

**CHAPTER 7
OTHER DISTRICTS
MIXED-USE DISTRICT (O-MU)**

TYPE OF DISTRICT: FORM-BASED

ARTICLE 3: MIXED-USE DISTRICT (O-MU)

SECTION 7-3.01: PURPOSE

The regulations applicable to the Mixed-Use District are planned to permit a limited mix of land uses that complement nearby residential neighborhoods. The Mixed-Use District is intended as a diverse, generally pedestrian-oriented environment that provides adequate vehicular access where needed. Its purpose is to provide a transitional space between residential uses and intensive land uses, such as between Downtown and uses adjacent to primary and collector roads.

SECTION 7 – 3.02: DEVELOPMENT OBJECTIVES

Development Objectives in the Mixed-Use District include:

- A complementary mix of residential, service and office uses.
- Creating an aesthetically pleasing entrance into the community.
- Allowing a smooth land use and development transition from Downtown to adjacent residential neighborhoods.

SECTION 7-3.03: USES

Purpose and Intent

While a comfortable mix of land uses is intended, it is not the intent of the District to create a substantial non-residential/commercial area that competes with the Downtown or urban commercial areas. Generally, nonresidential uses will be limited to those of an office or service nature. Residential uses, including multiple-family uses, may also be permitted although it is recognized in some instances

that their long-term viability might be an issue and that their use may transition to a nonresidential character over time. However, while they exist, the development and operation of nonresidential uses must be sensitive to existing residential uses.

Uses	MU Mixed-Use District			
Use	Uses by Right	Development Requirements	Special Land Uses	Development Requirements
Educational	Public schools		All except uses by right	
Residential	All including community gardens except Special Land Uses	See General Provisions on Home Occupations and Regulations Applicable to Single-family Dwellings	Boardinghouse	
			Bed and breakfast home	
Residential Care	Day care (commercial)		All except Uses by Right	
	Adult foster care family home			
	Family day care home			
Government & Institutional	Park, plaza, square, playground, walkway and similar uses		Medical center, including hospital, rehabilitation center & clinic & administrative offices and related uses	
	Governmental services		Library	
	Social, fraternal & service organizations		Community center & recreation center	
	Museum		Religious institution	
	Governmental office			
	Court or courthouse			
Financial, Medical and Professional Office and Related Services	All		None	

Uses	MU Mixed-Use District			
Personal Service	All except Special Land Uses	No building shall exceed 5,000 sq. ft. in UFA	Tailor, dry-cleaning drop-off/pick-up station, coin operated laundry	
Retail Sales	All except Special Land Uses	No building shall exceed 10,000 sq. ft. in UFA	Commercial bakery, micro-brewery	
Automotive Oriented Business	Vehicle rental establishments		Drive-through establishments	
Entertainment & recreation	Restaurants; banquet hall with catering as a use by right	Not exceeding 8,000 sq. ft. UFA For uses with outdoor seating a minimum of 5 ft. of sidewalk along the curb and leading to the entrance to the establishment shall be maintained. Pedestrian circulation and access to the building entrance shall not be impaired by tables, chairs and other encumbrances.	All except Uses by Right	
		Outdoor seating areas shall be limited to the area directly in front of the use to which it is accessory and shall not extend into adjoining sites. If located in the rear or side yard, it shall be contained within the same lot, unless an agreement between the adjoining owners, acceptable to the applicable municipality is submitted.		
Utility	None		All	

SECTION 7-3.04: SITING

Siting		MU Mixed-Use District Development Requirements	Administrative Departures
Purpose and Intent		The siting provisions of this District are intended to provide a complementary development pattern, ensure that uses are easily accessible and provide for certain building projections and variations in design. An additional purpose is to create a walkable, pedestrian environment that promotes accessibility to nonresidential uses.	
Building Placement and Projections	Required Building Line (RBL)	The RBL shall be consistent with the established dimension of existing main buildings. The RBL for a new structure shall be equal to, or to the average of the front setbacks of existing main buildings within 200 ft. of the lot where the front yard setbacks are: <ul style="list-style-type: none"> • On the same side and facing side of the street • In the same zoning district 	The RBL may be varied up to 5 ft. to account for changes in grade, landscape features, or other physical obstruction or location of existing lots and buildings that do not permit the average RBL to be maintained.
		Where the average setback calculation is not applicable, the RBL shall be 12 ft.	
		The building façade shall be constructed at the minimum required building height for no less than sixty-five percent (65%) of the RBL. The remainder of the RBL may be less than the required height.	
		The building façade shall be built to the RBL within 30 ft. of any block corner.	At corners, the minimum RBL may be increased if necessary to ensure clear vision at the intersection.
		Except for single and two family dwellings, a street wall or landscaping shall be required along, or not more than 8 inches behind, any RBL frontage that is not otherwise occupied by a building.	
		An outdoor activity area or entry courtyard may occupy	Space for bike racks, civic art, or other

