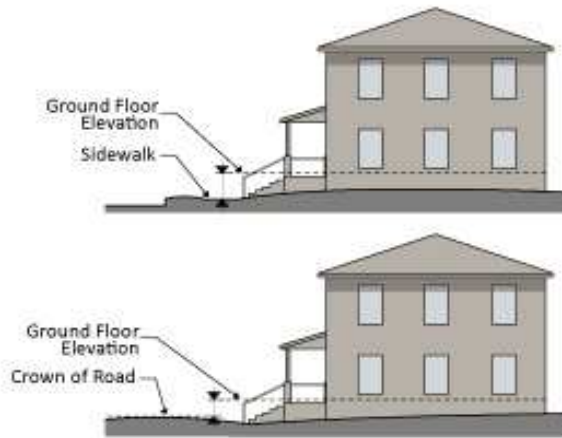
- i. Building height is measured in both the number of stories and in feet to the top of the highest point of a flat roof or the midpoint of a pitched roof.
- ii. Average grade is determined by calculating the average of the highest and lowest elevation along natural or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback line.
- iii. Where a lot slopes downward from the front property line, one story that is additional to the specified maximum number of stories may be built on the lower, rear portion of the lot.
- iv. An attic does not count as a story where 50% or more of the attic floor area has a clear height of less than 7½ feet; measured from the finished floor to the finished ceiling.
- v. A basement with 50% or more of its perimeter wall area surrounded by natural grade is not considered a story.



b. Ground Floor Elevation

Ground floor elevation is measured from the average curb level of the adjoining street to the top of the finished ground floor.





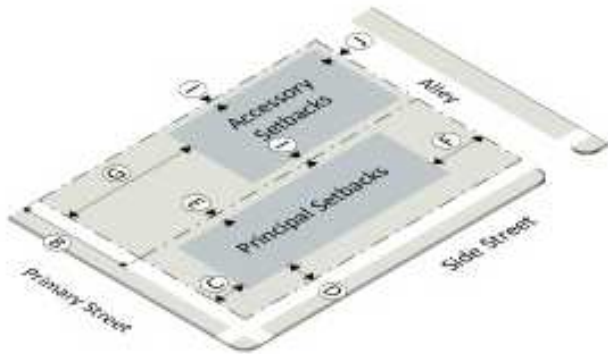
(9) Height Encroachments

Any height encroachment not specifically listed is expressly prohibited except where the Zoning Administrator determines that the encroachment is similar to a permitted encroachment listed below.

- a. The maximum height limits of the district do not apply to spires, belfries, cupolas, domes not intended for human occupancy; monuments, water tanks, water towers or other similar structures which, by design or function, must exceed the established height limits.
- b. The following accessory structures may exceed the established height limits, provided they do not exceed the maximum building height by more than twelve (12) feet:
 - i. Chimney, flue or vent stack;
 - ii. Deck, patio, shade structure;
 - iii. Flagpole;
 - iv. Garden, landscaping;
 - v. Parapet wall, limited to a height of four feet;
 - vi. Rainwater collection or harvesting systems (rain barrels); and
 - vii. Sustainable energy systems, including but not limited to solar panels and wind energy generation systems that generate power primarily to be used on-site.
- c. The following accessory structures may exceed the established height limits, provided they do not exceed the maximum building height by more than twelve (12) feet, do not occupy more than 25% of the roof area, and are set back at least ten (10) feet from the edge of the roof:
 - i. Amateur communications tower;
 - ii. Cooling tower;
 - iii. Elevator penthouse or bulkhead;
 - iv. Greenhouse;
 - v. Mechanical equipment;
 - vi. Skylights;
 - vii. Elevator or stairway access to roof; and
 - viii. Tank designed to hold liquids.
- d. An accessory structure located on the roof must not be used for any purpose other than a use incidental to the principal use of the building.

e) Detached House

| | |
|---|------|
| § | MU-1 |
| § | MU-2 |
| § | MU-3 |
| | MU-4 |
| | MU-5 |



(1) Lot Standards

| Lot Dimensions | | |
|-----------------------------|-----------------------------------|----------------------|
| Ⓐ | Lot Area (min/max) | 3,000 sf / 21,780 sf |
| Ⓑ | Lot width (min/max) | 30' / 110' |
| Principal Building Setbacks | | |
| Ⓒ | Primary street (min) | 10' |
| Ⓓ | Side street (min) | 5' |
| Ⓔ | Side, common lot line (min) | 4' |
| Ⓕ | Rear, common lot line/alley (min) | 18' |
| Accessory Building Setbacks | | |
| Ⓖ | Primary street (min) | 50' |
| Ⓗ | Side street (min) | 5' |
| Ⓙ | Side, common lot line (min) | 3' |
| ⓫ | Rear, common lot line (min) | 3' |
| ⓬ | Rear, alley (min) | 4' or 18' |

