

Chapter 2.5: Mixed Use Zoning District

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2.501 Purposes

The purposes of the Mixed Use Zoning District are to:

- A. Implement the policies and goals of the Comprehensive Plan and redevelopment plans of the City.
- B. Create complete neighborhoods with a range of uses and activities.
- C. Integrate new development into existing neighborhoods.
- D. Establish high quality design in new development and redevelopment.
- E. Create inviting, coherent and consistent street spaces.

2.502 Applicability

The provisions of this chapter shall apply to existing development and new projects located within areas designated for mixed use in the Comprehensive Plan and zoned as Mixed Use.

2.503 Land Use Regulations

- A. **Regulations.** Table 2.503: Land Use Regulations – Mixed Use District sets forth the land use regulations for the Mixed Use district. The regulations are established by letter designations as follows:

"P" designates permitted uses.

"L" designates uses that are permitted subject to certain limitations. Number designations refer to the limitations listed at the bottom of Table 2.503: Land Use Regulations – Mixed Use District.

"T" designates uses that are permitted to be conducted for a temporary period of time. Time limitations are listed in Table 4.509: Temporary Uses.

"A" designates uses that require an Administrative Use Permit pursuant to Chapter 5.4: Use Permits.

"C" designates uses that require a Conditional Use Permit pursuant to Chapter 5.4: Use Permits.

B. **Unlisted Uses.** Uses are defined in Chapter 6: Use Definitions. If a proposed use is not listed in the Use Definitions, the Planning and Zoning Officer shall determine if the proposed use is substantially similar to a permitted use; in that event, the Planning and Zoning Officer shall assign the proposed use to a permitted use definition.

C. **Prohibited Uses.** Uses not listed in Table 2.504: Land Use Regulations – Mixed Use District below or not assigned to a Use Definition pursuant to Section 2.503B: Unlisted Uses, are prohibited.

D. **Additional Use and Development Regulations.** Additional use and development regulations for the Mixed Use District are set forth in Section 2.505: Additional Use and Development Regulations.

Use Classification	MU	Additional Regulations
Amplified Artistic Performance	P, L6	
Animal Service		
Animal Grooming	P	
Small Animal Clinics	P	
Automated Teller Machine (ATM)	P	
Banks and Other Financial Institutions		
Without Drive Through Facilities	P	
With Drive Through Facilities	--	
Banquet Facility	C	
Brewery	C	
Brewpub	P	
Business Services	P	
Carnival	T	See Section 4.509
Child Care Facility	P	
Clubs and Lodges	C, LI	
Colleges, Public or Private	C	
Congregate Living Facility	P	
Cultural Institutions	P	
Dry Cleaning and Laundry Outlet	P	
Eating and Drinking Establishments		
Bars/Taverns/Nightclubs/Lounges	P	
Restaurants, Full Service	P	
Restaurants, Limited Service	P, L2	
Entertainment and Recreation, Indoor		
Small-Scale	P	
Large-Scale	C	
Farmers' Market	T	See Section 4.509

<i>Table 2.503 Land Use Regulations – Mixed Use</i>		
Use Classification	MU	Additional Regulations
Food Preparation <i>Small Scale</i>	P, L4	
Fortune Telling Business	C	
Government Offices and Facilities	P	
Haunted House	T	See Section 4.509
Health Care Facilities <i>Urgent Care Facility</i> <i>Medical Offices and Facilities</i>	P P	
Hospice	P	
Hotels and Commercial Lodging	C	
Instructional Services, Specialized	P	
Laboratories, Commercial	P	
Laundry Services	P	
Mail Order, Catalog or Internet Sales	P, L4	
Maintenance and Repair Services	C	
Manufacturing and Assembly <i>Artisan</i>	P, L5	
Massage Establishment	C	
Media Studio	P	
Offices, General	P	
Over-The-Air-Reception Device	P	See Chapter 4.8
Personal Services	P	
Public Safety Facilities	P	
Religious Assembly	C, LI	
Residential Permanent <i>Loft Unit</i> <i>Multi-Family</i>	P P	
Retail Sales, Convenience	C	
Retail Sales, Furniture	P	
Retail Sales, General	P	
Satellite Dish Antenna, Large	P, L3	See Chapter 4.8
Schools, Public or Private	P	
Seasonal Sales	T	See Section 4.509
Senior Housing	P	
Shelter Care Facility	C	
Smoking Lounge	C	
Swap Meet, Flea Market and Auction, Indoor	C	
Swap Meet, Flea Market and Auction, Outdoor	T	
Tattoo Parlor / Piercing Studio	P	
Teen Nightclub	C	
Utilities <i>Customer Service Center</i> <i>Facilities</i> <i>Well Sites</i>	P P P	
Vehicle and Equipment Sales, Leasing and Services <i>Fueling Facility, Alternative</i>	A	See Section 4.512
Wireless Communication Facility	C	
L1: Use is not permitted in existing commercial structures		
L2: Drive-through restaurants are not permitted		