Siting		MU Mixed-Use District Development Requirements	Administrative Departures
		that portion behind the RBL not occupied by the building.	similar uses/activities may be permitted within the activity area or courtyard.
	Side yard setback	5 feet	
		At least 10 ft. shall be maintained between a non-residential building and a residential building.	
		Driveways, if located in the front and not shared with an adjacent property, shall be setback at least 2 ft. from a common lot line.	
	Rear yard setback	20 ft., except for lots with alley access where no setback is required.	
	Projections	No part of any building except overhanging eaves, awnings, balconies, and bay windows as specified by this District shall project forward of the RBL.	
		The sections of the building façade at the RBL may include jogs of not more than 18 inches in depth, except as specified by this District to allow bay windows and balconies.	
		Awnings, canopies or balconies shall not project closer than 4 ft. to a common lot line.	
Awnings or canopies that project over the sidewalk shall maintain a clear height of at least 8 ft. and project a minimum of 6 ft. perpendicular to the façade.			
Lot Requirements	Minimum lot area	6,000 sq. ft.	
	Minimum lot width	50 ft.	
	Lot coverage	At least fifteen percent (15%) of the total buildable	

Siting		MU Mixed-Use District Development Requirements	Administrative Departures
		area shall be preserved as contiguous open area on every lot. The contiguous open area may be located anywhere behind the parking setback.	
Variances and Deviation: Siting	Variances	Placement of buildings, parking areas, driveways or projections resulting in a RBL or setback that is less than the above requirements, other than administrative departures.	
		Required building façade height at the RBL	
		All lot requirements	
	Deviations	All others	

SECTION 7-3.05: BUILDING ELEMENTS

Building Elements	MU Mixed-Use District Development Requirements		Administrative Departures
Height	Nonresidential and mixed-use buildings shall be 2 stories. Single-family detached and two-family dwellings may be 1 story, with a maximum height of 2-1/2 stories.		For mixed-use buildings, one additional story, not to exceed 3 stories may be permitted, provided that the additional story is used for residential purposes.
	Ground Story Interior Height	Nonresidential buildings shall have a ground story finished floor elevation that is equal to, or to a maximum finished floor elevation of 18 inches above the exterior sidewalk elevation in front of	The finished floor elevation may be varied up to 2 ft. to account for changes

Building Elements	MU Mixed-Use District Development Requirements		Administrative Departures
		the building.	in grade, landscape features, or other physical obstruction. It may also be varied to meet ADA requirement, where applicable.
		For residential buildings the finished floor elevation shall be no less than 2 ft. above the exterior sidewalk elevation in front of the building and no more than 7 ft. above the exterior sidewalk elevation in front of the building or from the ground elevation once construction is complete.	
		The ground story shall have at least 12 ft. of clear interior height (floor to ceiling) contiguous to the RBL frontage for at least a depth of 15 ft.	
		The maximum story height for the ground story is 16 ft.	
	Upper Story Interior Height	The maximum interior clear height (floor to ceiling) for stories other than the ground story is 12 ft.	
		At least eighty percent (80%) of each upper story shall have an interior clear height (floor to ceiling) of at least 8 ft.	
		The height requirements may be exceeded by parapet walls not over 4 ft. in height, chimneys, television and radio antennas, cupolas, spires or other ornamental projections as needed.	
	Additional habitable space is permitted within the roof where configured as a half story.		
Façade Variation	Nonresidential: New buildings whose façade exceeds 32 ft. in linear width along the RBL shall be divided into multiple bays or shall create the impression of multiple fronts.		
	Nonresidential: A maximum of 100 ft. of RBL frontage shall be continuous as a single (attached) building, except for corner lots, which shall not exceed 200 ft. for corner lots. There shall be a gap between adjacent frontage buildings of between 10 and 20 ft.		