(2) Building Placement

| Build-to Zone (BTZ) | | |
|---------------------|--------------------------------------|----------|
| | Primary street (min/max) | 5' / 45' |
| | % of building in primary street BTZ | 70% |
| Open Space | | |
| | % of open area on the lot on average | 25% |

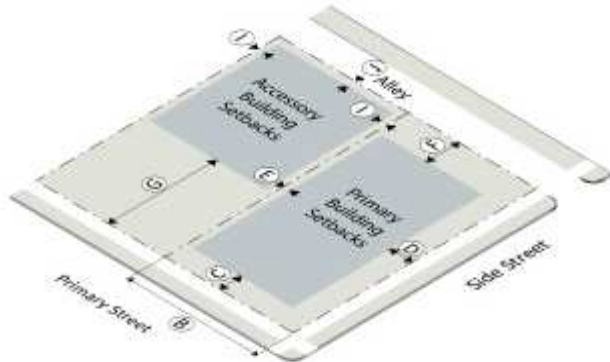
(3) Height

| Building Height | | |
|-----------------|--------------------------|-----------|
| | Principal building (max) | 3 stories |
| | Accessory building (max) | * |

*Shall not exceed the height of the height of the principal building

f) Attached House

| | |
|---|------|
| § | MU-1 |
| § | MU-2 |
| § | MU-3 |
| § | MU-4 |
| | MU-5 |



(1) Lot Standards

| Lot Dimensions | |
|-------------------------------------|----------------------|
| Ⓐ Lot area (min/max) | 7,500 sf / 15,000 sf |
| Ⓑ Lot width (min/max) | 60' / 80' |
| Principal Building Setbacks | |
| Ⓒ Primary street (min) | 10' |
| Ⓓ Side street (min) | 5' |
| Ⓔ Side, common lot line (min) | 4' |
| Ⓕ Rear, common lot line/alley (min) | 20' |
| Accessory Building Setbacks | |
| Ⓖ Primary street (min) | 50' |
| Ⓗ Side street (min) | 5' |
| Ⓘ Side, common lot line (min) | 3' |
| Ⓙ Rear, common lot line (min) | 3' |
| ⓰ Rear, alley (min) | 4' or 18' |

(3) Height

| Building Height | |
|--------------------------|-----------|
| Principal building (max) | 3 stories |
| Accessory building (max) | * |

*Shall not exceed the height of the height of the principal building

(2) Building Placement

| Build-to Zone (BTZ) | |
|---|-----------|
| Ⓐ Primary street (min/max) | 10' / 45' |
| Ⓑ % of building in primary street BTZ (min) | 70% |
| Open Space | |
| % of open area on the lot on average | 25% |

g) Townhouse Building

| | |
|---|------|
| | MU-1 |
| § | MU-2 |
| § | MU-3 |
| § | MU-4 |
| § | MU-5 |



(1) Lot Standards

| Lot Dimensions | |
|---------------------------------|-----------|
| (A) Site area (min) | NA |
| (B) Site width (min) | NA |
| Building Setbacks | |
| (E) Primary street (min) | 5' |
| (F) Side street (min) | 5' |
| (G) Side, common lot line (min) | 0' or 5' |
| (H) Rear, common lot line (min) | 15' |
| (H) Rear, alley (min) | 4' or 18' |

(2) Building Placement

| Build-to Zone, Site (BTZ) | |
|---|----------|
| (A) Primary street (min/max) | 5' / 25' |
| (B) % of building in primary street BTZ (min) | 70% |
| Open Space | |
| % of open area on the lot on average | 15% |

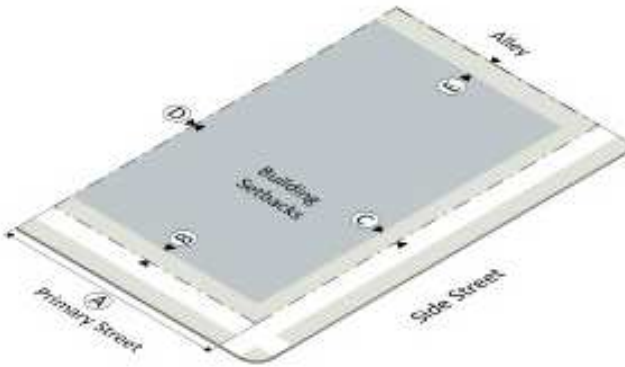
(3) Height

| Building Height | |
|--------------------------|-----------|
| Principal building (max) | 3 stories |
| Accessory building (max) | * |

