

## **CHAPTER 4. BASE ZONING DISTRICTS**

### **4.1 Purpose and Intent.**

The City of Tupelo has zoning districts covering all land in the city limits. Zoning protects the rights of property owners and allows them the reasonable use of their property insofar as the use does not negatively affect the health, safety, or welfare of abutting properties or the neighborhood. Zoning permits particular land uses where they are most appropriate, considering public utilities, road access, natural resources or constraints, and the established development pattern.

In order to carry out the purposes of this Code and to allow appropriate uses in different districts, the City shall be divided into the following zoning districts, the boundaries of which shall be shown on the Official Map of Zoning Districts:

- (1) Agriculture/Open Space Protection (A/O)
- (2) Low-Density Residential (LDR)
- (3) Medium-Density Residential (MDR)
- (4) Mixed-Use Residential (MUR)
- (5) Mixed-Use Downtown (MUD)
- (6) Mixed-Use Commercial Corridor (MUCC)
- (7) Mixed-Use Activity Center (MUAC)
- (8) Mixed-Use Employment (MUE)
- (9) Regional Commercial (RC)
- (10) Industrial (I)

### **4.2 Relationship of Base Zoning Districts to Overlay Districts**

Lands within the City may also be classified into one of the “overlay districts” set forth in Chapter 5: Overlay Districts and Permitted Uses. Where the property is classified in an overlay district as well as a base zoning district, then the standards governing development in the overlay district shall apply in addition to the standards governing development in the underlying district. In the event of an express conflict between the standards set forth in the base zoning district and the overlay district, the stricter standard shall apply.

### **4.3 Allowable Uses, Compatible Uses, Flexible Uses, and Prohibition of Uses Not Expressly Listed**

No use shall be established in any zoning district unless it is expressly designated by this Code as a “permitted use,” “compatible use,” “flexible use,” or “temporary use.” The range of uses allowed as permitted, compatible, or flexible uses in each zoning district may be found in Table 4.3. In the event of a conflict between Table 4.3 and the text of this Code, the text shall control. The range of uses allowed as temporary uses may be found in Chapter 7: “Accessory and Temporary Structures and Uses”.

#### 4.4 Annexed Lands

The zoning district designation for areas added to the City’s jurisdiction through annexation beyond the City’s existing jurisdiction shall be determined as follows:

If the property annexed is not subject to any zoning standards, the property shall not be subject to any use restrictions imposed by this Code until such time as the City has properly zoned the property at which time all restrictions and regulations contained in the Code shall apply. Prior to such zoning becoming effective, all other standards contained in this Code other than use restrictions shall apply.

If the property annexed is subject to zoning regulations, the property shall be designated by the City Council after recommendation by the Planning Committee. All standards of this Code for said zoning classification shall apply to this annexed property immediately upon said annexation and zoning district designation by the City Council.

#### 4.5 Zoning Map

The Official Map of Zoning Districts, along with all notations, references, and other information shown, is now incorporated into and made part of this Code. As part of this Code, the Official Map of Zoning Districts shall be amended only by the procedures set forth in this Code.

Use Categories	A O	LDR	MDR	M U R	MUD refer to table 5.3.4	MUCC-1 (Walkable )	MUCC-2 (Conventiona l)	MUE-1 (Walkable )	MUE-2 (Conventiona l)	MU AC- 1 (Wa lkab le)
<b>Residential</b>										
Detached Dwelling	R	R	R	R		C				C*
Accessory Dwelling Unit	C	C	C	C		R	R	R	R	R
Manufactured or Mobile Home Subdivision	F									
Duplex/Semi-Attached Unit		F	F	R		C*	F*			R*
Patio Home/Zero-Lot-Line Home		C	R	C		C*	F*			R*
Townhouse			R	R		R*	R*	R*	R	R*

Use Categories	A O	LDR	MDR	M U R	MUD refer to table 5.3.4	MUCC-1 (Walkable )	MUCC-2 (Conventional)	MUE-1 (Walkable )	MUE-2 (Conventional)	MU AC- 1 (Walkable)
Upper-Story Residential Unit				R*		R	R	R*	R	R
Apartment Development				F*		C*	C*	R	R	R
<b>Non-Residential</b>										
Adult Entertainment Establishment										
Aircraft Sales and/or Service										
Airport	F									
Animal Shelter	F	F								
Asphalt and/or Concrete Plant										
Bed and Breakfast	C	F	R	R		R				R
Broadcasting Facility, Radio and/or Television	F					C	C	R	R	C
Campground and/or RV Park	C	C	C			C	C			
Car Wash Facility							R			R
Cemetery	C	C	F							
Conference Center						R	R	R	R	R
Congregate Living 1	C	C*	C*	R*		R*	R*	R*	R*	C
Congregate Living 2	C*					R*	R*	R*	R*	C*
Congregate Living 3	F								F	
Convenience Store with Fuel Sales						R	R	R	R	R
Correctional Facility	F								F	
Crematory			F	F			C			
Day Care Center				C*		R	R	R	R*	R
Day Care Home, Large	C	C	C	R		R	R	R	R	R
Day Care Home, Small	R	R	R	R		R	R	R	R	R
Dog Kennel	C	F	F	F						
Drug Store or Pharmacy with Drive-Through Service						R	R	R	R	R
Educational Facility, College or				C*		R	R	R	R	R

Use Categories	A O	LDR	MDR	M U R	MUD refer to table 5.3.4	MUCC-1 (Walkable )	MUCC-2 (Conventiona l)	MUE-1 (Walkable )	MUE-2 (Conventiona l)	MU AC- 1 (Wa lkab le)
University										
Educational Facility, K-12	C	C	C	C		R	R	C	C	R
Educational Facility, Vocational Training				C*		C	C	R	R	C
Engine Repair, Small						C	C		F	F
Engine Repair, Large						F	F			
Farm	R									
Farmers Market	R			C		C				
Financial Establishment						R	R	R	R	R
Firing Range, Indoor										
Firing Range, Outdoor	F									
Forestry	R									
Funeral Home			F	R		R	R			
Golf Course and/or Country Club	R	R	C	C*						
Golf Driving Range	R	F								
Government Facility				R*		R	R	R	R	R
Home Business	C		F	F		R	R	R	R	R
Home Occupation	R	R	R	R		R	R	R	R	R
Hospital						R	R	R	R	R
Hotel or Motel				F*		R	R	C	C	R
Library			C	R		R	R	R	R	R
Lifecare Community	F			F		C*	R*	C	R	C
Junkyard										
Manufacturing, Heavy										
Manufacturing, Light								C	R	
Museum			C	R*		R	R			R
Nursing Home						R	R	R	R	R
Office				R*		R	R	R	R	R
Office with Storage						F	C	C	R	F
Office, Medical				R*		R	R	R	R	R
Outdoor Dining				C*		R	R	R	R	R
Outdoor Display of Merchandise						R	R			R
Outdoor Display of				R*		R	R	R	R	R

Use Categories	A O	LDR	MDR	M U R	MUD refer to table 5.3.4	MUCC-1 (Walkable )	MUCC-2 (Conventional)	MUE-1 (Walkable )	MUE-2 (Conventional)	MU AC- 1 (Walkable)
Plants										
Outdoor Storage						R	R	R	R	R
Park and/or Open Space	R	R	R	R		R	R	R	R	R
Parking Facility, Off-Site						C	C	C	C	C
Passenger Terminal						R	R	R	R	R
Place of Assembly and/or Worship	C	C	C	C*		R	R	R	R	R
Printing and/or Publishing Facility						F	F	C	R	
Public Safety Station	C	C	R	R*		R	R	R	R	R
Railroad Station and/or Yard										
Recreation Facility, Indoor				R		R	R	R*	R*	R
Recreation Facility, Outdoor	R	R	C	C*						
Recycling and/or Salvage Facility									F	
Recycling Drop-Off Facility										
Research and Development Facility						C	C	R	R	C
Resource Extraction	F									
Restaurant with Drive-Through Service						R	R	R*	R*	R
Restaurant without Drive-Through Service				C*		R	R	R*	R*	R
Retail Sales and/or Service				R*		R	R	R*	R	R
Retail Sales, Lumber Yard or Building Materials							C		R	
Satellite Dish Antennae	R	R	R	R		R	R	R	R	R
Self-Serve Storage Facility							F		R	F
Social and/or Community Service Facility				R*		R	R	C	C	R
Swimming Pool	R	R	R	R		R	R	R	R	R

Use Categories	A O	LDR	MDR	M U R	MUD refer to table 5.3.4	MUCC-1 (Walkable )	MUCC-2 (Conventional)	MUE-1 (Walkable )	MUE-2 (Conventional)	MU AC- 1 (Walkable)
Telecommunications Facility, Other		C						C	C	
Telecommunications Tower	F	F				F	F	F	F	F
Trade Market Facility						R	R	C	C	
Truck Stop						C	R*		R	
Trucking Company								F	R	
Utility, Major	C	F				C	C	F	F	F
Utility, Minor	R	C	C	C		C	C	C	C	C
Vehicle Sales and/or Rental						F	R		R	F
Vehicle Service						F	R		R	F
Vehicle Wrecker Service										
Veterinarian Clinic without Outdoor Kennel				C		C	C	C	C	R
Veterinarian Clinic with Outdoor Kennel	F	F								
Warehouse and/or Distribution and/or Freight Facility								F	R	
Waste-Related Service Facility								F	R	
Wholesale Facility									R	
Woodworking or Cabinet-Making Facility						F	C		C	

## **4.6 Agriculture/Open Space Protection District (AO)**

### **4.6.1 Purpose and Intent**

The objective of the Agriculture/Open Space Protection District (AO) is to preserve environmentally sensitive land areas such as floodplains and agricultural areas which are not suitable for dense development and which are generally outside of areas served by public water and sanitary sewer systems. The types of uses, area and intensity of development permitted in this district are designed to protect agricultural and open space uses, including very low density single-family residences and accessory uses.

