CHAPTER 3.9
MIXED USE RESIDENTIAL (MUR) ZONE

Section 3.9.10 - PURPOSE

The Mixed Use Residential (MUR) Zone is established to increase housing opportunities in close proximity to designated commercial zones. The MUR Zone is intended primarily for development of multi-family housing at densities high enough to support the retail uses of the adjacent commercial zones and to provide residents with direct and convenient access to commercial services.

Varied Housing Types are encouraged in the MUR Zone. Small-scale retail, office, and service uses are also allowed when they are developed as part of a mixed-use building. Design standards for the MUR Zone emphasize intensive development with building orientation to the street, as described in Chapter 4.10 - Pedestrian Oriented Design Standards. These design standards are tailored to the type of use proposed, such as townhouse, multi-family, and/or mixed use.

Section 3.9.20 - GENERAL PROVISIONS - Establishment of the MUR Zone

The MUR Zone designation shall apply to lands identified as MUR on the Official Zoning Map as of December 31, 2006, except as amended in accordance with the provisions of this Chapter and Chapter 2.2 - Zone Changes. Through a legislative or quasi-judicial process consistent with Chapter 2.2 - Zone Changes and Chapter 2.0 - Public Hearings, the MUR Zone may also be applied to properties designated Medium-high Density or High Density Residential on the Comprehensive Plan Map.

The following locational and dimensional criteria apply to the MUR Zone.

a. Locational Criteria

The following locational criteria shall be applied to Zone Changes, in conjunction with Chapter 2.2 - Zone Changes and Chapter 2.0 - Public Hearings.

1. The MUR Zone designation shall be applied only to properties that are contiguous with property designated Commercial on the Comprehensive Plan Map;

2. The outer boundary of the MUR Zone shall extend no farther than 450 ft. (1.5 to 2 blocks) from the edge of the adjacent commercially designated property. Variations from this locational criteria may be

requested through the Planned Development process outlined in Chapter 2.5 - Planned Development; and

3. Unless designated on the Transportation Plan Map, streets shall not make up the boundaries of an MUR Zone when the zone abuts a Low Density Residential zone, except for existing situations as of December 31, 2006.

b. Dimensional Criteria

A new MUR Zone shall consist of at least one whole legal lot or parcel if the lot or parcel is one acre or smaller in size. When multiple tax lots or parcels are included, portions of individual lots or parcels at least one acre in size may be included, provided the size of the remainder of each lot or parcel is developable under its zoning designation. Existing public street rights-of-way shall not count toward the total area of a zone.

Section 3.9.30 - PERMITTED USES

3.9.30.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types -

   a) Family

   b) Group Residential

   c) Group Residential/Group Care

   d) Residential Care Facilities

   e) Fraternities and Sororities

2. Residential Building Types -

   a) Single Detached

   b) Single Detached - Zero Lot Line

   c) Single Attached - Zero Lot Line, two units

d) Attached - Townhouse

e) Duplex

f) Multi-dwelling in a residential-only development - minimum density of 20 units/gross acre

g) Multi-dwelling in a mixed use development that contains a minimum of 10 percent nonresidential Use Types - minimum density of 12 units/gross acre

h) Accessory Dwelling Unit

3. Civic Use Types -

a) Cultural Exhibits and Library Services - limited to 3,000 sq. ft. per use

b) Postal Services - Customer

c) Community Recreation

d) Social Service Facilities

4. Commercial Use Types - limited to 3,000 sq. ft. of gross floor area per use

a) Business Support Services

b) Convenience Sales and Personal Services

c) Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions

d) Eating and Drinking Establishments - Sit-down,15 or fewer seats

e) Financial, Insurance, and Real Estate Services

f) Food and Beverage Sales - such as deli, espresso bar

g) Laundry Services

h) Lodging Services - Bed & Breakfast only

i) Professional and Administrative Offices

b. Accessory Uses Permitted Outright

1. Essential Services

2. Home Business, as defined in Chapter 1.6 - Definitions

3. Day Care, Family, as defined in Chapter 1.6 - Definitions

4. Required off-street parking for Uses permitted in the zone, in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements

5. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations

3.9.30.02 - Special Development

Conditional Development - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

a. Eating and Drinking Establishments - Sit Down, more than 15 seats

b. Medical Services - Minor, limited to 3,000 sq. ft. gross floor area

c. Lodging Services - limited to Bed and Breakfast with five or fewer bedrooms

d. Religious Assembly - limited to 3,000 sq. ft. of gross floor area per use

e. Major Services and Utilities - limited to 3,000 sq. ft. of gross floor area per use

f. Schools

3.9.30.03 - General Development

Plan Compatibility Review - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

a. Minor utilities subject to standards in Chapter 4.9 - Additional Provisions

b. Projections (attached to the building) such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 75 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

3.9.30.04 - Prohibited Uses

All Uses not explicitly listed in Sections 3.9.30.01 through 3.9.30.03 are prohibited. For emphasis, the following Uses are identified as prohibited:

a. Automotive and Equipment Use Types

b. Drive-through Facilities

c. Fuel Sales

d. Car Washes

e. Retail Sales - General

f. Any other Use not specifically listed in Sections 3.9.30.01 through 3.9.30.03

Section 3.9.40 - MUR ZONE DEVELOPMENT STANDARDS

3.9.40.01 - Minimum/Maximum Residential Densities

a. Minimum residential densities for strictly residential development within an MUR Zone shall be 20 units per acre.

b. Minimum residential densities for developments that include mixed uses within an MUR Zone shall be 12 units per acre. For these mixed use developments, if less than 20 units per acre are provided, the development

shall include a minimum of 10 percent of the total gross floor area in nonresidential uses.

c. No maximum residential densities are established for the MUR Zone. Building heights regulate maximum densities.

3.9.40.02 - Nonresidential Uses

a. Nonresidential uses in the MUR Zone shall not exceed a size of 3,000 sq. ft. of gross floor area per individual use and shall be limited to a maximum of 20 percent of the total gross floor area in the development site.

b. Nonresidential uses shall be developed as part of a mixed use building that includes housing (with the exception of Civic Uses) and shall be developed to maintain a minimum density of 12 dwelling units per acre. When a development site is composed of two or more phases, each phase shall also meet this standard.

3.9.40.03 - MUR Development Standards

Table 3.9-1

		Standard
a.	Minimum Lot Area	None
b.	Minimum Lot Width	None
c.	Setbacks	
	1. Front and side yard	None, except as needed for Building Code compliance and Vision Clearance Areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.
	2. Rear yard setback	10 ft. minimum
	3. Side and rear yard setback adjacent to Low Density Residential zone	Equal to most restrictive setback in the Low Density Residential zone
	4. Corner Lot Front porches may encroach up to 5 ft. into setback area, provided vision clearance is still met and the porch's finished floor elevation is at least 3 ft. higher than the street sidewalk.	10 ft. minimum on side abutting the street. Vision Clearance Areas in accordance with Section 4.1.40 of Chapter 4.1 - Parking, Loading, and Access Requirements.
	5. Maximum setback against street	
	a) Mixed Use Buildings	5 ft.
	b) Multi-dwelling Structures	15 ft.
	c) Townhouses	13 ft.
	Additions onto existing buildings are not subject to these maximum setbacks.	
	See also "h," and "i," below.	

		Standard
d.	Minimum Garage/Carport Setbacks 1. Detached and attached units a) Garage/carport entrance facing/parallel to the street b) Garage/carport entrance sideways/perpendicular to street 2. Multi-dwelling units See also “h,” and “i,” below.	19 ft. minimum 10 ft. minimum Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development. Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards. Off-street parking and garages shall be located interior to the site in accordance with Chapter 4.10 - Pedestrian Oriented Design Standards.
e.	Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land See also “k,” and “l,” below.	When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant’s responsibility to provide this buffer. The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement. Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.
f.	Maximum Lot Coverage	80 percent of the lot area maximum; interior attached townhouses exempt from this provision. Green Area is calculated per lot.
g.	Off-street Parking	See Chapter 4.1 - Parking, Loading, and Access Requirements.