*Shall not exceed the height of the height of the principal building

h) Apartment Building

| | |
|---|------|
| | MU-1 |
| | MU-2 |
| § | MU-3 |
| § | MU-4 |
| § | MU-5 |

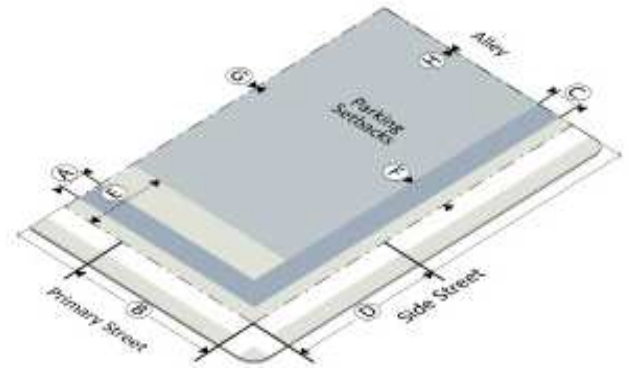


(1) Lot Standards

| Lot Dimensions | |
|-------------------------------------|-----|
| Ⓐ Lot width (min) | 20' |
| Building Setbacks | |
| Ⓑ Primary street (min) | 0' |
| Ⓒ Side street (min) | 0' |
| Ⓓ Side, common lot line (min) | 0' |
| Ⓔ Rear, common lot line/alley (min) | 0' |

(3) Height

| Building Height | |
|--------------------------|-----------|
| Principal building (max) | |
| MU-4 | 4 stories |
| MU-5 | 6 stories |



(2) Building Placement

| Build-to Zone (BTZ) | |
|--|-----|
| Ⓐ Primary street (min) | 0' |
| Ⓑ Building in primary street BTZ (min) | NA |
| Ⓒ Side street (min) | 0' |
| Ⓓ % of building in side street BTZ (min) | NA |
| Parking Setbacks | |
| Primary street (min) | 20' |
| Side street (min) | 5' |
| Side, common lot line (min) | 0' |
| Rear, common lot line/alley (min) | 0' |
| Open Space | |
| % of open area on the lot on average | 10% |

i) General Building

| | |
|---|------|
| | MU-1 |
| | MU-2 |
| § | MU-3 |
| § | MU-4 |
| § | MU-5 |

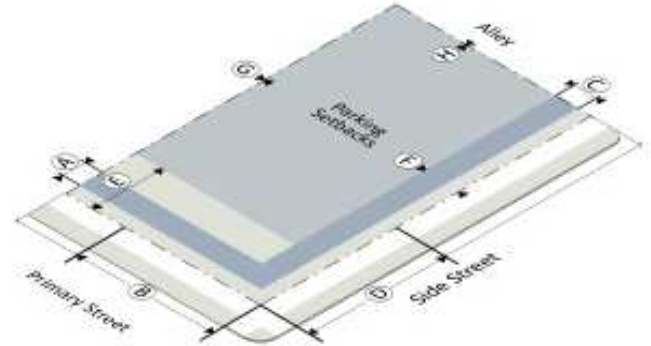


(1) Lot Standards

| Lot Dimensions | | |
|-------------------|-----------------------------------|-----|
| Ⓐ | Lot width (min) | 20' |
| Building Setbacks | | |
| Ⓑ | Primary street (min) | 0' |
| Ⓒ | Side street (min) | 0' |
| Ⓓ | Side, common lot line (min) | 0' |
| Ⓔ | Rear, common lot line/alley (min) | 0' |

(3) Height

| Building Height | | |
|-----------------|--------------------------|-----------|
| | Principal building (max) | |
| | MU-4 | 4 stories |
| | MU-5 | 6 stories |

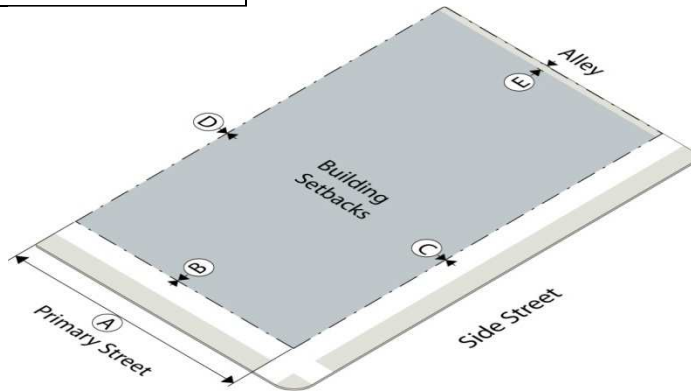


(2) Building Placement

| Build-to Zone (BTZ) | | |
|---------------------|---|-----|
| Ⓐ | Primary street (min) | 0' |
| Ⓑ | % of building in primary street BTZ (min) | NA |
| Ⓒ | Side street (min) | 0' |
| Ⓓ | % of building in side street BTZ (min) | NA |
| Parking Setbacks | | |
| | Primary street (min) | 20' |
| | Side street (min) | 5' |
| | Side, common lot line (min) | 0' |
| | Rear, common lot line/alley (min) | 0' |
| Open Space | | |
| | % of open area on the lot on average | 10% |

