

TITLE 10  
CHAPTER 7  
**MIXED USE ZONE**

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**10-7-1: INTENT**

The Mixed Use (MU) Zone is intended for higher density development with a variety of uses including retail, office, entertainment and residential that are combined to create an environment for workers, shoppers, residents and visitors in a pedestrian oriented and unified manner. The MU zone will encourage orderly, aesthetically pleasing development and a balance of uses while discouraging strip type commercial use with its attendant congestion, pollution and visual blight.

**10-7-2: PERMITTED USES**

See Table 1, Land Use Chart in the Zone Regulations Chapter 10-12 for permitted and conditional uses in the MU zone.

**10-7-3: USE REGULATIONS**

Uses may be conducted in MU zones only in accordance with the following regulations:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in MU zones. Residential uses (not including upper floor residential) in a MU zone may not exceed twenty percent (20%) of the gross land area in the development. A conditional use permit must be

obtained prior to the establishment of a conditional use. Adult oriented businesses are prohibited in MU zones.

- B. All uses in MU zones shall be conducted within completely enclosed buildings, unless otherwise allowed in this chapter, except for parking lot sales associated with an approved use on the property. Parking lot sales may not exceed seven (7) consecutive days in length and may not occur more than once each calendar quarter.
- C. Accessory uses may be conducted in MU zones only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, parking lots and terraces, properly screened utility and loading areas and other buildings and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- D. There shall be no open storage of trash; debris; used, wrecked or neglected materials, equipment or vehicles in MU zones. No commercial materials, goods or inventory may be stored in open areas in MU zones, except for temporary display items which are removed daily and which may be located only on private property no closer than ten feet (10') from any public right of way. No more than twelve (12) small party balloons and six (6) weatherproof placards, each not exceeding two feet (2') square, per business may be attached to the displays and shall be removed daily with the displays. All other temporary signs and devices are prohibited. Outdoor storage of inventory or products such as firewood, water softener salt, garden supplies and building materials is permitted only in screened areas approved for such purpose with site plan review.
- E. No vehicle, boat or trailer, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, attended or not, may be parked or stored in MU zones for longer than seventy two (72) hours unless stored within a completely enclosed building.
- F. No commercial vehicles such as earthmoving or material handling equipment, semi-trucks or trailers or any commercial truck, trailer or vehicle may be stored in the MU zone for longer than seventy two (72) hours, except in conjunction with an approved use, or approved development or construction activities on the property.
- G. Utility trailers and recreational vehicles such as motor homes, travel trailers, watercraft, campers and all-terrain vehicles, may not be stored in any area in MU zones, except in conjunction with a single-family dwelling. Said trailers and vehicles shall be stored within lawfully constructed buildings or behind the front line of the dwelling, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living quarters in the MU zone, except that a vehicle owned by a guest of the resident may be

stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year.

- H. Home occupations may be licensed in any residence in MU zones according to provisions of Title 3, Chapter 1.

**10-7-4: ZONE ESTABLISHMENT**

Each proposed MU zone shall be accompanied by a master development plan (MDP) which specifies land use areas and residential densities. Retail, office, residential, mixed use (containing upper floor residential,) open space and public/quasi-public land use areas will be shown on the MDP. The MDP shall be adopted as an exhibit to the ordinance establishing the MU zone in which it is proposed. The MDP may be amended by the city council after the establishment of the MU zone by following standard rezoning procedures of chapter 3 of this title.

**10-7-5: DEVELOPMENT REVIEW**

All uses proposed in MU zones may only be established in conformance with development review procedures of Title 11, Chapter 4 of this code. Applicants shall follow the procedures and requirements of this code regarding development review in the preparation and review of development proposals in MU zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the city, except as allowed by state law. The following procedure shall be used for site plan review of projects in the MU zone:

- A. The developer shall prepare and submit a Site Analysis map and Sketch Plan at a scale of 1"= 20' or 1"= as described in Title 11, Chapter 4 of this code.
- B. The developer shall also prepare and submit a design book with the sketch plan containing typical renderings of cross sections and plan views of the following:
  1. Existing and proposed public street curb, gutter, sidewalk, park strip, landscaping, streetlights, and pavement.
  2. Yard areas between buildings and public streets, including trees, grass, shrubs, ground cover, signs, and screen walls,
  3. Open space and significant proposed site features, such as retaining walls, steep slopes, etc.
  4. Parking areas, walkways, driveways, access aisles, site entrances, landscaped areas and storm detention/retention areas.
  5. Proposed building footprints and entrances as well as proposed uses and location of uses in buildings.
  6. Tabulations of lot area(s) including approximate tabulations of density, gross square feet of buildings, building height, number of units, open space, area of disturbance during construction, and proposed parking

compared to zone requirements and/or limitations. Public and private streets appropriately labeled.

7. Architectural features, including materials and colors of buildings, freestanding and wall mounted signs and light fixtures, trash enclosures, utility and loading area screen walls, pedestrian furniture and artwork.
  8. Other improvements as required by the city.
- C. The city shall review the sketch plan and design book and provide comments to the developer who will make needed revisions to the documents. Upon final review and approval of the city, the sketch plan and design book for the development will be scheduled on the planning commission's agenda for a public hearing.
- D. Upon approval of the site analysis, sketch plan and design book by the planning commission, site plans for all or portions of the MU zone may be prepared according to section 11-4-2 & 11-4-3 of this code and submitted to the city for review. The city may approve, approve with conditions, or deny the site plans for the proposed development.
- E. A decision by the city regarding site plans in the MU zone may be appealed according to procedures set forth in section 10-3-2 of this code.

**10-7-6: LOT WIDTH AND FRONTAGE**

No minimum lot width is required in the MU zone except as established with development approval. Each lot or parcel in MU zones must front on or have legal access to a public street.

**10-7-7: PRIOR CREATED LOTS**

Nonconforming lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of a MU zone shall be brought into conformance with the requirements of this chapter prior to development.

**10-7-8: YARD REQUIREMENTS**

Yard requirements in the MU zone shall be determined with site plan, subdivision and/or condominium review by the planning commission. Non-single-family residential buildings shall be separated from single-family residential lot lines by a minimum distance of thirty feet (30'), of which ten feet (10') adjacent to the property line shall be landscaped, unless said uses are contained in the same building.

**10-7-9: PROJECTIONS INTO YARDS**

The following may be erected on or projected into any required yard space in MU zones:

- A. Fences and walls in conformance with city codes and ordinances.
- B. Landscape elements, including trees, shrubs and other plants.

- C. Utility or irrigation equipment or facilities.
- D. Decks less than thirty inches (30") in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding eight feet (8') wide and extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard.

**10-7-10: OPEN SPACE**

- A. Twenty percent (20%) of land in any development in the MU zone shall be designated as permanent open space to be protected as such and not to be further subdivided.
- B. A portion of the open space required by paragraph A. above may be required by the city to be reserved for active recreation purposes. The city may also require a maximum percentage of the open space that is allowed for use as active recreation in order to preserve a proportion of natural areas on the site.
- C. Type of Ownership Allowed for Open Space:
  - 1. General:
    - a. Open space in the MU zone shall remain undivided and may be owned and managed by a homeowners' association, the city, or a recognized land trust or conservancy. A public land dedication, not exceeding ten percent (10%) of the total parcel size, may be required by the city to facilitate trail connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities and open space within undivided lands. If, at any time, the ownership of open space is changed to another form of ownership allowed herein, the ownership change must be approved by the city council and the city must be provided the first right to accept or acquire the open space.
    - b. The ownership of all or any portion of open space shall not change by transfer, deeding, quitclaim, purchase, or by any other method, without the review and approval by the planning commission and city council. Leasing, renting or use by any entity or person other than the homeowners' association of any portion of the open space shall be reviewed and approved by the planning commission.
  - 2. Ownership Standards: Open space within a development shall be owned, administered and maintained by any of the following methods, either individually or in combination, and subject to approval by the city:

- a. Offer of Dedication: The city shall have the first and last offer of dedication of undivided lands in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The city may, but shall not be required to, accept undivided lands; provided, that:
  - (1) Such land is accessible to the residents of the city;
  - (2) There is no cost of acquisition other than any cost incidental to the transfer of ownership such as title insurance; and
  - (3) The city agrees to and has access to maintain such lands. Where the city accepts dedication of open space (undivided lands) that contain improvements, the city may require the posting of financial security to ensure satisfactory functioning and structural integrity of improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.
  