		Standard
h.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	Shall not be placed within any required setback area. When located outside a setback area, but within five to 10 ft. of a property line, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment. When located outside a setback area, but greater than 10 ft. from a property line, such equipment requires no screening.
i.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
j.	Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
k.	Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.
l.	Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
m.	Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
n.	Landscaping	See Section 3.8.60, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
o.	Required Green Area, Private Outdoor Space, and Common Outdoor Space	See Section 3.8.60, below.
p.	Landslide Hazards and Hillsides	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

3.9.40.04 - Structure Height and Building Mass

a. Primary structures in the MUR Zone shall not exceed a height of 65 ft. or five stories, whichever is less.

b. Where a property in the MUR Zone abuts a property in the RS-9 or RS-9(U) Zone, the height of structures in the MUR Zone is limited to a maximum of 35 ft. within a distance of 20 ft. from the Medium Density Residential property. Where a street separates the land zoned MUR from the land zoned RS-9 or RS-9(U), this height restriction shall be in accordance with "d," below. See Figure 3.9-1 - Required Height Transition Area When a Development is Zoned MUR and is Next to Land Zoned RS-9 or RS-9(U).

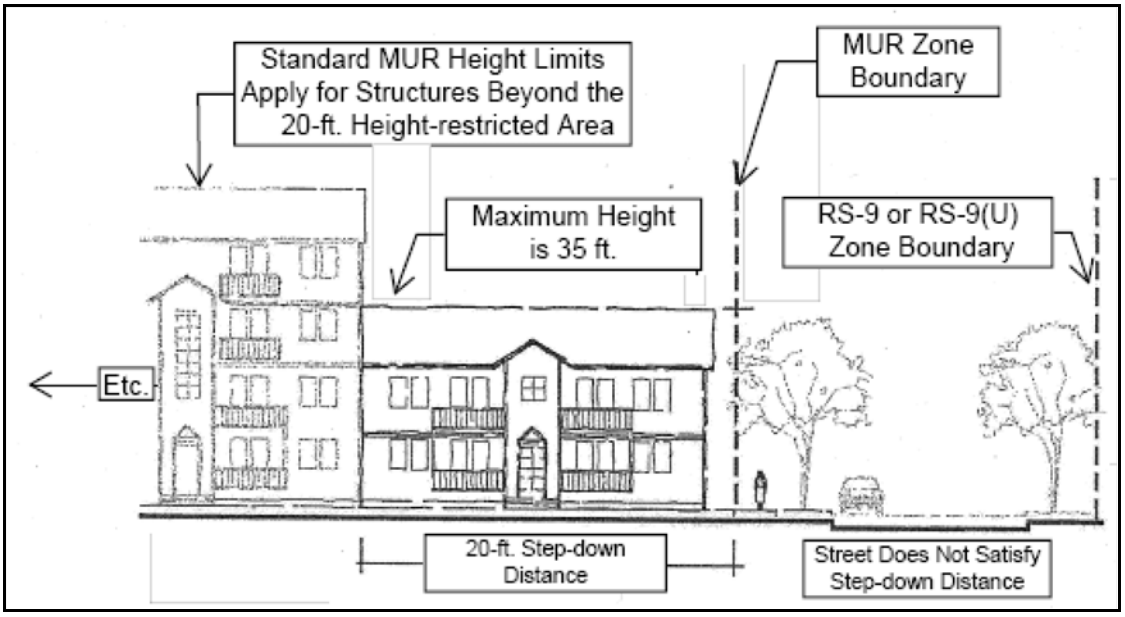

Figure 3.9-1 - Required Height Transition Area When a Development is Zoned MUR and is Next to Land Zoned RS-9 or RS-9(U)

c. Where a property in the MUR Zone abuts a property in the RS-3.5, RS-5, or RS-6 Zone, the height of structures in the MUR Zone is limited to a maximum of 35 ft. or two stories in height within the first 50 ft.; and a maximum of 45 ft. in height within a distance of 50 - 100 ft. from the Low Density Residential property. Where a street separates the land zoned MUR from the land zoned RS-3.5, RS-5, or RS-6, this height restriction shall be in accordance with "d," below. See Figure 3.9-2 - Required Height Transition Area When a Development is Zoned MUR and is Next to Land Zoned RS-3.5, RS-5, or RS-6.