j) Mixed Use Building

| | |
|---|------|
| | MU-1 |
| | MU-2 |
| | MU-3 |
| § | MU-4 |
| § | MU-5 |

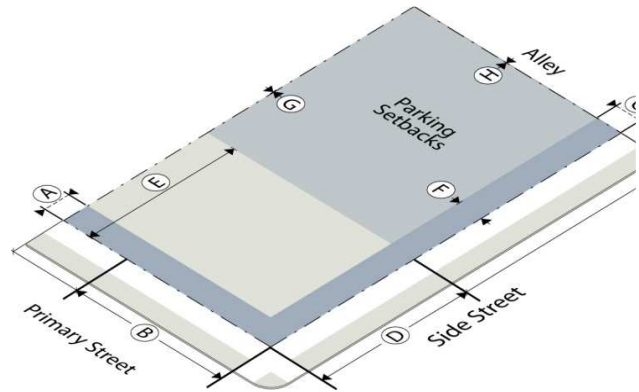


(1) Lot Standards

| Lot Dimensions | | |
|-------------------|-----------------------------------|-----|
| Ⓐ | Lot width (min) | 20' |
| Building Setbacks | | |
| Ⓑ | Primary street (min) | 0' |
| Ⓒ | Side street (min) | 0' |
| Ⓓ | Side, common lot line (min) | 0' |
| Ⓔ | Rear, common lot line/alley (min) | 0' |

(3) Height

| Building Height | | |
|-----------------|--------------------------|-----------|
| | Principal building (max) | |
| | MU-4 | 4 stories |
| | MU-5 | 6 stories |

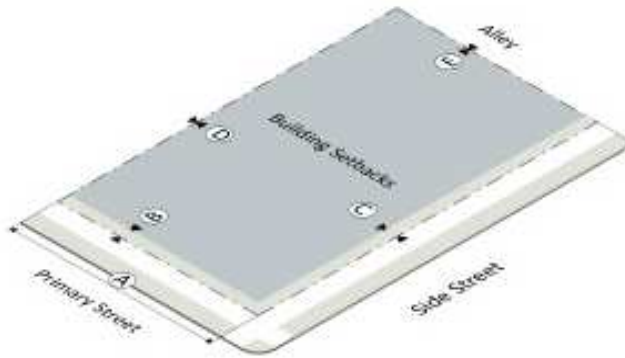


(2) Building Placement

| Build-to Zone (BTZ) | | |
|---------------------|---|-----|
| Ⓐ | Primary street (min) | 0' |
| Ⓑ | % of building in primary street BTZ (min) | NA |
| Ⓒ | Side street (min) | 0' |
| Ⓓ | % of building in side street BTZ (min) | NA |
| Parking Setbacks | | |
| Ⓔ | Primary street (min) | 20' |
| Ⓕ | Side street (min) | 5' |
| Ⓖ | Side, common lot line (min) | 0' |
| Ⓗ | Rear, common lot line/alley (min) | 0' |
| Open Space | | |
| | % of open area on the lot on average | 10% |

k) Civic Building

| | |
|---|------|
| § | MU-1 |
| § | MU-2 |
| § | MU-3 |
| § | MU-4 |
| § | MU-5 |

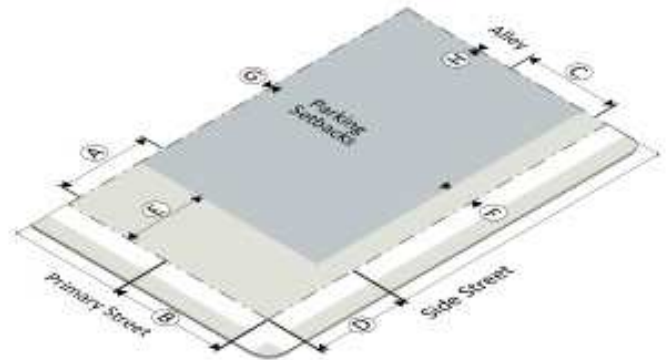


(1) Lot Standards

| Lot Dimensions | | |
|-------------------|-----------------------------------|----|
| Ⓐ | Lot width (min/max) | NA |
| Building Setbacks | | |
| Ⓑ | Primary street (min) | 0' |
| Ⓒ | Side street (min) | 0' |
| Ⓓ | Side, common lot line (min) | 0' |
| Ⓔ | Rear, common lot line/alley (min) | 0' |

(3) Height

| Building Height | | |
|--------------------------|--|-----------|
| Principal building (max) | | |
| MU-1, MU-2 | | 3 stories |
| MU-3, MU-4 | | 4 stories |
| MU-5 | | 6 stories |

