

Sec. 614.00. - Mixed Use District (MU).

614.01 *Mixed Use District.*

614.01-1 The Mixed Use District is primarily a business and residential district that incorporates and promotes a wide variety and intensity of uses. This district is designed to have a high level of human and business activity and vibrancy where business people can live and work in the same building, where residents and visitors can freely gather for shopping, entertainment and recreation.

614.01-2 Insofar as allowed by the building codes, single structures may have multiple principal by-right uses.

614.02 *Purpose.* The Mixed Use District is established for the purpose of encouraging appropriate uses to occur within an area of the community where the predominant character has been and will continue to be historical, municipal, cultural, residential, and commercial. It is intended that the types of land use activities that would be allowed within the district would not have a severe detrimental impact on existing historical, residential uses, or traditional commercial, or cultural uses which continue to be maintained in the district in order to promote this purpose:

614.02-1 To attract environmentally acceptable commercial, recreational, institutional, and residential uses to the district;

614.02-2 To encourage diversity in the community tax base through appropriate flexibility in land use and land use development;

614.02-3 To optimize financial return on public infrastructure investments and expenditures, including municipal sewer, municipal water supply;

614.02-4 To minimize adverse traffic impacts on and surrounding local streets and roadways; and

614.02-5 To preserve valuable historical, cultural, and natural features within the district and to minimize adverse environmental impacts such as water, air, light.

614.03 *Uses permitted by right.*

614.03-1 All retail uses shall store tools, parts, goods, repairs, services, equipment and/or supplies in a permanent enclosed structure and if not in a permanent enclosed structure shall be required to apply for and receive an approved conditional use permit. For the definition of an enclosed structure; a permanent structure that is enclosed by all sides and has an enclosed roof, the structure may have doors, windows and other openings that can be closed to public view from the street, avenue or alley.

614.03-1.1 Recreational uses:

614.03-1.1-1 Athletic/recreational facilities;

614.03-1.1-2 Public, nonprofit or institutional athletic facilities that offer a variety of programs such as karate, aerobic, dance, weight training, gymnasiums, etc., public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools, and outdoor recreational activities.

614.03-1.2 Commercial uses:

614.03-1.2-1 Air conditioning contracting and supplies with tools, goods, repairs, equipment, and/or

- supplies in a permanent enclosed structure;
- 614.03-1.2-2 Archery stores;
- 614.03-1.2-3 Art display stores;
- 614.03-1.2-4 Art supply stores;
- 614.03-1.2-5 Automobile service stations and public garages, (with tools, parts, goods, repairs, equipment and/or supplies in a permanent enclosed structure and major repair under cover) (no more than five vehicles without current state tags and current license allowed on each lot);
- 614.03-1.2-6 Automobile sales and/or parts with tools, goods, repairs, equipment and/or supplies in a permanent enclosed structure;
- 614.03-1.2-7 Banks and loan and finance offices;
- 614.03-1.2-8 Barber shops;
- 614.03-1.2-9 Beauty parlors;
- 614.03-1.2-10 Boat rental;
- 614.03-1.2-11 Boot and shoe repair;
- 614.03-1.2-12 Book lending;
- 614.03-1.2-13 Bowling alley;
- 614.03-1.2-14 Bridal shops;
- 614.03-1.2-15 Business schools;
- 614.03-1.2-16 Business office;
- 614.03-1.2-17 Building supply with tools, goods, equipment and/or supplies in a permanent enclosed structure;
- 614.03-1.2-18 Bus depots and/or office for the sale of travel accommodations;
- 614.03-1.2-19 Bicycles and their accessories with tools, goods, repair, equipment and/or supplies in a permanent enclosed structure;
- 614.03-1.2-20 Cameras and photographic supplies;
- 614.03-1.2-21 Cable companies and the like;
- 614.03-1.2-22 Candy and confections;
- 614.03-1.2-23 Car washes;
- 614.03-1.2-24 Circuses, carnivals, fairs, and sideshows;
- 614.03-1.2-25 Carpenter contactor with tools, goods, equipment and/or supplies in a permanent enclosed structure;
- 614.03-1.2-26 Carpet shops with tools, goods, equipment and/or supplies in a permanent enclosed structure;
- 614.03-1.2-27 Catering;