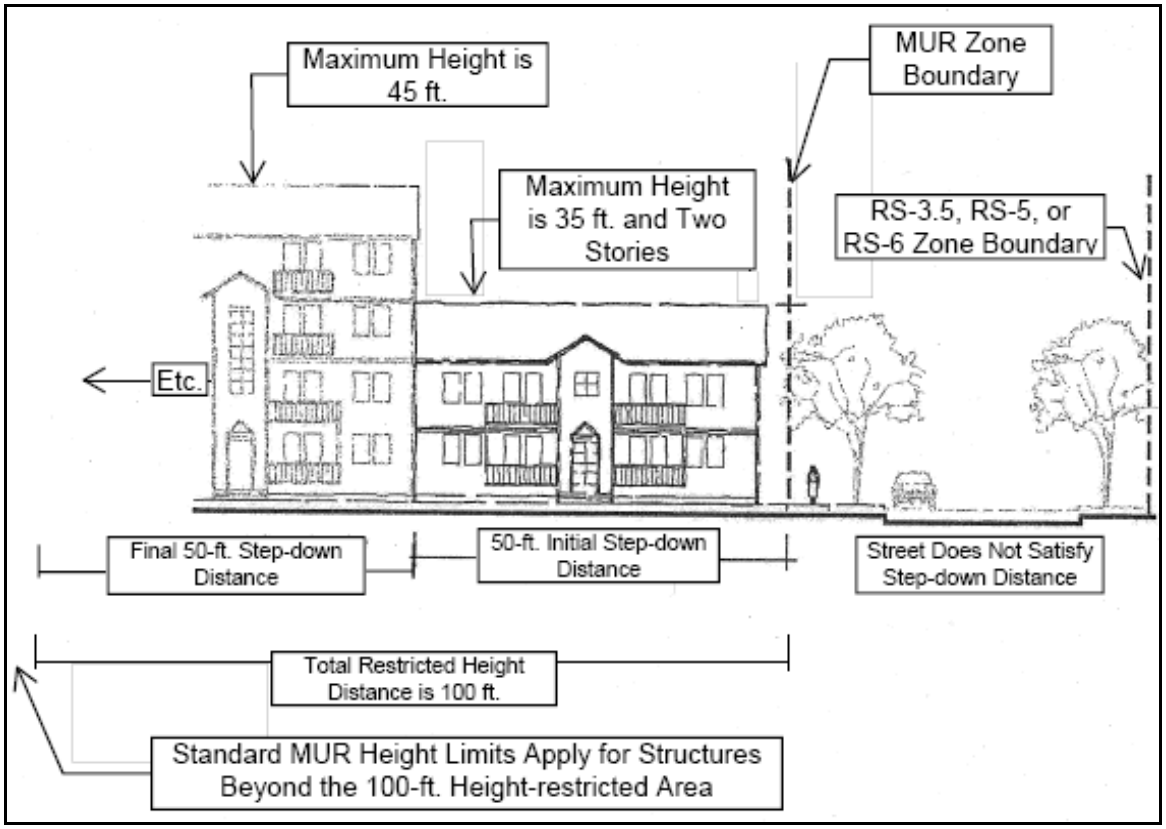

Figure 3.9-2 - Required Height Transition Area When a Development is Zoned MUR and is Next to Land Zoned RS-3.5, RS-5, or RS-6