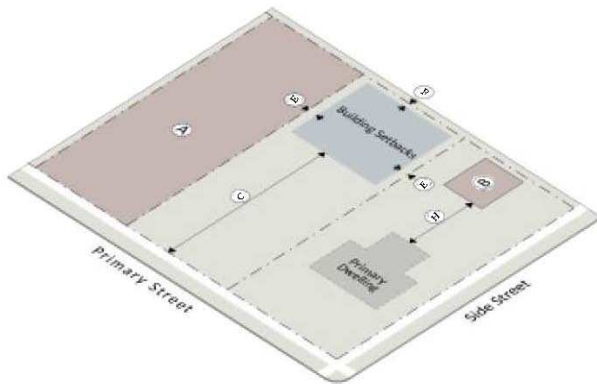


(2) Building Placement

| Build-to Zone (BTZ) | | |
|--------------------------------------|---|-----|
| Ⓐ | Primary street (min) | 0' |
| Ⓑ | % of building in primary street BTZ (min) | NA |
| Ⓒ | Side street (min) | 0' |
| Ⓓ | % of building in side street BTZ (min) | NA |
| Parking Setbacks | | |
| Ⓔ | Primary street (min) | 20' |
| Ⓕ | Side street (min) | 5' |
| Ⓖ | Side, common lot line (min) | 0' |
| Ⓗ | Rear, common lot line/alley (min) | 0' |
| Open Space | | |
| % of open area on the lot on average | | 10% |

l) Accessory Apartment

| | |
|---|------|
| § | MU-1 |
| § | MU-2 |
| § | MU-3 |
| § | MU-4 |
| | MU-5 |



(1) Lot Standards

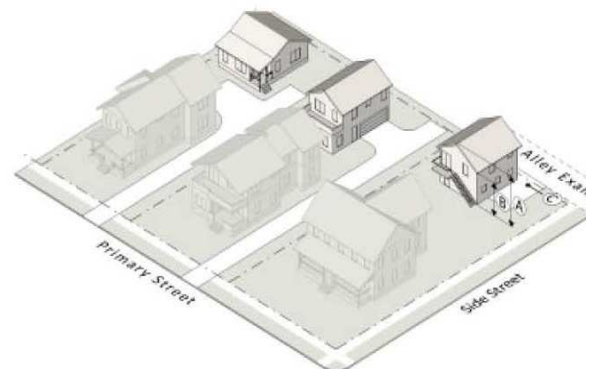
| Lot Dimensions | |
|---------------------------------------|-----------|
| (A) Dwelling units per lot (max) | 2 |
| (B) Building footprint (min) | 200 sf |
| Building Setbacks | |
| (C) Primary street (min) | 50' |
| (D) Side street (min) | 10' |
| (E) Side, common lot line (min) | 5' |
| (F) Rear, common lot line/alley (min) | 3' |
| (G) Rear, alley (min) | 4' or 18' |
| (H) Building separation (min) | 10'* |

* Buildings connected by a single breezeway are deemed to be separate buildings.

(2) Access

Vehicular

From Alley or from street when no alley is present



- m) The Board of Supervisors may approve alternative Development Standards controls as part of a Zoning Map Amendment.

Sec. 23-6.28.5.Uses

a) Permitted Uses

- 1) This section establishes the uses allowed in each sub-district. A lot or building shall be occupied with only the land uses allowed in Sec. 23-6.28.5(c).
- 2) Any one or more uses identified in Sec. 23-6.28.5(c) as being allowed within a specific sub-district may be established on any parcel within that sub-district, subject to the Use Table, and in compliance with all applicable requirements of this district.

b) Use Standards

1) Ground Story Uses in All Districts

- a. Allowed ground story uses may extend into upper stories without regard for the upper story allowed uses listed on the Use Table below.

2) Civic Buildings

- a. Only Public/Institutional uses listed on the Use Table below are allowed in a civic building type.

c) Use Table

| | MU-1 All Floors | MU-2 All Floors | MU-3 All Floors | MU-4, MU-5 Ground Story | Upper Stories |
|--|--------------------|--------------------|--------------------|----------------------------|---------------|
| RESIDENTIAL | | | | | |
| Dwelling, detached | P | P | P | — | — |
| Dwelling, attached | P | P | P | P, — | P, — |
| Dwelling, townhouse | — | P | P | P | P |
| Dwelling, apartment | — | — | P | P | P |
| Home occupation | P | P | P | P | P |
| Home enterprise | S | S | P | P | P |
| GROUP LIVING | | | | | |
| Assisted living facility | S | S | S | P | P |
| Convent, monastery, seminary and nunnery | — | — | S | P | P |
| Dormitory, fraternity or sorority house, rooming / boardinghouse or other residence hall | — | — | S | P | P |
| Nursing home | — | — | S | P | P |
| PUBLIC/INSTITUTIONAL | | | | | |
| Civic, social or fraternal facility | S | S | S | P | P |
| Civic and sports arena | — | — | — | S | S |
| College or university | — | — | S | S | S |
| Cultural center, museum or similar facility | — | — | — | S | S |
| Place of worship | S | S | S | S | S |
| Public school | S | S | S | S | S |
| Private school | S | S | S | S | S |
| Public facility / use | P | P | P | P | P |
| Quasi-public park, playground, community center, athletic fields and related facilities | P | P | P | P | — |
| Public utility, light | S | S | S | S | — |
| Telecommunications tower | S | S | S | S | S |

