Sec. 36-265. MX-2 neighborhood mixed use district.

(a) Purpose and effect.

The purposes of the neighborhood mixed use district are to:

(1) Promote investment and infill development within the district by allowing flexibility of uses and a mix of uses;

(2) Integrate new development with its surroundings by encouraging connections for pedestrians, bicyclists, and vehicles and by considering sensitive, compatible use, scale, and operational transitions to neighborhood uses;

(3) Promote shared parking and optimization of existing parking areas; and

(4) Promote high quality architectural design and materials, and innovative site design

(b) MX-2 district restrictions and performance standards.

(1) Fences.

   a. All fences shall comply with the standards established in Sec. 36-74.

   b. Fences in the street yards are prohibited, unless they meet the following standards:

      1. Maximum height: three feet.

      2. Maximum opacity: 50%.

(c) Uses, generally.

(1) Permitted uses (P). Uses listed in Table 36-264(b) with a “P” symbol are permitted by-right.

(2) Uses permitted with conditions (PC). Uses listed in Table 36-264(b) with a “PC” symbol are permitted provided compliance with the listed conditions and requirements.

(3) Uses permitted by conditional use permit (CUP). Uses listed in Table 36-264(b) with a "CUP" symbol require a Conditional Use Permit; refer to 36-33 Conditional Use Permits.
### Table 36-264(b) Neighborhood Mixed Use District Uses

<table>
<thead>
<tr>
<th>Principal Use</th>
<th>Primary and Secondary Street Frontages</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESIDENTIAL AND LODGING USES</strong></td>
<td></td>
</tr>
<tr>
<td>Residential dwellings (including multifamily housing, - and rooming houses)</td>
<td>PC (up to 8 units) / CUP (up to 30 u/a)</td>
</tr>
<tr>
<td>Live-work unit</td>
<td>P</td>
</tr>
<tr>
<td><strong>CIVIC AND INSTITUTIONAL USES</strong></td>
<td></td>
</tr>
<tr>
<td>Library</td>
<td>P</td>
</tr>
<tr>
<td>Museum</td>
<td>P</td>
</tr>
<tr>
<td>Parks/open space</td>
<td>P</td>
</tr>
<tr>
<td>Parks/recreation</td>
<td>PC</td>
</tr>
<tr>
<td>Police/fire station</td>
<td>P</td>
</tr>
<tr>
<td>Places of Assembly</td>
<td>CUP</td>
</tr>
<tr>
<td><strong>COMMERCIAL USES</strong></td>
<td></td>
</tr>
<tr>
<td>Adult day care</td>
<td>PC</td>
</tr>
<tr>
<td>Animal handling</td>
<td>PC</td>
</tr>
<tr>
<td>Appliance, small engine and bicycle repair</td>
<td>PC</td>
</tr>
<tr>
<td>Bank</td>
<td>PC</td>
</tr>
<tr>
<td>Brewery</td>
<td>PC</td>
</tr>
<tr>
<td>Food service</td>
<td>PC</td>
</tr>
<tr>
<td>Group day care/nursery school</td>
<td>PC</td>
</tr>
<tr>
<td>Liquor store</td>
<td>PC</td>
</tr>
<tr>
<td>Medical/dental office</td>
<td>P</td>
</tr>
<tr>
<td>Micro-distillery</td>
<td>PC</td>
</tr>
<tr>
<td>Office</td>
<td>P</td>
</tr>
<tr>
<td>Post office customer service</td>
<td>PC</td>
</tr>
<tr>
<td>Private entertainment (indoor)</td>
<td>PC</td>
</tr>
<tr>
<td>Restaurant</td>
<td>PC</td>
</tr>
<tr>
<td>Retail, up to 10,000 square feet</td>
<td>P</td>
</tr>
<tr>
<td>Retail, large item, up to 10,000 square feet</td>
<td>P</td>
</tr>
<tr>
<td>Service, up to 10,000 square feet</td>
<td>PC</td>
</tr>
<tr>
<td>Shopping center</td>
<td>P</td>
</tr>
<tr>
<td>Vendor market</td>
<td>PC</td>
</tr>
<tr>
<td><strong>INDUSTRIAL USES</strong></td>
<td></td>
</tr>
<tr>
<td>Light assembly or low impact manufacturing and processing</td>
<td>PC</td>
</tr>
<tr>
<td>Medical, optical and dental laboratories</td>
<td>PC</td>
</tr>
<tr>
<td>Printing process/supply</td>
<td>P</td>
</tr>
<tr>
<td>Research and development</td>
<td>PC</td>
</tr>
<tr>
<td>Showrooms</td>
<td>P</td>
</tr>
<tr>
<td>Studio</td>
<td>PC</td>
</tr>
<tr>
<td>Principal Use</td>
<td>Primary and Secondary Street Frontages</td>
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<tr>
<td>----------------------------------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>TRANSPORTATION AND INFRASTRUCTURE USES</td>
<td></td>
</tr>
<tr>
<td>Antenna and communication tower</td>
<td>PC (less than 45') / CUP (between 45' and 75')</td>
</tr>
<tr>
<td>Parking lot as principal use</td>
<td>PC</td>
</tr>
<tr>
<td>Parking ramp as principal use</td>
<td>PC</td>
</tr>
<tr>
<td>Public service structure</td>
<td>PC</td>
</tr>
<tr>
<td>Utility substation</td>
<td>PC</td>
</tr>
</tbody>
</table>