Building Elements	MU Mixed-Use District Development Requirements	Administrative Departures
Windows – Transparency	Building facades facing public streets, parks and through-block walkways shall have a minimum of twenty percent (20%) and a maximum of sixty percent (60%) of window and door openings. Windows or doors shall not be separated by more than 25 ft.	
	Transparency requirements shall apply to the area of the façade between 2 and 10 ft. above grade of the building. Only clear or lightly tinted, non-reflective glass in windows, doors and display windows shall be considered transparent. For nonresidential uses, windows shall not be blocked by interior displays or otherwise have views to the interior obstructed for a depth of not less than 5 ft. into the building.	
	Façade transparency requirements do not apply for portions of structures in ground floor residential uses, assembly area of theaters, auditoriums, religious institutions, and similar uses, provided that façade is enhanced by architectural detailing, artwork, landscaping or similar features.	
	Window openings and window panes shall be taller than they are wide or be divided into segments that are taller than they are wide.	
	Exterior steel barriers and other security devices are not permitted. If they are located inside a building, they may not be visible from the outside during business hours.	
Roof Type	Pitched roofs shall be moderately steep with symmetrical slopes no less than 4:12 and not more than 12:12, except that entryways may have slopes of not less than 2:12.	Public buildings are exempt
	Flat roofs shall not be visible when viewed from street level in the immediate vicinity of the building and shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment.	
Exterior Building Wall Materials	Durable building materials, simple configurations and solid craftsmanship are required. Eighty percent (80%) of the building façade (after transparency requirements are met) visible from public streets shall be constructed of the following materials:	

Building Elements	MU Mixed-Use District Development Requirements		Administrative Departures
	<ul style="list-style-type: none"> • Brick • Fiber cement siding or better siding • Gypsum reinforced fiber concrete (for trim and cornice elements only) • Metal (beams, lintels, trim elements and ornamentation only) • Split faced block (piers, foundation walls and chimneys) • Stone • Wood lap siding • Wood designed for exterior use • High quality vinyl siding 		
	Awnings shall be made of a canvas material or similar material, and shall be opaque to light (no under- or in-canopy illumination showing through).		Similar materials shall be approved before use. Vinyl is not permitted.
Entry	Nonresidential Uses	The entrance shall be clearly identified using an awning, paving treatments, change in roofline or other features, such as porticos, arcades, arches and integral planters.	Other methods, such as unique color treatments or other similar means may be approved provided the same effect is achieved.
		Main building entrances and exits shall face the street and shall be recessed.	
	Residential Uses	Each lot/ground floor façade unit shall include a stoop or a front porch. The stoop or porch may be covered.	
		A stoop shall be built forward of the RBL and extend no further than 5 ft. forward of the RBL and extend at least 8 ft. parallel to the building.	Dimension and size of stoop or porch may be varied to account for various
	A front porch shall project forward of the RBL and be		

Building Elements	MU Mixed-Use District Development Requirements		Administrative Departures
		between 8 and 10 ft. deep, with a width not less than forty percent (40%) of the RBL.	architectural and design considerations of existing setbacks, provided that usability and function are not impaired.
Variations and Deviations: Building Elements	Variations	Maximum building height and/or number of stories other than administrative departures.	
		Façade variation RBL frontage requirements and gap between adjacent buildings for nonresidential buildings.	
		Entry projections forward of the RBL, other than administrative departures	
	Deviations	All others	

SECTION 7-3.06: ACCESSORY PROVISIONS

Accessory Provisions		MU Mixed-Use District Requirements	Administrative Departures
Signs (nonresidential uses only)	Ground	One ground sign is permitted and the maximum sign area shall be 50 sq. ft. plus 1 sq. ft. for each linear foot of street frontage in excess of 50 ft., not to exceed 100 sq. ft. Thirty percent (30%) of the ground sign may be dedicated to a reader board, electronic display or time and temperature sign.	
	Wall	One wall sign is permitted per façade and/or frontage onto a	

Accessory Provisions		MU Mixed-Use District Requirements	Administrative Departures
		parking area.	
		Wall signs shall not exceed 1 sq. ft. per each lineal foot of building wall length associated with the use to which it refers, with a maximum of 32 sq. ft.	
		Signs shall be located on the wall facing street and off-street parking area designated for that use.	
		See Chapter 3 "General Provisions" section for regulations pertaining to multiple uses in a building.	
		One additional wall sign per building, not exceeding 10 sq. ft., is permitted for the purpose of identifying uses on upper floors.	
	Window	Signs may be painted, etched, or affixed to glass windows or doors provided they pertain to the business conducted on the premises and do not exceed twenty-five percent (25%) of the glass surface area or diminish any applicable façade transparency requirements.	
	Awning or Canopy	An awning or canopy sign may be painted, stenciled or otherwise affixed flat to the awning or canopy surface, and cannot extend vertically or horizontally beyond the limits of the awning or canopy.	
		Characters can be no more than 12 inches in height.	
		No more than 2 awnings and/or canopies per frontage shall contain signs.	
		The combined area of signs on one awning or canopy shall not exceed 15 square feet.	
		One suspended sign may be suspended under an awning or canopy for each ground floor establishment, not exceeding 3 sq. ft. in area and have a minimum clearance of 8 ft. above	