d. Where the MUR Zone is separated from the Low or Medium Density Residential zone by an existing or planned street, the measurements outlined in “b,” and “c,” above, shall be taken from the MUR side of the street, and the street shall not be counted to satisfy the distance needed for the step-down in height. In cases where the MUR zoning boundary immediately abuts the Low or Medium Density Residential zoning boundary, and an existing or planned street is located within the MUR Zone and also abutting the Low or Medium Density Residential zoning boundary, the street shall not be counted to satisfy the distance needed for the step-down in height. See Figure 3.9-1 - Required Height Transition Area When a Development is Zoned MUR and is Next to Land Zoned RS-9 or RS-9(U) and Figure 3.9-2 - Required Height Transition Area When a Development is Zoned MUR and is Next to Land Zoned RS-3.5, RS-5, or RS-6.

e. Where a property in the MUR Zone abuts a property in the RS-3.5, RS-5, or RS-6 Zone, buildings on the perimeter of the MUR site and closest to the Low Density Residential zone shall be limited to 150 ft. in length.

Section 3.9.50 - MULTIPLE BUILDINGS ON ONE LOT OR SITE

To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply to multiple residential buildings on a single lot or site in the MUR Zone:

a. Buildings with opposing windowed walls shall be separated by 20 ft.

b. Buildings with windowed walls facing buildings with blank walls shall be separated by 15 ft. However, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.

c. Buildings with opposing blank walls shall be separated by 10 ft. As stated in “b” above, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.

d. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.

e. Buildings with courtyards shall maintain separation of opposing walls as listed in "a," through "c," above.

f. Where buildings exceed a length of 60 ft. or exceed a height of 30 ft., the minimum wall separation shall be increased. The rate of increased wall separation shall be one ft. for each 15 ft. of building length over 60 ft., and two ft. for each 10 ft. of building height over 30 ft.

g. Driveways, parking lots, and common or public sidewalks or multi-use paths shall maintain the following separation from dwelling units built within eight ft. of the ground level.

1. Driveways and parking lots shall be separated from windowed walls by at least eight ft.; sidewalks and multi-use paths shall be separated by at least five ft.

2. Driveways and parking lots shall be separated from living room windows by at least 10 ft.; sidewalks and multi-use paths shall be separated by at least seven ft.

3. Driveways and uncovered parking spaces shall be separated from doorways by at least five ft.

Section 3.9.60 - GREEN AREA, OUTDOOR SPACE, LANDSCAPING, AND SCREENING

3.9.60.01 - Green Area

a. A minimum of 20 percent of the gross lot area and a minimum of 10 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area to ensure that the 80 percent maximum lot/site coverage standard of Section 3.9.40.03 is met. A minimum of 10 percent of the gross lot area shall consist of vegetation consisting of landscaping or naturally preserved vegetation.

b. Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants and with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.

c. The required Green Area shall be designed and arranged to offer the maximum benefits to the occupants of the development and provide visual appeal and building separation. These provisions shall apply to all new development sites and to an addition or remodeling of existing structures that creates new dwelling units.

3.9.60.02 - Private Outdoor Space Per Dwelling Unit

a. Private Outdoor Space shall be required at a ratio of 48 sq. ft. per dwelling unit. This Private Outdoor Space requirement may be met by providing patios and balconies for some or all dwelling units, or by combining Private Outdoor Space and Common Outdoor Space as allowed by Section 3.9.60.04.

b. Private Outdoor Space, such as a patio or balcony, shall have minimum dimensions of six-by-eight ft.

c. Private Outdoor Space shall be directly accessible by door from the interior of the individual dwelling unit served by the space.

d. Private Outdoor Space shall be screened or designed to provide privacy for the users of the space.

e. Private Outdoor Space may be considered as part of the 20 percent Green Area required under Section 3.9.60.01, if it is located on the ground. Upper-story balconies cannot be counted.