(d) **Uses permitted with conditions (PC).**

A structure or land in the MX-2 district may be used for one or more of the following uses with conditions established below:

1. **Adult day care.**
   a. The condition for adult day care is at least 12% of the lot area shall be developed as designed outdoor recreation area.

2. **Animal handling.**
   a. No animals or pens shall be kept outside the building or cause offensive odor or noise discernible at the property line of the lot on which the activity is conducted.
   b. Where animals are boarded, the facility shall be located a minimum of 100 feet from any parcel that is zoned residential and used for residential.

3. **Appliance, small engine and bicycle repair.**
   a. Engines shall not be operated or tested outside of a structure if the use is located within 300 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.

4. **Banks.**
   a. In-vehicle sales or services are prohibited.
   b. Self-service machines shall be located inside the building

5. **Brewery.**
   a. The brewery shall not produce more than 20,000 barrels of malt liquor per year.
   b. A taproom and/or retail outlet is required and shall be located in the Primary Street storefront of the building.
   c. The taproom and/or retail outlet shall occupy a minimum of 20 percent of the gross floor area with no maximum limit.
d. Alcohol produced off-site shall not be sold on-site, this includes both on-sale and off-sale transactions

(6) Communication towers that are 45 feet or less in height, subject to the provisions of Section 368 (Communication Towers and Antennas).

(7) Food service.
   a. In-vehicle sales or services are prohibited.

(8) Group care nursery school.
   a. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
   b. Ground level outdoor play areas:
      1. Shall be at least 1,500 square feet in total area and provide at least 75 square feet of area per child in the area at any given time.
         a. An off-site park meeting these standards may meet this requirement, if the park is within 2,000 feet of the school
      2. Shall be located a minimum of 200 feet from any roadway defined on the Comprehensive Plan as a principal arterial.

(9) Light assembly or low impact manufacturing and processing.
   a. A showroom and/or retail outlet is required and shall be located in the primary street frontage of the building.
   b. The showroom and/or retail outlet shall occupy a minimum of 20 percent of the gross floor area with no maximum limit.
   c. All outdoor activities such as loading and unloading shall be located a minimum of 100 feet from any parcel that is zoned residential and used residential.

(10) Liquor stores.
   a. The lot must be at least 1,000 feet from the property line of a site containing a pawnshop, currency exchange, payday loan agency, firearms sales or sexually-oriented business. In the case of a shopping center of multi-use building, the distance shall be measured from the portion of the center or building occupied by the liquor store.

(11) Medical, optical and dental laboratories.
   a. The use shall not generate any fumes or odors which are detectable at the property lines of the parcel on which the use is located.

(12) Micro-distillery.
   a. A cocktail room and/or retail outlet is required and shall be located in the primary street frontage of the building.
b. The cocktail room and/or retail outlet shall occupy a minimum of 20 percent of the gross floor area with no maximum limit.

c. Alcohol produced off-site shall not be sold on-site, this includes both on-sale and off-sale transactions

(13) Parking lots as principal use.

a. Shall be owned by the municipal government.

