

## ARTICLE 17

### MIXED USE DISTRICTS (MU)

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#### SECTION 17-1 INTENT

**17-101.** It is the intent of the MU Districts to encourage a compatible mixed use environment, utilizing the character of a particular area. This Article provides for two mixed use districts: (1) the m Mixed Use/Residential Commercial District (MU/RC), and (2) the Mixed Use/Commercial-Industrial District ( MU/CI).

- a. The MU/RC District facilitates compatible mixed use activity within a residential neighborhood. The district includes a balance of compatible residential, office, civic, and neighborhood commercial retail/service uses of low to moderate intensity that complement and support neighborhood residential areas and pedestrian usage with quality urban design. The objectives of the MU/RC District include:
  - 1. Retention and attraction of businesses, workplaces and residences through adaptive reuse and rehabilitation of existing buildings; and
  - 2. Redeveloping vacant and under-utilized properties through appropriately scaled in-fill development; and
  - 3. High quality development and urban design standards that maintain a sense of history, human scale, and pedestrian-orientation.
- b. The MU/CI District facilitates the mixture of certain commercial and light industrial uses within appropriate area. The district includes a balance of compatible commercial retail/service uses with light industrial uses in such a way as to accommodate the creative development and use of property without exposing the public to the dangers sometimes attributable to industrial uses. The objectives of the MU/CI district include:
  - 1. Retention and attraction of businesses and certain industrial activities through adaptive reuse and rehabilitation of existing buildings; and
  - 2. Redeveloping vacant and under-utilized properties by in-fill development.

**17-102. Applicability of Mixed Use Districts.** The MU District shall only be permitted on an area that merits special design considerations, involving a variety of property owners and uses within a developed urban environment. The MU District shall be sufficiently cohesive and substantial to achieve objectives identified in the City’s comprehensive plan.

**SECTION 17-2 PERMITTED AND CONDITIONAL USES: MU/RC DISTRICT**

**17-201.** In the MU/RC District no buildings, land or premises shall be used and no building or structure shall be hereafter erected or altered unless otherwise provided for in these regulations, except for the following uses:

- a. Permitted Uses.
  - 1. Any use permitted in the R-2 or R-3 zoning districts.
    - a. Except schools would be a conditional use.
  - 2. Any use permitted in the C-1 or C-2 zoning districts.
- b. Conditional uses.
  - 1. Any use allowed as a conditional use in the R-2 or R-3 zoning districts.
  - 2. Any use allowed as a conditional use in the C-1 or C-2 zoning districts.

**SECTION 17-3 PERMITTED AND CONDITIONAL USES: MU/CI DISTRICT**

**17-301.** In the MU/CI District no buildings, land or premises shall be used and no building or structure shall be hereafter erected or altered unless otherwise provided for in these regulations, except for the following uses:

- a. Permitted uses.
  - 1. Any use permitted in the C-3 zoning district.
  - 2. Any use permitted in the I-1 zoning district, except Bottling works, Dry cleaning and/or laundry plants, Offices and service yards for the Kansas Department of Transportation, Truck wash establishments, and Truck and rail terminals.
- b. Conditional uses.
  - 1. Any use allowed as a conditional use in the C-3 zoning district.
  - 2. Any use allowed as a conditional use in the I-1 zoning district.

**SECTION 17-4 HOME OCCUPATIONS**

**17-401.** Regulations relating to home occupations in the MU/RC District for permitted uses and conditional uses which are allowed under the R-1 zoning district regulations shall be the same as those for the R-1 zoning district, as set out in Article 23.

### **SECTION 17-5 ACCESSORY USES**

**17-501.** Regulations relating to accessory uses in the MU/RC and MU/CI Districts are set out in Article 24.

### **SECTION 17-6 HEIGHT AND YARD REGULATIONS; DESIGN STANDARDS**

**17-601.** No building in the MU/RC and MU/CI Districts shall exceed thirty-five (35) feet in height, except as otherwise provided in Article 24.

**17-602.**

- a. Front yard.
  - 1. Front yards on arterial and collector streets and unplatted tracts on local streets shall conform with the provisions of Article 24.
  - 2. There shall be a front yard having a depth of not less than thirty (30) feet or the established building line as defined in Article 2.
  - 3. No accessory building shall project beyond the front building setback line of any lot.

**17-603. Side yard.** Except as otherwise provided in Article 24, there shall be a side yard of not less than eight (8) feet on each side of a building.