- b. Homeowners' Association (HOA): The open space (undivided lands) and associated facilities may be held in common ownership by a homeowners' association. The HOA shall be formed and operated under the following provisions:
  - (1) The developer shall provide covenants, conditions and restrictions (CC&Rs) of the association, including its bylaws, articles of incorporation and methods for maintaining the open space (undivided lands). The CC&Rs shall be reviewed and approved in content and form by the city. Acceptance of the CC&Rs by the city will be contingent upon meeting the intent and conditions required by this code. The CC&Rs will be approved by the city prior to filing the final plat. The CC&Rs will be recorded by the city attorney at the county recorder's office at the time of the filing of the final plat.
  - (2) The association shall be organized by the developer and be operated with financial subsidization by the developer, before the sale of any lots within the development.
  - (3) Membership in the association is automatic (mandatory) for all purchasers of commercial spaces, residences or lots therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified in the CC&Rs.
  - (4) The association shall be responsible for maintenance of insurance and taxes on undivided lands, enforceable by liens placed by the city.
  - (5) The members of the association shall share equitably the costs of maintaining and developing such open space (undivided lands).

Fees shall be determined by the association and assessed and deposited in an escrow account. Shares shall be defined within the association bylaws.

- (6) The developer of the subdivision shall endow the newly formed homeowners' association with funds equivalent to ten percent (10%) of the development cost for all common improvements which shall be used by the HOA to operate, maintain and insure the HOA for the first year that the association begins to operate independently of the developer. Funds shall be deposited in the checking account in the name of the HOA within ten (10) days after the day which the HOA begins to operate independently of the developer.
- (7) In the event of a proposed transfer, within the methods herein permitted, of open space (undivided lands) by the homeowners' association, or of the assumption of maintenance of the open space (undivided lands) by the city, notice of such action shall be given to all property owners within the development.
- (8) All improvements to the open space (undivided lands) held in common or intended to be held in common by the HOA shall be installed, completed and accepted prior to the beginning of the second phase of construction, or if the project is not phased, prior to sale of all lots. If phasing of the improvements to the open space (undivided lands) is required by the developer, all incomplete improvements for the open space (undivided lands) shall be secured through a bond posted by the developer.
- (9) The association shall have or hire adequate staff to administer common facilities and properly and continually maintain the open space (undivided lands).
- (10) The homeowners' association may lease undivided lands to any other qualified person, or corporation, for operation and maintenance of open space (undivided lands) by lease agreement, which shall provide:
  - (A) The residents of the development shall at all times have access to the open space (undivided lands) contained therein;
  - (B) The open space (undivided lands) to be leased shall be maintained for the purposes set forth in this title; and
  - (C) The operation of facilities within the open space (undivided lands) may be for the benefit of the residents only, or may be open to the residents of the city, at the election of the developer and/or homeowners' association, as the case may be;
  - (D) The lease shall be subject to the approval of the city council and any transfer or assignment of the lease shall be further subject to

the approval of the city council. Lease agreements shall be recorded with the county recorder within thirty (30) days of the execution and a copy of the recorded lease shall be filed with the city.

- c. Conservation Easement: A conservation easement shall be established to provide a permanent preservation of the open space (undivided lands). The easement shall be indicated on the recorded plat and state the ownership of the easement and reference the maintenance agreement also recorded with the final plat stating the standards of upkeep as defined in these subdivision regulations.
- d. Transfer of Easements To Private Conservation Organization: With the recommendation of the planning commission and the permission of the city council, an owner may transfer easements or ownership to a private nonprofit organization, among whose purposes it is to conserve open space (undivided lands); provided, that:
  - (1) The organization is acceptable to the planning commission and the city council, and is a bona fide conservation organization with perpetual existence;
  - (2) The conveyance contains appropriate provision for proper reverter or retransfer in the event the organization becomes unwilling or unable to continue carrying out its functions; and
  - (3) A maintenance agreement acceptable to the planning commission and the city council is entered into by the developer and the organization.