(14) Parking ramps as principal use.

a. Shall be owned by the municipal government.

b. The height of any parking ramp located within 200 feet of any parcel that is zoned residential and used for residential may not penetrate the height of a line commencing at and perpendicular to said parcel line and extending upward away from said parcel at a slope of five horizontal feet for each vertical foot.

c. The minimum yard requirement for any parking ramp located within 200 feet of a parcel that is zoned residential and used for residential shall be 50 feet.

d. Access shall be from a roadway identified in the Comprehensive Plan as a collector or arterial or otherwise located so that access can be provided without conducting significant traffic on local residential streets.

e. The parking ramp shall be screened from view from any abutting property located within an R district. The screening shall include a six foot berm if the parking ramp is above ground.

f. If the parking ramp is located within 400 feet of any parcel that is zoned residential and used for residential, all light sources on the top deck of a parking ramp shall be below the sight lines drawn from a point one foot above the light source to any point within said parcel ten feet lower than the maximum structure height of that use district at a distance of 400 feet from the wall of the parking ramp nearest to said parcel.

g. A minimum of 40% of the street level frontage of a parking ramp located adjacent to a street designated as a collector or arterial in the Comprehensive Plan shall be dedicated to non-parking uses.

h. Parking ramp shall be designed so that vehicles are not visible from the sidewalk and the only openings at street level are those to accommodate vehicle ingress and egress.

i. Snow storage areas shall not be located in the front yard or side yard abutting a street.

(15) Parks/recreation.

a. The principal structure shall be located a minimum of 50 feet from a lot in an R district.
b. Areas designated for group activities shall be located a minimum of 25 feet from a lot in an R district.

c. Swimming pools shall be located a minimum of 50 feet from any lot line and a minimum of 12 feet from any other structure on the same lot.

d. Screening shall be installed along the property line when the use abuts property residentially used or in one of the R districts. This screening shall include a berm or fence which shall be adequately maintained. Application of this provision shall not require a fence within the required front yard.

e. Facilities which serve a community wide or regional function shall be located with primary vehicular access on a collector or arterial street.

(16) Post office customer service.

a. The use shall only be permitted when it can be demonstrated that the operation will not have a significant adverse effect on the existing level of service and safety of adjacent streets and intersections.

b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.

c. In-vehicle sales or services prohibited.

d. Storage of vehicles is prohibited.

e. Outdoor mailboxes intended for in vehicle service shall be located to allow in vehicle mail drop off by the vehicle’s driver.

f. Screening shall be provided along the lot line between the drive through facilities and stacking areas and adjacent streets and properties, but shall not interfere with visibility at the intersection of the exit drive and adjacent street as required by section 36-76.

(17) Private entertainment (indoor) with or without intoxicating liquor license.

a. In-vehicle sales or services prohibited.

b. Not permitted in a building with residential uses.

(18) Public service structures.

a. All exterior faces of all buildings shall meet the provisions of Article V of this chapter.

b. All structures shall be located a minimum of 15 feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers.

c. All service drives shall be paved.

(19) Restaurants with or without intoxicating liquor license.
a. In-vehicle sales or services prohibited.

(20) **Residential dwellings.**
a. The residential use is part of a mixed use building with non-residential uses on the ground floor; the non-residential uses on the ground floor may include structured parking, however, structured parking may not occupy the first 30 feet in depth of the ground floor of the primary street frontage.
b. The building design and placement provide a desirable residential environment.
c. Access to open space, plazas, and pedestrian ways is provided.
d. The housing is located above the ground floor.
e. The total number of units provided on an individual parcel does not exceed eight units.

(21) **Service, up to 10,000 square feet.**
a. In-vehicle sales and services are prohibited.

(22) **Studio.**
a. Not permitted in a building with residential uses.

(23) **Utility substation.**
a. No structure shall be located within 25 feet of any property line.
b. No structures shall be located within 200 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
c. No impact noise shall be audible from any property located in an R district.

(24) **Vendor market.**
a. In-vehicle sales or services prohibited.
b. Not permitted in a building with residential uses.
c. In multi-tenant buildings, noise shall be contained within that space dedicated to the place of vendor/food hall. No noise shall be audible within common areas or in adjacent units.
d. In multi-tenant buildings, the vendor market shall have a separate entrance or shall have an interior entrance that is within 50 feet of a common building entrance.

(e) **Uses permitted by conditional use permit (CUP).**

No structure or land in the MX-2 district shall be used for the following uses except by conditional use permit:
(1) *Communication towers* more than 45 feet in height but not to exceed 70 feet in height, subject to the provisions of Section 368 (Communication Towers and Antennas).

(2) *Educational (academic).*

   a. Pickup/dropoff areas shall not conflict with other on-site or abutting land uses and shall not create congestion on public streets. Buses shall not be permitted to use an alley for pickup and dropoff of students.

   b. The size of the school shall be limited to 20 students.

   c. In multitenant buildings, the school shall have at least one separate building entrance or shall have an interior entrance that is within 50 feet of a common building entrance.

