

## CHAPTER 11

**MUE MIXED USE EMPLOYMENT DISTRICT**

## SECTION:

- 9-11-1: Description; Objectives
- 9-11-2: Application Of Provisions
- 9-11-3: Uses Allowed
- 9-11-4: Administrative Approval Standards
- 9-11-5: Framework Plans

9-11-1:       **DESCRIPTION; OBJECTIVES:** The MUE district implements the city comprehensive plan where the plan designates mixed use. The district allows a wide range of commercial, residential, civic, and limited industrial uses, and allows basic services and amenities within the construct of a form based code. The specific objectives of the MUE district are to:

- A.     Facilitate a mixture of compatible land uses through regulations that emphasize development form over restrictions on use.
- B.     Provide transitions from higher intensity developments to lower intensity development.
- C.     Integrate living and working environments.
- D.     Allow businesses to locate in a variety of settings, including locations with housing and complementary employment uses.
- E.     Expand housing opportunities and encourage the provision of affordable work force housing close to city services and amenities.
- F.     Facilitate more intensive use of land through design based regulations than would be possible under conventional zoning, while minimizing potentially adverse impacts to adjacent land uses.
- G.     Reduce automobile reliance through pedestrian oriented design.

- H. Encourage sustainability through compact, mixed use development and green building practices. (Ord. 281-07, 9-4-2007)

9-11-2: **APPLICATION OF PROVISIONS:**

- A. The MUE district consists of multiple "subdistricts", with each subdistrict implementing different land use and urban design objectives. The subdistricts apply to properties identified in table 11-A of this section.

TABLE 11-A: APPLICABILITY OF MUE

Subdistricts	Tax Lots
MUE-C (airport mixed use campus)	Thomas/Sierra land annexation - minus 650 foot deep strip adjacent and parallel to airport property boundary

- B. MUE subdistricts may be amended or new subdistricts established through the procedures in chapter 2, article A of this title, provided all of the following criteria are met:

1. The MUE subdistrict must be designated as mixed use, manufacturing or commercial on the comprehensive plan future land use map.
2. The MUE subdistrict must contain five (5) or more contiguous acres.
3. The MUE subdistrict must have at least one hundred feet (100') of frontage on a designated collector or arterial street. (Ord. 281-07, 9-4-2007)
4. MUE zoning shall be contingent upon approval of a framework plan for the subject area, in accordance with article A of this chapter. Framework plans shall be reviewed following the procedures for planned unit developments. Once approved, a framework plan shall be incorporated into this title and shall be binding on the subject property. (Ord. 281-07, 9-4-2007; amd. 2010 Code)

- 9-11-3: **USES ALLOWED:** The MUE district is intended to emphasize the form and function of development while allowing a broad

range of mutually compatible land uses in each subdistrict. Table 11-B of this section specifies allowed land uses for the MUE subdistricts, as follows: (Ord. 281-07, 9-4-2007; amd. 2010 Code)

- A. Uses identified with an "A" are allowed subject to section 9-11-5 of this chapter. Design review is required.
- B. Uses identified with an "AA" are allowed subject to section 9-11-5 of this chapter, and administrative approval from the planning and zoning administrator, who shall apply the standards in section 9-11-4 of this chapter, in addition to any other applicable standard or ordinance. Design review is required.
- C. Uses designated with a "C" are allowed subject to chapter 2, article B of this title, and section 9-11-5 of this chapter. Design review is required. (Ord. 281-07, 9-4-2007)

TABLE 11-B: USES ALLOWED IN MUE

Land Uses	MUE-C	Reserved
Commercial use when accessory to an allowed light industrial or institutional use, e.g., gallery in conjunction with artist studio; food sales in conjunction with a bakery or food processing facility; sales of construction goods and services in conjunction with a contractor's office; gift shop, cafeteria, or deli in conjunction with an allowed light industrial or institutional use; and similar retail sales and services.	AA	-
Commercial use when not accessory to an allowed light industrial, public, nonprofit, or institutional use	AA	-
Dwellings in conjunction with an allowed light industrial, commercial, public, nonprofit, or institutional use, e.g., live-work dwelling where ground floor uses are light industrial, commercial, public or nonprofit/institutional	AA	-
Dwellings not in conjunction with an allowed light industrial, commercial, public, nonprofit, or institutional use	AA	-

