



Department of Planning + Urban Design

Unified Government of Wyandotte County and Kansas City, Kansas

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DIRECTOR'S INTERPRETATION

TO: Unified Government of Wyandotte County/Kansas City, Kansas
FROM: Gunnar Hand, AICP, Director of Planning
DATE: November 22, 2023
SUBJECT: Residential-Commercial Mixed-Use Buildings Allowed in the C-3 Commercial District

The question presented to the Director of Planning and Urban Design ("Director") is whether within the C-3 Commercial District residential and commercial uses are allowed separately but simultaneously in the same building (i.e., "mixed use"), and if so, the conditions under which such mixed uses may occur. The Director interprets the C-3 Commercial District to allow for the use of residential units within a building in which commercial uses are also in operation. This interpretation is limited in scope and only addresses the residential-commercial mixed-use typology. Other types of mixed-use are not addressed by this interpretation.

I. The Authority and Discretion of the Director

Per Section 27-218(a), the "director of planning shall have authority to make all written interpretations concerning the provisions of these regulations and the official zoning map".

II. Facts of the Question

A. Applicable Zoning Code

1. *Allowed uses within commercial zoning districts.*

Residential uses are allowed in the C-1 Limited Business District by Section 27-464(b)(3)c, which states that allowed uses include "single-family [dwellings] under the R-1 requirements and two-family [dwellings] under the R-2 requirements". Residential uses under the same standards are allowed within the C-2 General Business District (via Section 466(b)(1), which allows for "any use permitted in the C-

1 [D]istrict”), and the C-3 Commercial District (via Section 27-467(b)(1), which allows for “any use permitted in the C-2 [D]istrict”).

2. *Reduced calculations of residential yards.*

Per Section 27-363(b), the “front, side and rear yard requirements for dwellings shall be waived where dwellings are erected above stores, shops, or industries”.

3. *Mixed-Use land use category within the City-Wide Comprehensive Plan.*

- a. *Definition of Mixed-Use land use category in the City-Wide Comprehensive Plan.* The City-Wide Comprehensive Plan of the Unified Government of Wyandotte County/Kansas City, Kansas includes ‘Mixed-Use’ among the categories on the Land Use Map. The City-Wide Comprehensive Plan defines the Mixed-Use land use category as “areas... ideal for integrating complimentary land uses such as retail, offices, small businesses and mixed-use residential” (page 35).
- b. *Allowed uses of the Mixed-Use land use category in the City-Wide Comprehensive Plan.* The City-Wide Comprehensive Plan identifies the following uses as allowed within the Mixed-Use land use category: “Specialty retail[;] Sit-down restaurants[;] Convenience retail uses such as banks, drug stores, etc. [;] Professional and office services[;] Institutional uses such as churches, schools, libraries, etc.[;] Parks, plazas and open space[; and, m]ixed-density residential uses” (page 35).
- c. *Discouraged uses of the Mixed-Use land use category in the City-Wide Comprehensive Plan.* The City-Wide Comprehensive Plan identifies the following uses as discouraged within the Mixed-Use land use category: “Industrial uses[;] Business parks[;] Drive-through restaurants[; and, c]ar lots” (page 35).
- d. *Additional instances of mixed uses in the City-Wide Comprehensive Plan.* The City-Wide Comprehensive Plan’s Mixed-Use Design Guidelines requires each development to have identifiable ‘people places’ for “residents, shoppers, workers and visitors to gather, interact and recreate” (page 43).

4. *Downtown Area Plan*

- a. *Definition of mixed-use land use category in the Downtown Area Plan.* The Downtown Area Plan includes “Downtown Mixed-Use”, “Neighborhood Mixed-Use”, “Urban Residential” among the categories defined by the Plan’s Land Use Framework Map. The Downtown Area Plan defines the Downtown Mixed-Use land use category as “[m]ulti-story buildings with commercial/retail uses at street level preferred, with office uses and some residential uses above” (page I-9). The Downtown Area Plan defines the Neighborhood Mixed-Use land use category as “[c]ommercial/retail and/or office uses at street level with residential and or office uses above” (page I-10). The Urban Residential land use category is defined as a higher-density residential area in an “urban format” (page I-11).
- b. *Allowed uses of the mixed-use land use categories in the Downtown Area Plan.* The Downtown Area Plan identifies “multi-story, mixed-use buildings” as an aspect of the character of the Downtown Mixed-Use land use category. In

furtherance of this character feature, Downtown Mixed-Use allows for “live/work units with commercial/retail on the first floor and residential above...if the work units on the first floor contribute to the commercial/retail nature of the block” (page I-9). Allowed uses of the Neighborhood Mixed-Use land use category include “live/work units with work space on the first floor and living space above” (page I-10). The Urban Residential land use category allows for “[l]ive/work units with commercial/retail/office on the first floor and residential above...at the corners of blocks[,]...if they do not deter from the residential character of the neighborhood” (page I-11).

