

Chapter 2.4: Downtown Mixed Use Zoning District

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2.401 Purposes

The purposes of the Downtown Mixed Use Zoning District are to:

- A. Implement the policies and goals of the Comprehensive Plan and redevelopment plans of the City.
- B. Protect the historic character of the downtown area and promote continuity of that character in new development.
- C. Strengthen the pedestrian environment of the downtown area.
- D. Create an economically vital and diverse downtown.
- E. Expand housing opportunities in the downtown.
- F. Establish high quality architecture in new development and redevelopment.
- G. Create coherent and consistent street spaces.
- H. Insure that downtown off-street parking enhances and complements the historic character of the area.

2.402 Applicability

The provisions of this Chapter shall apply to existing development and new projects located wholly or partially within the Downtown Mixed Use Zoning District.

2.403 Land Use Regulations

- A. **Regulations.** Table 2.403: Land Use Regulations – Downtown Mixed Use District sets forth the land use regulations for the Downtown 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 2.403: Land Use Regulations – Downtown 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: Glossary. If a proposed use is not listed in the Glossary, 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 2.403: Land Use Regulations – Downtown Mixed Use District below or not assigned to a Use Definition pursuant to Section 2.403.B: Unlisted Uses, are prohibited.
- D. **Additional Use and Development Regulations.** Additional use and development regulations for the Downtown Mixed Use District are set forth in Section 2.405: Additional Use and Development Regulations.

Table 2.403 Land Use Regulations – Downtown Mixed Use		
Use Classification	DMU	Additional Regulations
Amplified Artistic Performance	P, L8	
Animal Services		
<i>Animal Grooming</i>	P	
<i>Small Animal Clinics</i>	P	
Automated Teller Machine (ATM)	P	
Banks and Other Financial Institutions		
<i>Without Drive Through Facilities</i>	P	
<i>With Drive Through Facilities</i>	C	
Banquet Facility	C	
Bed and Breakfast Home	A, L12	See Section 2.405.H and Title 3-11
Brewpub	P	
Building Material and Home Improvement Sales and Service, Retail	P, L1	
Business Services	P	
Carnival	T	See Section: 4.509
Child Care Facility	P	
Conference Center	C	
Congregate Living Facility	P	
Clubs and Lodges	C, L2	
Cultural Institutions	P	
Dry Cleaning and Laundry Outlet	P	
Eating and Drinking Establishments		
<i>Bars/Taverns/Nightclubs/Lounges</i>	P	
<i>Restaurants, Full Service</i>	P	
<i>Restaurants, Limited Service</i>	P, L4	

Table 2.403 Land Use Regulations – Downtown Mixed Use		
Use Classification	DMU	Additional Regulations
Entertainment and Recreation, Indoor		
<i>Small-Scale</i>	P	
<i>Large-Scale</i>	C	
Entertainment and Recreation, Outdoor	P, L5	
Farmers' Market	T	See Section 4.509
Food Preparation		
<i>Small-Scale</i>	P, L7	
Fortune Telling Business	C	
Funeral and Undertaking Services	C	
Garden Supply Stores and Plant Nurseries	P, L7	
Government Offices and Facilities	P	
Group Home	P	
Haunted House	T	See Section 4.509
Health Care Facilities		
<i>Urgent Care Facility</i>	P	
<i>Medical Offices and Clinics</i>	P	
Hospice	P	
Hotels and Commercial Lodging	C	
Instructional Services, Specialized	P	
Laundry Services	P	
Mail Order Catalog or Internet Sales	P, L7	
Maintenance and Repair Services	C	
Manufacturing and Assembly		
<i>Artisan</i>	P, L6	
Massage Establishment	C	
Media Studio	P	
Offices, General	P	
Over-The-Air Reception Device	P	See Section 4.8
Parking Facilities	P	
Personal Services	P	
Public Safety Facilities	P	
Religious Assembly	C, L2	
Residential, Permanent		
<i>Loft Unit</i>	P	
<i>Multi-Family</i>	P	
Retail Sales, Convenience	C	
Retail Sales, Furniture	P	
Retail Sales, General	P	
Satellite Dish Antenna, Large	P, L3	See Chapter 4.8
Seasonal Sales	T	See Section 4.509
Senior Housing	P	
Shelter Care Facility	C	
Shelter Care Facility, Homeless	C	
Smoking Lounge	C, L9	
Swap Meet, Flea Market and Auction, Indoor	C	
Swap Meet and Auction, Outdoor	T	
Tattoo Parlor / Piercing Studio	C	See Title 4-9-1
Teen Nightclub	C	
Utilities		
Facilities	A	
Well Site	A	
Vehicle and Equipment Sales, Leasing and Services		
<i>Car Wash</i>	C	See Section 4.512
<i>Fueling Facility</i>	C	
<i>Fueling Facility, Alternative</i>	A	
<i>Motor Vehicle Sales and Leasing, New and Used – Internet Based</i>	C, L11	