- [614.03-1.2-27.1] Cement finishing contracting with tools, goods, equipment and/or supplies in a permanent en
- 614.03-1.2-28 Chiropractic offices;
- 614.03-1.2-29 Cigars, cigarettes, tobacco and smoking supplies;
- 614.03-1.2-30 Clothing and wearing apparel;
- 614.03-1.2-31 Coffee shops;
- 614.03-1.2-32 Coins and collectible stores;
- 614.03-1.2-33 Computer stores/sales and service;
- 614.03-1.2-34 Construction yards with tools, goods, equipment and/or supplies in a permanent enclosed structure;
- 614.03-1.2-35 Convenience stores;
- 614.03-1.2-36 Courier offices;
- 614.03-1.2-37 Credit unions;
- 614.03-1.2-38 Crematories;
- 614.03-1.2-39 Dairy products;
- 614.03-1.2-40 Dental offices;
- 614.03-1.2-41 Department stores with tools, goods, equipment and/or supplies in a permanent enclosed structure;
- 614.03-1.2-42 Discount shops with tools, goods, equipment and/or supplies in a permanent enclosed structure;
- 614.03-1.2-43 Drive thru businesses;
- 614.03-1.2-44 Dry cleaning shops;
- 614.03-1.2-45 Dry goods;
- 614.03-1.2-46 Dyeing shops;
- 614.03-1.2-47 Electrical supply and contracting with tools, goods, equipment and/or supplies in a permanent enclosed structure;
- 614.03-1.2-48 Electronic audio/visual devices and their accessories;
- 614.03-1.2-49 Express mail;
- 614.03-1.2-50 Fast food establishments;
- 614.03-1.2-51 Feed, grain and seeds with tools, goods, equipment and/or supplies in a permanent enclosed structure;
- 614.03-1.2-52 Fire stations;
- 614.03-1.2-53 Flowers and plants shops;
- 614.03-1.2-54 Food products;
- 614.03-1.2-55 Fruit and vegetables stands as long as the product is grown by the seller;
- 614.03-1.2-56 Furniture and household furnishings stores;

- 614.03-1.2-57 Funeral homes;
- 614.03-1.2-58 Gas stations with tools, goods, repairs, equipment and/or supplies in a permanent enclosed structure;
- 614.03-1.2-59 Glass blowing shop with tools, goods, equipment and/or supplies in a permanent enclosed structure;
- 614.03-1.2-60 Greenhouses;
- 614.03-1.2-61 Grocery stores;
- 614.03-1.2-62 Gunsmith;
- 614.03-1.2-63 Hardware stores with tools, goods, equipment and/or supplies in a permanent enclosed structure;
- 614.03-1.2-64 Hat cleaning, tailoring, dressmaking;
- 614.03-1.2-65 Healthcare facilities;
- 614.03-1.2-66 Heating supplies and/or contractor with tools, goods, equipment and/or supplies in a permanent enclosed structure;
- 614.03-1.2-67 Home occupation (approved application required);
- 614.03-1.2-67.1 Any single dwelling unit, whether as part of a multiunit residential structure or as a single-family residence, within this district in which both residential use and nonresidential use exists, shall be governed as a home occupation use with tools, goods, repairs, services, equipment and/or supplies in a permanent enclosed structure);
- 614.03-1.2-68 Horse and tack stores with tools, goods, equipment and/or supplies in a permanent enclosed structure;
- 614.03-1.2-69 Hospitals;
- 614.03-1.2-70 Hotels;
- 614.03-1.2-71 Hunting supply stores;
- 614.03-1.2-72 Inns;
- 614.03-1.2-73 Insurance offices;
- 614.03-1.2-74 Ice cream and soft drinks;
- 614.03-1.2-75 Jewelry, watches and clocks;
- 614.03-1.2-76 Kitchenware and crockery;
- 614.03-1.2-77 Lawn moving [mowing] equipment repair with tools, goods, repairs, equipment and/or supplies in a permanent enclosed structure;
- 614.03-1.2-78 Laundries and dry cleaning shops, and clothes dyeing establishments;
- 614.03-1.2-79 Leather, leather goods and luggage;
- 614.03-1.2-80 Libraries;
- 614.03-1.2-81 Lithographing;

