



## City of Rochester

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### JOINT SPECIAL MEETING AGENDA

*A joint meeting of the City Council and Planning Commission of the City of Rochester to discuss next steps in the implementation process that is necessary to create Zoning Ordinance text that accompanies said Districts.*

#### *City Council*

*Mayor Nancy Salvia*

*Mayor Pro Tem Stuart Bikson*

*Council Members Christian Hauser, Debbie Jones*

*Sara King, Steve Sage & Marilyn Trent*

#### *Planning Commission*

*Chair David Gassen*

*Vice Chair & Council Member Christian Hauser*

*Mayor Nancy Salvia*

*Members: Daniel Bachmann, Jessica Clauser, Richard Kendziuk,*

*Laura Murphy & Matthew Stone*

<b>277 E 2nd St</b>	<b>January 23, 2025</b>	<b>7:00 PM</b>
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1. Pledge of Allegiance.
2. Public Comment.
3. Discussion of Implementation process to create new Zoning Classifications as adopted by the City's latest Master Plan.
4. Public Comment.
5. Adjourn.

NOTE: Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the City Clerk's Office at 248-733-3700 forty-eight (48) hours prior to the meeting. Staff will be pleased to make the necessary arrangements to provide necessary reasonable accommodations, including auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting.



# Memorandum

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**TO:** City Council  
Planning Commission

**FROM:** John Jackson, AICP  
Vidya Krishnan

**SUBJECT:** **Master Plan Zoning Implementation**

**DATE:** January 13, 2025

The following is a summary of the zoning ordinance update project along with recommended next steps.

In 2022 the city adopted its most recent master plan update. To make sure that the City's zoning ordinance matches the master plan, we have worked with the planning commission to draft new zoning districts and modify some existing zoning districts. In 2023 the Planning Commission held public hearings and recommended the following district texts for adoption by the City Council:

- CBD, Central Business District
- DE-1, Downtown Edge -1 District
- DE-2, Downtown Edge-2 District
- T, Transition District
- MU, Mixed Use District
- MU-1, Mixed Use-1 District

The Planning Commission had a discussion, but did not have a public hearing for the following districts:

- RM-1, Multiple Family-1/Mixed Residential District
- RM-2, Multiple Family-2/Mixed Residential District
- RTECH, Research Technology District
- LI, Light Industrial District

None of the draft texts have been presented to the City Council.

Once the new districts are adopted, the city can then adopt a new zoning map which will replace the current zoning map. This process will eliminate the need for individual parcel rezoning requests or changing the zoning map in a piecemeal fashion. It will also eliminate all obsolete regulations and districts from the zoning ordinance, making it a more streamlined document.



Adoption of the new districts and a new zoning map will not impact any single-family or two-family residential district. However, adoption of the new zoning map will render some of the existing uses within the city non-conforming. An analysis of the current land uses within the city, resulted in identifying the following potential nonconformities:

- Dillman and Upton Home Improvement, Woodward Avenue (I-1 to Mixed Residential)
- Mr.C's Carwash, Woodward Avenue (I-1 to Mixed Residential)
- Fraternal Order of the Eagles, Woodward Avenue (1-1 to Mixed Residential; currently nonconforming and will continue to remain nonconforming)
- Class Action Fitness/Gym, Woodward (I-1 to Mixed Residential)
- DPW Public Yard, Wilcox (I-1 to Mixed Residential)
- Serra Collision Auto Body Shop, E.2<sup>nd</sup> Street (I-1 to MU)
- Metalmite Corporation – Machine Shop, Elizabeth Street (I-1 to MU)
- Excel decorating and Fabricating, E. 2<sup>nd</sup> Street (I-1 to MU)
- Many businesses on the north side of South Street, east of Diversion Street including any towing, collision repair, industrial fabrication and machining, manufacturing uses, etc. (I-2 to RTECH)

This list is comprehensive, but there may be a few additional parcels added to this list depending upon additional clarity of current uses.

## **NEXT STEPS**

Completing the ordinance amendment process will require the following steps:

1. A workshop meeting for the City Council (and new PC members) to update them on each of the districts, prior to placement of districts on their agenda for public hearings and consideration of adoption.
2. Planning Commission public hearing and recommendation of approval for the remaining districts
3. Update to all other relevant sections of the zoning ordinance such as schedule of regulations, supplemental regulations, sign regulations etc.
4. Rescinding or removal of all obsolete districts/text from the zoning ordinance.
5. Adopt new zoning map.

We are happy to provide support and guidance through all the above steps to get the zoning ordinance updated. Please let us know if you have any questions or concerns.