### **4.6.2 Development Emphasis**

This district shall allow agriculture and very low density residential uses and shall have very limited development impact, particularly land clearing, hardscape and higher intensity uses. Residential development should be of high quality and environmentally sustainable design due to the environmental sensitivity of land in this district, much of which is floodplain or flood hazard area. It should include appropriate design tools or amenities to compensate for converting valuable open space. These may include a connected street system, side or rear garages, clustering of residential houses, environmental set aside areas, and low-impact stormwater management techniques.

### **4.6.3 Flexibility Options**

Lot sizes and development standards may be reduced to allow a higher percentage of protected open space through cluster subdivision design. Setbacks may be reduced where rear access is provided by an alley. Low-impact stormwater management practices may substitute for curb and gutter. Sidewalk or street connectivity requirements may be reduced or waived if connectivity is provided by an alternative pedestrian or cyclist path.

### **4.6.4 Special Requirement**

Land in the AO districts which is classified as flood hazard area may be rezoned for other use only upon a finding by the City Engineer that the proposed development would have no significant adverse impact on flood elevations.

### **4.6.5 Development Standards**

<b>Agriculture/Open Space Protection District (AO)</b>	
Minimum/Maximum Lot Size*	2 acres minimum/no maximum
Minimum/Maximum Width*	150 feet minimum/no maximum
Minimum/Maximum Front Setback	50 feet minimum/no maximum
Minimum/Maximum Side Setback	25 feet minimum/no maximum

Minimum/Maximum Rear Setback	50 feet minimum/no maximum
Maximum Height**	2 stories maximum
Maximum Density***	1 dwelling unit/2 acres

\*Existing parcels of land are exempt from minimum and maximum lot size and width requirements. A property owner will not be required to subdivide an existing parcel to conform to any minimum requirements.

\*\* Height limits do not apply to church spires, belfries, cupolas, or domes not used for human habitation, nor to chimneys, ventilators, skylights, parapet walls, cornices, solar energy systems, or necessary mechanical appurtenances usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning and do not exceed the limitations of the airport hazard zoning regulations.

\*\*\*Existing parcels of land are exempt from minimum density requirements.

#### **4.6.6 Uses**

##### **4.6.6.1 Uses by Right – A/O**

- (1) Detached Dwelling
- (2) Day Care Home, Small
- (3) Farm
- (4) Farmers Market
- (5) Forestry
- (6) Golf Course and/or Country Club
- (7) Golf Driving Range
- (8) Home Occupation
- (9) Park and/or Open Space
- (10) Recreation Facility, Outdoor
- (11) Satellite Dish Antennae
- (12) Swimming Pool
- (13) Utility, Minor

##### **4.6.6.2 Uses by Compatibility – A/O**

- (1) Accessory Dwelling Unit (ADU)
- (2) Bed and Breakfast

- (3) Campground and/or RV Park Facility
- (4) Cemetery
- (5) Congregate Living 1\*
- (6) Congregate Living 2\*
- (6) Day Care Home, Large
- (7) Dog Kennel
- (8) Educational Facility, K-12
- (9) Home Business
- (10) Place of Assembly and/or Worship
- (11) Public Safety Station
- (12) Utility, Major

#### **4.6.6.3 Uses by Flexibility – A/O**

- (1) Airport
- (2) Animal Shelter
- (3) Broadcasting Facility, Radio and/or Television
- (4) Congregate Living 3\*
- (5) Correctional Facility
- (6) Firing Range, Outdoor
- (7) Lifecare Community
- (8) Manufactured or Mobile Home Subdivision
- (9) Resource Extraction
- (10) Telecommunications Tower
- (11) Veterinarian Clinic with Outdoor Kennel

\*Congregate Living structures or facilities of any classification may not be located less than two thousand five hundred (2,500) feet from an existing use of the same classification.

### **4.7 Low-Density Residential District (LDR)**

#### **4.7.1 Purpose and Intent**

The objective of the Low-Density Residential District (LDR) is to provide an area of low-density residential uses and to transition between more densely developed neighborhoods and the Agricultural-Open Space areas. This district may be located in the more sparsely developed areas of the city where rural, low-density development patterns exist and where utility services and other infrastructure may not be able to accommodate a higher density. Landowners may develop large lot single family units or cluster development on smaller lots to conserve open space, views, and other natural features.

#### 4.7.2 Development Emphasis

This district shall allow low-density residential uses and also limit development impact, particularly land clearing; impervious surfaces such as buildings and parking lots, and higher intensity uses. Development in this district shall protect the character of existing single-family housing and offer large lot housing to residents and potential new residents. Residential development should be of high quality and environmentally friendly design, offering appropriate amenities to compensate for the conversion of open space. Walking or biking trails or other outdoor recreational amenities are appropriate. Development standards in this district shall encourage clustering of houses, the creation of environmental set aside areas, and low impact stormwater management techniques. Standards shall discourage cul-de-sacs, single access developments, and front loaded garages.

#### 4.7.3 Flexibility Options

Lot sizes and development standards may be reduced to allow a higher percentage of protected open space through cluster subdivision design. Setbacks may be reduced where rear access is provided by an alley. Low-impact stormwater management practices may substitute for curb and gutter. The sidewalk requirements may be waived if connectivity is provided by walking paths, bike trails, or a similar amenity. The street connectivity requirement may be reduced or waived if connectivity is provided by off-site multi-use paths or similar amenity.

#### 4.7.4 Development Standards

<b>Low-Density Residential District (LDR)</b>	
Minimum/Maximum Lot Size*	.33 acres - 1 acre
Minimum/Maximum Width*	90 feet minimum/no maximum
Minimum/Maximum Front Setback	20 - 50 feet
Minimum/Maximum Side Setback	10 feet/no maximum
Minimum/Maximum Rear Setback	10 feet/no maximum
Maximum Height**	2 stories
Minimum/Maximum Density***	1 dwelling unit/acre minimum 3 dwelling units/acre maximum

Open Space Requirement	15%
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\*Existing parcels of land are exempt from minimum and maximum lot size and width requirements. A property owner will not be required to subdivide an existing parcel to conform to any minimum requirements.

\*\* Height limits do not apply to church spires, belfries, cupolas, or domes not used for human habitation, nor to chimneys, ventilators, skylights, parapet walls, cornices, solar energy systems, or necessary mechanical appurtenances usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning and do not exceed the limitations of the airport hazard zoning regulations.

\*\*\*Existing parcels of land are exempt from minimum density requirements.

#### **4.7.5 Uses**

##### **4.7.5.1 Uses by Right – LDR**

- (1) Detached dwelling
- (2) Day Care Home, Small
- (3) Golf Course and/or Country Club
- (4) Home Occupation
- (5) Park and/or Open Space
- (6) Recreation Facility, Outdoor
- (7) Satellite Dish Antennae
- (8) Swimming Pool

##### **4.7.5.2 Uses by Compatibility – LDR**

- (1) Accessory Dwelling Unit (ADU)
- (2) Congregate Living 1\*
- (3) Patio Home/Zero-Lot-Line Home
- (4) Campground and/or RV Park
- (5) Cemetery
- (6) Day Care Home, Large
- (7) Educational Facility, K-12

- (8) Place of Assembly and/or Worship
- (9) Public Safety Station
- (10) Telecommunications Facility, Other
- (11) Utility, Minor

#### **4.7.5.3 Uses by Flexibility – LDR**

- (1) Duplex Dwelling
- (2) Animal Shelter
- (3) Bed and Breakfast
- (4) Dog Kennel
- (5) Golf Driving Range
- (6) Telecommunications Tower
- (7) Utility, Major
- (8) Veterinary Clinic with Outside Kennel

\*Congregate Living structures or facilities of any classification may not be located less than two thousand five hundred (2,500) feet from an existing use of the same classification.