- 614.03-1.2-82 Lumber and building supply with tools, goods, equipment and/or supplies in a permanent enc
- 614.03-1.2-83 Masonry contracting with tools, goods, equipment and/or supplies in a permanent enclosed structure;
- 614.03-1.2-84 Meat and fish stores;
- 614.03-1.2-85 Medical offices;
- 614.03-1.2-86 Movie theatres (indoor);
- 614.03-1.2-87 Mortuaries;
- 614.03-1.2-88 Motels;
- 614.03-1.2-89 Moving company offices;
- 614.03-1.2-90 Museum;
- 614.03-1.2-91 Music and musical instruments;
- 614.03-1.2-92 Newspaper and magazine offices;
- 614.03-1.2-93 Novelties and variety goods;
- 614.03-1.2-94 Nursing homes;
- 614.03-1.2-95 Optical goods;
- 614.03-1.2-96 Paint, wallpaper and painter's and decorator's supplies with tools, goods, equipment and/or supplies in a permanent enclosed structure;
- 614.03-1.2-97 Pet stores, such as dogs, cats and birds and pet supplies with tools, goods, animals, equipment and/or supplies in a permanent enclosed structure;
- 614.03-1.2-98 Picture frame manufacturing, supplies and assembling with tools, goods, equipment and/or supplies in a permanent enclosed structure;
- 614.03-1.2-99 Pharmaceutical supplies including drugs and medicines;
- 614.03-1.2-100 Plumbing contractors with tools, goods, equipment and/or supplies in a permanent enclosed structure;
- 614.03-1.2-101 Police stations;
- 614.03-1.2-102 Post offices;
- 614.03-1.2-103 Printing shops;
- 614.03-1.2-104 Professional offices;
- 614.03-1.2-105 Public garages;
- 614.03-1.2-106 Publishing, printing and lithographing;
- 614.03-1.2-107 Public or private educational services;
- 614.03-1.2-108 Public parks;
- 614.03-1.2-109 Public playgrounds;
- 614.03-1.2-109[.1] Public and private field and recreational facilities;
- 614.03-1.2-110 Public service organizations;

- 614.03-1.2-111 Real estate offices and other professional services;
 - 614.03-1.2-112 Rescue squad stations;
 - 614.03-1.2-113 Retail shops with tools, goods, repairs, equipment and/or supplies in a permanent enclosed structure;
 - 614.03-1.2-114 Rental shops with tools, goods, repairs, equipment and/or supplies in a permanent enclosed structure;
 - 614.03-1.2-115 Shoe stores;
 - 614.03-1.2-116 Small engine repair with tools, goods, repairs, equipment and/or supplies in a permanent enclosed structure;
 - 614.03-1.2-117 Specialty shops with tools, goods, repairs, services, equipment and/or supplies in a permanent enclosed structure;
 - 614.03-1.2-118 Special care homes;
 - 614.03-1.2-119 Specialty schools;
 - 614.03-1.2-120 Sporting goods;
 - 614.03-1.2-121 Stationary and greeting cards;
 - 614.03-1.2-122 Tattoo parlors, shall follow all state regulations;
 - 614.03-1.2-123 Theaters of the performing arts;
 - 614.03-1.2-124 Therapeutic offices (therapy, psychology, mental health, etc.);
 - 614.03-1.2-125 Towing;
 - 614.03-1.2-126 Trailer rental stores;
 - 614.03-1.2-127 Upholstering shops with tools, goods, repairs, services, equipment and/or supplies in a permanent enclosed structure;
 - 614.03-1.2-128 Variety stores;
 - 614.03-1.2-129 Veterans organizations;
 - 614.03-1.2-130 Watch repair;
 - 614.03-1.2-131 Wine shops.
- 614.03-1.3 Offices for the handling of:
- 614.03-1.3-1 Administrative functions;
 - 614.03-1.3-2 Software development;
 - 614.03-1.3-3 Computer sales and service;
 - 614.03-1.3-4 Internet commerce and services.
- 614.03-1.4 Professional services:
- 614.03-1.4-1 Civic/institutional;
 - 614.03-1.4-2 Activity halls;
 - 614.03-1.4-3 Assembly halls;