Land Uses	MUE-C	Reserved
Home occupations, in conjunction with allowed dwellings (per section 9-1-5 of this title, definition of "home occupation")	A	
Institutional, nonprofit and public uses, e.g., public and private schools, vocational training schools, hospitals, airport related facilities (MUE-C only), governmental offices, social service agencies, recreation facilities, transportation facilities, parks, and similar uses	A	-
Light industrial use fully enclosed in a building	A	-
Light industrial use not fully enclosed in a building where the review authority determines the use will not have a significant adverse impact with regard to air quality, odor, noise, dust, vibration, light, glare, or similar impacts on adjacent properties	C	-
Parks and open space	A	-
Other uses not specified	C	-
Temporary on site rock crushing for on site construction and maintenance meeting the standards found in section 9-3-9 of this title	C	-

(Ord. 281-07, 9-4-2007; amd. Ord. 314-10, 5-18-2010)

9-11-4: **ADMINISTRATIVE APPROVAL STANDARDS:** Uses allowed with administrative approval under section 9-11-3 of this chapter are subject to the following requirements:

- A. Dwellings in conjunction with an allowed ground floor commercial, light industrial, public, nonprofit or institutional use are allowed on that building's upper floors; provided, that all building and fire code requirements for such mixed use development are met.
- B. Dwellings (freestanding or attached) not in conjunction with an allowed commercial or light industrial use may be allowed; provided, that the total area in such use, including structure footprint, parking,

and private open space and landscape, does not exceed five percent (5%) of the total lot area in the district that was under the same ownership at the time of site plan/design review approval.

- C. Commercial uses not accessory to an allowed light industrial, public, nonprofit, or institutional use may be allowed; provided, that:

1. The city has approved a PUD master plan or development site plan (design review) designating the specific location of building footprints, parking, open space and landscaping areas where such commercial uses will be allowed, and that such uses are limited to the areas shown on this plan.

2. The total ground floor area dedicated to such commercial retail or services, including structures, parking, and private open space and landscape, does not exceed five percent (5%) of the total lot area shown in the approved PUD master plan or development site plan.

- D. The following commercial retail and service uses are exempt from the limitation in subsection C of this section: aviation or airport related retail, wholesale and commercial services; film and television production related retail, wholesale and commercial services; car rental agency, travel agency, taxi company, airport shuttle, charter bus, and similar transportation services; parcel shipping, delivery and similar services. (Ord. 281-07, 9-4-2007)

9-11-5: **FRAMEWORK PLANS:**

- A. Applications for design review, subdivisions, planned unit developments, conditional uses and other land use approvals shall be subject to the framework plans contained in this chapter. The reviewing authority shall refer to the framework plans in this chapter and apply them in conjunction with the city commercial design standards and guidelines and other applicable ordinance requirements.

- B. Framework plans shall be interpreted and applied as follows:

1. Framework plan maps and supporting graphics are used to illustrate standards and guidelines. They serve as guiding documents but are flexible. For example, the actual locations of streets, buildings and other features may be adjusted, provided the standards and intent of the framework plan are met.

2. Standards contain dimensional requirements or use the words "shall", "must", "require(d)", or similar terms, and are mandatory.

3. Guidelines use the words "should", "may", "allow(ed)", or similar terms, and are encouraged. Guidelines supplement the standards and provide examples of acceptable design. Guidelines also assist in reviewing requests for adjustments and variances and may serve as the basis for approval, denial, or approval with modifications in such instances.

4. Standards and guidelines both serve as approval criteria, but the reviewing authority is afforded greater discretion in applying guidelines. For example, where the word "should" is used, the applicant must demonstrate that the proposal is consistent with the guideline, or that applying an alternate design solution is consistent with the code's stated intent. Where a guideline conflicts with any code standard, the standard shall prevail.

5. In the case of a proposed variance or adjustment to a code standard, the applicant must demonstrate how the variance or adjustment results in equal or greater conformity to the framework plan and all other applicable standards and guidelines.

6. Nullification of one standard or guideline by a court of competent jurisdiction shall not cause any other standard or guideline to be nullified (severability). (Ord. 281-07, 9-4-2007)

## CHAPTER 11

## MUE MIXED USE EMPLOYMENT DISTRICT

**ARTICLE A. MUE-C AIRPORT MIXED USE  
CAMPUS FRAMEWORK PLAN**

## SECTION:

- 9-11A-1: Scope And Intent
- 9-11A-2: Uses
- 9-11A-3: Street Frontages
- 9-11A-4: Development And Design Standards
- 9-11A-5: Map

9-11A-1: **SCOPE AND INTENT:** The framework plan for the airport mixed use campus applies to properties designated MUE-C. The framework plan is intended to guide development form on multiple properties under different ownerships, including large and small parcels adjacent to the airport. The plan encourages integrated, mixed use development that complements the airport and provides appropriate transitions to adjacent residential, school, and open space uses to the south and east. (Ord. 281-07, 9-4-2007)

9-11A-2: **USES:** Land use shall be consistent with the uses specified in section 9-11-3, table 11-B of this chapter, except as modified by the standards in section 9-11A-4 of this article. (Ord. 281-07, 9-4-2007)

9-11A-3: **STREET FRONTAGES:**

- A. All street improvements shall conform to the city transportation standards, as approved by the city. Developments abutting Road 100 shall be set back in order to provide for required right of way dedications and street improvements, in accordance with city standards.