Use Classification	MU	Additional Regulations
L3: Only as a use incidental to the principal use of the property		
L4: Less than 2,500 square feet		
L5: Permitted in conjunction with retail sales of products produced on the premises		
L6: Accessory Use to an established use		

2.504 Site Development Regulations

Table 2.504: Site Development Regulations – Mixed Use District sets forth the site development regulations for the Mixed Use District, which are in addition to the development regulations set forth in Section 2.505: Additional Use and Development Regulations and Chapter 4. Letter designations in the *Additional Regulations* column refer to regulations that follow Table 2.504: Site Development Regulations – Mixed Use District.

Standards	MU	Additional Regulations
Minimum Lot Area	1 acre	
Maximum Building Height (ft.)/(stories)	50/4	
Minimum Building Height (ft.)	20	
Building Step-back	Yes	(A)
Minimum Building Height (stories)	2	Does not apply to accessory structures
Maximum Building Setback (ft.)		
<i>Front</i>	10	
<i>Side (Corner)</i>	10	
Minimum Building Setback (ft.)		
<i>Side (Interior)</i>	0	
<i>Rear (Nonresidential)</i>	0	
<i>Rear (Residential)</i>	10	(B)
Minimum Parking Setback from Streets (ft.)	10	
Separation between Buildings (ft.)	0	If provided, minimum 10 ft.
Building Setback to Parking (ft.)	10	See Section 4.203.N
Exterior Lighting Standards, Maximum height (ft.)	15	See 4.2011.B.3
(A) Building Step-back. A building step-back of ten feet for those portions of the building above 3 stories or 35 feet is required.		
(B) Rear (Residential). Applies to adjacent properties that have a residential use.		

2.505 Additional Use and Development Regulations

- A. **Use Mix.** Each project shall have a minimum of 25 percent of the first floor square footage adjacent to a public street in retail, entertainment or eating and drinking use. A minimum of 10 percent of the total square footage of each project shall be nonresidential use.

- B. **Transparency.** All structures adjacent to public streets shall have a minimum percentage of their length comprised of vision glass, including both window and door openings. The following transparency requirements shall apply:
1. **First Floor Front Elevation.** Front elevations shall have a minimum transparency of:
 - a. Residential. 30 percent.
 - b. Non-residential. 50 percent. The glass area shall remain 75% unobstructed from at least 24 inches above grade to 7 feet above grade, by signs, paper, blinds or other opaque window covering, except for temporary sun protection.
 2. **First Floor Corner Side Elevations.** Corner side elevations shall have a minimum of 30 percent of their length comprised of vision glass.
 3. **Elevations above the First Floor.** Street elevations above the first floor shall have a minimum of 30 percent of their length comprised of vision glass.
 4. **Historic Structures.** Notwithstanding the above provisions, landmarked buildings or buildings classified as Significant or Contributing in the *City of Batavia Historic Preservation Listing* shall continue their historic pattern and form of window and door openings.
- C. **Entrances.** Buildings shall have a minimum of one pedestrian entrance every 50 feet on elevations facing public streets. Entrances shall be functional and business entrances shall remain unlocked during regular business hours.
- D. **Accessory Structures.** Accessory structures shall comply with the following regulations:
1. **Establishment.** An accessory structure shall not be constructed prior to construction of a principal structure.
 2. **Location.** Accessory structures may be located:
 - a. Within the building envelope.
 - b. Within a required interior side or rear setback, but not within a required front or street side setback area.
 3. **Maximum Height.** The maximum height shall be 15 feet.

4. **Separation.** Accessory structures shall be separated from principal structures and other accessory structures by a minimum of 10 feet, measured from the exterior walls.

- E. **Parking.** Other than in a parking structure, the maximum number of parking spaces in a parking field shall be 20. Parking fields shall be separated by a building, street, or landscape area a minimum of 20 feet in width.

- F. **Open Space.** Any new project, other than reuse of an existing structure, shall provide a minimum of 10 percent of net lot area in open space.

- G. **Block Length.** The maximum length of any block shall be 600 feet.

- H. **Outdoor Dining Areas.** Uncovered outdoor dining areas are permitted within the required setback areas adjacent to street frontages, no closer than 10 feet from the property line. Permanent installations shall require Administrative Design Review approval.