**17-604. Rear yard.** Except as otherwise required in Article 24 there shall be a rear yard having a depth of not less than thirty (30) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

**17-605. Design Standards: MU/RC District.** All new development, including permitted commercial, office, institutional, residential uses, or combination thereof, or change of uses with exterior modifications shall be consistent with the following design standards:

- a. *Setbacks, massing, and form* – Minimize building setbacks within neighborhood or downtown district settings so as to reflect and align with existing setbacks of buildings on the block or facing block. Massing and form of building shall also be compatible with buildings on block, facing block, or neighborhood.
- b. *Building types* – Permitted building types shall include a rear yard building that occupies the front of its lot at full width, a side yard building that occupies one side of the lot at full depth, or a courtyard building that occupies all or most of the edges of its lot while internally defining one or more private spaces.

- c. *Parking lots* – Parking lots shall not dominate the frontage of pedestrian-oriented and image streets or conflict with pedestrian crossings. No parking space shall be closer to the primary frontage street than the building.
- d. *Facades* – Blank walls in excess of fifty (50) feet shall be avoided. Buildings with multiple storefronts should be unified in character and compatible with any upper floors.
- e. *Outdoor activity* – Buildings should accommodate outdoor activity with balconies, arcades, terraces, decks and courtyards for patrons', residents', or workers' interaction to the extent reasonably feasible.
- f. *Outdoor cafes* – Restaurants should be encouraged to operate outdoor cafes on sidewalks, within buildings setbacks or courtyard provided that pedestrian circulation and access to store entrances is not impaired, the space is well-kept, and street furniture/coverings are compatible with architectural character of the building/block.
- g. *Pedestrian circulation* – Adequate pedestrian circulation must be maintained at all times. Pedestrian linkages between parking lots, alleys, parks, and the street or building fronts shall be provided for within the public right-of-way or by dedicated easement.
- h. *Transition yards and landscaping* – Where a commercial lot abuts a residential use, a landscaped yard consisting of, but not limited to, trees, vegetation, wood fencing, landscaped earthen berm, or other plantings shall be provided for as a visual buffer that creates spatial separation. Front yard setback areas shall be landscaped.
- i. *Open storage* – Any open storage visible from the street, adjacent to residential uses shall be screened to substantially reduce visual impact by fencing, landscaping, or other appropriate means.
- j. The Zoning Administrator may waive any of the above-listed design standards if he or she determines it to be unnecessary to the scope and nature of the proposed development.

**17-606. Design Standards: MU/CI District.** All new development, including permitted commercial, office, or industrial uses, or combination thereof, shall be consistent with the following design standards:

- a. *Building types* – Permitted building types shall include a rear yard building that occupies the front of its lot at full width, a side yard building that occupies one side of the lot at full width, or a courtyard building that occupies all or most of the edges of its lot while internally defining one or more private spaces.
- b. *Transition yards and landscaping* --- Where a commercial lot abuts a residential use, a landscaped yard consisting of, but not limited to, trees, vegetation, wood fencing, landscaped earthen berm, or other plants shall be provided for as a visual buffer that creates spatial separation. Front yard setback areas shall be landscaped.
- c. *Open storage* – Any open storage visible from the street, or adjacent to residential uses shall be screened to substantially reduce visual impact by fencing, landscaping, or other appropriate means. No outdoor storage shall be allowed forward of the front building line or in a required front yard.

- d. *Bulk* – Warehouses and storage houses shall be limited to no more than 10,000 square feet of gross floor area per building lot.
- e. The Zoning Administrator may waive any of the above-listed design standards if he or she determines it to be unnecessary to the scope and nature of the proposed development.

### **SECTION 17-7 SIGN REGULATIONS**

**17-701.** Sign regulations for the MU/RC and MU/CI Districts are set out in Article 27.

### **SECTION 17-8 PARKING REGULATIONS**

**17-801.** Parking regulations for the MU/RC and MU/CI Districts are as follows:

- a. Residential dwellings: One space per dwelling unit.
- b. Private clubs, drinking establishments, and restaurants with fifty (50) percent of gross income in food sales: One space per four occupants permitted.
- c. Private clubs, drinking establishments, and restaurants with fifty (50) percent of gross income in alcohol or cereal malt beverage sales: One space per three (3) occupants permitted.
- d. Retail and office uses: One space per three hundred (300) square feet of floor area.
- e. All other uses not specified shall be consistent with Article 22.
- f. Minimum off-street parking requirements for uses within the MU/RC and MU/CI Districts may be exempted by the Zoning Administrator for any change of use or expansion of an existing building provided adequate off-street or on-street parking can be demonstrated, and such exemption does not impose an unreasonable hardship on a residential neighborhood.
- g. A maximum number of off-street parking spaces for a particular use may be imposed by the Zoning Administrator to conserve open space, or to prevent unnecessary demolition of buildings and damage to the historic integrity of a district.

### **SECTION 17-9 MINIMUM DISTRICT SIZE**

**17-901.** No area shall be zoned as MU/RC or MU/CI Districts, unless it comprises an entire city block or three (3) acres, whichever is the lesser.