(3) *Places of assembly with or without intoxicating liquor.*

   a. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.

   b. Not permitted in a building with residential uses.

   c. Seating capacity shall be limited to 150 persons.

   d. Parking shall meet zoning code requirements, unless it is a religious or other institution that requires walking because of a religious tenet or other rule, then one space per every eight seats shall be required.

   e. In multi-tenant buildings, noise shall be contained within that space dedicated to the place of assembly use. No noise shall be audible within common areas or in adjacent units.

   f. In multi-tenant buildings, the place of assembly shall have a separate entrance or shall have an interior entrance that is within 50 feet of a common building entrance.

(4) *Residential dwellings.*

   a. The residential use is part of a mixed-use building with non-residential uses on the ground floor; the non-residential uses on the ground floor may include structured parking, however, structured parking may not occupy the first 30 feet in depth of the ground floor of the primary street frontage.

   b. The building design and placement provide a desirable residential environment.

   c. Access to off-site parks, open space, plazas and pedestrianways is provided.

   d. The housing is located above the ground floor.

   e. The total number of units provided on an individual parcel does not exceed a density of 30 units per acre.
f. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.

g. Ground floor multi-family in existence on date of ordinance adoption shall be considered a conforming use.

(f) **Accessory uses.**

The following uses shall be permitted accessory uses in the MX-2 district when meeting the standards below:

1. **Catering** if accessory to a restaurant, food service, delicatessen, grocery store or retail bakery.

2. **Food service** where food service is an accessory use to other uses).

3. **Home occupations.**
   
   a. All material or equipment shall be stored within an enclosed structure.
   
   b. Operation of the home occupation is not apparent from the public right-of-way.
   
   c. The activity does not involve warehousing, distribution, or retail sales of merchandise produced off the site.
   
   d. No light or vibration originating from the business operation is discernible at the property line, or adjacent dwelling unit.
   
   e. Only equipment, machinery, and materials which are normally found in the home are used in the conduct of the home occupation.
   
   f. Space within the dwelling devoted to the home occupation does not exceed one room or ten percent of the floor area, whichever is greater.
   
   g. No portion of the home occupation is permitted within any attached or detached accessory building.
   
   h. The structure housing the home occupation conforms to the building code. If there are any customers or students coming to the site, then the home occupation has received a certificate of occupancy for the business.

4. **Incidental repair or processing** which is necessary to conduct a permitted principal use shall not exceed 40 percent of the gross floor area or 40 percent of the labor hours required to conduct the principal permitted use.

5. **Outdoor seating and service of food and beverages.**
   
   a. The use shall not be located in the interior side or back yard if the use is adjacent to a parcel that is occupied by a residential dwelling. This provision will not apply if the first floor of the building located on the adjacent parcel is not occupied by a residential dwelling or if a residential dwelling is located above the principal use.
b. No speakers or other electronic devices which emit sound are permitted outside of the principal structure if the use is located within 500 feet of a parcel that is zoned residential and used for residential.

c. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. if located within 500 feet of a parcel that is zoned residential and used for residential.

d. Additional parking will not be required if the outdoor seating area does not exceed 500 square feet or ten percent of the gross floor area of the principal use, whichever is less. Parking will be required at the same rate as the principal use for that portion of outdoor seating area in excess of 500 square feet or ten percent of the gross building area, whichever is less.

(6) Parking lots.

(7) Parking ramps.

a. Parking ramps shall be located only behind the rear of the building.

b. Parking ramps located on the secondary street frontage shall have principal uses on the ground floor.

c. Parking ramps shall meet the façade requirements for the principal building.

d. The height of any parking ramp located within 200 feet of any parcel that is zoned residential and used for residential may not penetrate the height of a line commencing at and perpendicular to said parcel line and extending upward away from said parcel at a slope of five horizontal feet for each vertical foot.

e. The minimum yard requirement for any parking ramp located within 200 feet of a parcel that is zoned residential and used for residential shall be 50 feet.

f. Access shall be from a roadway identified in the Comprehensive Plan as a collector or arterial or otherwise located so that access can be provided without conducting significant traffic on local residential streets.

g. If the parking ramp is located within 400 feet of any parcel that is zoned residential and used for residential, all light sources on the top deck of a parking ramp shall be below the sight lines drawn from a point one foot above the light source to any point within said parcel ten feet lower than the maximum structure height of that use district at a distance of 400 feet from the wall of the parking ramp nearest to said parcel.

h. The parking ramp shall be screened from view from any abutting property located within an R district. The screening shall include a six foot berm if the parking ramp is above ground.

i. A minimum of 40% of the street level frontage of a parking ramp located adjacent to a street designated as a collector or arterial in the Comprehensive Plan shall be dedicated to non-parking uses.
j. Parking ramp shall be designed so that vehicles are not visible from the sidewalk and the only openings at street level are those to accommodate vehicle ingress and egress.

k. Snow storage areas shall not be located in the front yard or side yard abutting a street.