- c. *Additional instances of mixed uses in the Downtown Area Plan.* Providing mixed-use development is identified in the Downtown Area Plan as a principle for successful places (page I-5).
5. *Mixed-Use land use category within the Northeast Area Plan.*
 - a. *Definition of mixed-use land use categories in the Northeast Area Plan.* The Northeast Area Plan includes ‘Neighborhood Mixed Use’ and ‘Gateway/Neighborhood Commercial Hub’ among the categories defined by the Plan’s future Land Use Map. The Northeast Area Plan defines the Neighborhood Mixed Use land use category as “generally designated along corridors that include a mix of single[-]family houses, apartment buildings, small commercial buildings, and mixed use buildings” (page 80). The Northeast Area Plan defines the Gateway/Neighborhood Commercial Hub as “a commercial district of medium[-]intensity commercial uses that serve the surrounding neighborhoods and.... are usually centered around a major intersection” (page 80).
 - b. *Allowed uses of the mixed-use land use categories in the Northeast Area Plan.* Mixed-use buildings, clarified in the Northeast Area Plan to refer to “apartments/office above retail/office” are one (1) of several allowed residential, commercial, and institutional uses allowed in the Neighborhood Mixed Use land use category (page 80). The same type of mixed-use buildings is also identified as an allowed use within the Gateway/Neighborhood Commercial Hub land use category.
 - c. *Additional instances of mixed uses in the Northeast Area Plan.* The Northeast Area Plan focuses on the industrial land around Parallel Parkway and 10th Street, among other areas, as a key area to transition from industrial to “mixed-use and residential districts” (page 79).
 6. *Mixed-Use land use category within the Central Area Plan.*
 - a. *Definition of Mixed-Use land use category in the Central Area Plan.* The Central Area Plan includes ‘Mixed-Use’ among the categories defined by the Land Use Map. The Central Area Plan defines the Mixed-Use Land Use category as “located at major intersections and within traditional neighborhood design (TND) developments” and “ideal for integrating complimentary land uses such as retail, offices, small businesses and mixed-use residential” (page 143).

- b. *Allowed uses of the Mixed-Use land use category in the Central Area Plan.* The Central Area Plan identifies the following uses as allowed within the Mixed-Use land use category: “Restaurants[;] Small and medium commercial[;] Professional and office services[;] Institutional... such as churches, schools, libraries, etc.[;] Mixed-density residential[; and p]arks, plazas and open space”.
 - c. *Additional instances of mixed uses in the Central Area Plan.* The Central Area Plan identified the vacant lot north of Bethany Park and the Medical Center as a “strategic site to bring more residential and mixed-use development that creates more density in the neighborhood” (page 75).
7. *Mixed-Use land use category within the Armourdale Area Plan.*
 - a. *Definition of Mixed-Use land use category in the Armourdale Area Plan.* The Future Land Use Map of the Armourdale Area Plan includes the Mixed-Use land use category.
 - b. *Allowed uses of the Mixed-Use land use category in the Armourdale Area Plan.* While the Mixed-Use land use category is not expressly defined by the Armourdale Area Plan, nor does the Area Plan include allowed uses, context from the entirety of the Armourdale Area Plan makes it clear that the most common type of mixed use anticipated in buildings and on private property is residential-commercial (see references to residential-commercial mixed use on pages 162, 172, 180, 192, 212, and 270). The Armourdale Area Plan explicitly deters residential-industrial mixed uses (see “Appendix 2: Economic Development Workshop Report”, page 346).
 - c. *Additional Instances of Mixed Uses Within the Armourdale Area Plan.* The Area Plan anticipates new mixed-use buildings along South 10th street from the end of the 10th Street Bridge to Kansas Avenue (see “10th Street, Argentine Boulevard and 12th Street Corridor Sub-Area: 10th Street – North” (page 180)” and along South 12th Street from both sides of the intersection with Argentine Boulevard to Cheyenne Custer Avenue (see “12th Street + Argentine Boulevard” map (page 179) and “12th Street and Argentine Boulevard 3-D Model Enlargement” (page 183)). The Armourdale Area Plan further acknowledges existing mixed-use buildings along Osage Avenue (see “Proposed Typical Osage Street Profile” (page 189)) and anticipates new mixed-use development (see “Osage Avenue Corridor - West and Central” map (page 190), “Osage Avenue Corridor - East” map (page 191), “Osage Avenue Corridor Sub-Area: Osage Avenue - East” (page 192), and “Osage Avenue - East - 3-D Model Enlargement (page 193)). Furthermore, the Plan focuses on increasing the “density and amount of mixed residential and commercial development along the [commercial] corridors” by refurbishing existing and constructing new mixed-use buildings (see “Strategy 3: Expand Corridor Infill and Adaptive Reuse Mixed-Use Development” (page 212)).
8. *Mixed-Use land use category within the Rosedale Area Plan.*
 - a. *Definition of Mixed-Use land use category in the Rosedale Area Plan.* The Rosedale Area Plan includes ‘Urban Core Mixed Use’, ‘Urban Mixed Use’, and ‘Creative and Industrial Mixed Use’, as well as a ‘Mixed-Use Corridor’, among the