### **4.8 Medium Density Residential District (MDR)**

#### **4.8.1 Purpose and Intent**

The objective of the Medium Density Residential District (MDR) is primarily to provide a variety of single-family dwellings and other residential uses. The district includes existing dense neighborhoods prime for infill and redevelopment as well as land located close to mixed use activity centers. New residential neighborhoods will be walkable and should be accessible via local streets to parks, open space, schools and civic activities. The development standards in the MDR District ensure that new development in this district is appropriately scaled to transition between low-density housing and denser commercial areas. New development should be designed so that its form, height, and proportion are compatible with existing adjacent development.

#### **4.8.2 Development Emphasis**

The standards in this district shall ensure that there are attractive development and redevelopment opportunities for new housing near the center of Tupelo. Standards shall be designed to offer more housing types that are designed to keep neighborhoods and property values stable; to improve walkability and connectivity of residential areas; and to provide a transition between low density residential areas and mixed use areas.

### 4.8.3 Flexibility Options

Compatibility with existing development will be the top priority in MDR. Other standards include setbacks, lot dimensions, and lot coverage. At points of transition between different types of development or land uses, dimensions and density may increase or decrease to allow buildings to buffer between higher and lower intensity uses or structures. Pedestrian and/or bike connectivity may substitute for street connectivity.

### 4.8.4 Development Standards

<b>Medium-Density Residential District (MDR)</b>	
Minimum/Maximum Lot Size*	4,000 sq. ft. min. for traditional housing; 6,000 sq. ft. min/14,520 sq. ft. max for residential; 6,000 sq. ft. min/1 acre max for non-residential
Minimum/Maximum Width*	50 ft. min/90 ft. max for residential; 50 ft min for non-residential
Minimum/Maximum Front Setback**	10 ft. min/30 ft. max for residential; 10 ft. min/50 ft. max for non-residential
Minimum/Maximum Side Setback***	5 ft. minimum/40 ft. maximum
Minimum/Maximum Rear Setback	10 ft. minimum/no maximum
Maximum Height****	2 stories
Minimum/Maximum density	3-7 dwelling units/acre
Open Space Amenity	10%

\*Existing parcels of land are exempt from minimum and maximum lot size and width requirements. A property owner will not be required to subdivide an existing parcel to conform to any minimum requirements.

\*\* Traditional housing developments must build to a maximum ten (10') front setback.

\*\*\* Residential units such as townhouses may be attached with a zero (0) foot setback. A five (5) foot minimum setback shall be required on all other development.

\*\*\*\*Existing parcels of land are exempt from minimum density requirements.

### 4.8.5 Uses

#### **4.8.5.1 Uses by Right – MDR**

- (1) Detached Dwellings
- (2) Patio Home/Zero-Lot-Line Home
- (3) Townhouse
- (4) Bed and Breakfast
- (5) Day Care Home, Small
- (6) Home Occupation
- (7) Park and/or Open Space
- (8) Public Safety Station
- (9) Satellite Dish Antennae
- (10) Swimming Pool

#### **4.8.5.2 Uses by Compatibility – MDR**

- (1) Congregate Living 1\*
- (2) Accessory Dwelling Unit
- (3) Campground and/or RV Park
- (4) Congregate Living 1\*
- (5) Day Care Home, Large
- (6) Educational Facility, K-12
- (7) Golf Course and/or Country Club
- (8) Library
- (9) Museum
- (10) Place of Assembly and/or Worship
- (10) Recreational Facility, Outdoor
- (11) Utility, Minor

#### **4.8.5.3 Uses by Flexibility – MDR**

- (1) Duplex Dwelling
- (2) Cemetery

- (3) Crematory
- (4) Dog Kennel
- (5) Funeral Home
- (6) Home Business

\*Congregate Living structures or facilities of any classification may not be located less than two thousand five hundred (2,500) feet from an existing use of the same classification.

## **4.9 Mixed-Use Residential District (MUR)**

### **4.9.1 Purpose and Intent**

The objective of the Mixed-Use Residential District (MUR) is intended to provide opportunities for new development and redevelopment in existing well-connected, centrally located neighborhoods. MUR standards will allow a diverse range of housing that is compatible with existing development patterns. A range of residential housing types may be permitted and will be the majority of new development, including detached single-family houses, duplexes, patio homes, townhomes, live/work units, or apartments. Some small scale commercial uses may be allowed on larger streets if the buildings are scaled to the neighborhood and the uses are those that are compatible with the neighborhood. These could include a church, small boutique clothing store, doctor's office, day care center, coffee shop, or dry cleaner. The MUR district is intended to accommodate new growth in areas near activity centers and major streets and to allow for a vertical or horizontal mix of uses on sites. All new development and redevelopment will be pedestrian-oriented and shall be accessible via local streets to parks, schools, and nearby commercial centers. Development will be designed so that its form, height, and proportion are compatible with existing adjacent development.

### **4.9.2 Development Emphasis**

The highest priority in the MUR district is to preserve the character of existing residential neighborhoods while accommodating some new and renovated housing units. The standards in this district will encourage the redevelopment of existing neighborhoods. It will allow infill residential development that respects the existing character of the neighborhoods. Many residents in these neighborhoods are already in walking distance of schools, parks, churches, and retail or restaurants. These standards will allow some limited new destinations to be built at a small, neighborhood scale, such as offices,

coffee shops, or retail stores. All new development will be compatible with existing development patterns, including height and setbacks, and it will include street and pedestrian connectivity.

### 4.9.3 Flexibility Options

Compatibility is the most important goal. Therefore, where necessary to achieve compatibility, there may be adjustments to standards such as height or setback. In some cases a landscaped buffer may be replaced by architectural transition and pedestrian connections. Residential density may be increased on a collector or arterial street. In general, non-residential uses are permitted as part of a larger residential project. However, if a collector or arterial street already has some commercial uses, a non-residential project may be allowed if it is compatible with the existing area, conforms to design standards, and will enhance the value of the street. Minimum parking requirements may be reduced in locations that are safely accessible to pedestrians from nearby residential areas.

### 4.9.4 Development Standards

<b>MIXED-USE RESIDENTIAL DISTRICT (MUR)</b>	
Minimum/Maximum Lot Size*	3,000 sq. ft. min. for traditional housing; 5,000- 14,520 sq. ft. for other single family housing. 5,000 sq. ft. minimum/no maximum for multi-family housing or non-residential.
Minimum/Maximum Width*	30 - 90 feet for single family housing. 50 feet minimum/no maximum for multi-family housing or non-residential.
Minimum/Maximum Front Setback	10 - 30 feet
Minimum/Maximum Side Setback**	No minimum/50 feet maximum
Minimum/Maximum Rear Setback	10 feet minimum/no maximum
Minimum/Maximum Height***	3 stories
Minimum/Maximum Density****	Less than 30% for non-residential. Minimum 3/maximum 13 dwelling units per acre for residential.
Open Space Amenity	5%
Maximum Floor Area Ratio (non-residential)	0.5

\*Existing parcels of land are exempt from minimum and maximum lot size and width requirements. A property owner will not be required to subdivide an existing parcel to conform to any minimum requirements.

\*\* Residential units such as townhouses may be attached with a zero (0') foot setback. A five (5') foot minimum side setback shall be required on all other development.

\*\*\* Height limits do not apply to church spires, belfries, cupolas, or domes not used for human habitation, nor to chimneys, ventilators, skylights, parapet walls, cornices, solar energy systems, or necessary mechanical appurtenances usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning and do not exceed the limitations of the airport hazard zoning regulations.

\*\*\*\* Existing parcels of land are exempt from minimum density requirements.

#### **4.9.5 Uses**

##### **4.9.5.1 Uses by Right – MUR**

- (1) Detached Dwelling
  - (2) Patio Home/Zero-Lot-Line Home
  - (3) Townhouse
  - (4) Upper Story Residential Unit
  - (5) Bed and Breakfast
  - (6) Congregate Living 1\*
  - (7) Day Care Home, Large
  - (8) Day Care Home, Small
- (10) Home Occupation
- (11) Library
- (12) Park and/or Open Space
- (13) Satellite Dish Antennae
- (14) Swimming Pool

\*Congregate Living structures or facilities of any classification may not be located less than two thousand five hundred (2,500) feet from an existing use of the same classification.

