

CHAPTER 6 MU-MIXED USE DISTRICT

Section 6.01 Purpose of District

- A. The Mixed Use District is intended to provide for a variety of uses and an appropriate mix of uses on the same lot, including high density residential, office, civic, and limited commercial and light industrial activities. This district is intended to allow land use flexibility to maximize utilization of urban infrastructure, such as water and/or sewer facilities, while creating a unique environment designed to function well with the existing natural features, surrounding neighborhood and overall region.
- B. The MU District is designed to balance development with natural feature preservation, including wetlands, streams, rivers, woodlands, and topography, and create commercial/industrial land use patterns that focus on local surrounding residential development, to enhance the character of the area and region.

Section 6.02 Permitted Uses

- A. The following uses are designated as permitted uses in this District, subject to site plan approval in accordance with this Ordinance:
 - 1. Attached living units or dwellings, including condominiums, townhouses or apartments.
 - 2. A detached single-family dwelling on an individual lot.
 - 3. Any generally recognized retail business that supplies commodities on the premises within a completely enclosed building, such as but not limited to foods, drugs, liquor, furniture, clothing, dry goods, appliances or hardware.
 - 4. Any personal service establishment that performs services on the premises within a completely enclosed building, such as but not limited to repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, barbershops, interior decorators and photographers.
 - 5. Banks, savings and loan institutions, and similar financial establishments serving the local community, with or without a drive up window.
 - 6. Professional offices or clinics, including but not limited to medical, law, accounting, architectural, engineering, real estate and insurance offices.
 - 7. Libraries and museums.
 - 8. Retail sales of bakery and dairy products, with or without a drive up window.

9. Coffee shops, with or without a drive up window.
10. Retail grocery/party stores, which are integrated with on-site residential development.
11. Laundromats, laundry and dry-cleaning establishments (retail outlets only, not including large commercial/industrial laundry operations).
12. Photography studios.
13. Gift shops and antique shops with associated outdoor display areas limited to an area of 200 square feet.
14. Florist retail operations not including plant production on premises.
15. Accessory uses and structures; provided that the keeping or raising of livestock and other agricultural uses are not allowed in this district as an accessory use or otherwise.
16. Retail drug and pharmaceutical stores, with or without a drive up window.
17. Music/dance schools.
18. Community facility.
19. Veterinary clinics, with indoor boarding facilities for in-patient care only.
20. Restaurants, with or without a drive up window.
21. Essential services.
22. Any of the following uses accessory to an otherwise lawful residential dwelling unit:
 - a. Home occupation.
 - b. Family day care home.
 - c. Foster care (small group) home.
 - d. Roadside stand.
 - e. Bed and breakfast facility.
23. Health clubs with all activities indoors.
24. Farm market.
25. Signs, in accordance with the applicable provisions of Chapter 13.

26. Qualified Residential Treatment Program.

Section 6.03 Uses Subject to Special Land Use Permit

A. The following uses are designated as special land uses in this District, subject to special land use approval and site plan approval in accordance with this Ordinance:

1. Child care center/day care center.
2. Hotels/motels.
3. Hospitals/emergency medical facilities.
4. Greenhouse/nursery/landscaping/garden shops.
5. Open-air business as defined Chapter 2 herein.
6. Bar or pub (providing that such use shall not be within 500 feet of a church, school, hospital, or adult or child care facility).
7. Funeral homes.
8. Laboratories – mechanical, medical, or environmental research/testing.
9. Warehouses and inside storage, including self-storage facilities.
10. Machine shop.
11. Crating and packing service.
12. Auto repair (major or minor) completely contained within a building.
13. Multi-unit shopping centers or plazas.
14. Small wind energy conversion systems.
15. Indoor and outdoor recreation establishments such as bowling centers, indoor theaters, miniature golf courses, indoor soccer and baseball fields, gymnastic centers but excluding health clubs if all activities are indoors.
16. Refueling stations/convenience stores, with or without restaurants.
17. Private and public parks.
18. Any of the following uses accessory to an otherwise lawful residential dwelling unit:
 - a. Group day care home.
 - b. Foster care (large group) home.