categories defined by the Plan's Future Land Use Plan Map. The Rosedale Area Plan defines the Urban Core Mixed Use land use category as encouraging "[a]ctive uses... on the first floor[,],.... [which] are defined as retail, office, live/work units, or residential and must include entrances on the first floor and transparent windows" (page 75). The Rosedale Area Plan defines the Urban Mixed Use land use category as "designed to create a vibrant urban character" (page 75). The Rosedale Area Plan defines the Creative and Industrial Mixed Use land use category as "intended to promote a mix of low[-] and medium[-]intensity manufacturing uses alongside creative and artistic industries with potential for multifamily housing or live/work units" (page 76). The Rosedale Area Plan defines the Mixed Use Corridor land use category as "higher-intensity commercial and mixed-use corridors on Rosedale's major arterial roadways" (page 74).

- b. *Allowed uses of the mixed-use land use categories in the Rosedale Area Plan.* The following residential and retail/commercial uses allowed within the Urban Core Mixed Use land use category include the following: small apartment buildings of one (1) to three (3) stories, larger multi-family apartments, artisan studios, business and professional offices, health care offices, animals clinics, banks, employment agencies, dry cleaners, recreational wellness centers (i.e., salons, spas, and beauty parlors), pharmacies, self-service laundry, funeral homes/crematories, adult and child daycare, general retail, restaurants, grocery stores, taverns and liquor stores, convenience stores, small and large assembly halls, theatres, and hotels (*see* pages 79-82).

The following residential and retail/commercial uses allowed within the Urban Mixed Use land use category include the following: small apartment buildings of one (1) to three (3) stories, larger multi-family apartments, artisan studios, business and professional offices, health care offices, townhomes, animals clinics, banks, employment agencies, dry cleaners, recreational wellness centers (i.e., salons, spas, and beauty parlors), pharmacies, self-service laundry, funeral homes/crematories, adult and child daycare, general retail, restaurants, grocery stores, taverns and liquor stores, convenience stores, small and large assembly halls, theatres, and hotels (*see* pages 79-82).

The following residential and retail/commercial uses allowed in the Creative and Industrial Mixed Use land use category including the following: townhomes, small apartment buildings of one (1) to three (3) stories, larger multi-family apartments, artisan studios, business and professional offices; health care offices, hospitals, animals clinics, banks, employment agencies, dry cleaners recreational wellness (i.e., salons, spas, and beauty parlors), pharmacies, self-service laundry, funeral homes and crematories, adult and child daycare, general retail, large-scale retail or big box stores, restaurants, grocery stores, taverns and liquor stores, gas stations, convenience stores, small and large assembly halls, theatres, and hotels (*see* pages 79-82).