Table 2.403 Land Use Regulations – Downtown Mixed Use		
Use Classification	DMU	Additional Regulations
Vehicle and Equipment Sales, Leasing and Services		
<i>Non-Commercial Vehicle Rental</i>	C	
<i>Tent Sale, Vehicle</i>	T	See Section 4.509
<i>Vehicle and Equipment Services, Light</i>	C	
Video Gaming Establishment	C, L10	See City Code Title 3, Chapter 26
Wireless Communication Facilities	C	
L1:	Permitted less than 5,000 square feet; Conditional Use over 5,000 square feet	
L2:	Conditional Use. Use is not permitted in existing commercial structures	
L3:	Only as a use incidental to the principal use of the property	
L4:	Drive-through restaurants require a Conditional Use Permit	
L5:	Outdoor motorized recreation facilities are prohibited.	
L6:	Permitted in conjunction with retail sales of products produced on the premises	
L7:	Less than 2,500 square feet	
L8:	Accessory Use to an established use	
L9:	Use must be located in a free-standing building without other occupancies	
L10:	Conditional Use Permit is required for either a principal or accessory/incidental use.	
L11:	Inventory or potential inventory vehicles parked, displayed, stored, or kept on the property is prohibited.	
L12:	Only in structures that are Single Family, Detached and Single Family Attached (Duplex), as defined in Chapter 6: Glossary.	

2.404 Site Development Regulations

Table 2.404: Site Development Regulations –Downtown Mixed Use District sets forth the site development regulations for the Downtown Mixed Use district, which are in addition to the development regulations set forth in Section 2.405: Additional Use and Development Regulations and Chapter 4. Letter designations in the *Additional Regulations* column refer to regulations that follow Table 2.404: Site Development Regulations – Downtown Mixed Use District.

Table 2.404 Site Development Regulations – Downtown Mixed Use District		
Standards	DMU	Additional Regulations
Minimum Lot Area	None	
Maximum Building Height (ft.)	50	See Chapter 3.4
Minimum Building Height (ft.)	20	
Maximum Building Setback (ft.)		
<i>Front</i>	10	
<i>Side (Corner)</i>	10	
Minimum Building Setback (ft.)		
<i>Side (Interior)</i>	0	
<i>Rear</i>	0	
Minimum Parking Setback from Streets (ft.)	10	
Separation between Buildings(ft.)	0 / 5	
Building Setback to Parking (ft.)	10	See Section 4.203.N
Exterior Lighting Standards, Maximum Height (ft.)	15	See Chapter 4.211.B.3

2.405 Additional Use and Development Regulations

- A. **Transparency.** All principal structures, other than religious institutions, adjacent to public streets shall have a minimum percentage of their length comprised of vision glass, from at least 24 inches above grade to 7 feet above grade, including

both window and door openings. The following transparency requirements shall apply:

1. *Non-Residential*
 - a. First Floor Front Elevation. Front elevations shall have a minimum of 60 percent transparency.
 - b. First Floor Street Side Elevations. Street side elevations shall have a minimum of 40 percent transparency.
 - c. Elevations Above the First Floor. Street elevations above the first floor shall have a minimum of 25 percent transparency, measured by length.
 2. *Residential*
 - a. First Floor Front Elevation. Front elevations shall have a minimum of 50 percent transparency.
 - b. First Floor Street Side Elevations. Street side elevations shall have a minimum of 25 percent transparency.
 - c. Elevations above the First Floor. Street elevations above the first floor shall have a minimum of 40 percent transparency, measured by length.
- B. ***Penetrations.*** Principal structures shall have a minimum of one pedestrian entry every 75 feet on elevations facing public streets. Non-residential entries shall be functional and remain unlocked during regular business hours.
- C. ***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, and where possible restore, the historic pattern and form of window and door openings.
- 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 of accessory structures 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. ***Drive-Through Facilities.*** Drive-through facilities shall be a minimum of 50 feet from property designated for residential use in the Comprehensive Plan.
- F. ***Outdoor Storage.*** Outdoor storage is prohibited.
- G. ***Outdoor Dining Areas.*** Uncovered outdoor dining areas are permitted in building setback areas. Permanent installations shall require Administrative Design Review approval. Adjacent public property may be used for outdoor dining after the business owner seeking to use the adjacent public property enters into a license agreement with the City for that purpose.
- H. ***Bed and Breakfast Homes.***
 - 1. Bed and Breakfast Homes as defined in Chapter 6: Glossary shall be subject to all requirements of City Code Title 3, Chapter 11.
 - 2. The Bed and Breakfast Home located in a structure containing two (2) dwelling units may not be owner-occupied provided the same dwelling unit owner occupies the other dwelling unit in the same structure.
 - 3. The Bed and Breakfast Home shall not be located in a structure containing a *Group Home*.
 - 4. Bed and Breakfast Homes shall not be located on properties having nonconforming *Guest Quarters*.
 - 5. *Administrative Use Permit Required.* Bed and Breakfast Homes shall require an Administrative Use Permit. Mailed notice of application for an Administrative Use Permit shall be given to adjacent property owners, including properties directly across a street from the property, and owners of properties adjoining front and side property lines to those properties. Notice shall be mailed no later than 15 days before a decision is made on the application.
 - 6. *Parking Required.* Bed and Breakfast Homes shall provide the following minimum parking improvements on the *Zoning Lot*:

- a. In addition to the number of spaces required of the residence(s) on the property, one (1) space must be provided for each rented room.
- b. Parking shall not extend over a sidewalk.
- c. Owners, occupants, and guests of Bed and Breakfast Home properties shall not be granted a City-issued Overnight Parking Permit.