19. Auto wash establishments.
20. Farmers market.
21. Churches/worship facilities.

Section 6.04 Setbacks

- A. Minimum Required Building Setbacks. Commercial, office, industrial, and residential buildings shall be subject to the following setbacks from lot lines:
1. Front yard: 30 feet minimum; except where a different setback is required or allowed herein or by Section 5.04.
 2. Side yard: 20 feet minimum.
 3. Rear yard: 20 feet minimum.
 4. Notwithstanding the generally applicable minimum setback requirements specified above, buildings on a lot adjoining M37 or M43 shall have a minimum setback of 50 feet from the highway right-of-way line, except where a lesser setback is expressly allowed by this Ordinance, or where a greater setback is required by this Ordinance.
 5. An otherwise applicable minimum setback as specified above shall be increased to equal or exceed the height of the building or structure, where the calculated setback based on the height of the building or structure is greater than the otherwise applicable required setback.
- B. Minimum Setback from Residential District. Commercial, office, and industrial buildings and parking lots shall be set back a minimum of 30 feet from any property in a Residential zoning district of any zoning jurisdiction. This setback area shall be landscaped as set forth in Section 5.06.
- C. Internal Access Roads; Reduced Building Setback Requirements.
1. Internal access roads may be built within the required building setback along M-37 and M-43.
 2. The Planning Commission may reduce otherwise applicable building setback requirements by up to 50% when the structure is accessed via an internal access road.

Section 6.05 Lot Coverage

The intent of the following lot coverage standards is to minimize unnecessary impervious surface, protecting watershed quality, and to provide open space on each site.

- A. Lot coverage shall be limited to a maximum of 70%. The 70% maximum may be increased with approval from the Planning Commission by 5% for each of the following completed items:
1. Significant natural features, including but not limited to wetlands and forested areas and open space, will be permanently preserved. These areas shall be located adjacent to other preserved areas on adjacent parcels to create interconnected open spaces.
 2. Areas of slopes greater than 50% will not be developed or graded. (Note: A fifty-percent slope equals one foot of rise over two feet of run).
 3. Shared parking and/or cross access will be provided within the development site and with adjacent property.
 4. Stormwater best management practices are incorporated into the development.

Section 6.06 Lot Size Requirements

- A. For parcels located within an Urban Services District: the minimum lot size is 8,000 square feet for a detached single family dwelling, and 21,780 square feet (1/2 acre) for all other uses.
- B. For parcels not located within an Urban Services District: the minimum lot size is 8,000 square feet for a detached single family dwelling, and one acre for all other uses.

Section 6.07 Residential Density and Dwelling Standards

- A. The maximum residential density for a multiple family dwelling development shall be eight units per acre regardless if developed solely as residential or as part of a mixed-use development.
- B. All dwelling units shall comply with the standards specified in the definition of "Dwelling or Dwelling Unit" in Section 2.02.

Section 6.08 Landscaping & Greenbelts

- A. Within the Mixed Use District a greenbelt shall be provided adjacent to and outside of the public right-of-way within the front yard setback. For side yards of a corner lot abutting a public right-of-way or those lots that abut a public right-of-way along the rear or side yard, a greenbelt shall be provided. All greenbelts shall conform to the following standards and the landscaping standards in Section 5.06, Minimum Landscape Requirements:
1. A required greenbelt may be interrupted only to provide for pedestrian or vehicular access, or signage.
 2. Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except where paved walkways are used.