- c. *Additional instances of mixed uses within the Rosedale Area Plan.* The anticipation of mixed-use residential-commercial is demonstrated not only the uses allowed in the Urban Core Mixed Use, Urban Mixed Use, and Creative and Industrial Mixed Use by the Rosedale Area Plan land use categories, but is also demonstrated in the Rosedale Area Plan Urban Commercial Standard. These standards include a stipulation that “in mixed-use developments, [the standards] will apply only to the development’s commercial sections” (page 89).

The Rosedale Area Plan’s Housing Policies advocates for “allow[ing] home-based business on mixed[-]use and neighborhood corridors” and “explor[ing] options for special review and approval for home-based business in the interior of the neighborhoods. Home[-]based businesses should not interfere with parking of other residents or disrupt the normal day to day flow of traffic. Hours of operation should not interfere with the quiet peaceful enjoyment of other residents of the area” (page 102).

In a summary of findings, the Rosedale Area Plan cites national surveys that found a decline tolerance for long commutes, and that a “young workforce... is showing stronger preferences for transit access, good bicycle and pedestrian infrastructure, and mixed use urban environments” (page 156). The same surveys found that “Baby Boomers and empty nesters” are increasingly preferring to live in urban areas that feature a variety of retail, restaurants, offices, and services (*see also* page 156).

In an assessment of the current status and future growth of retail and commercial space, the Rosedale Area Plan identifies the need for more local and small-scale retail, and identifies flexible, ground-floor, mixed-use space as a means to accomplish the goal of attracting and retaining such businesses. The Plan also identifies locations along arterial roads—including designated Mixed Use Corridors—as the strongest retail locations (*see* page 180).

In an assessment of the development of housing trends and housing opportunities, the Rosedale Area Plan states that the “increase in housing demand that will likely come from the growth of KU Hospital and KU Med will support, in part, the increased density being proposed for the Urban Core Mixed Use and Urban Mixed Use areas in the Future Land Use Plan, including the University Town concept” (page 189).

B. Request for Interpretation

Sections 27-464(b)(3)c, 27-466(b)(1), and 27-467(b)(1) in the Zoning Code, and the various land use categories and strategies outlined in the city-wide and area plans, collectively draws a connection between single- and two-family residential uses and those use permitted in some commercial zoning districts.

Section 27-464(b)(3)c is the foundation from which all permitted single- and two-family residential uses within commercial zoning districts are established. The

language of said subsection states that residential uses must follow the standards of the R-1 or R-2 Districts, rather than the commercial district in which the subject building is located. While it is clear that this language allows a commercially zoned parcel to exclusively operate as if it were a residential zoned parcel, neither Section 27-464(b)(3)c nor any sections derived from it make it clear if a residential use may operate inclusively with a commercial use.

The City-Wide Comprehensive Plan and several area plans (Downtown, Northeast, Central, Armourdale, and Rosedale) all include one (1) or more land use categories intended to include both residential and commercial uses, either within the same building, on the same parcel, or within close proximity to each other. The City-Wide and several areas plans contain additional goals and recommendations related to increasing mixed-use buildings within the city or the respective neighborhoods. All current comprehensive plans have been written since 2007. In comparison, the core of the Zoning Code—and thus the zoning district regulations—were passed in 1988. The language of the 1988 Zoning Code is based on even older city zoning codes written in the post-World War II years when suburban development and separated uses were promoted at the expense of core cities and mixed-use buildings. In the intervening years there has been changes to zoning and land use policy, understanding of best practices, and public preferences that were not anticipated in 1988. Among these changes in public preference is the resurgent interest in using (or reusing) commercial buildings as live-work spaces or other types of mixed residential-commercial uses. The City-Wide and area comprehensive plans call, to varying degrees, for such mixed-use to exist; some language throughout the plans reads in such a way that one must assume the right to mixed-use buildings already does exist.

Therefore, this request for interpretation is to clarify the conditions under which mixed-use residential-commercial uses are allowed within the same building.

III. Interpretation of the Zoning Code

The interpretation requested requires an answer in two (2) parts. The first answer asserts that certain commercial zoning districts as defined in the Zoning Code of the Unified Government of Wyandotte County/Kansas City, Kansas allow for the separate but simultaneous operation of both residential and commercial uses (i.e., ‘mixed uses’) within the same building. The second answer asserts that such mixed-use operations shall only occur under specific conditions as dictated by a combination of the commercial zoning district in which the building in question lies, the comprehensive or area plan map in which the building in question lies, and the enumerated residential and commercial uses in operation within the building in question. The specific conditions are addressed in detail below.