- 614.03-1.4-4 Repealed.
- 614.03-1.4-5 Business, private, public and vocational schools and classrooms, academic facilities, administrative offices and associated support structures;
- 614.03-1.4-6 Business and professional offices, including, but not limited to, tax preparation, engineers, and architects;
- 614.03-1.4-7 Child care;
- 614.03-1.4-8 Child day care (group) (preschool);
- 614.03-1.4-9 Churches and other places of worship and church school buildings;
- 614.03-1.4-10 Clubs and lodges, fraternities, and meeting places of other organizations. Any residential or transient occupancy use related to such club, lodge, fraternity, or other organization shall be governed by provisions for residential or transient occupancy uses, respectively;
- 614.03-1.4-11 Community center;
- 614.03-1.4-12 Cultural buildings;
- 614.03-1.4-13 Curbs;
- 614.03-1.4-14 Dancehall or auditorium used primarily for entertainment or recreation;
- 614.03-1.4-15 Day care facility (adult);
- 614.03-1.4-16 Dinner theatre;
- 614.03-1.4-17 Gutters;
- 614.03-1.4-18 Hospitals;
- 614.03-1.4-19 Family day care;
- 614.03-1.4-20 Fraternal organization (private);
- 614.03-1.4-21 Funeral home and/or mortuary;
- 614.03-1.4-22 Gym, dance, karate, art, pottery or similar schools or studios;
- 614.03-1.4-23 Gutters;
- 614.03-1.4-24 Libraries;
- 614.03-1.4-25 Lodges;
- 614.03-1.4-26 Manholes;
- 614.03-1.4-27 Municipal building;
- 614.03-1.4-28 Museums;
- 614.03-1.4-29 Newspaper offices and printing shops;
- 614.03-1.4-30 Parking lots;
- 614.03-1.4-31 Playhouses;
- 614.03-1.4-32 Police, fire, and rescue squad stations;
- 614.03-1.4-33 Post offices;

- 614.03-1.4-34 Professional services;
 - 614.03-1.4-35 Public buildings and properties of a cultural, administrative, or service type;
 - 614.03-1.4-36 Public service and storage buildings;
 - 614.03-1.4-37 Public utilities (water facilities, sewer facilities, pumping station facilities, cable facilities, communication cables and facilities, wastewater inlets, etc.);
 - 614.03-1.4-38 Radio and television broadcasting studios exclusive of transmitter facilities (upper levels only);
 - 614.03-1.4-39 Social organizations (private);
 - 614.03-1.4-40 Trade schools.
- 614.03-1.5 Residential/lodging:
- 614.03-1.5-1 Bed and breakfast home stays and inns in accordance with article 14;
 - 614.03-1.5-2 Boarding houses;
 - 614.03-1.5-3 Child care centers and family day care homes;
 - 614.03-1.5-4 Family care homes, foster homes or group homes serving the mentally retarded developmentally disabled or others, rest homes, homes for adults, or nursing homes, provided that licensing requirements are met;
 - 614.03-1.5-5 Hotels/motels;
 - 614.03-1.5-6 Single-family detached dwellings;
 - 614.03-1.5-7 Townhouses;
 - 614.03-1.5-8 Tourist homes;
 - 614.03-1.5-9 Multifamily homes, apartments, or efficiencies located on a story of a mixed-use building other than the story closest to street level.
- 614.03-1.6 Restaurant/food/entertainment:
- 614.03-1.6-1 Bakeries;
 - 614.03-1.6-2 Restaurants, cafes, cafeterias, dairy product stores, lunch rooms, soda fountains, drive-in and retail sale of any goods normally associated with such establishments.
- 614.03-1.7 Miscellaneous:
- 614.03-1.7-1 Bus/railroad stations and taxi stands;
 - 614.03-1.7-2 Parking garages and parking lots;
 - 614.03-1.7-3 Off-street parking as required by this ordinance;
 - 614.03-1.7-4 Repealed;
 - 614.03-1.7-5 Repealed;
 - 614.03-1.7-6 Repealed;
 - 614.03-1.7-7 Repealed;
 - 614.03-1.7-8 Repealed;