3. Maintenance Standards:

- a. The following standards shall be fulfilled and shall be recorded on the face of the final plat:

*River Heights City shall have the right, but not the duty, to require, and if necessary, perform, at the organization's expense, landscaping, maintenance and snow removal, as applicable, within the open space areas if the organization fails adequately to perform such. The city may take this action when asked to take over improvements or maintenance tasks by an organization. The city council may also take such action when it determines the need based on a historical pattern of lack of care and maintenance. In the event River Heights City exercises this right, the city shall be entitled to recover any associated costs and attorney fees. This notation shall not be amended or deleted without the approval of River Heights City.*

- b. The owner of the open space (undivided lands) shall be responsible for maintenance and the raising of all monies required for operations, maintenance or physical improvements to the open space (undivided lands) through annual dues, special assessments, etc. The maintenance



organization shall be authorized, under its bylaws, to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.

- c. In the event that the maintenance organization, or any successor organization, shall, at any time after establishment of a development containing open space (undivided lands), fail to maintain the open space (undivided lands) in reasonable order and condition in accordance with the development plan, the city may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the open space (undivided lands) in reasonable condition.
- d. Failure to adequately maintain the open space (undivided lands) in reasonable order and condition constitutes a violation of this title. The city is hereby authorized to give notice, by personal delivery or by United States postal service, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within twenty (20) days. Further, the city shall be authorized to assume maintenance of the open space (undivided lands) in such a manner as it deems appropriate.
- e. Should any bill or bills for maintenance of the open space (undivided lands) by the city be unpaid by January 1 of each year, a lien shall be filed against the premises in the same manner as other municipal claims. A late fee of fifteen percent (15%) annually shall be added to such bills, and the city shall be entitled to recover any costs and attorney fees incurred in collecting or recovering any such amounts due to the city.
- f. Access by Public upon Completion of Improvements within Undivided Lands: The public shall have access, when mutually agreed by all parties, including the city. Lots designed with the rear facing open spaces shall be accessible at all times and all locations. At no time shall public access be denied unless unsafe conditions exist or unless approved by the city. Public access within undivided lands shall be allowed only where identified and allowed within the approval documents.

#### **10-7-11: IN LIEU SUBSTITUTIONS FOR OPEN SPACE REQUIREMENTS**

- A. Purpose: The city finds that land in other locations may be substituted for open space requirements where it is advantageous to preserve important land. For this purpose, developers may choose to receive additional density bonuses or to develop land required for open space if equivalent or greater land is identified and substituted in another location and acceptable to the city (referred to as "in lieu substitutions" or "in lieu open space substitutions" hereafter).
- B. Density Bonus: A density bonus may be approved up to, but may not exceed, fifty percent (50%) additional commercial or dwelling units where in lieu substitutions are approved and executed, as provided in this section.

- C. Approval Required Prior to Recordation: Recordation of a final plat for a subdivision utilizing an approved density bonus and an in lieu substitution may not occur until in lieu substitutions are approved, finalized and effective.
- D. Hazardous Lands Not Acceptable: An application for a density bonus and for an in lieu substitution may be approved, for open space land in another location, only when such proposed in lieu substitution of open space land is absent hazards to development such as, but not limited to, steep slopes, geologic hazards, unstable soils, floodplains, wetlands, riparian areas or water source protection areas. In no case shall such hazardous lands be used for the original development density or the bonus density. Where agricultural land is being substituted, equally productive or more productive agricultural land must be substituted.
- E. Land Outside City: Applications for in lieu open space substitutions for property outside of the corporate boundaries of the city shall generally be ineligible for consideration, provided the city council shall have the authority, within its sole discretion, to consider and approve such an application related to property outside of the city's corporate boundaries, at the time the application is received, subject to the submittal of such application to the planning commission for its consideration and recommendation to the city council.
- F. Use of Land Limited: For the purpose of in lieu substitutions, use of the in lieu open space land shall be limited to the following:
1. Recreation active use: play fields, parks, trails, play grounds, related parking;
  2. Recreation passive use: trails, wild lands, natural landscapes;
  3. Agriculture: croplands and pasture/grazing lands;
  4. Conservation easements held by a recognized conservation organization or other type of ownership as permitted by this code; and/or
  5. Visual amenities or development setbacks.
- G. Equal Value Required: In lieu substitutions of land intended to fulfill the requirements for open space may be allowed when it is factually established, by a qualified land appraiser that the substituted land is equal in land area and/or at least equal in value to land compared with the original development property. The city must agree to and approve the land areas to be appraised, both from the original site and the proposed substituted site, prior to the appraisal. The appraiser will be selected by and contract with the city. The fees for the appraisals will be reimbursed to the city at cost by the developer.
- H. Variation in Use or Substitution Not Permitted: Any land which has been dedicated, set aside, platted or otherwise approved as open space may not be substituted or used for any purpose other than those allowed in subsection F of this section.