| | MU-1 | MU-2 | MU-3 | MU-4, MU-5 | |
|---|------------|------------|------------|--------------|---------------|
| | All Floors | All Floors | All Floors | Ground Story | Upper Stories |
| RETAIL SALES, SERVICE, ENTERTAINMENT | | | | | |
| Amusement arcade | — | — | — | P | P |
| Animal shelter | — | — | — | P | P |
| Antique shop | — | — | P | P | P |
| Auction establishment | — | — | — | P | P |
| Billiard, pool hall | — | — | — | P | P |
| Child care center | S | S | P | P | P |
| Convenience store | — | — | P | P | P |
| Eating establishment | — | — | P | P | P |
| Financial institution | — | — | S | P | P |
| Funeral home | — | — | S | S | — |
| Greenhouse / Plant nursery | — | — | — | P | P |
| Hospital | — | — | — | P | P |
| Indoor, commercial recreation facility | — | — | S | P | P |
| Live entertainment | — | — | — | P | P |
| Medical care facility | — | — | S | P | P |
| Open air market | — | — | — | P | — |
| Personal service establishment | — | — | P | P | P |
| Retail sales establishment | — | — | P | P | P |
| Tattoo parlor | — | — | — | S | — |
| Theater | — | — | — | P | P |
| Veterinary hospital/service | — | — | S | P | P |
| VISITOR ACCOMMODATIONS | | | | | |
| Bed and breakfast | S | S | S | P | P |
| Hotel, motel | — | — | — | P | P |
| OUTDOOR RECREATION | | | | | |
| Country club | S | P | P | — | — |
| Golf course and clubhouse | P | P | P | — | — |
| Outdoor sports and recreation, commercial | S | S | S | S | — |
| GENERAL BUSINESS | | | | | |
| Business service or supply establishment | — | — | — | P | P |
| Contractors office and shop | — | — | — | P | P |
| Industrial/flex | — | — | — | P | P |
| Mini-warehousing establishment | — | — | — | — | — |
| Office | — | — | P | P | P |
| Scientific research and development establishment | — | — | — | P | P |
| Warehouse | — | — | — | S | S |
| Wholesale trade establishment | — | — | — | P | P |

| | MU-1 | MU-2 | MU-3 | MU-4, MU-5 | |
|--|------------|------------|------------|--------------|---------------|
| | All Floors | All Floors | All Floors | Ground Story | Upper Stories |
| VEHICLE ACCOMMODATIONS | | | | | |
| Bus station / depot / terminal | — | — | — | P | — |
| Fuel dispensing service | — | — | — | S | — |
| Helistop | — | — | — | S | S |
| Parking, commercial off-street surface parking | — | — | — | P | — |
| Parking, structure off-street facility | — | — | — | P | P |
| Railroad station / depot / terminal | — | — | — | P | |
| Vehicle service establishment, light | — | — | — | P | — |
| Vehicle service establishment, major | — | — | — | S | — |
| Vehicle sale, rental and ancillary service establishment | — | — | — | P | — |

- d) The Board of Supervisors may approve alternative Uses controls as part of a Zoning Map Amendment.

Sec. 23-6.28.6. Parking.

a) Parking in the MU District

The requirements of Article 5, Division 9, Off-Street Parking and the Design Standards Manual shall apply in the Mixed Use (MU) District, except as otherwise specifically modified in this section.

b) Parking Credits

(1) Credit for On-Street Parking

One legal on-street parking space may be substituted for every required parking space, provided the on-street space is located on a public or private right-of-way immediately abutting the subject property.

(2) Proximity to Transit

A fifteen (15%) percent reduction in the number of required parking spaces is allowed for uses with a main entrance within a walking distance of 2,640 feet of an operating transit stop.

(3) Valet Parking

Valet parking may be permitted where all of the following standards have been met:

- An attendant is provided to park vehicles during all business hours of the use utilizing the valet parking.
- An equivalent number of valet spaces are available to replace the number required on-site parking spaces.
- Valet spaces do not require individual striping, and may take into account the mass parking of vehicles.

c) Reserved Parking

Parking spaces may be reserved for a specific tenant or unit, provided that the following standards are not exceeded:

(1) Residential

- One space per efficiency or one-bedroom multi-living dwelling unit.
- Two spaces per two-bedroom or greater multi-living dwelling unit.