##### **4.9.5.2 Other Uses by Right – MUR**

The following uses are allowed by right in MUR if located on a collector or arterial street and if part of a mixed-use development that consists of no more than thirty percent (30%) or up to five thousand (5,000) square feet of non-residential uses, whichever is less. If the project does not meet all of these standards it may be permitted by compatibility.

- (1) Upper-Story Residential Unit
- (2) Government Facility\*
- (3) Museum\*
- (4) Office
- (5) Office, Medical
- (6) Outdoor Display of Plants
- (7) Public Safety Station\*
- (8) Recreation Facility, Indoor
- (9) Retail Sales and/or Service
- (10) Social and/or Community Service Facility

\*These uses are exempt from the mixed-use development requirement.

#### **4.9.5.3 Uses by Compatibility – MUR**

- (1) Accessory Dwelling Unit
- (2) Duplex Dwelling
- (3) Day Care Center\*\*
- (4) Drinking Establishment\*\*
- (5) Educational Facility, College or University\*\*
- (6) Educational Facility, K-12
- (7) Educational Facility, Vocational Training\*\*
- (8) Farmers Market
- (10) Funeral Home\*\*
- (11) Golf Course and/or Country Club\*\*
- (12) Outdoor Dining\*\*
- (13) Place of Assembly and/or Worship\*\*

- (14) Recreation Facility, Outdoor\*\*
- (15) Restaurant without Drive-Through Service\*\*
- (16) Utility, Minor
- (17) Veterinarian Clinic without Outdoor Kennel\*\*

\*\*Permitted by compatibility if part of a mixed-use development that is located on a collector or arterial street and consists of no more than thirty percent (30%) or up to five thousand (5,000) square feet of non-residential uses, whichever is less. If all of these conditions are not met, the use may be permitted by flexibility.

#### **4.9.5.4 Uses by Flexibility – MUR**

- (1) Apartment Development\*
- (2) Crematory
- (3) Dog Kennel
- (4) Home Business
- (5) Hotel or Motel\*\*
- (6) Lifecare Community\*\*

\*Apartment developments of 8 units or less may be permitted on a major collector or arterial street. Apartment developments of more than 8 units may only be located on an arterial street.

\*\*This use shall be permitted only on a major collector or arterial street.

### **4.10 Mixed-Use Downtown District (MUD)**

#### **4.10.1 Purpose and Intent**

The objective of the Mixed-Use Downtown District (MUD) is to maintain and improve the vibrant downtown area as an environment that has employment and shopping opportunities, a range of housing types and parks, lodging, open space, and civic uses. New development should be compatible with the existing character of the block. In general, it will occur in traditional development patterns with narrower streets, smaller blocks, and smaller lots. Uses may be mixed both vertically and horizontally. Development and redevelopment will be designed in an integrated, pedestrian-friendly manner and should not be dominated by any one land use or housing type. Due to the varying character and land uses that exist in the MUD district, the City of Tupelo has Downtown Overlay Zones that have additional standards. These overlay zones are

intended to ensure that new development is compatible with the existing architectural pattern.

#### 4.10.2 Development Emphasis

The standards in the MUD district are intended to encourage adaptive reuse, redevelopment, and new development that preserves the pedestrian-oriented form of the area and allows higher density employment, residential, and office uses. A wide variety of uses are permitted in this district. In general, the pattern of development should consist of retail uses on the ground floor and residential and office space on upper floors. This pattern is most lucrative for the developer and fosters the most vibrant form of street life for residents and visitors.

#### 4.10.3 Development Standards

<b>Mixed-Use Downtown District (MUD)</b>	
Minimum/Maximum Lot Size*	None
Minimum/Maximum Width*	None
Minimum/Maximum Front Setback**	0 to 20ft.
Minimum/Maximum Side Setback**	No minimum/no maximum
Minimum/Maximum Rear Setback**	10 ft. minimum/no maximum
Maximum Height***	7 stories
Maximum Floor Area Ratio (FAR)	2.5
Open Space Amenity	n/a

\*Existing parcels of land are exempt from minimum and maximum lot size and width requirements. A property owner will not be required to subdivide an existing parcel to conform to any minimum requirements.

\*\*Front setback shall be zero feet (0') on Main Street. On other streets, setbacks shall be determined by averaging the setbacks of adjoining or adjacent buildings. Where setback is not determined by context the stated minimum and maximum setback shall apply. Where a design covenant is more restrictive, the more restrictive guidelines shall apply.

\*\*\* Height limits do not apply to church spires, belfries, cupolas, or domes not used for human habitation, nor to chimneys, ventilators, skylights, parapet walls, cornices, solar energy systems, or necessary mechanical appurtenances usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning and do not exceed the limitations of the airport hazard zoning regulations.

#### 4.10.4 Uses

Permitted uses are regulated in Chapter 5, Overlay Districts.

## **4.11 Mixed-Use Commercial Corridor District (MUCC)**

### **4.11.1 Purpose and Intent**

The objective of the Mixed-Use Commercial Corridor District (MUCC) is to promote gradual development and redevelopment of existing commercial corridors as mixed use areas that contain shopping and services, offices, light commercial uses, and some housing. The MUCC district allows both a vertical (multi-story) and horizontal (multiple uses on a site) mix of uses. New development and redevelopment will be designed to accommodate a range of residential, retail, commercial, and office uses in a way that is visually appealing for residents, both motorists and pedestrians. The district is intended to serve both residents of adjacent neighborhoods and people who may drive to one destination but stay to shop, eat, or run other errands in a walkable commercial area. Developers in the MUCC districts may choose between pedestrian-scaled standards (MUCC-1) and conventional standards (MUCC-2), with the exception that properties adjoining pedestrian-oriented development shall use that set of standards.

### **4.11.2 Development Emphasis**

The standards in the MUCC district are intended to encourage redevelopment of aging commercial corridors to a more pedestrian-oriented form and to improve connectivity to nearby residential areas. Some residential units may be mixed into the commercial corridor, either on upper floors of mixed-use buildings or along the edges of the MUCC district to provide a buffer between the commercial district and adjacent single family neighborhoods.

### **4.11.3 Flexibility Options**

A developer who chooses walkable development will be allowed significantly higher density as well as reduced landscaping and reduced open space requirements. Landscaping requirements may be reduced for a development with side and rear parking areas. In general, dimensional standards may be adjusted to allow increases in the intensity of use if such increase is compatible with existing development. Buffer requirements between non-residential and residential areas may be replaced by architectural transition and pedestrian connections. Tree replacement requirements may be reduced for pedestrian-oriented development. Vertically mixed uses are encouraged. Requests for flexibility considerations that reduce the pedestrian accessibility or appeal of a proposed development will not normally be considered. A development that consists of at least fifty percent (50%) residential uses shall be built to the walkable set of standards.

### **4.11.4 Development Standards**

<b>Mixed-Use Commercial Corridor District (MUCC)</b>	<b>MUCC-1 Pedestrian-Scaled Standards</b>	<b>MUCC-2 Conventional Standards</b>
Minimum/Maximum Lot Size*	5,000 sq. ft. minimum/no maximum	20,000 sq. ft. minimum/no maximum
Minimum/Maximum Width*	50 feet minimum/no maximum	100 feet/ no maximum
Minimum/Maximum Front Setback	10 – 30 feet	30 feet minimum/no maximum
Minimum/Maximum Side Setback	10 feet minimum/no maximum	10 feet minimum/no maximum
Minimum/Maximum Rear Setback	10 feet minimum/no maximum	10 feet minimum/no maximum
Maximum Height**	5 stories	4 stories
Open Space Amenity	3%	10% of gross land area
Maximum Floor Area Ratio (FAR)	1.5	0.5

\*Existing parcels of land are exempt from minimum and maximum lot size and width requirements. A property owner will not be required to subdivide an existing parcel to conform to any minimum requirements.

\*\* Height limits do not apply to church spires, belfries, cupolas, or domes not used for human habitation, nor to chimneys, ventilators, skylights, parapet walls, cornices, solar energy systems, or necessary mechanical appurtenances usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning and do not exceed the limitations of the airport hazard zoning regulations.

