

A. INTENT

The Neighborhood Mixed Use district is coded to provide pedestrian-scaled higher density residential homes and opportunities for limited scale commercial activities in existing mixed use areas and at the functional center of new neighborhoods. The architectural guidelines detailed in Section 5.2 are enumerated to permit the construction of various building types in close proximity to each other. In order to preserve the architectural heritage of the City of Fairmont, existing residential structures proposed for mixed use in these areas shall be preserved and adapted for re-use in lieu of new construction.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. USES PERMITTED BY RIGHT

- i. Residential
 - ii. Single-Family Residence
 - iii. Duplex
 - iv. Group Residential Facility
 - v. Group Residential Home
- ii. **Commercial, office, retail, or service use**, not to exceed 2,500 sq ft in area § 4.27.1
- iii. Restaurant

C. USES PERMITTED WITH CONDITIONS

The following uses must demonstrate they meet all of the requirement in **Section 4.16**.

- i. Essential Service, Class 1 & 2
- ii. **Home Occupation** § 4.17
- iii. **Bed and Breakfast Inn** § 4.5
- iv. **Child Care Home** § 4.7
- v. **Townhome** § 4.25
- vi. **Mixed-Use Buildings and Live-Work Units** § 4.22
- vii. **Cemetery** § 4.6
- viii. **Civic Use** § 4.9
- ix. **Garage Sale** § 4.15
- x. **Portable Storage Container** § 4.29
- xi. **Temporary Use** § 4.34
- xii. **Existing Commercial Office, Retail, or Service Use**, exceeding 2,500 sq ft § 4.27.1

D. CONDITIONAL USES

The following uses must demonstrate they meet all of the requirement in **Section 4.16**.

- i. **Automotive Sales** § 4.3
- ii. **Multi-Family Residence** § 4.25
- iii. **Child Care Facility** § 4.7
- iv. **Convenience Store,** excluding fueling stations § 4.11
- v. **Institutional Use** § 4.14
- vi. **New Commercial Office, Retail, or Service use**, not exceeding 5,000 sq ft § 4.27.1
- vii. **Recreational Facility** § 4.30
- viii. **Restaurant /Lounge** § 4.31

E. EXCLUSIONS

- i. Adult establishment
- ii. Automotive / Boat /Heavy Equipment / Manufactured Home Repair, Sales & Service, including filling stations
- iii. Bars/Nightclub
- iv. Drive-Through Facility
- v. Gambling Facility
- vi. Light and Heavy Manufacturing Use
- vii. Limited Video Lottery
- viii. Highway Commercial Use (unless otherwise permitted herein)
- ix. Mining or Landfill Operation
- x. Mini-Storage
- xi. Outdoor Kennel
- xii. Outdoor storage or sales
- xiii. Warehousing and/or Storage necessitating truck travel (not including servicing of establishments located within the district).
- xiv. Uses which are not specifically enumerated or construed by the Planning Director to be compatible with this District.
- xv. Parking Lot, except as an accessory use to a permitted or conditional use.



F. DEVELOPMENT STANDARDS

Minimum Frontage Build-Out

Minimum: 60%*

Setbacks

Principle Structure Setbacks

Minimum front yard setback: 10 ft**
 Maximum front yard setback: 25 ft***
 Minimum rear yard setback: 40 ft
 Minimum side yard setback: 5 ft

Accessory Structure

Minimum rear yard setback: 5 ft****
 Minimum side yard setback: 5 ft

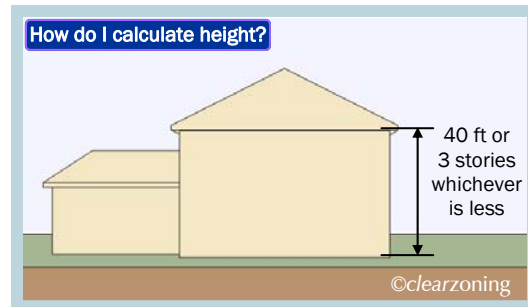
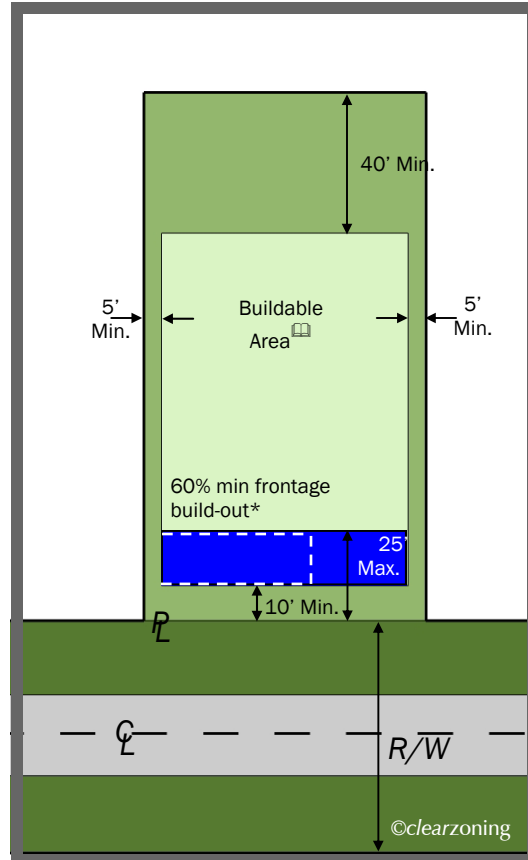
Building Height

Principal Structure

Maximum structure height: 40 ft or three stories

Accessory Structure

Maximum structure height: 15 ft or one story



The above drawings are not to scale.

*Frontage build-out may be accomplished with a minimum build-out of 50% with the remaining frontage line occupied by a wall or hedge not to exceed 4 feet in height.
 **Encroachments: see [Section 5.7](#).
 ***Maximum setbacks for Neighborhood Mixed Use buildings may be based on the established required building line (RBL).
 ****Exception: Garages with overhead doors facing alleyways shall be setback a minimum of 20 feet from the alley's pavement edge.

SELECTED REFERENCES

4. Use Standards

- [Uses Not Expressly Permitted or Conditional](#) § 4.36
- [Use and Parking of Recreational & Commercial Vehicles](#) § 4.35
- [Neighborhood Development Standards](#) § 4.26
- [Housekeeping Unit](#) § 4.18
- [Temporary Uses](#) § 4.34

5. Site Standards

- [Lot Standards](#) § 5.6
- [Encroachments](#) § 5.7
- [Lighting Requirements](#) § 5.1
- [Architectural Standards](#) § 5.2
- [Signs](#) § 5.3
- [Parking and Loading Requirements](#) § 5.4
- [Landscape Requirements](#) § 5.5
- [Fencing in Vegetative Screening](#) § 5.8

- [Accessory Buildings and Structures](#) § 5.10
- [Refuse Containment and Mechanical Equipment](#) § 5.9
- [Required Yard Use by Another Building](#) § 5.11

6. Development Procedures

- [Site Plan Review](#) § 6.1

7. Subdivision Regulations

- 1 Purpose and Introduction
- 2 Definitions
- 3 Zoning Districts
- 4 Use Standards
- 5 Site Standards
- 6 Development Procedures
- 7 Subdivision Regulations
- 8 Admin & enforcement