Accessory Provisions		MU Mixed-Use District Requirements	Administrative Departures
		the sidewalk.	
	Real Estate	One sign per lot is permitted not exceeding 6 sq. ft. in area, provided a corner lot may have one sign on each street frontage.	
	Political	One sign per issue or candidate not exceeding 6 sq. ft. in area.	
Parking	Location	Off-street parking for nonresidential and multiple-family uses shall be located at least 20 ft. behind the RBL.	Parking may be permitted nearer to the RBL where no other location or parking arrangement is possible provided that the location of parking ensures compatibility with surrounding building lines and the pedestrian environment of the site and area. Appropriate screening shall be required.
		Residential parking areas shall be located behind the RBL.	
		No parking shall be permitted forward of the RBL.	
	Number	The number of off-street parking spaces provided shall not exceed Standard Requirement for uses on the parcel.	Additional parking spaces may be approved, based on documented

Accessory Provisions		MU Mixed-Use District Requirements	Administrative Departures
			evidence provided by the applicant demonstrating that the parking will be required to accommodate the use on a typical day.
			Fewer parking spaces may be approved, provided a parking analysis submitted by the owner is approved that demonstrates that the spaces planned will be sufficient.
		On-street parking spaces adjacent to the parcel shall be included in calculating the required number of parking spaces. Uses split by multiple spaces shall be counted for the building frontage occupying at least fifty percent (50%) of the length of the space in front of the storefronts.	
		Off-street parking requirements for non-residential and multiple family uses may be met in a shared parking lot located within 300 ft. of building/structure served.	
		Parking requirements shall not apply to that portion of restaurant seating which is outdoors and adjacent to the street and other uses generally considered as accessory to other	

Accessory Provisions		MU Mixed-Use District Requirements		Administrative Departures
		principal uses.		
		Use	Standard Requirement	
		Retail Sales	3 spaces per 1,000 sq. ft. of UFA	
		Automotive Oriented Businesses	2.5 spaces per 500 sq. ft. of GFA	
		Personal Service	1 space per 500 sq. ft. of UFA	
		Office	3 spaces per 1,000 sq. ft. of UFA	
		Residential	2 spaces per dwelling unit, except senior housing, which shall provide 1 space per dwelling unit	
		Residential Care	Residential requirement, plus 1 space per employee not in residence	
		Utility	1 space per use	
		Entertainment & Recreation	1 space per 3 persons by occupancy	
		Educational	1 space for each teacher, employee, or administrator, plus 1 for each three seats in the auditorium, if applicable	
		Government & Institutional	1 space per 3 persons by seating capacity in the largest assembly area; if no assembly area, one space per	

Accessory Provisions		MU Mixed-Use District Requirements	Administrative Departures
		1,000 sq. ft. of UFA	
	Special Provisions	Parking lots with more than 50 automobile parking spaces shall set aside an area for bicycle storage spaces at a rate of one storage space for each 50 automobile parking spaces, with a minimum of 6 spaces.	
Sidewalks	Sidewalks	A minimum combined sidewalk and parkway dimension of 10 ft. shall be provided	Space for bike racks, civic art, or other similar uses/activities may be permitted, provided the minimum sidewalk clear area (5 feet) is met.
	Display Areas	Outdoor temporary display areas are permitted on nonresidential sites, but shall be limited to the area within 3 ft. of the façade of the building to which it is accessory and shall not extend into adjoining sites. If located at the rear or side yard, it shall be contained within the same lot. A minimum of 5 ft. of sidewalk along the curb and leading to the entrance to the establishment shall be maintained. Pedestrian circulation and access to the building entrance shall not be impaired.	Alternate locations may be approved where pedestrian circulation or entrances to building are not impaired, provided that the RBL is maintained free of displays.
Landscaping & Screening	Street Trees	One 2-1/2 inch caliper street trees shall be provided and located at not less than 30 foot intervals of street frontage. Spacing of street trees within the City of Fremont shall comply with the requirements in the City of Fremont's Code of Ordinances.	Spacing may be varied for individual site conditions.