- I. Types of Open Space Substitutions Available: The following options are available to developers to satisfy approved in lieu substitutions for density bonus and open space requirements:
  1. Cash in Lieu: The city may, at its sole discretion, accept cash in lieu of open space requirements where such funds can be more effectively used to acquire land at a more appropriate or significant location consistent with the general plan and the parks and recreation master plan. Cash in lieu payments shall not be accepted until a qualified appraisal is provided by the city, at the cost of the applicant, identifying the value of the original land for which the in lieu substitution is proposed, based on the use that will be permitted if the open space requirement is removed, and for which cash in lieu shall be offered. The city shall be obligated to use in lieu funds for uses identified in subsection F of this section, and shall diligently pursue purchase of the land for this purpose to prevent erosion of purchasing power.
  2. Land in Lieu: The city may, at its sole discretion, accept land in lieu of open space requirements under the following conditions:
    - a. The proposed land to be substituted is consistent with the general plan and the parks and recreation master plan;
    - b. Other land is acceptable to and approved by the city as open space in a location determined by the city to be a substitute site;
    - c. Acceptable and approved land is dedicated to the city with unencumbered title; and
    - d. Such in lieu substitution for open space is retained in use and ownership consistent with other acceptable forms of open space ownership in this chapter.
  3. Purchase of Development Rights: The city may, at its sole discretion, accept purchase of development rights to meet in lieu of open space requirements under the following conditions:
    - a. Other land of sufficient size and value is acceptable to and approved by the city as open space in a location determined by the city to be an in lieu substitute site for the purchase of development rights by the applicant;
    - b. The proposed land to be substituted is consistent with the general plan and the parks and recreation master plan;
    - c. Land where development rights are purchased by the applicant shall be subject to a recorded conservation easement that runs with the land and exists in perpetuity. The conservation easement shall be held by a recognized conservation organization acceptable to the city, and

subject to the requirements of this code. All documentation shall be reviewed and approved by the city;

- d. Cost of the purchase of development rights by the applicant is equivalent to the value of the original land for which the in lieu substitution for open space is proposed, based on the use that will be permitted if the open space requirement is removed, and for which purchase of development rights shall be offered;
  - e. Uses of the land within the conservation easement are consistent with other acceptable forms of open space ownership and uses in this chapter;
  - f. The recordation of the final plat shall not occur until the documents evidencing the purchase of development rights and all conservation easements are ready to be recorded simultaneously with the final plat and not until the purchase prices for all development rights and all conservation easements are paid in full, in order to provide marketable title to the city, without encumbrances not accepted by the city.
- J. Review: In lieu substitution applications shall first be reviewed by the planning commission as a part of the initial application for development approval, with the recommendation of the planning commission to be submitted to the city council for its consideration at the time of preliminary plan approval. City council approval of the in lieu substitution application shall be obtained before an applicant proceeds with the application for final plat approval.
- K. Effective Date, Applicability: The provisions of this section shall be effective for all applications for development approval filed on or after the effective date hereof; provided, however, the city council shall have the authority to approve an in lieu substitution application for an existing subdivision/development containing approved open space, subject to such application first being submitted to the planning commission for its consideration and recommendation to the city council. If such in lieu substitution application is approved, the applicant shall comply with all applicable land use laws of the city and state.
- L. Open Meeting Act Applicability: Nothing contained in this section shall be construed as restricting the use of the Utah open and public meetings act, Utah Code Annotated, as amended, by the city council, planning commission, and other city officials, to hold closed meetings, as reasonably determined necessary, for all purposes therein allowed, including strategy sessions to discuss the purchase, exchange, lease or sale of real property, as contemplated herein. (Ord. 2008-07, 8-202008)

**10-7-12: PARKING**

Parking and parking access in a mixed use zone shall meet requirements of parking 10-14 of this title.