(2) Nonresidential

No more than one-third of the total provided spaces may be reserved.

d) Parking Spaces Required

The following table defines the minimum number of parking spaces required for each use in the use table.

| Land Use | |
|--|--|
| Residential | |
| Dwelling, single-family & two-family | 2 per unit |
| Dwelling, multiple family | |
| 0-1 bedroom | .75 per unit + 1 visitor per 5 units |
| 2 bedrooms | 1.5 per unit + 1 visitor per 5 units |
| 3+ bedrooms | 2.0 per unit + 1 visitor per 5 units |
| Group Living | |
| Assisted living / Nursing home | 1 space per employee + 1 space per 4 beds |
| All group living | 1 per bedroom |
| Public / Institutional | |
| Place of worship | 1 per 4 seats main assembly room |
| All other public / institutional | 1 per 300 sf of gross floor area |
| Retail Sales, Service, Entertainment | |
| Child care center | 1 per employee + 1 per 12 children |
| All other retail sales, service, entertainment | 1 space for the first 1,000 sf + 1 space of each additional 750 sf |
| Visitor Accommodations | |
| All visitor accommodations | 1 per guest room |
| General Business | |
| All general business | 1 space for each 500 square feet of gross floor area |

e) The Board of Supervisors may approve alternative Parking standards as part of a Zoning Map Amendment.

Sec. 23-6.28.7. Streets and Blocks

a) Streets and Blocks in the MU District

The requirements of the Design Standards Manual apply in the Mixed Use (MU) District, as specifically modified in this section. Sidewalks, streets, street trees and street lights must be installed and constructed for both new streets and existing streetscapes.

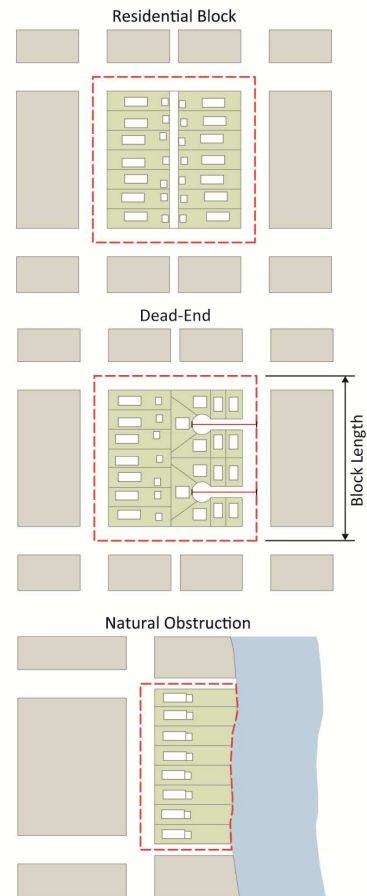
b) Blocks

(1) Applicability

The block length and perimeter standards apply to preliminary plats, final plats and site plans.

(2) Block Standards

- Residential blocks must have sufficient width to provide for two tiers of residential lots, except where single tier lots are required to accommodate single-loaded streets where across from a public park or open space, to allow for unusual topographical conditions, or when adjacent to the outer perimeter of a subdivision.
- The maximum block perimeter shall be 2,400 feet.
- The maximum block length shall be 700 feet.
- The maximum block length for a dead end street shall be 300 feet.

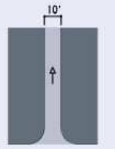


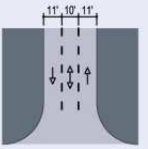
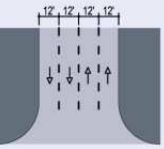
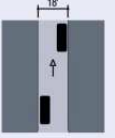
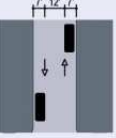

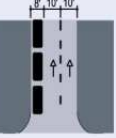
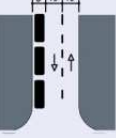
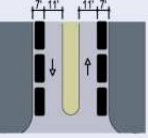
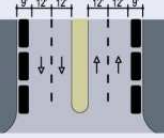
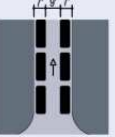
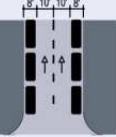

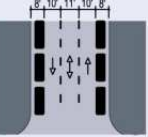
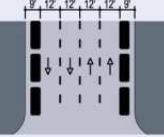
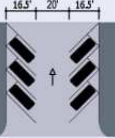


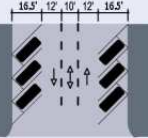
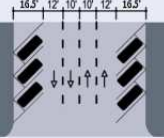
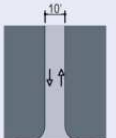
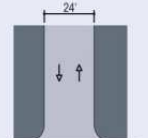


