

## Chapter 17.50 - Residential/Nonresidential Interface Regulations

### 17.50.010 - Purpose and intent,

- A. The purpose of this Chapter is to protect the public health, safety and welfare by establishing regulations to mitigate the impacts between residential and nonresidential activities and land uses. Buffers and design standards established in this Chapter are intended to help assure that nonresidential uses adjacent to residential uses are visually attractive and a visually interesting interface between residential and nonresidential uses is provided. While it may be impractical to completely hide an entire building or land use, this Chapter promotes a compatible residential/nonresidential interface. A compatible interface would include part or all of the following:
1. Minimize the visibility of undesirable, nonresidential uses and activities from residential uses through building orientation and screening.
  2. Provide attractive buildings with thoughtful architectural detailing.
  3. Create a visually attractive transition between nonresidential and residential uses with the use of walls, fences, berms and/or landscaping.
- B. These regulations are generally applicable on a Town-wide basis within all Zoning Districts; however, the Town Council recognizes that certain development patterns deliberately intermingle residential and nonresidential uses and there is no intention for the provisions of this Chapter to apply in those situations.
- C. The Town Council may approve deviations from these regulations as part of the site plan approval process upon a finding that strict application of this Chapter would either preclude any reasonable use of the property subject to such application, or that application of one (1) or more of these regulations would not advance the underlying purpose of these regulations due to unusual or exceptional configuration, size, topography or buildings on the residential and/or nonresidential properties affected by such application.

(Ord. 2012-18 §1)

### 17.50.020 - Definitions.

For the purpose of this Chapter, certain words or phrases are defined as follows:

*Chapter*, as used herein, means this Chapter 17.50.

*Development* means any new construction or building addition.

*Mitigate impact of nonresidential land uses* means to reduce or minimize the visibility and to improve the appearance of land uses, activities and structures associated with nonresidential uses.

*Mixed-use development* means a development consisting of one or more lots developed as a cohesive project and designed with a blend of various compatible uses, such as commercial, residential and institutional. The uses may be located in the same building, in separate buildings or within the same master planned mixed-use area or zoning overlay.

*Nonresidential property* means all property that is not residential, as that term is defined below, but excluding property within a mixed-use development as defined above.

*Residential property* means property within a Zoning District that allows residential uses, or property located in unincorporated Douglas County and identified as a future residential neighborhood in the Town's Comprehensive Master Plan, but excluding property within a mixed-use development as defined above.

(Ord. 2012-18 §1)

17.50.030 - Applicability.

- A. These regulations are applicable to development on:
  - 1. Nonresidential property that is adjacent to residential property; or
  - 2. Residential property that is adjacent to nonresidential property.
- B. For the purpose of this Chapter, properties are considered adjacent if they share a property line in part or are separated by an open space parcel less than 250-feet in width or a street right-of-way; provided, however, that properties separated by a railroad right-of-way, a major arterial right-of-way, as defined in the Transportation Master Plan, as amended from time to time, or a state or federal right-of-way shall not be considered adjacent. If a property meets any of the above-listed adjacency criteria on any side, it is considered adjacent for the purpose of this definition.
- C. If a proposed Site Development Plan or Site Development Plan amendment request is subject to the Residential/nonresidential Interface Regulations in this Chapter, then the provisions of Chapter 17.38 shall apply.

(Ord. 2012-18 §1)

17.50.040 - Buffers and transitional screening.

- A. When development is proposed on nonresidential property adjacent to undeveloped residential property, 50% of the buffer and transitional screening shall be provided on the nonresidential property and 50% shall be provided as an open space tract on the undeveloped residential property at the time of development.
- B. When development is proposed on nonresidential development adjacent to developed residential property, 100% of the buffer and transitional screening shall be provided on the nonresidential property at the time of development.
- C. When development is proposed on residential property adjacent to developed nonresidential property, 100% of the buffer and transitional screening shall be provided as an open space tract on the residential property at the time of development.
- D. Buffers shall be kept free of buildings, structures and parking lots. Retaining walls may be included within a buffer.
- E. Improvements in buffers. The following elements are allowed within buffer areas so long as effective screening is not compromised:
  - 1. Utility easements and related facilities therein.
  - 2. Drainage facilities.
  - 3. Retaining walls.
  - 4. Required setbacks.
- F. Required buffers shall be provided based on the intensity of the use and/or the building size and as shown on Table 1 below. For the purpose of this Chapter, more intense uses include, but are not limited to, towing services, manufacturing, processing and fabrication, outdoor storage, terminal for public transit vehicles or motor freight terminal and contractor yard for vehicles, equipment, materials and/or supplies.