### **10-7-13: FENCING, SCREENING AND CLEAR VISION**

The following fencing, screening and clear vision requirements shall apply in MU zones:

- A. All mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used at the associated buildings.
- B. The boundary of a MU zone which is not in or adjacent to a street and which is adjacent to a single-family residential or agricultural zone shall be fenced with a six foot (6'), decorative precast concrete panel or masonry fence as determined with development approval. Six foot (6') solid vinyl boundary fencing may be allowed in unusual circumstances such as adjacent to property which is master planned for nonresidential uses. A higher fence may be required or allowed by the city in unusual circumstances. A building permit is required for fences and walls over six feet (6') high. Other fencing or landscaping techniques may be used to buffer waterways, trails, parks, open spaces or other uses as determined with development approval.
- C. No wall, fence or screening material shall be erected between a street and a front or street side building line in MU zones, except as required in subsection A of this section.
- D. Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed two feet (2') in height within a ten foot (10') triangular area formed by the edge of a driveway and a street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets.

### **10-7-14: ARCHITECTURAL STANDARDS**

The following architectural standards are required in MU zones:

- A. Architectural drawings and elevations, exterior materials and colors of all buildings shall be submitted in conjunction with development review. An architectural theme governing the project shall be submitted for review.
- B. All building materials shall be high quality, durable and low maintenance.
- C. Single-family residential and townhome dwellings shall be constructed with brick or stone in the minimum amount of three feet (3') times (x) the perimeter of the foundation (including garage), a minimum eight to twelve (8:12) roof pitch and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).
- D. Exterior walls of buildings, in excess of sixty feet (60') in length, shall have relief features at least four inches (4") deep at planned intervals. All sides of buildings shall receive design consideration.
- E. Signs shall meet requirements of chapter 16 of this title of this code and shall be constructed of materials which complement the buildings which they identify.

- F. Maximum building height in MU zones shall be four (4) stories, except that the maximum height shall be two (2) stories within four hundred feet (400') of any single-family residential zone.
- G. The exteriors of buildings in the MU zone shall be properly maintained by the owners.

**10-7-15: LANDSCAPING**

Landscaping of a mixed use development shall meet requirements of the landscaping chapter 15 of this title:

**10-7-16: LIGHTING**

Lighting in the MU zone shall meet the Outdoor Lighting requirements in Title 9 of this code. Additionally, the following lighting requirements shall apply in MU zones:

- A. A lighting plan shall be submitted with all new developments in MU zones. Site lighting shall not exceed thirty feet (30') in height. Site and street lighting shall not exceed twenty feet (20') in height within three hundred feet (300') of any single-family residential zone or in public park strips.
- B. Lighting for commercial uses which is within three hundred feet (300') of residential lots shall be shielded to prevent glare on said residential lots.
- C. All lighting fixtures shall be architectural grade consistent with the architectural theme of the development. Lighting fixture detail shall be submitted for approval with the development.

**10-7-17: OTHER REQUIREMENTS:**

The following provisions shall apply in MU zones:

- A. Private Covenants: The developer of a condominium project or PUD in a MU zone shall submit a proposed declaration of covenants to the city attorney for review, including an opinion of legal counsel licensed to practice law in the state that the condominium meets requirements of state law, and record the covenants with the condominium map or subdivision plat for the project.
- B. Grading and Drainage: All developments in MU zones shall be graded according to the city engineering and building requirements to provide adequate drainage on and off the property. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- C. Easements: Buildings may not be located within public easements without written approval from the affected parties.
- D. Maintenance: All developments shall be properly maintained by the owners.

- E. Phasing Plan: A project phasing plan shall be submitted for review at the time of preliminary plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city.

(4-2010, 7-13-10)