3. A minimum of one deciduous canopy tree and one evergreen tree shall be planted for each 50 linear feet, or portion thereof, of required greenbelt length. Trees may be planted at uniform intervals, at random, or in groupings.
 4. All existing trees eight inches or greater in diameter that are in a healthy condition and within the greenbelt shall be preserved, except where necessary to install vehicular, pedestrian and utility access points.
- B. All residential uses within the Mixed Use District, including detached single-family and attached living units, shall provide one deciduous shade tree within 20 feet of the front lot line; corner lots and lots having a width of 80 feet or more shall provide two deciduous shade trees. These trees shall be indicated on the site plan submittal for a building permit.
- C. All tree plantings within the greenbelt shall be located to avoid overhead utility lines, and shall be located to maintain a clear sight area.
- D. Required greenbelt landscaping shall not count towards landscaping requirements for signage, parking, buffering, or screening.
- E. The Planning Commission may reduce or modify the landscape requirements in this section based upon a determination that the landscaping required in this section will not be necessary or effective in meeting the intent of this provision. In making this determination, the following shall be considered:
1. Whether existing natural vegetation that meets the requirements of this section will be preserved as part of the site plan.
 2. Whether parking, vehicular circulation, or existing or planned land use are such that required landscaping would not enhance the site or result in the desired screening effect.
 3. Whether the public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of this section.
 4. Whether the intent to comply with the standards has been demonstrated by the applicant with alternatives considered by the applicant prior to the Planning Commission consideration of modification to requirements.
 5. Whether greater efficiency of site design could be accomplished with a plan that varies from the strict requirements of this section.

Section 6.09 Building Design and Architectural Standards

- A. Purpose. The purpose of the following regulations is to provide specific design and architectural standards for the review and approval of new commercial buildings and re-developed parcels in the MU zoning district in order to achieve the following community objectives:

1. To encourage commercial building facade treatments that are articulated and enhanced in order to reduce the massive scale and impersonal appearance of large retail buildings.
2. To maintain and improve community character by requiring buildings to be closer to the street which helps to create shopping areas with a more a pedestrian scale.
3. To encourage developers to use a more creative approach in the design of commercial buildings.

B. Applicability. The following developments shall be subject to the building design and architectural standards of this section:

1. Newly constructed principal buildings.
2. Uses which require site plan review by the Planning Commission as regulated herein.
3. Exterior alterations, renovations and additions to existing non-residential buildings which require a building permit and which pertain to the building facade (that portion or portions of a building which front on a public street).

C. Architectural Standards.

1. Façade materials. At least 80% of the “façade” of a building, which for purposes of this provision is defined as that portion or portions of a building which fronts on a public street or which faces an on-site parking lot, shall be constructed of one or more of the following materials:
 - a. traditional hard coat stucco.
 - b. brick.
 - c. natural or cast stone.
 - d. tinted and/or textured masonry block.
 - e. glass.
 - f. architectural pre-cast panels.
 - g. wood, except materials such as T-71, plywood or particle board, or similar processed wood materials.
 - h. similar materials as approved by the Planning Commission.
2. Façade design devices. All facades shall have a recognizable “top” or upper portion consisting of one or more of the following devices:

- a. cornice treatments, other than just colored “stripes” or “bands”, with integrally textured materials such as stone or other masonry or differently colored materials.
- b. sloping roof with overhangs and brackets.
- c. stepped parapets.

In addition, if the building has more than one story, the façade shall have a horizontal expression line which separates each floor.

3. Façade wall design and features. That portion of a building which fronts on a public street shall be designed to eliminate large expanses of blank walls by the application of two or more of the following methods approximately every 50 feet in wall length:
 - a. doors with corniced parapets over the main entry door.
 - b. display windows that orient street-level customers to products.
 - c. arched entryways, canopies or awnings.
 - d. changes in the plane of a wall, such as offsets, or projecting ribs which are at least 12 inches in width.
 - e. change in texture, color or masonry pattern.
 - f. pilasters, piers or columns.
 - g. other applications as approved by the Planning Commission to meet the intent of this provision.
4. Façade walls exceeding 100 feet in length. Façade walls more than 100 feet in total length shall also incorporate wall plane projections or recesses having a depth of at least three percent of the length of the façade and extending at least 20% of the length of the façade.
5. Customer entrances. Building facades shall exhibit clearly defined, highly visible, and articulated front entrances that feature at least two of the following devices:
 - a. canopies or porticos.
 - b. overhangs.
 - c. recesses or projections of at least three percent of wall length.
 - d. arcades.

- e. raised cornice parapets over the door.
- f. distinctive roof forms.
- g. arches.
- h. outdoor patios.
- i. display windows.

Rear customer entrances, if provided, shall also be subject to the foregoing standards.