The language of the Zoning Code and best planning practices both support mixed-use buildings within the C-3 Commercial District. The C-3 District is best suited for mixed uses because it allows for the greatest intensity of uses among all commercial zoning districts, and the requirements and anticipated externalities from such an allowed intensity exceed—

and therefore can accommodate—the requirements and anticipated externalities of a less-intense single- or two-family residential use.

A. Exclusively Residential Uses Allowed within Commercial Districts.

Residential uses are considered less intense than commercial uses, and less intense uses are typically allowed by right in more intense zoning districts. Commercial uses generally have a larger building massing, require more parking, attract greater amounts of pedestrian and vehicular traffic, and have more negative externalities—such as noise, smoke, visual appeal—than does a single- or two-family residential use. Residential uses effectively in constant operation, while commercial uses usually operate during ‘business hours’—8am or 9am until 5pm, and only Mondays through Fridays—and as a result residential uses are more likely to be affected by a commercial operation than a commercial operation would be affected by a residential operation. Therefore, residents of single- or two-family properties are more likely to self-regulate and avoid residential units within or close to commercial spaces, while the incentives for commercial uses to similarly avoid residential uses are non-existent. If, however, a residential use operates on a property zoned for commercial use, there are few public policy reasons to not allow such a use. As a result, single- and two-family residential uses are expressly allowed in the select commercial districts, including the C-3 District, under the standards of the R-1 Single-Family District and the R-2 Two-Family District, respectively. Therefore, residential uses are already anticipated in the C-3 District in both text and practice.

B. Residential-Commercial Mixed-Use Anticipated Through Yard Requirements.

The language of Section 27-363(b) offers further proof that the Zoning Code anticipates new mixed-use buildings. The Code creates a waiver of required yard area for “dwellings... erected above stores, shops, or industries”. Such a waiver is not necessary for addressing non-conforming buildings; non-conforming uses are addressed separately in Section 27-388 of the Zoning Code. Therefore, it is clear that the intention of Section 27-363(b) was to address the anticipated incongruity between the yard area requirements of a residential use and the yard area requirements of a commercial use when such uses are within the same building.

C. Residential-Commercial Mixed-Use Anticipated by Comprehensive and Area Plans.

1. The City-Wide Comprehensive Plan anticipates mixed-use as retail, services, offices, parks, and residential units all within close proximity to each other in a manner that accommodates shoppers, employees, patrons, and residents. All commercial uses anticipated by the City-Wide Comprehensive Plan’s Mixed-Use land use category are allowed in the C-3 Commercial District.
2. The Downtown Area Plan anticipates mixed-use buildings that are at least two (2) stories tall, with ground-floor commercial businesses that add to the commercial/retail nature of the block and residential units on the upper floor(s). The range of anticipated mixed uses is further expanded on corner lots, which may be specifically live-work spaces, in which the resident operates the ground-floor business or office space. As the only requirements of the commercial uses in a mixed-use building is that the businesses are compatible with other commercial uses and

not detract from the residential uses on the same block, and as residential uses are allowed in the C-1 Limited Business, C-2 General Business, and C-3 Commercial Districts, mixed-use buildings within the Downtown Area are anticipated to exist in the said commercial districts. The only limitation is the commercial uses within the building, which must be allowed by right, by special use permit, or by legal non-conforming status in the property's respective zoning district.

3. The Northeast Area Master Plan includes two (2) land use categories that anticipate and accommodate mixed residential-commercial uses: Neighborhood Mixed Use and Gateway/Neighborhood Commercial Hub. The Neighborhood Mixed Use land use category anticipates small commercial buildings, which can typically be accommodated by the C-1 Limited Business, C-2 General Business, or C-3 Commercial Districts. The Gateway/Neighborhood Commercial Hub land use category anticipates a medium-intensity commercial use, which would indicate that any mixed-use buildings would need to be located within the C-2 General Business or C-3 Commercial Districts in order for the zoning district to match the anticipated commercial uses.
4. The Central Area Plan identifies mixed-uses to be “located at major intersections *and* within traditional neighborhood design (TND) developments” (page 143) (*italics added for emphasis*). The use of the word ‘and’ creates two (2) distinct places where that mixed-use is anticipated—in the TND Traditional Neighborhood Design District, or at any major intersections. Therefore, the Central Area Plan anticipates mixed-use buildings at corner parcels abutting major intersections even if said parcels are not zoned TND. The Area Plan identifies restaurants, small and medium commercial spaces, and offices or other professional services as the uses allowed in the commercial portion of a mixed-use building. Office and professional uses are allowed in the C-O Nonretail Business District, but residential uses are prohibited in this district. The other identified commercial uses are all allowed in the C-1 Limited Business or the C-2 General Business Districts, which are districts in which residential uses are allowed. Therefore, mixed-use residential-commercial buildings are anticipated by the Central Area Plan to be in the C-1, C-2, or C-3 Districts, as determined by the most intense commercial use within the building.