## **ATTACHMENTS:**

2022 Future Land Use Plan

Rochester Zoning Plan (Conversion of Future Land Use District to Zoning Districts)

Public Hearing Drafts of the following districts:



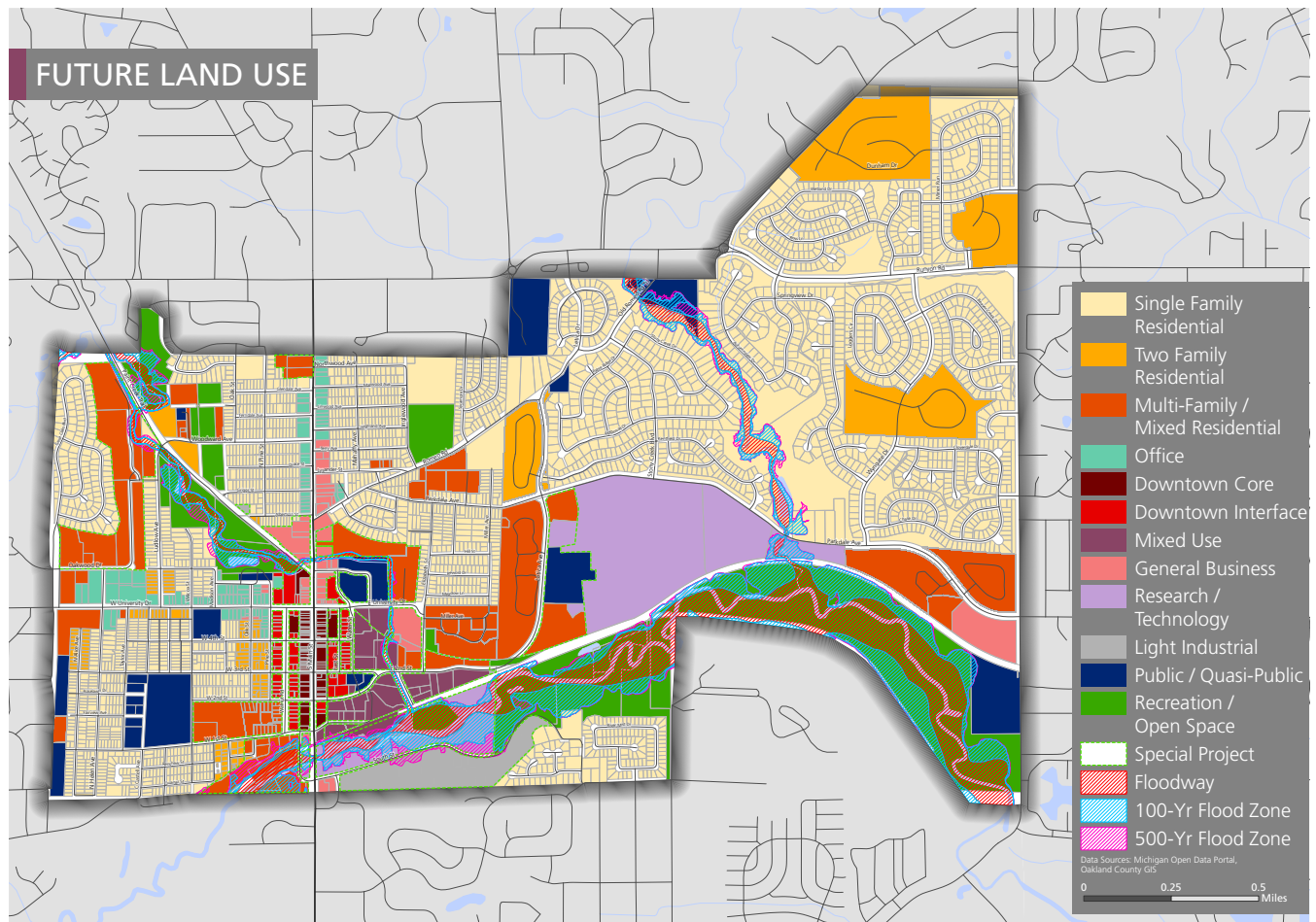
- CBD, Central Business District
- DE-1, Downtown Edge -1 District
- DE-2, Downtown Edge-2 District
- T, Transition District
- MU, Mixed Use District
- MU-1, Mixed Use-1 District

Multiple family memo and proposed districts.