(8) **Building interior parking.** Parking is permitted fully in any basement and within the building, except on the primary street frontage. Interior parking shall meet the façade requirements of the building. Entrances to the interior parking are permitted from the rear or side building facades only, unless otherwise noted per the street frontage type.

(9) **Warehouse/storage** provided that the storage does not occupy more than 40 percent of the gross floor area of the site. No warehouse/storage area shall exceed 20,000 square feet.

(g) **Dimensional standards.**

(1) Buildings shall be constructed to meet the form requirements of each applicable street frontage type in Table 36-264(f)(1).

<table>
<thead>
<tr>
<th>Table 36-264(f)(1)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Primary Street</strong></td>
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<tr>
<td><strong>BUILDING SITING</strong></td>
</tr>
<tr>
<td>Minimum Lot Line Coverage</td>
</tr>
<tr>
<td>Build-to Zone</td>
</tr>
<tr>
<td>Maximum Building Length</td>
</tr>
<tr>
<td><strong>HEIGHT</strong></td>
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<td>Minimum Height</td>
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<tr>
<td>Maximum Height</td>
</tr>
<tr>
<td>Ground Story Height</td>
</tr>
<tr>
<td>All Other Stories Height</td>
</tr>
</tbody>
</table>

* Minimum Lot Line Coverage, the following exceptions may apply:
  * Courtyards. A courtyard up to 35% of the width of the front facade is permitted and may contribute to the minimum lot line coverage.
  * Driveways. When a driveway is located on a primary street frontage and side yard parking is not utilized, a driveway width of 22’ may be deducted from the width of the build-to zone and is not included in the calculation of the minimum lot line coverage.

b Build-to Zone:
  * Minimum is 10’ or the smallest setback of the existing buildings on the block front, whichever is greater.
  * Encroachments. Awnings and signage are permitted to encroach beyond the build-to zone, towards the lot line.
  * Intersection of two build-to zones.
All buildings located on corner lots shall be built to the corner of the build-to zone unless otherwise stated. The corner is defined as the intersection of the two build-to zones. Courtyards, per definition, cannot be located in this area. Tall stories: 18’ or more in floor-to-floor ground story height counts as two stories toward maximum building height.

(2) Side and Rear Yards:
   a. Buildings with side or rear property lines adjacent to R-1 or R-2 zoned and used districts shall have a minimum side yard of 10 feet and rear yard of 15 feet.
   b. Accessory parking structures shall have minimum side yard and rear yard setbacks of 15 feet.

(h) Special provisions.
   (1) Generally. The design of lots and uses in the MX-2 district that fall within the Historic Walker Lake area should substantially conform with the guidelines established in the Historic Walker Lake Area Design Guidelines, adopted by the City Council on [DATE].
   (2) Off-Street Parking Areas. Specific standards for the neighborhood mixed use district established in Sec. 36-362 shall apply.
   (3) Sign Regulations. The standards established in Sec. 36-363 shall apply, with the following additional standards:
      a. Signage shall be allowed with the following conditions:
         1. Pylon signs are prohibited.
         2. Freestanding monument signs are prohibited.
         3. Signs painted directly on the building side shall be limited to non-brick surfaces
         4. Pedestrian scale signs visible from public sidewalks shall be encouraged. Such signs shall be no more than three feet in vertical dimension unless flush with the building wall.
   (4) Outdoor Lighting. The standards established in Sec. 36-364 shall apply.
   (5) Landscaping. The standards established in Sec. 36-365 shall apply.
   (6) Architectural Design. The standards established in Sec. 36-366 shall apply, with the following additional standards:
      a. Façade Transparency
         1. Each upper story façade shall have a minimum transparency of 20% for primary and secondary street frontages.
      b. Building Entrances
1. The principal entrance to the building shall be required on the primary street frontage of the building.

2. Each street entrance shall be within 30" of adjacent street sidewalk average grade.