Accessory Provisions		MU Mixed-Use District Requirements	Administrative Departures
	Parking Areas	In order to enclose the portion of the parking exposed to view of public streets, parking lots visible from a public street, walkways or adjacent Residential Districts or uses shall be screened by a decorative masonry wall no greater than 3 ft. high, constructed at the RBL of the lot.	Landscaping of the same height (at planting) may be used if it screens the parking area with at least seventy-five percent (75%) opacity.
		Parking lots exceeding 25 spaces shall provide interior landscaping, dispersed evenly throughout the parking lot in order to break up large expanses of pavement and assist with vehicular and pedestrian flow. At least one canopy tree shall be provided per 12 parking spaces.	
	Screening	Exterior trash disposal areas/equipment shall be enclosed by brick, decorative concrete, or a material that matches the material of the main building. The enclosure shall be a minimum of 6 ft. high, with 3 sides with a gate on the fourth side. Outdoor mechanical equipment shall be similarly screened, provided that the enclosure need be only as high as necessary to fully screen the equipment.	The Zoning Administrator may approve a different material, provided that bollards or similar means of protecting the enclosure are employed.
Other	Lighting (Also see General Provisions Article on Lighting)	Lighting, if installed, shall be pedestrian-style lighting along all sidewalks and within parking areas.	
		For pole lighting within parking areas, light fixtures shall not exceed a height of 20 ft.	
		Building, wall and pole exterior lighting fixtures shall be directed downward in order to reduce glare onto adjacent	

Accessory Provisions		MU Mixed-Use District Requirements	Administrative Departures
		properties and streets. Any fixtures or structures used in relation to lighting shall be architecturally compatible with the remainder of the structure.	
		All outdoor lighting used to light the general area of a specific site shall be shielded to reduce glare and shall be arranged to reflect lights away from all adjacent Residential Districts or uses. Light shall not exceed more than 0.5 foot candles at a residential property line. Light shall not exceed more than 1.5 foot candles at a non-residential property line. The maximum intensity of lighting internal to the site shall be 10 foot candles.	Greater intensities not exceeding the 10 foot candles maximum may be allowed where additional security may be needed. A lighting plan shall be submitted as part of a request for greater lighting.
	Residential Accessory Buildings	One attached or detached accessory building, not exceeding the ground floor area (GFA) of the main building or 800 sq. ft., whichever is less, and 16 ft. in height (as measured to the peak of the roof) is permitted.	
		A detached accessory building shall be located at least 5 ft. from the rear or side lot lines and shall be no closer to the front lot line than the RBL.	
		In addition to the above accessory building, one accessory building no more than 144 sq. ft. and 14 ft. in height may be erected on a residential lot, meeting the setback requirements for accessory buildings.	
		For single and two family uses one carport space is permitted per residential dwelling unit. No single carport or space shall exceed 400 sq. ft. in roofed area or be higher than 10 ft. Carports shall maintain a side yard setback of 5 ft. from any	

Accessory Provisions	MU Mixed-Use District Requirements	Administrative Departures	
	property line and otherwise meet all other setbacks applicable in the District.		
	No accessory building shall be located nearer the front lot line than the main building on the lot.		
	A detached accessory structure shall be located at least 10 ft. from the main building.		
	Non-Residential Accessory Buildings	Not permitted, except as a deviation approved by the Planning Commission. If permitted, the following shall apply. (See Chapter 3 "General Provisions" Requirements)	
		No more than one detached accessory building, not exceeding forty percent (40%) of the ground floor area (GFA) of the main building or 800 sq. ft., whichever is less, and 16 ft. in height (as measured to the peak of the roof) may be permitted.	
		A detached accessory building shall meet the same setbacks as the main building and shall be no closer to the front lot line than the RBL.	
A detached accessory building shall be located at least 10 ft. from the main building.			
Fencing (Also See General Provisions Section)	A front yard fence, wall, or hedge, not more than 36 inches in height, may be placed along the frontage and common lot lines surrounding the front yard.		
	A privacy fence, maximum 6 ft. in height, may be placed along any rear and common lot lines not surrounding the front yard or otherwise occupied by a building.		
	The height of the front yard fence, wall or privacy fence shall be measured from the adjacent public sidewalk or, when not adjacent to a sidewalk, from the adjacent ground		

Accessory Provisions		MU Mixed-Use District Requirements		Administrative Departures
		elevation once construction is complete.		
Variances and Deviations: Accessory Provisions	Variances	Signs	All sign types; number permitted, height and maximum area	
			Suspended signs: minimum clearance above the sidewalk	
		Parking	Location	
			Minimum number of parking spaces, except administrative departures	
		Sidewalks	Minimum sidewalk and parkway dimension	
			Clear area between building and curb	
		Landscaping/Screening	Dimensions of landscaping/screening (height, number, separation, etc.)	
			Parking area requirements	
		Lighting	All requirements, except lighting style and administrative departures	
		Accessory Buildings	All requirements	
	Fencing	Height		
Deviations	All others			