3.9.60.03 - Common Outdoor Space Per Dwelling Unit

a. In addition to the Private Outdoor Space requirements of Section 3.9.60.02, Common Outdoor Space shall be provided in developments of 20 or more dwelling units for use by all residents of the development, in the following amounts:

1. Studio, one- and two-bedroom units: 200 sq. ft. per unit

2. Three or more bedroom units: 300 sq. ft. per unit

b. The minimum size of any Common Outdoor Space shall be 400 sq. ft., with minimum dimensions of 20-by-20 ft.

c. A Common Outdoor Space may include any of the following, provided that they are outdoor areas: recreational facilities such as tennis, racquetball, and basketball courts, swimming pool and spas; gathering spaces such as gazebos, picnic, and barbecue areas; gardens; preserved natural areas where public access is allowed; and children's tot lots.

d. The Common Outdoor Space may be considered as part of the 20 percent Green Area required under Section 3.9.60.01. The Common Outdoor Space shall not be located within any buffer or perimeter yard setback area.

e. A children's tot lot shall be provided for each 20 units. The minimum dimensions for any tot lot shall be 20-by-20 ft., with a minimum size of 400 sq. ft. The tot lot shall include a minimum of three items of play equipment such as slides, swings, towers, and jungle gyms. Any one or a combination of the following shall enclose the tot lot: a 2.5 to 3 ft.-high wall, fence, or planter; or benches or seats.

f. Where more than one tot lot is required, the developer may provide individual tot lots or may combine them into larger playground areas.

g. Housing complexes that include 20 or more dwelling units designed for older persons do not require tot lots. However, Common Outdoor Space shall be provided as specified in "a," through "d," above.

3.9.60.04 - Option to Combine Private and Common Outdoor Space

a. The Private and Common Outdoor Space requirements may be met by combining them into areas for active or passive recreational use. Examples include courtyards and roof-top gardens with pedestrian amenities. However, where larger Common Outdoor Spaces are proposed to satisfy Private Outdoor Space requirements, they shall include pedestrian amenities such as benches or other types of seating areas.

b. The combined outdoor space may be covered, but it shall not be fully enclosed.

3.9.60.05 - Outdoor Space Credits

a. When an MUR development site is connected by public sidewalks to an improved public park located immediately adjacent to or directly across the street from the site, a developer may request an Outdoor Space Credit not to exceed 25 percent of the total outdoor space requirement, including Private and Common Outdoor Space. Additionally, for sites located within the Downtown Residential Neighborhood as defined in Chapter 1.6 - Definitions, a developer may request an Outdoor Space Credit that reduces or eliminates the Common Outdoor Space requirements and/or reduces required Private Outdoor Space by a maximum of 25 percent.

b. Provisions for the Central Business Zone, the Central Business Fringe Zone, and the Neighborhood Center Zone reference the Mixed Use Residential development standards. The same Outdoor Space Credits available for sites within the Downtown Residential Neighborhood shall be available to sites within the Central Business, Central Business Fringe, and Neighborhood Center zones.

3.9.60.06 - Location of Green Area

In determining where Green Areas should be placed on a development site, consideration shall be given to the following:

a. Preserving otherwise unprotected natural resources and wildlife habitat on the site, especially as large areas rather than as isolated smaller areas, where there is an opportunity to provide a recreational or relaxation use in conjunction with the natural resource site;

b. Protecting lands where development more intensive than a Green Area use may have a downstream impact on the ecosystem of the vicinity. The ecosystem in the vicinity could include stands of mixed species and conifer trees, natural hydrological features, wildlife feeding areas, etc.;

c. Enhancing park sites adjacent to the convergence of sidewalks and/or multi-use paths;

d. Enhancing recreational opportunities near neighborhood commercial activity centers; and

e. Enhancing opportunities for passive relaxation and recreation for residents, employees, and/or visitors within a development site.

Section 3.9.70 - MIX OF HOUSING TYPES

A mix of permitted Housing Types is encouraged in the MUR Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than five acres in size shall comply with the variety of Housing Types requirements outlined in Chapter 4.9 - Additional Provisions.

Section 3.9.80 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the MUR Zone:

a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;

b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and

c. Independent or cumulative expansion of a nonresidential structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

Section 3.9.90 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.9.40.03 “j,” through “n,” and “p,” variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.