- B. All pathway improvements shall conform to the city transportation plan, pathways plan and the approved framework plan. Where there is a conflict, the most recently adopted or approved plan shall be followed.
- C. All surface parking must be set back at least eighty feet (80') from the Road 100 right of way. The first eighty feet (80') of lot depth may be occupied by buildings or landscaping only.
- D. All surface parking must be set back at least sixty feet (60') from the right of way of the main organizing streets designated on the framework plan map in section 9-11A-5 of this article. The first sixty feet (60') may be occupied by buildings or landscaping only.
- E. Sidewalks, civic spaces and pedestrian amenities placed between the public right of way and building sites shall conform to the city commercial design standards and guidelines. (Ord. 281-07, 9-4-2007)

**9-11A-4: DEVELOPMENT AND DESIGN STANDARDS:**

- A. **Blocks:** Land divisions and site development plans shall result in blocks of not more than six hundred feet (600') in length, except where the existence of natural areas or existing development precludes compliance with this standard. (See section 9-11A-5 of this article.)
- B. **Building Height:** Thirty five feet (35') maximum, except forty five feet (45') maximum where dwellings are provided above an allowed industrial or commercial use.
- C. **Setbacks:** Minimum front, side and rear building to lot line setbacks shall be zero, except as follows:
  - 1. Minimum building setback from Road 50 is twenty feet (20').
  - 2. Additional yard areas may be required to accommodate required landscaping, civic spaces, view corridors, natural area setbacks, building code requirements, or other ordinance requirements.
  - 3. Where yards are provided between buildings, pedestrian walkways should be extended through them to reach rear parking areas.

D. Lot Coverage And Landscaping:

1. Lot coverage by impervious surfaces shall not exceed seventy five percent (75%).

2. Areas not covered by impervious surfaces shall be landscaped in conformance with the city commercial design standards and guidelines.

3. The reviewing authority, at its discretion, may allow an increase in lot coverage where the development dedicates public open space, preserves a natural area, incorporates green building practices, or provides affordable workforce housing.

E. Floor Plate: The floor plate of a building occupied by a single use shall not exceed fifty thousand (50,000) square feet, exclusive of parking structures.

F. Access: (See section 9-11A-5 of this article.)

1. Direct lot access from 100 North is not allowed. All access must be taken from a side street.

2. Where access is taken from a street other than 100 North, such access points shall be set back at least one hundred seventy feet (170') from the 100 North road edge to the access centerline.