#### **4.11.5 Uses**

##### **4.11.5.1 Uses by Right - MUCC-1**

- (1) Accessory Dwelling Unit (ADU)
- (2) Townhouse\*
- (3) Upper-Story Residential Unit
- (4) Bed and Breakfast
- (5) Conference Center
- (6) Congregate Living 1\*
- (7) Congregate Living 2\*\*
- (8) Convenience Store with Fuel Sales
- (9) Day Care Center

- (10)Day Care Home, Small
- (10)Day Care Home, Large
- (11)Drug Store or Pharmacy with Drive-Through Service
- (12)Educational Facility, College or University
- (13)Educational Facility, K-12
- (14)Financial Establishment
- (15)Funeral Home
- (16)Government Facility
- (17)Home Business
- (18)Home Occupation
- (19)Hospital
- (20)Hotel or Motel
- (21)Library
- (22)Museum
- (23)Nursing Home
- (24)Office
- (25)Office, Medical
- (26)Outdoor Dining
- (27)Outdoor Display of Merchandise
- (28)Outdoor Display of Plants
- (29)Outdoor Storage
- (30)Park and/or Open Space
- (31)Passenger Terminal
- (32)Place of Assembly and/or Worship
- (33)Public Safety Station
- (34)Recreation Facility, Indoor
- (35)Restaurant with Drive-Through Service
- (36)Restaurant without Drive-Through Service
- (37)Retail Sales and/or Service
- (38)Satellite Dish Antennae
- (39)Social and/or Community Service

(40)Swimming Pool

(41)Trade Market Facility

\*Permitted by right if located on a local or collector street and if parcel is adjacent to land zoned A/O, LDR, MDR, or MUR. If use does not meet these standards, it may be permitted as a compatible use.

\*Congregate Living structures or facilities of any classification may not be located less than two thousand five hundred (2,500) feet from an existing use of the same classification.

#### **4.11.5.2 Uses by Right - MUCC-2**

- (1) Accessory Dwelling Unit (ADU)
- (2) Townhouse\*
- (3) Upper Story Residential Unit
- (4) Billboard Replacement\*\*
- (5) Car Wash Facility
- (6) Conference Center
- (7) Congregate Living 1\*
- (8) Congregate Living 2\*\*
- (9) Convenience Store with Fuel Sales
- (10)Day Care Center
- (11)Day Care Home, Small
- (12) Day Care Home, Large
- (13) Drugstore or Pharmacy with Drive-Through Service
- (14) Educational Facility, College or University
- (15) Educational Facility, K-12
- (16) Financial Establishment
- (17) Funeral Home
- (18) Government Facility
- (19) Home Business
- (20) Home Occupation
- (21) Hospital

- (22) Hotel or Motel
- (23) Library
- (24) Lifecare Community\*
- (25) Museum
- (26) Nursing Home
- (27) Office
- (28) Office, Medical
- (29) Outdoor Dining
- (30) Outdoor Display of Merchandise
- (31) Outdoor Display of Plants
- (32) Outdoor Storage
- (33) Park and/or Open Space
- (34) Passenger Terminal
- (35) Place of Assembly and/or Worship
- (36) Public Safety Station
- (37) Recreation Facility, Indoor
- (38) Restaurant with Drive-Through Service
- (39) Restaurant without Drive-Through Service
- (40) Retail Sales and/or Service
- (41) Satellite Dish Antennae
- (42) Social and/or Community Service Facility
- (43) Swimming Pool
- (44) Trade Market Facility
- (45) Truck Stop
- (46) Vehicle Sales and/or Rental
- (47) Vehicle Service

\*Permitted by right if located on a local or collector street and if parcel is adjacent to land zoned A/O, LDR, MDR, or MUR. If use does not meet these standards, it may be permitted as a compatible use.

\*Congregate Living structures or facilities of any classification may not be located less than two thousand five hundred (2,500) feet from an existing use of the same classification.

\*\*Any existing billboard may be replaced by an electronic graphic display billboard, subject to the size and location standards in Sections 10.7.2. (11) and (12) and to the condition that another billboard be removed and not replaced.

#### **4.11.5.3 Uses by Compatibility - MUCC-1**

- (1) Detached Dwelling
- (2) Duplex Dwelling\*
- (3) Patio Home/Zero-Lot-Line Home\*
- (4) Apartment Development\*\*
- (5) Broadcasting Facility, Radio and/or Television
- (6) Campground and/or RV Park
- (7) Drinking Establishment
- (8) Educational Facility, Vocational Training
- (9) Engine Repair, Small
- (10) Farmers Market
- (11) Lifecare Community\*
- (12) Parking Facility, Off-Site
- (13) Research and Development Facility
- (14) Utility, Major
- (15) Utility, Minor
- (16) Veterinarian Clinic without Outdoor Kennel

\*Permitted by compatibility if located on a local or collector street and if parcel is adjacent to land zoned A/O, LDR, MDR, or MUR. If use does not meet these standards, it may be permitted as a flexible use.

\*\* Apartment developments are permitted by compatibility if they have eight (8) or fewer units and if located on a major collector or arterial street; otherwise by flexibility.

#### **4.11.5.4 Uses by Compatibility - MUCC-2**

- (1) Apartment Development\*

- (2) Broadcasting Facility, Radio and/or Television
- (3) Campground and/or RV Park
- (4) Crematory
- (5) Drinking Establishment
- (6) Educational Facility, Vocational Training
- (7) Engine Repair, Small
- (8) Office with Storage
- (9) Parking Facility, Off-Site
- (10) Research and Development Facility
- (11) Retail Sales, Lumber Yard or Building Materials
- (12) Utility, Major
- (13) Utility, Minor
- (14) Veterinarian Clinic without Outdoor Kennel
- (15) Woodworking or Cabinet-Making Facility

\* Permitted by compatibility if they have eight (8) or fewer units and if located on a major collector or arterial street; otherwise by flexibility.

#### **4.11.5.5 Uses by Flexibility - MUCC-1**

- (1) Engine Repair, Large
- (2) Office with Storage
- (3) Printing and/or Publishing Facility
- (4) Telecommunications Tower
- (5) Vehicle Sales and/or Rental
- (6) Vehicle Service
- (7) Woodworking or Cabinet-Making Facility

#### **4.11.5.6 Uses by Flexibility - MUCC-2**

- (1) Duplex Dwelling\*
- (2) Patio Home/Zero-Lot-Line Home\*
- (3) Engine Repair, Large
- (4) Printing and/or Publishing Facility

- (5) Self-Serve Storage Facility
- (6) Telecommunications Tower

\*Permitted by flexibility if located on a local or collector street and if parcel is adjacent to land zoned A/O, LDR, MDR, or MUR.

## **4.12 Mixed-Use Employment District (MUE)**

### **4.12.1 Purpose and Intent**

The objective of the Mixed-Use Employment District (MUE) is to provide concentrated areas of high-quality employment facilities that may be integrated with or adjacent to complementary retail and commercial uses and medium density residential uses. Mixed-use employment areas should have direct access to arterial or collector streets and shall be compatible with and connected to the surrounding development as well as any nearby parks, open space, and pathways. Mixed use employment areas may include corporate office headquarters, hospitals and medical centers, research and development facilities, business parks, and educational facilities in planned, campus-like settings. Secondary uses such as live-work units, medium-density residential housing, and complementary commercial uses are encouraged. Developers in the MUE districts may choose between pedestrian-scaled standards (MUE-1) and conventional standards (MUE-2), with the exception that properties adjoining pedestrian-oriented development shall use that set of standards.

### **4.12.2 Development Emphasis**

The standards in the MUE district are intended to promote higher-quality design standards at street frontages and gateways and allow a wider range of uses in existing commercial and employment corridors. Some residential units may be mixed into the MUE district, either on upper floors of mixed-use buildings or along the edges of the MUE district to provide a buffer between the commercial district and adjacent residential development.

### **4.12.3 Flexibility Options**

A developer who chooses walkable development will be allowed significantly higher density as well as reduced landscaping and no open space requirements. Landscaping requirements may be reduced for a development with side and rear parking areas. In general, dimensional standards may be adjusted to allow increases in the intensity of use if such increase is compatible with existing development. Buffer requirements between non-residential and residential areas may be replaced by architectural transition and pedestrian connections. Tree replacement requirements may be reduced for pedestrian-oriented development. Vertically mixed uses are encouraged. Standards for building design or materials may be reduced if additional landscaping is provided. Sidewalk requirements may be waived if a system of internal pedestrian

circulation or another pedestrian amenity is more appropriate. Requests for flexibility considerations that reduce the pedestrian accessibility or appeal of a proposed development will not normally be considered. A development that consists of at least fifty percent (50%) residential uses shall be built with the walkable set of standards (MUE-1).

#### 4.12.4 Development Standards

<b>Mixed-Use Employment District (MUE)</b>	<b>MUE-1 Pedestrian-scaled Standards</b>	<b>MUE-2 Conventional Standards</b>
Minimum/Maximum Lot Size*	5,000 sq. ft. minimum/no maximum	20,000 sq. ft. minimum/no maximum
Minimum/Maximum Width*	50 feet minimum/no maximum	100 feet/ no maximum
Minimum/Maximum Front Setback	10 – 30 feet	30 feet minimum/no maximum
Minimum/Maximum Side Setback	10 feet minimum/no maximum	10 feet minimum/no maximum
Minimum/Maximum Rear Setback	10 feet minimum/no maximum	10 feet minimum/no maximum
Maximum Height**	5 stories	4 stories
Open Space Amenity	3%	10% of gross land area
Maximum Floor Area Ratio (FAR)	1.5	0.5

\*Existing parcels of land are exempt from minimum and maximum lot size and width requirements. A property owner will not be required to subdivide an existing parcel to conform to any minimum requirements.