- 614.03-1.7-9 Repealed;
 - 614.03-1.7-10 Commercial indoor recreation facilities;
 - 614.03-1.7-11 Repealed;
 - 614.03-1.7-12 Repealed;
 - 614.03-1.7-13 Indoor and outdoor concert facilities;
 - 614.03-1.7-14 Repealed;
 - 614.03-1.7-15 Repealed;
 - 614.03-1.7-16 Repealed;
 - 614.03-1.7-17 Repealed;
 - 614.03-1.7-18 Any public uses or use by a semi-public agency whose activities are primarily nonprofit in nature;
 - 614.03-1.7-19 Makerspaces.
- 614.04 *Conditional uses.* When after review of an application and hearing hereon, in accordance with Article 8 herein, the Buena Vista City Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this ordinance and of the comprehensive plan, is in the public interest, and will comply with all other provisions of law and ordinances of Buena Vista, the following uses may be permitted with appropriate conditions:
- 614.04-1 Athletic fields, stadiums, and arenas;
 - 614.04-2 Beverage or food processing plants;
 - 614.04-3 Commercial radio, television, and communication towers along with related buildings and equipment provided the requirements of article 13 are met;
 - 614.04-4 Drive-in theaters provided all parts of such drive-in shall be distant at least 200 feet from any residential district and provided that the screen shall be located as not to be visible from adjacent streets or highways and it shall be set back not less than 200 feet from the established right-of-way of said street or highway;
 - 614.04-5 Dormitories;
 - 614.04-6 Kennels and animal hospitals provided that any structure or premises used for such purposes shall be located at least 200 feet from any residential lot with tools, goods, animals, services, equipment and/or supplies in a permanent enclosed structure (animal enclosures shall be soundproof);
 - 614.04-7 Repealed;
 - 614.04-8 Multifamily homes, apartments, or efficiencies located on the story of a building closest to the street level, when the building is mixed-use; or located in a single-use building;
 - 614.04-9 Repealed;
 - 614.04-10 Repealed;
 - 614.04-11 Repealed;
 - 614.04-12 Public billiard parlors and pool rooms, bowling alleys, dance halls [halls], and similar forms of public

amusement;

- 614.04-13 Public utilities limited to public service structures such as power plants or substations or such similar operations publicly or privately owned furnishing electricity, gas, rail transport, communications, or related services to the general public;
 - 614.04-14 Radio and television broadcasting studios;
 - 614.04-15 Swimming pools, skating rinks, miniature golf courses, or similar recreational use or facility if located at least 100 feet from any residential lot;
 - 614.04-16 Wholesale business, storage or warehouse provided that any such use shall be distant at least 50 feet from any residential district;
 - 614.04-17 Small-scale production establishments, with tools, goods, repairs, services, equipment, and supplies in a permanent enclosed structure.
- 614.05 *Accessory uses.* Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:
- 614.05-1 Accessory buildings and facilities such as garage, carport, tool shed, noncommercial greenhouse, workshop (private), tennis court, shed and portable structure;
 - 614.05-2 Repealed;
 - 614.05-3 Existing structures to include towers, power towers, water tanks, telephone poles, commercial buildings and rooftops, may be used to affix commercial radio, television, and communication antennas provided the requirements of article 13 are met;
 - 614.05-4 Small-scale production establishments producing goods primarily for sale or consumption on premises through a permitted retail or restaurant operation. No less than 50 percent of the square footage of the first floor shall be dedicated to retail sale or food or beverage service of goods produced on premises. Tools, goods, repairs, services, equipment, and supplies shall be within a permanent enclosed structure;
 - 614.05-5 Parking as provided for in article 7;
 - 614.05-6 Private parking garage;
 - 614.05-7 Signs as provided for in article 7;
 - 614.05-8 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
 - 614.05-9 Travel trailers, which may be stored within the minimum yard requirements and shall be prohibited from occupancy.
 - 614.05-10 Small-scale alcohol production establishment, provided that production is accessory to another permitted primary use and that the majority of production is sold or consumed on premises; and that tools, goods, services, equipment, and supplies are within a permanent enclosed structure.
- 614.06 Repealed.
- 614.07 Repealed.

614.08 Repealed.

614.09 Repealed.

614.10 Repealed.

614.11 *Building height.*

614.11-1 Buildings shall be limited to three stories in height or one story greater than contiguous buildings, up to a maximum height of 40 feet, unless a conditional use for additional height is granted.

614.12 Repealed.

614.13 *Prohibited uses.*

614.13-1 Any use of land, building, structure, or equipment which would be injurious noxious or offensive by way of the creation of adverse traffic impacts or conditions, odors, fumes, smoke, dust, vibration, noise or other objectionable features, or hazardous to the community on account of fire or explosion or any other cause shall be prohibited in this district.

614.13-2 Other land use activities which are specifically prohibited within this district include, but are not necessarily limited to, the following:

614.13-2.1 Adult businesses;

614.13-2.2 Repealed.