The Central Area Plan recommends mixed-use development north of Bethany Park as a direct method to increase density in the neighborhood to support and promote local businesses, especially along Central Avenue. Such density and subsequent promotion of local businesses cannot be readily achieved without at least some of the development accommodating mixed-uses, furthering the reading of the Central Area Plan to anticipate, accommodate, and support mixed-use residential-commercial buildings.

5. The Armourdale Area Plan specifically identifies portions of South 10th Street, South 12th Street, and Osage Avenue as key locations for mixed-use development. The Armourdale Area Plan Future Land Use Map (page 293) identifies the north side of the Osage Avenue right-of-way from South Coy Street to the western side of South 12th Street as within the Mixed Use land use category; the south side of the Osage

Avenue right-of-way from South 7th Street Trafficway to the western side of South 12th Street is also designated Mixed Use.

6. The Rosedale Area Plan identifies three (3) land use categories in which mixed-use residential-commercial buildings are allowed, anticipates mixed-use residential-commercial development under the Area Plan's Urban Commercial Standards, and even advocates for home-based businesses as an allowed type of mixed use. Such mixed uses are not long-term aspirations. The Rosedale Area Plan—published in 2016—identifies two (2) linked issues that the neighborhood would face in the future. The first is the availability and affordability of housing. The second is the growth of online shopping and the related pressures facing small businesses and brick-and-mortar stores. Mixed-use development is held by the Area Plan as a necessary solution to both issues, and a solution which can be enacted immediately; unlike other recommendations that require future action items such as the redevelopment of the zoning code, the Area Plan does not identify any major actions by the Unified Government as necessary requisites for mixed-use residential-commercial buildings to operate.

IV. Interpreted Standards for the Eligibility and Requirements for Mixed-Use Buildings

- A. Under this interpretation, mixed uses or a mixed-use building are defined as follows:
 1. Both separate commercial and residential uses on the same parcel and within the same building.
 2. Residential-commercial mixed uses must be arranged vertically. The division of commercial and residential uses must be divided by the ceiling of the front street-facing story.
 - a. Uses on the first story or ground floor may include any combination of retail, office, or professional services uses. Residential uses are not allowed on this floor.
 - b. Uses on the second story and above must have a residential use on at least one (1) such story, with office or inventory, or services allowed on the same story as any residential use(s).
 3. All other district regulations that do not effectively prohibit the operation of on-site residential uses apply to the entire building.
 4. Residential uses include short-term rentals of residential units. A short-term rental may be the sole residential use within a mixed-use building, subject to the short-term regulations. All other short-term regulations apply.
- B. This interpretation addresses only the residential-commercial mixed-use typology. Other types of mixed-use (i.e., commercial-office or industrial-commercial) are not addressed by this interpretation. Under this interpretation, the following do not qualify as mixed use or mixed-use buildings:
 - a. Any parcel or building with any industrial use(s) (defined as any use allowed in the M-1, M-2, M-3, or B-P Districts that are not allowed in the C-3 District); or,