\*\* Height limits do not apply to church spires, belfries, cupolas, or domes not used for human habitation, nor to chimneys, ventilators, skylights, parapet walls, cornices, solar energy systems, or necessary mechanical appurtenances usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning and do not exceed the limitations of the airport hazard zoning regulations.

#### 4.12.5 Uses

##### 4.12.5.1 Uses by Right - MUE-1

- (1) Accessory Dwelling Unit (ADU)

- (2) Townhouse\*
- (3) Upper-Story Residential Unit\*\*
- (4) Apartment Development
- (5) Broadcasting Facility, Radio and/or Television
- (6) Conference Center
- (7) Congregate Living 1\*
- (8) Congregate Living 2\*
- (9) Convenience Store with Fuel Sales\*\*
- (10) Day Care Center\*\*
- (11) Day Care Home, Small\*
- (12) Day Care Home, Large\*
- (13) Drug Store or Pharmacy with Drive-Through Service
- (14) Educational Facility, College or University
- (15) Educational Facility, Vocational Training
- (16) Financial Establishment
- (17) Government Facility
- (18) Home Business
- (19) Home Occupation
- (20) Hospital
- (21) Library
- (22) Nursing Home
- (23) Office
- (24) Office, Medical
- (25) Outdoor Dining
- (26) Outdoor Display of Plants
- (27) Outdoor Storage
- (28) Park and/or Open Space
- (29) Passenger Terminal
- (30) Place of Assembly and/or Worship
- (31) Public Safety Station
- (32) Recreation Facility, Indoor\*\*

- (33)Research and Development Facility
- (34)Restaurant with Drive-Through Service\*\*
- (35)Restaurant without Drive-Through Service\*\*
- (36)Retail Sales and/or Service\*\*
- (37)Satellite Dish Antennae
- (38)Swimming Pool

\*Permitted by right if located on a local or collector street and if parcel is adjacent to land zoned A/O, LDR, MDR, or MUR. If use does not meet these standards, it may be permitted as a compatible use.

\*\*Permitted by right if use is part of a mixed-use that is approximately seventy-five (75%) office, medical, and/or educational uses. If use does not meet these standards, it may be permitted as a compatible use.

\*Congregate Living structures or facilities of any classification may not be located less than two thousand five hundred (2,500) feet from an existing use of the same classification.

#### **4.12.5.2 Uses by Right - MUE-2**

- (1) Accessory Dwelling Unit (ADU)
- (2) Townhouse\*
- (3) Upper-Story Residential Unit\*\*
- (4) Apartment Development
- (5) Broadcasting Facility, Radio and/or Television
- (6) Conference Center
- (7) Congregate Living 1<sup>x</sup>
- (8) Congregate Living 2<sup>x</sup>
- (9) Convenience Store with Fuel Sales\*\*
- (10) Day Care Center\*\*
- (11) Day Care Home, Small
- (12)Day Care Home, Large
- (13)Drug Store or Pharmacy with Drive-Through Service

- (14) Educational Facility, College or University
- (15) Educational Facility, Vocational Training
- (16) Financial Establishment
- (17) Government Facility
- (18) Home Business
- (19) Home Occupation
- (20) Hospital
- (21) Library
- (22) Lifecare Community
- (23) Manufacturing, Light
- (24) Nursing Home
- (25) Office
- (26) Office with Storage
- (27) Office, Medical
- (28) Outdoor Dining
- (29) Outdoor Display of Plants
- (30) Outdoor Storage
- (31) Park and/or Open Space
- (32) Passenger Terminal
- (33) Place of Assembly and/or Worship
- (34) Printing and/or Publishing Facility
- (35) Public Safety Station
- (36) Recreation Facility, Indoor\*\*
- (37) Research and Development Facility
- (38) Restaurant with Drive-Through Service\*\*
- (39) Restaurant without Drive-Through Service\*\*
- (40) Retail Sales and/or Service
- (41) Retail Sales Lumber Yard or Building Materials
- (42) Satellite Dish Antennae
- (43) Self-Serve Storage Facility
- (44) Swimming Pool

- (45) Trucking Company
- (46) Truck Stop
- (47) Vehicle Sales and Service
- (48) Warehouse and/or Distribution and/or Freight Facility
- (49) Waste-Related Service Facility
- (50) Wholesale Facility

\*Permitted by right if located on a local or collector street and if parcel is adjacent to land zoned A/O, LDR, MDR, or MUR. If use does not meet these standards, it may be permitted as a compatible use.

\*\*Permitted by right if use is part of a mixed-use that is approximately seventy-five (75%) office, medical, and/or educational uses. If use does not meet these standards, it may be permitted as a compatible use.

\*Congregate Living structures or facilities of any classification may not be located less than two thousand five hundred (2,500) feet from an existing use of the same classification.

#### **4.12.5.3 Uses by Compatibility - MUE-1**

- (1) Educational Facility, K-12
- (2) Hotel or Motel
- (3) Lifecare Community
- (4) Manufacturing, Light
- (5) Office with Storage
- (6) Parking Facility, Off-Site
- (7) Printing and/or Publishing Facility
- (8) Social and/or Community Service Facility
- (9) Telecommunications Facility, Other
- (10) Trade Market Facility
- (11) Utility, Minor
- (12) Veterinarian Clinic without Outdoor Kennel

\*Permitted by compatibility if located on a local or collector street and if parcel is adjacent to land zoned A/O, LDR, MDR, or MUR. If use does not meet these standards, it may be permitted as a flexible use.

#### **4.12.5.4 Uses by Compatibility - MUE-2**

- (1) Educational Facility, K-12
- (2) Hotel or Motel
- (3) Parking Facility, Off-Site
- (4) Social and/or Community Service Facility
- (5) Telecommunications Facility, Other
- (6) Trade Market Facility
- (7) Utility, Minor
- (8) Veterinarian Clinic without Outdoor Kennel
- (9) Woodworking or Cabinet-Making Facility

#### **4.12.5.5 Uses by Flexibility - MUE-1**

- (1) Telecommunications Tower
- (2) Utility, Major
- (3) Warehouse and/or Distribution and/or Freight Facility
- (4) Waste-Related Service Facility
- (5) Wholesale Facility

#### **4.12.5.6 Uses by Flexibility - MUE-2**

- (1) Correctional Facility
- (2) Engine Repair, Small
- (3) Recycling and/or Salvage Facility
- (4) Telecommunications Tower
- (5) Utility, Major

### **4.13 Mixed Use Activity Center District (MUAC)**

#### **4.13.1 Purpose and Intent**

The objective of the Mixed Use Activity Center District (MUAC) is to create areas that will serve as focal points for commercial development activity and as convenient places for the community to shop, work, live, or gather within a pedestrian-friendly environment. Activity centers have been designated along major corridors where they are accessible to adjacent residential and employment uses. Developers in the MUAC districts may choose between pedestrian-scaled standards (MUAC-1) and conventional standards (MUAC-2), with the exception that properties adjoining pedestrian-oriented development shall use that set of standards.

#### 4.13.2 Development Emphasis

Standards in the MUAC district are intended to encourage the concentration of activities at centers near major intersections rather than in strip form along major streets. Standards will allow increased density and diversity of uses. They will be distinguished from the Regional Center district because they may be designed to a pedestrian scale.

#### 4.13.3 Flexibility Options

Pedestrian-oriented development will be allowed significantly higher density as well as reduced landscaping and no open space requirement. Landscaping requirements may be reduced for any development with parking on the side and rear rather than the front. In general, dimensional standards may be adjusted to allow increases in the intensity of use. Buffer requirements between non-residential and residential areas may be replaced by architectural transition and pedestrian connections. Tree replacement requirements may be reduced for pedestrian-oriented development. Vertically mixed use is encouraged. Requests for flexibility considerations that reduce the pedestrian accessibility or appeal of a proposed development will not normally be considered. A development that consists of at least fifty percent (50%) residential uses shall be built with the walkable set of standards (MUAC-1).