- 6. Side/rear walls. Side or rear walls that face rear walkways or rear or side service drives may include false windows and door openings defined by frames, sills, and lintels, or similarly proportioned modulations of the wall, but only when actual doors and windows are not feasible.
- 7. Roofs.
 - a. Buildings shall be topped with pitched roofs with overhanging eaves, or with flat roofs with articulated parapets and cornices. Materials for pitched roofs shall include shingles (either wood or asphalt composition), slate, tiles, or other material if such other material is similar to the roof material on buildings within 500 feet in the MU District.
 - b. Parapets shall be used to conceal flat sections of roofs and rooftop equipment, such as HVAC units, from public view. The average height of such parapets shall not exceed 25% of the height of the supporting wall, and such parapets shall not at any point exceed 1/3 of the height of the supporting wall.

D. Building height.

- 1. The maximum building height shall not exceed 35 feet or 2.5 stories, whichever is less, except as provided herein.
- 2. Building height may be increased if all of the following criteria are met as determined by the Planning Commission:
 - a. The proposed development is designed to provide for shared parking and/or cross access easements with adjacent parcels.
 - b. The height of the building is designed to blend with adjacent development and will not create a dramatic height differential causing detrimental impacts to existing structures.
 - c. The height of the building has been approved by the local fire chief,

upon determining the building height does not exceed the effective fire-suppression capabilities of the Fire Department.

E. Parking.

1. No more than two rows of off street parking shall be located within the front yard, which is defined as the area between the principal building and the front lot line across the entire width of the lot. In certain circumstances the Planning Commission may allow permitted uses and special land uses to have more than two rows of parking between the building and the front lot line. In determining when such parking should be allowed the Planning Commission shall consider the following criteria:
 - a. Whether the need for truck loading and unloading docks and maneuvering areas for trucks does not allow for required parking spaces to be located to the side or in the rear of the building;
 - b. The width of the lot relative to the size of the building;
 - c. The parking requirements for large “big box type” stores create difficulties in providing the majority of the required parking in the side or rear yards.
 - d. Whether additional front yard parking would result in the preservation of a natural site feature(s);
 - e. Whether parking in the side or rear yard is impractical due to a wetland or steep slope or other similar natural feature.
2. For parcels located on a corner lot the above requirements shall only apply to that street which the Zoning Administrator determines carries the most traffic. For the remaining street the parking lot may be located in the front yard subject to the setback regulations of the zoning district in which it is to be located.

F. Sidewalks.

1. Sidewalks shall be provided along all streets in accordance with the City of Hastings standards. Sidewalks shall be a minimum of five feet wide; but the Planning Commission may require a maximum sidewalk width of ten feet in order to allow for the safe and efficient movement of all types of non-motorized transportation.
2. The Planning Commission may also require, where practical and feasible, that a walkway be provided extending from the public sidewalk to the entrance of the building on the site in order to provide for safe pedestrian access.
3. Where the zoning approval for property fronting on M-37/M-43 provides for or requires a non-motorized trail within the front yard but not within the street right-

of-way, an appropriate easement for the trail shall be part of the zoning approval process.

- G. Refuse Containers. All refuse containers shall be located within a four-sided solid fence enclosure constructed of materials and designed so as to coordinate with and complement the principal building or development with which it is associated. Refuse container enclosures shall not be located in a front yard.
- H. Additional Considerations. In order to promote non-motorized access to businesses along the M-37/M-43 corridor bike racks at individual stores are encouraged to be provided as well as lighting of non-motorized trails which traverse or abut the property.
- I. Modification of Standards. The foregoing building design and architectural standards shall be subject to modification by the Planning Commission during the site plan review process upon finding the following factors are met:
 - 1. If the modification is approved the resulting development will still be consistent with the purposes of this District.
 - 2. If the modification is approved the resulting new building or alteration of an existing building will still be visually compatible with existing buildings on adjacent properties and within 500 feet in the MU District.
 - 3. In instances of the reconstruction or conversion of an existing building, approval of the modification is necessary to alleviate practical physical difficulties resulting from strict compliance with the specified standards and requirements.