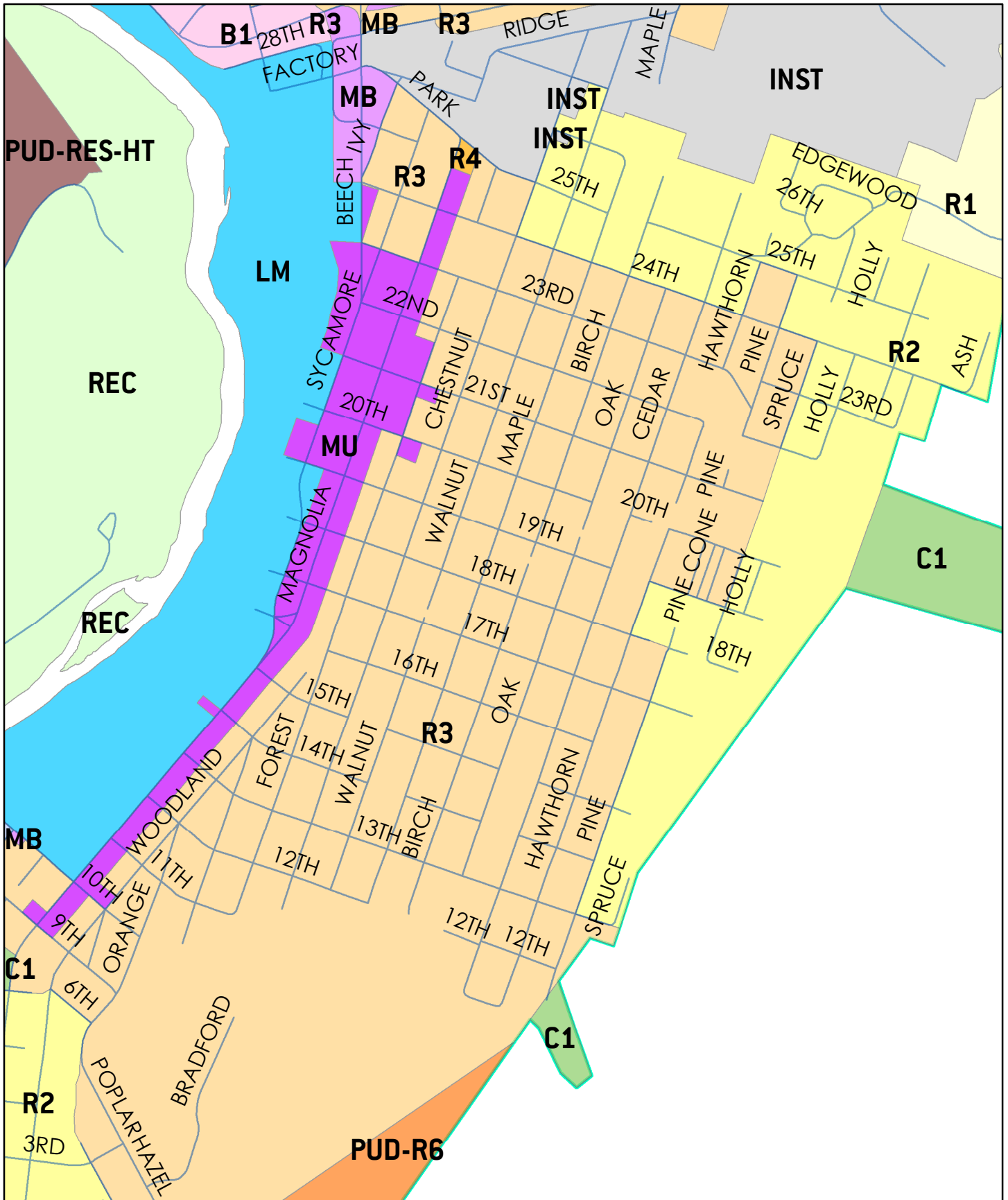
614.13-2.3 Manufactured housing.

614.14 *Design guidelines.*

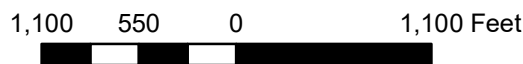
614.14-1 Land uses, buildings, and structures shall follow the Buena Vista Design Guidelines found in Appendices A through F of the Land Development Regulations.

614.14-2 Land uses, buildings, and structures required to receive a conditional use permit in the Mixed Use district may deviate from the Buena Vista Design Guidelines at the discretion of the planning commission and city council by means of the conditional use permit process, provided that the intent of the guidelines is maintained.

(Ord. No. 13-04, Att. B, 4-4-2013; Ord. No. 14-01, Exh. A, 3-6-2014; Ord. No. 18-17, Exh. A, 8-2-2018; Ord. No. 20-01, Exh. A, 1-16-2020; Ord. No. 20-01, Exh. A, 1-16-2020)



Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.



Detail Zoning Map - July 2020 City of Buena Vista

Planning & Zoning | 7/10/2020