#### 4.13.4 Development Standards

<b>Mixed-Use Center (MUAC)</b>	<b>Activity District</b>	<b>MUAC-1 Pedestrian-Scaled Standards</b>	<b>MUAC-2 Conventional Standards</b>
Minimum/Maximum Lot Size*		5,000 sq. ft. minimum/no maximum	20,000 sq. ft. minimum/no maximum
Minimum/Maximum Width*		50 feet minimum/no maximum	100 feet/ no maximum
Minimum/Maximum Front Setback		10 – 30 feet	30 feet minimum/no maximum
Minimum/Maximum Side Setback		10 feet minimum/no maximum	10 feet minimum/no maximum

Minimum/Maximum Rear Setback	10 feet minimum/no maximum	10 feet minimum/no maximum
Maximum Height**	6 stories	5 stories
Open Space Requirement	3%	10 % of gross land area
Maximum Floor Area Ratio (FAR)	2.0	1.5

\*Existing parcels of land are exempt from minimum and maximum lot size and width requirements. A property owner will not be required to subdivide an existing parcel to conform to any minimum requirements.

\*\* Height limits do not apply to church spires, belfries, cupolas, or domes not used for human habitation, nor to chimneys, ventilators, skylights, parapet walls, cornices, solar energy systems, or necessary mechanical appurtenances usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning and do not exceed the limitations of the airport hazard zoning regulations.

#### **4.13.5 Uses**

##### **4.13.5.1 Uses by Right - MUAC-1**

- (1) Accessory Dwelling Unit (ADU)
- (2) Duplex Dwelling\*
- (3) Patio Home/Zero-Lot-Line Home\*
- (4) Townhouse\*
- (5) Upper-Story Residential Unit
- (6) Apartment Development
- (7) Bed and Breakfast
- (8) Conference Center
- (9) Convenience Store with Fuel Sales
- (10) Day Care Center
- (11) Day Care Home, Small
- (12) Day Care Home, Large
- (13) Drinking Establishment
- (14) Drug Store or Pharmacy with Drive-Through Service
- (15) Educational Facility, K-12

- (16) Educational Facility, College or University
- (17) Financial Establishment
- (18) Government Facility
- (19) Home Business
- (20) Home Occupation
- (21) Hospital
- (22) Hotel or Motel
- (23) Library
- (24) Museum
- (25) Nursing Home
- (26) Office
- (27) Office, Medical
- (28) Outdoor Dining
- (29) Outdoor Display of Merchandise
- (30) Outdoor Display of Plants
- (31) Outdoor Storage
- (32) Park and/or Open Space
- (33) Passenger Terminal
- (34) Place of Assembly and/or Worship
- (35) Public Safety Station
- (36) Recreation Facility, Indoor
- (37) Restaurant with Drive-Through Service
- (38) Restaurant without Drive-Through Service
- (39) Retail Sales and/or Service
- (40) Satellite Dish Antennae
- (41) Social and/or Community Service Facility
- (42) Swimming Pool
- (43) Veterinarian Clinic without Outdoor Kennel

\*Permitted by right if located on a local or collector street and if parcel is adjacent to land zoned A/O, LDR, MDR, or MUR. If use does not meet these standards, it may be permitted as a compatible use.

#### **4.13.5.2 Uses by Right - MUAC-2**

- (1) Accessory Dwelling Unit (ADU)
- (2) Upper Story Residential Unit
- (3) Apartment Development
- (4) Bed and Breakfast
- (5) Car Wash Facility
- (6) Conference Center
- (7) Convenience Store with Fuel Sales
- (8) Day Care Center
- (10) Day Care Home, Large
- (9) Day Care Home, Small
- (10) Drinking Establishment
- (11) Drug Store or Pharmacy with Drive-Through Service
- (12) Educational Facility, K-12
- (13) Educational Facility, College or University
- (14) Financial Establishment
- (15) Government Facility
- (16) Home Business
- (17) Home Occupation
- (18) Hospital
- (19) Hotel or Motel
- (20) Library
- (21) Museum
- (22) Nursing Home
- (23) Office
- (24) Office, Medical
- (25) Outdoor Dining
- (26) Outdoor Display of Merchandise
- (27) Outdoor Display of Plants
- (28) Outdoor Storage
- (29) Park and/or Open Space

- (30) Passenger Terminal
- (31) Place of Assembly and/or Worship
- (32) Public Safety Station
- (33) Recreation Facility, Indoor
- (34) Restaurant with Drive-Through Service
- (35) Restaurant without Drive-Through Service
- (36) Retail Sales and/or Service
- (37) Satellite Dish Antennae
- (38) Social and/or Community Service Facility
- (39) Swimming Pool
- (40) Vehicle Sales and/or Rental
- (41) Vehicle Service\*\*
- (42) Veterinarian Clinic without Outdoor Kennel

\*\*Permitted by right if accessory to a vehicle sales and/or rental vehicle use. Permitted by compatibility as a principal use.

#### **4.13.5.3 Uses by Compatibility - MUAC-1**

- (1) Detached Dwelling\*
- (2) Broadcasting Facility, Radio and/or Television
- (3) Congregate Living 2\*
- (4) Educational Facility, Vocational Training
- (5) Parking Facility, Off-Site
- (6) Research and Development Facility
- (7) Utility, Minor

\*Permitted by compatibility if located on a local or collector street and if parcel is adjacent to land zoned A/O, LDR, MDR, or MUR. If use does not meet these standards, it may be permitted as a flexible use.

\*Congregate Living structures or facilities of any classification may not be located less than two thousand five hundred (2,500) feet from an existing use of the same classification.

#### **4.13.5.4 Uses by Compatibility - MUAC-2**

- (1) Broadcasting Facility, Radio and/or Television
- (2) Congregate Living 2<sup>x</sup>
- (3) Educational Facility, Vocational Training
- (4) Lifecare Community
- (5) Office with Storage
- (6) Parking Facility, Off-Site
- (7) Research and Development Facility
- (8) Utility, Minor

<sup>x</sup>Congregate Living structures or facilities of any classification may not be located less than two thousand five hundred (2,500) feet from an existing use of the same classification.

#### **4.13.5.5 Uses by Flexibility - MUAC-1**

- (1) Engine Repair, Small
- (2) Office with Storage
- (3) Telecommunications Tower
- (4) Utility, Major
- (5) Vehicle Sales and/or Rental
- (6) Vehicle Service

#### **4.13.5.6 Uses by Flexibility - MUAC-2**

- (1) Engine Repair, Small
- (2) Self-Serve Storage Facility
- (3) Telecommunications Tower
- (4) Utility, Major

### **4.14 Regional Commercial District (RC)**

#### **4.14.1 Purpose and Intent**

The Regional Commercial (RC) district is intended to provide appropriate locations for large retail centers with stores that provide a regional draw. It allows a variety of

community needs to be met in a single area of town and create a synergy that contributes to the success of businesses located there. The RC district is located at the intersection of major highways and arterial streets. New development should be designed as concentrated centers that convey a unified design. Retail businesses will be the primary use. Complementary uses such as restaurants, high-density residential development, and employment uses are also encouraged.

#### 4.14.2 Development Emphasis

Standards in the RC district focus on high-quality design. Development sites and businesses are expected to continue to be oriented for vehicles. In the future, there should be improved internal circulation to maintain safety on arterial roads where excessive curb cuts are likely to lead to increased collisions. Signage shall be encouraged that consists of one (1) sign advertising all businesses in a subdivision so that potential customers can more easily locate businesses and good visibility may be maintained on the street.

#### 4.14.3 Flexibility Options

Limited flexibility may be given in regard to building height, lot coverage, floor area ratio or additional parking. Developments that allow cross connection to adjoining properties or include one unified subdivision sign at the street will be attractive candidates for flexibility.

#### 4.14.4 Development Standards

<b>Regional Commercial District (RC)</b>	
Minimum/Maximum Lot Size*	5,000 sq ft minimum/no maximum
Minimum/Maximum Width*	50 feet minimum/no maximum
Minimum/Maximum Front Setback	30 feet minimum/no maximum
Minimum/Maximum Side Setback	10 feet minimum/no maximum
Minimum/Maximum Rear Setback	10 feet minimum/no maximum
Maximum Height	4 stories**
Maximum Floor Area Ratio (FAR)	0.4
Open Space Amenity	n/a

\*Existing parcels of land are exempt from minimum and maximum lot size and width requirements. A property owner will not be required to subdivide an existing parcel to conform to any minimum requirements.

\*\* Height limits do not apply to church spires, belfries, cupolas, or domes not used for human habitation, nor to chimneys, ventilators, skylights, parapet walls, cornices, solar energy systems, or necessary mechanical appurtenances usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning and do not exceed the limitations of the airport hazard zoning regulations.