- b. Residential and commercial uses both located on the first story or ground floor of a building; or,
 - c. Residential and commercial uses located with separate or detached buildings within the same parcel or lot.
- C. Nothing in this interpretation is intended to be contrary to the prohibition on conversions from a building designed and constructed for residential use to a building intended for commercial use found in Section 27-467(i).
- D. Mixed-use buildings are allowed in the C-3 Commercial District under the following conditions.
 - 1. *General conditions.* The following conditions apply to all mixed-use residential - commercial buildings, regardless of any area plan-specific conditions that may also be imposed:
 - a. For two (2) or more separate uses within the same building, all requirements of Section 27-671 must be met, including the requirement to provide parking spaces equal to the sum total of all minimum parking spaces required by each use separately unless reduced by the City Planning Commission upon demonstration of non-overlapping hours of peak parking for each separate use; and,
 - b. All other applicable parking requirements under Article VIII, Division 9 of the Zoning Code must be met; and,
 - c. All landscaping requirements for the C-3 Commercial District must be met, including any additional landscaping required by an applicable overlay district as defined by Article VIII, Division 5 for the Zoning Code, except that any landscaping requirement for the applicable residential use that is more restrictive than the equivalent landscaping requirement in the C-3 District.
 - 2. *Comprehensive and area plan conditions.* All mixed-use residential-commercial buildings are subject to additional requirements under their respective area plans. Any mixed-use building within a property that is not subject to an area plan or is subject to an area not identified within this interpretation is instead subject to any and all requirements under the City-Wide Comprehensive Plan.
 - a. *Within the City-Wide Comprehensive Plan.* Mixed-use residential-commercial is allowed within the City-Wide Comprehensive Plan for any residential use and with any commercial use i) anticipated by the Mixed-Use land use category and ii) allowed by right or by special use permit in the C-3/CP-3 District.
 - b. *Within the Downtown Area Plan.*
 - i. Mixed-use residential-commercial is allowed within the Downtown Area Plan for any residential use and for any commercial use that i) is anticipated by the Downtown Mixed-Use land use category, ii) is allowed by right or by special use permit in the C-3/CP-3 District, and iii) includes either businesses on the first story/ground floor that that “contribute to the commercial/retail nature of the block” or office space above the first story/ground floor.

- ii. Mixed-use residential-commercial is allowed within the Downtown Area Plan for any residential use and for any commercial use is i) anticipated by the Neighborhood Mixed-Use land use category, ii) allowed by right or by special use permit in the C-3/CP-3 District, and iii) is a live-work space.
 - iii. Mixed-use residential-commercial is allowed within the Downtown Area Plan for any residential use and for any commercial use is i) anticipated by the Urban Residential land use category, ii) allowed by right or by special use permit in the C-3/CP-3 District, and iii) is a live-work space, and iv) such commercial uses do not “deter from the residential character of the neighborhood”.
- c. *Within the Northeast Area Plan.*
- i. Mixed-use residential-commercial is allowed within the Northeast Area Plan for any residential use and for any commercial use that is i) anticipated by the Neighborhood Mixed Use land use category and ii) allowed by right or by special use permit in the C-3/CP-3 District.
 - ii. Mixed-use residential-commercial, with any use that is i) anticipated by the Gateway/Neighborhood Commercial Hub land use category and ii) allowed by right or by special use permit in the C-3/CP-3 District.
- d. *Within the Central Area Plan.* Mixed-use residential-commercial is allowed within the Central Area Plan for any residential use and for any commercial use that is i) anticipated by the Mixed-Use land use category and ii) allowed by right or by special use permit in the C-3/CP-3 District.
- e. *Within the Armourdale Area Plan.* Mixed-use residential-commercial is allowed within the Armourdale Area Plan for any residential and for any commercial use i) anticipated by the Mixed-Use land use category and ii) allowed by right or by special use permit in the C-3/CP-3 District.
- f. *Within the Rosedale Area Plan.*
- i. Mixed-use residential-commercial is allowed within the Rosedale Area Plan for any residential use and for any commercial use i) either anticipated by the Urban Core Mixed Use land use category or along a Mixed Use Corridor, ii) allowed by right or by special use permit in the C-3/CP-3 District, iii) that has first story/ground floor entrances, and iv) that has transparent windows on the first story/ground floor.
 - ii. Mixed-use residential-commercial is allowed within the Rosedale Area Plan for any residential use and for any commercial use i) either anticipated by the Urban Mixed Use land use category or along a Mixed Use Corridor, ii) allowed by right or by special use permit in the C-3/CP-3 District, and iii) which creates a “vibrant urban character”.
 - iii. Mixed-use residential-commercial is allowed within the Rosedale Area Plan for any residential use and for any commercial use i) either anticipated by the Creative and Industrial Mixed Use land use category or along a Mixed Use

Corridor, ii) allowed by right or by special use permit in the C-3/CP-3 District.