(3) Block Measurement

- a. A block is bounded by a street (not including an alley) that meets the requirements of this section.
- b. Block perimeter is measured along the centerline of intersecting streets that encompass the block.
- c. Block length is measured from centerline to centerline of intersecting streets.
- d. The maximum block length or perimeter may be extended in the event that steep slopes in excess of twenty-five (25%) percent, freeways, waterways, railroad lines, preexisting development, tree conservation areas, stream buffers, cemeteries, open space, or easements make the maximum block length or perimeter unfeasible.
- e. The maximum block length and perimeter may be extended by twenty-five (25%) percent, if the block includes a pedestrian passage that meets the requirements of this section.
- f. A block may be broken by a civic building or open lot, provided the lot is at least fifty (50) feet wide and provides a pedestrian passage meeting the requirements this section.

c) Street Types

This section provides general guidelines for the construction of new streets in the MU District and is intended to provide a catalog of minimum dimensions for travel lane and on-street parking widths subject to review and approval during the site plan review process for use on private streets.

| | ONE WAY MOVEMENT | | TWO WAY MOVEMENT | | |
|--------------------------------|---|---|---|---|---|
| a. NO PARKING |  |  |  |  |  |
| b. YIELD PARKING |  | |  | | |
| c. PARKING ONE SIDE PARALLEL |  |  |  |  |  |
| d. PARKING BOTH SIDES PARALLEL |  |  |  |  |  |
| e. PARKING BOTH SIDES DIAGONAL |  |  |  |  |  |
| f. PARKING ACCESS | | |  |  | |

- d) The Board of Supervisors may approve alternative Streets and Blocks controls as part of a Zoning Map Amendment.

Sec. 23-6.28.8. Administration

The procedures of Article 4, Development Review Procedures, shall apply in the Mixed Use (MU) District, except as specifically modified in this section.

- a) Special Uses

Division 5, Special Uses, shall apply within the MU Districts, except as specifically modified below.

- 1) Height above the district maximum is permitted with Special Use approval.

Where height is proposed above the district maximum, appropriate transitions to nearby development, including stepping down height near adjacent properties, methods to preserve privacy such as limiting balconies, and other design techniques to minimize the impact on the surrounding area shall be considered, and appropriate conditions imposed, where necessary.

- b) Zoning Map Amendments

Division 6, Zoning Map Amendments (Rezoning) shall apply to MU Districts, except as specifically modified below.

- 1) A Generalized Development Plan (GDP) shall be prepared by a licensed architect, engineer or surveyor. The Generalized Development Plan shall include the following information:

- a. A title block denoting the type of application, name of project, tax map reference and street address;
 - b. The name, address and phone number of the applicant;
 - c. The name, address, phone number, signature and registration number of the plan preparer, and the preparation date of the plan;
 - d. Vicinity map, 1" = 2,000', a north arrow scale, and scale graphic;
 - e. The identification of and distance to all major intersections within one-half mile of the proposed development;
 - f. The boundary of the entire parcel with courses and distances, with existing or proposed parcel lines, easements or right-of-way within the subject property;
 - g. The present zoning, principal use, and boundaries as described in article 6 of this chapter of any overlay zoning districts of the subject parcel and all contiguous properties;
 - h. A table (with computations) estimating the lot coverage ratio and impervious surface ratio, the types of proposed uses, the number of residential dwelling units and densities, and the expected square footage of non-residential uses;
 - i. The boundaries of any water bodies, USGS perennial streams, floodplain, resource protection areas, watershed, wetlands (if any);
 - j. The location and boundaries of all sub-districts;
 - k. The conceptual street network, including all points of vehicular and pedestrian access from off-site properties;
 - l. Points of connection to public water and sewer;
 - m. Topographic contour lines at ten-foot intervals using United States Geologic Survey 7.5 minute quadrangles interpolated to two-foot contours as necessary, for the existing site;
 - n. Minimum acreages or statement regarding any common open spaces, recreation areas and recreation facilities, or amenities;
 - o. Identification of the projected location and estimated sequence of development of each phase of the development;
 - p. Any known historic building or features or any known places of burial;
 - q. A general description of the methods proposed to control erosion, sedimentation and stormwater runoff; and
 - r. Signature and seal of professional person certifying the plan.
 - 2) The Generalized Development Plan (GDP), proffer statement, and/or proffered exhibit(s) shall

- demonstrate how the development will achieve the stated purpose and intent of the Mixed Use District (Sec. 23-6.28.1).
- 3) The development shall be phased and located in an area in which transportation, police and fire protection, other public facilities and utilities, including water and sewer, are or will be available and adequate for the uses proposed; provided however, that the applicant shall make provision for such facilities or utilities which are planned but not presently available.
 - c) The Board of Supervisors may approve alternative standards to those found in Sections 23-6.28.3, 23-6.28.4, 23-6.28.5, 23-6.28.6, and 23-6.28.7 as described within the Mixed Use section of the zoning ordinance.