#### **4.14.5 Uses**

##### **4.14.5.1 Uses by Right – RC**

- (1) Car Wash Facility
- (2) Convenience Store with Fuel Sales
- (3) Drinking Establishment
- (4) Drug Store or Pharmacy with Drive-Through Service
- (5) Financial Establishment
- (6) Home Business
- (7) Home Occupation
- (8) Hotel or Motel
- (9) Office
- (10) Office, Medical
- (11) Outdoor Dining
- (12) Outdoor Display of Merchandise
- (13) Outdoor Display of Plants
- (14) Outdoor Storage
- (15) Park and/or Open Space
- (16) Public Safety Station
- (17) Recreation Facility, Indoor
- (18) Restaurant with Drive-Through Service
- (19) Restaurant without Drive-Through Service
- (20) Retail Sales and/or Service
- (21) Retail Sales, Lumber Yard or Building Materials
- (22) Satellite Dish Antennae
- (23) Swimming Pool
- (24) Trade Market Facility
- (25) Vehicle Sales and/or Rental
- (26) Vehicle Service\*

\*Permitted by right if accessory to a vehicle sales and/or rental vehicle use. Permitted by compatibility as a principal use.

#### **4.14.5.2 Uses by Compatibility – RC**

- (1) Broadcasting Facility, Radio and/or Television
- (2) Day Care Center
- (3) Day Care Home, Large
- (4) Parking Facility, Off-Site
- (5) Social and/or Community Facility
- (6) Utility, Minor
- (7) Veterinarian Clinic without Outdoor Kennel

#### **4.14.5.3 Uses by Flexibility – RC**

- (1) Apartment Development
- (2) Hospital
- (3) Nursing Home
- (4) Telecommunications Tower
- (5) Utility, Major

### **4.15 Industrial District (I)**

#### **4.15.1 Purpose and Intent**

The Industrial District (I) is established as a district in which the principal use of land is for industries, warehousing, flex space facilities and supporting uses in locations that will minimally affect surrounding properties.

#### **4.15.2 Development Emphasis**

Standards in the I district will allow a wide range of light and heavy industrial uses with minimal design requirements.

#### **4.15.3 Flexibility Options**

Standards for building design and materials may be reduced if additional landscaping is provided. Sidewalks may be replaced by internal pedestrian improvements or other amenities if appropriate.

#### **4.15.4 Development Standards**

<b>Industrial District (I)</b>	
Minimum/Maximum Lot Size*	5,000 sq ft minimum/no maximum
Minimum/Maximum Width*	50 feet minimum/no maximum
Minimum/Maximum Front Setback	10 feet minimum/no maximum
Minimum/Maximum Side Setback	10 feet minimum/no maximum
Minimum/Maximum Rear Setback	10 feet minimum/no maximum
Maximum Height**	2 stories
Maximum Floor Area Ratio (FAR)	0.5
Open Space Amenity	n/a

\*Existing parcels of land are exempt from minimum and maximum lot size and width requirements. A property owner will not be required to subdivide an existing parcel to conform to any minimum requirements.

\*\* Height limits do not apply to church spires, belfries, cupolas, or domes not used for human habitation, nor to chimneys, ventilators, skylights, parapet walls, cornices, solar energy systems, or necessary mechanical appurtenances usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning and do not exceed the limitations of the airport hazard zoning regulations.

#### **4.15.5 Uses**

##### **4.15.5.1 Uses by Right – I**

- (1) Adult Entertainment Establishment
- (2) Aircraft Sales and/or Service
- (3) Airport
- (4) Animal Shelter
- (5) Asphalt and/or Concrete Plant
- (6) Car Wash Facility
- (7) Convenience Store with Fuel Sales
- (8) Correctional Facility
- (9) Engine Repair, Small
- (10) Engine Repair, Large
- (11) Firing Range, Indoor
- (12) Junkyard
- (13) Manufacturing, Light
- (14) Manufacturing, Heavy

- (15) Office
- (16) Office with Storage
- (17) Outdoor Display of Merchandise
- (18) Outdoor Display of Plants
- (19) Outdoor Storage
- (20) Passenger Terminal
- (21) Printing and/or Publishing Facility
- (22) Public Safety Station
- (23) Recycling and/or Salvage Facility
- (24) Recycling Drop-Off Facility
- (25) Research and Development Facility
- (26) Retail Sales, Lumber Yard and/or Building Materials
- (27) Satellite Dish Antennae
- (28) Self-Serve Storage Facility
- (29) Telecommunications Facility, Other
- (30) Telecommunications Tower
- (31) Trade Market Facility
- (32) Truck Stop
- (33) Utility, Minor
- (34) Utility, Major
- (35) Vehicle Service
- (36) Vehicle Wrecker Service
- (37) Veterinarian Clinic with Outdoor Kennel
- (38) Warehouse and/or Distribution and/or Freight Facility
- (39) Waste-Related Service Facility
- (40) Wholesale Facility
- (41) Woodworking or Cabinet-Making Facility

#### **4.15.5.2 Uses by Compatibility – I**

- (1) Congregate Living 2<sup>x</sup>
- (2) Firing Range, Outdoor

- (3) Government Facility
- (4) Parking Facility, Off-Site
- (5) Railroad Station and/or Yard
- (6) Recreation Facility, Indoor
- (7) Recreation Facility, Outdoor
- (8) Social and/or Community Service Facility

\*Congregate Living structures or facilities of any classification may not be located less than two thousand five hundred (2,500) feet from an existing use of the same classification.

#### **4.15.5.3 Uses by Flexibility – I**

- (1) Congregate Living 3\*
- (2) Resource Extraction

\*Congregate Living structures or facilities of any classification may not be located less than two thousand five hundred (2,500) feet from an existing use of the same classification.

**GENERAL DEVELOPMENT STANDARDS TABLE 4.16**

Land Use District	Min. & Max. Lot Size*	Min. & Max. Width in feet*	Min. & Max. Front Setback in feet	Min. & Max. Side Setback in feet	Min. Rear Setback in feet	Max. Height**	Min. & Max. Density***	Open Space Amenity	Max FAR
A-O	2 ac - no max	150 – no max.	50 – no max.	25 – no max.	50 – no max.	2 stories	≤1du/ac maximum	n/a	
LDR	0.33 ac – 1 ac	90 – no max	20 – 50	10 – no max	10 – no max	2 stories	1-3 du/ac	15%	
MDR	6,000-14,520 sq ft. residential; 6,000 sq. ft. - 1 ac. for nonresidential	50-90 res. 50 min for non-res	10 –30 res. 10-50 for non-res	5 – 40****	10 – no max	2 stories	3-7du/ac	10%	
MUR	3,000* – 14,520 sq ft for housing. 5,000 – no max for multi-family housing or non-res	30 – 90 for housing. 50 – no max for multi-family housing or non-res	10 – 30	0 – 50****	10 – no max	3 stories	<30% non-res. 3-13du/ ac	5%	0.5
MUD	None	None	0 – no max *****	0 – no max *****	0 – no max *****	7 stories		n/a	2.5
MUCC-1	5,000 – no max	50 – no max	10 – 30	10 – no max	10 – no max	5 stories		3%	1.5
MUCC-2	20,000 sq ft – no max	100 – no max	30 – no max	10 – no max	10 – no max	4 stories		10% of gross land area	0.5
MUE-1	5,000 sq ft – no max	50 – no max	10 – 30	10 – no max	10 – no max	5 stories		3%	1.5
MUE-2	20,000 sq ft – no max	100 – no max	30 – no max	10 – no max	10 - no max	4 stories		10% of gross land area	0.5
MUAC-1	5,000 sq ft - no max	50 – no max	10 – 30	10 – no max	10 – no max	6 stories		3%	2.0
MUAC-2	20,000 sq ft – no max	100 – no max	30 – no max	10 – no max	10 – no max	5 stories		10% of gross land area	1.5
RC	5,000 sq ft – no max	50 – no max	30 – no max	10 – no max	10 – no max	4 stories		n/a	0.4
I	5,000 sq ft – no max	50 – no max	10 – no max	10 – no max	10 – no max	2 stories		n/a	0.5

In Mixed Use districts, (1) refers to standards for pedestrian scaled development and (2) refers to conventional development standards, as provided in Section 6.3.2.

\*Existing parcels of land are exempt from minimum and maximum lot size and width requirements. A property owner will not be required to subdivide an existing parcel to conform to any minimum requirements. Minimum lot size may be reduced by two thousand (2,000) square feet for traditional housing developments.

\*\* See exceptions to building height in Section 6.4.2. (2).

\*\*\*Existing parcels of land are exempt from minimum density requirements.

\*\*\*\*Residential units such as townhouses may be attached with a zero (0') setback.  
A five (5') minimum side setback shall be required on all other development.

\*\*\*\*\*Front setback shall be zero (0') on Main Street. On other streets, setbacks shall be determined by averaging the setbacks of adjoining or adjacent buildings. If none exist on the block, all setbacks shall be zero to twenty (0 to 20) feet. Where a design covenant is more restrictive, the more restrictive guidelines shall apply.