3. Conformance to the city transportation plan and commercial design standards and guidelines is required.

G. View Corridors And Connections To Park Land: (See section 9-11A-5 of this article.)

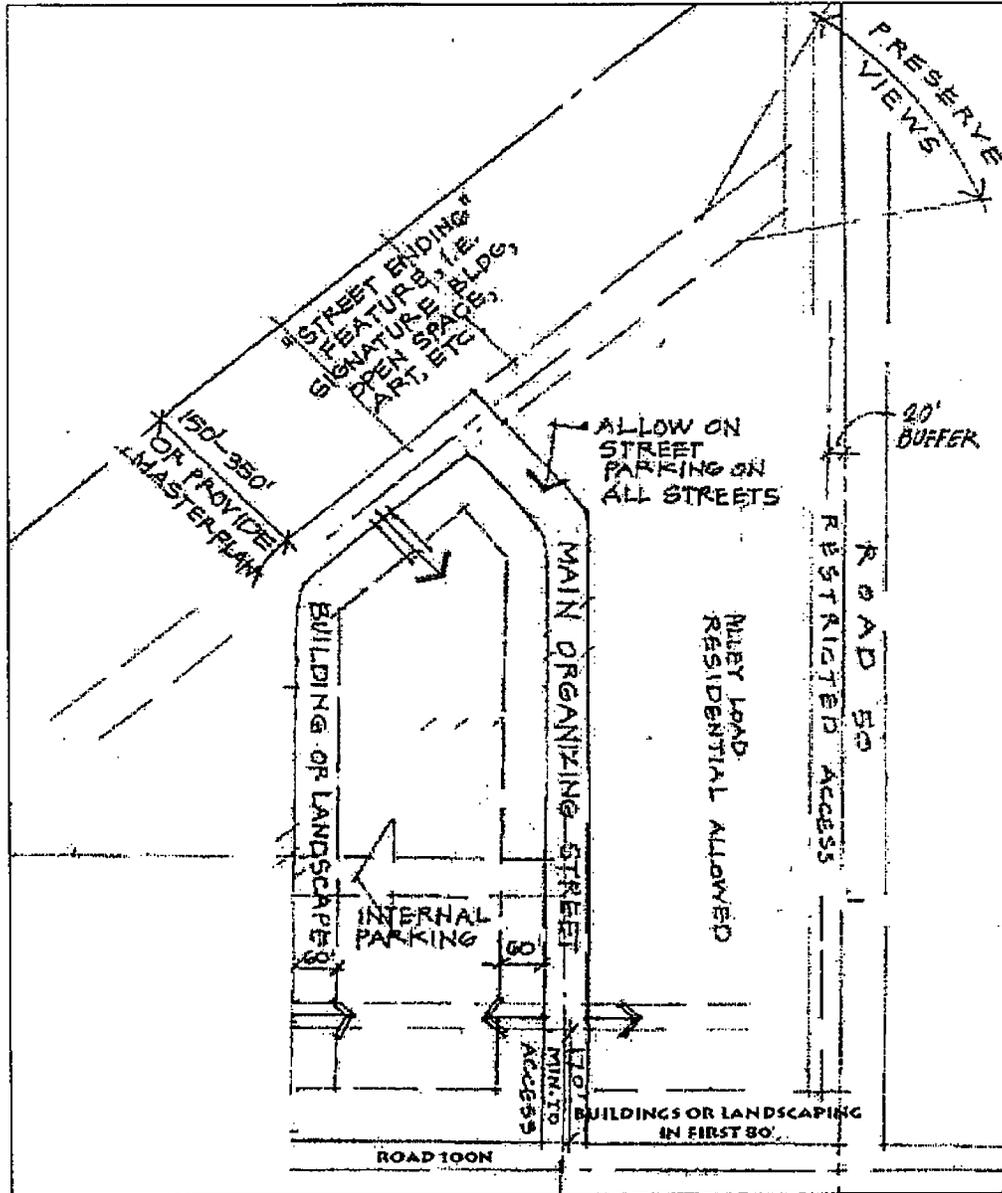
1. Buildings should frame street ending views of the Big Hole Mountains and Teton Range, as applicable. Staggered building planes or offsets in building elevations, where practical, should be used to enhance view corridors. Where trees are planted, their placement should frame important views.

2. Where a development abuts an existing or planned park, the developer shall provide a pedestrian accessway connecting to the park. The connection shall be improved to city standards and dedicated to the city as a right of way or public access easement conveyance. The subject area shall be kept clear of structures, parking, storage, aboveground utilities, and other obstructions.

- H. Parking Areas: (See section 9-11A-5 of this article.)
1. All off street parking areas and driveway access points on side streets shall be set back at least eighty feet (80') from the Road 100 right of way, and at least sixty feet (60') from the right of way of main organizing streets.
  2. Pedestrian walkways shall be provided through parking lots in conformance with the city commercial design standards and guidelines. Where a parking lot exceeds one hundred eighty feet (180') in width, a walkway dividing the parking lot into segments of not more than one hundred eighty feet (180') may be required to provide direct and safe pedestrian access.
  3. Parking areas shall be interconnected to allow for internal vehicle circulation without requiring turning movements on adjacent streets. Except as restricted by lease agreement, parking in new developments shall be shared parking, available to all occupants of the development.
  4. Parking area access points should be aligned with access points on opposing block faces (opposite sides of the street).
- I. Building Orientation And Entrances: Building orientation and entrances shall conform to the city commercial design standards and guidelines. Buildings placed at the ends of main organizing streets should be oriented to aesthetically complement the terminal street ending view.
- J. Pedestrian Shelters: Pedestrian shelters shall be provided in conformance with the city commercial design standards and guidelines.
- K. Building Design: Building designs shall conform to the city commercial design standards and guidelines. Buildings placed at the ends of main organizing streets should be designed to aesthetically complement the terminal street ending view. (Ord. 281-07, 9-4-2007)

9-11A-5: MAP:

MUE-CAMPUS FRAMEWORK PLAN MAP



(Ord. 281-07, 9-4-2007)