



Planning and Development Services Department

## Code Interpretation

**Subject:** Classification of Mixed-Use buildings with residential components

**Date:** March 10, 2021

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### **Code Sections Impacted:**

Chapter 144, 1.4 – Definitions.

Chapter 144, 3.3-8. “C-2” general business district.

Subsection (b)(1) Non-residential uses.

Chapter 144, 3.3-9. “C-3” commercial district

Subsection (b)(1) Non-residential uses.

Chapter 144, 3.3-10. “C-4” resort commercial district

Subsection (b)(2) Non-residential.

Chapter 144, 3.4-10. “MU-A” low intensity mixed use district

Subsection (a) Authorized uses.

Chapter 144, 3.4-11. “MU-B” high intensity mixed use district

Subsection (b)(1) Non-residential uses.

Chapter 144, 3.4-14. “C-2A” central business district

Subsection (b)(1) Non-residential uses.

Chapter 144, 3.4-15. “C-4A” resort commercial district

Subsection (b)(1) Non-residential uses.

The classification of uses listed in these districts do not sufficiently address mixed-use developments as the code does not include development standards that are explicitly set for mixed-use development.

### **Proposal:**

Mixed-Use buildings that include a mix of non-residential and multi-family/residential uses shall be classified as non-residential buildings.

### **Analysis:**

Mixed-use buildings, typically those that employ a mix of multi-family and non-residential uses are becoming increasingly common. Typically, these buildings are composed of ground-floor retail, service or other non-residential use with residential/multi-family uses relegated to the upper levels.

Although the existing code does not explicitly reference such mixed-use buildings, it does state that “residential use in buildings with the following non-residential uses” is permitted by right. A full schedule

of those non-residential uses is available in each respective district. The inclusion of this right suggests that the presence of residential/multi-family uses within non-residential buildings does relieve such developments from meeting the residential use standards and the non-residential nature of such development takes regulatory precedence to residential (including multi-family) uses within such non-residential structures.

**Interpretation:**

Given the reference to “residential use in buildings with the following non-residential uses,” the Planning and Development Services Director finds that the intent of the existing regulation was to classify mixed-use buildings as non-residential uses and as such, non-residential standards shall apply to such buildings.

**Recommended Code Amendment:**

Add the following definition of mixed use to Section 144-1.4.

*Mixed-use* means the development of a tract of land or building or structure with two or more different uses such as but not limited to residential, office, retail, public, or entertainment in a compact urban form.

Add *mixed-use* to be subject to current non-residential development standards in the relevant zoning districts, sections listed above.



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Director, Planning and Development Services