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**Table 1**

<b>Nonresidential Use</b>	<b>Property Abuts:</b>			
	<b>Residential</b>	<b>Street</b>	<b>Open Space 0—250 feet</b>	<b>Open Space 250 feet or greater</b>
More intense uses	50'	30'	40'	Existing setback
Large building > 75,000 sf.	50'	30'	40'	Existing setback
Small building <75,000 sf.	30'	15'	20'	Existing setback
Small building <75,000 sf (more intense uses)	50'	30'	40'	Existing setback
Lots 1 acre or less and building < 15,000 sf.	Existing setback or 20'	Existing setback	Existing setback	Existing setback

G. The transitional screening shall:

1. Considering the topography and scale of the adjacent neighborhood and mitigate adverse visual impacts at the time of installation.
2. Create a visually attractive transitional screening area with strategic placement of walls, fences, berms and/or landscaping. Not all of these elements are required in every buffer or transition zone. The use of the site features and the design of the transitional screening is intended to mitigate the visibility of undesirable activities, land uses and structures from residential neighborhoods; soften long, inactive building facades; reduce the visual impact of buildings adjacent to residential property; and provide an interesting, visually pleasing landscaped transition adjacent to residential property.
3. Balance the need for visibility of retail businesses from the street view with the need to mitigate the adverse visual impacts to the adjacent neighborhood.
4. Include a landscape design that promotes the long-term health and maintenance of the plant materials.
5. Provide varied plant spacing, clustering and height.
6. Provide visual interest by incorporating shrubs, berms, ornamental grasses, other plant materials and/or decorative walls.
7. Provide comprehensive water-efficient design standards, installation procedures and maintenance standards.

(Ord. No. [2015-06](#), § 3, 2-17-2015; Ord. 2012-18 §1)

17.50.050 - Building and site orientation.

The site shall be designed, and the building oriented, to provide that:

- A. Loading docks, service areas, work bays, garage doors and outdoor storage areas are located away from, or designed and oriented to minimize impacts to, adjacent residential property.
- B. Buildings closest to adjacent residential property shall be compatible in height and scale as a transition to nonresidential uses, or in character with the street.
- C. Commercial uses with high-activity areas such as drive-through lanes shall locate such facilities to minimize impacts to adjacent residential property.

(Ord. 2012-18 §1)

17.50.060 - Architectural treatment and color.

- A. Building entrances and office areas shall be clearly distinguished with variations in height, parapet design, changes in building materials, color elements or other architectural detail.
- B. Buildings shall incorporate well-designed facades on all sides that are adjacent to residential property, including but not limited to:
  - 1. Incorporate architectural detailing, changes in materials, windows and other facade elements.
  - 2. Use articulation or changes in materials to break up large volumes or planes and thereby reduce the visual scale of a building.
  - 3. Include patterns and reveals on pre-cast concrete panels to provide visual interest.
  - 4. Use low-reflectivity, predominantly earth tone, colors and materials.

(Ord. 2012-18 §1)

17.50.070 - Screening site elements.

- A. Site elements to be screened include, but are not limited to:
  - 1. Trash enclosures.
  - 2. Outdoor storage.
  - 3. Gangs of utility meters (six or more).
  - 4. Rooftop mechanical equipment.
  - 5. Ground mechanical units.
  - 6. Utility or other units larger than 4-feet by 4-feet in size.
  - 7. Loading docks capable of accepting more than one semi-trailer.
- B. Site elements shall be screened from view using materials and colors compatible with the primary building materials or with materials found in the surrounding neighborhoods.
  - 1. Utility meters not ganged (five or less) shall be painted a color that blends with the background materials.
  - 2. Loading docks capable of accepting more than one semi-trailer shall be screened by a wall using materials compatible with the main building.

- C. Site elements shall be screened so that they are not visible from adjacent residential zoned land or abutting open space and rights-of-way. The maximum required screen height shall be one foot above the unit to be screened.

(Ord. 2012-18 §1)