Industrial district memo and proposed districts

Proposed Zoning Map

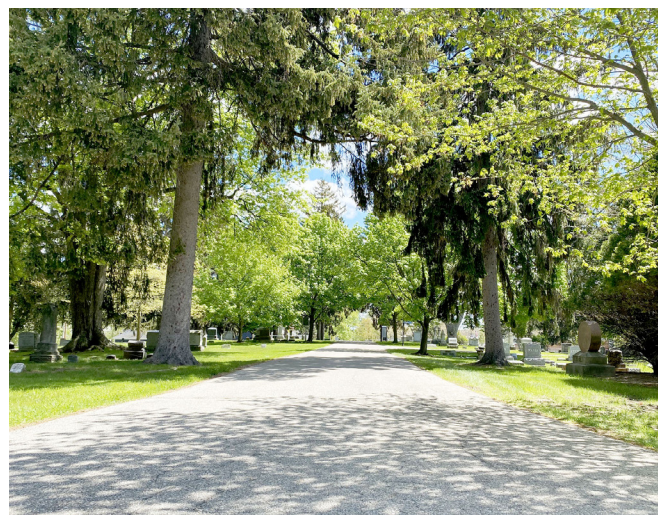
## Map 12: Future Land Use



This meant that new buildings would often be out of character with their surroundings. In a community with as much existing history and character as Rochester, it is important to make sure that new buildings are compatible with old ones to preserve and enhance the community's irreplaceable character.

The recommendations provided for each district below are intended to act as guidelines, while designing development to ensure that the types of building proposed are appropriate in each land use area and contribute to the character of the neighborhood.

The following pages present a summary of the different building types that are part of this plan.



*Path through the cemetery.*

Image Credit: City of Rochester Facebook page



# MCKENNA

Rochester Zoning Plan 2022/2023			
2022 Master Plan	Existing Zoning	Proposed Zoning	Text Status
Single Family	R-1 Single Family	R-1 Single Family	Unchanged
	R-2 Single Family	R-2 Single Family	Unchanged
	R-3 Single Family	R-3 Single Family	Unchanged
	R-4 Single Family	R-4 Single Family	Unchanged
	R-5 Single Family	R-5 Single Family	Unchanged
Two-Family	RT Two-Family	Two-Family Amended	Unchanged
Mixed Residential/Multiple-Family	RM-1 Multiple-Family	RM-1 Mixed Residential	Unchanged
	RM-2 Multiple-Family	RM-2 Multiple-Family	Unchanged
Office	O-1 Office	O-1 Office	Unchanged
	O-2 Office	O-2 Office	Unchanged
Downtown Core	CBD Central Business District	CBD Central Business	Modified
	P-1 Parking		
Downtown Interface	CBD Central Business District	DE-1 Downtown Edge 1	New District
	B-1 General Business	DE-2 Downtown Edge 2	New District
	P-1 Parking	T Transition	New District
General Business	B-1 General Business	B-1 General Business	Unchanged
Mixed Use	B-1 General Business	MU-1 – Mixed Use	New District
	I-1 Industrial 1	RE – River’s Edge (formerly MU-2)	New District
Light Industrial -	I-1 Industrial 1	I-1/LMISO	New District
	I-2 Industrial 2		
Research Technology	RP Research Park	OTR Office Technology	Modified
Recreation /Open Space	POS – Parks and Open Space	POS – Parks and Open Space	Unchanged
Floodway	River Valley	River Valley	Unchanged
100 Year Floodplain			
500 Year Floodplain			
	Bistro Overlay	Bistro Overlay	Unchanged
	Special Project	Special Project	Unchanged

**HEADQUARTERS**

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Communities for real life.

CITY OF ROCHESTER ZONING ORDINANCE  
ARTICLE 11. CBD, CENTRAL BUSINESS DISTRICT  
First DRAFT – CC Review – May 23, 2023

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<b>Review</b>	<b>Date</b>	<b>Status</b>
PC Introduction	3/16/2023	Set for Public Hearing
PC Public Hearing	4/20/2023	Recommended for approval to CC
CC Introduction		
CC Public Hearing/1 <sup>st</sup> Reading		
CC 2 <sup>nd</sup> Reading/Adoption		

**ARTICLE 11. CBD, CENTRAL BUSINESS DISTRICT**

**Sec. 1100. Intent.**

- (a) The CBD District is intended to function as an intensively developed, major business district, serving a large trade area extending beyond the city with retail, office, personal service, and institutional activities. To encourage and enhance pedestrian circulation, shopping safety, and convenience, certain uses are prohibited which tend to break up and disrupt the intensive concentration of pedestrian oriented uses, such as but not limited to: automotive related service and repair including muffler shops, tire stores, quick lube, auto body repair, engine rebuilding, brake shops, automotive stereo and telephone installation, and similar automotive related activities, and certain uses that do not typically generate walk in traffic may be restricted to upper stories.

**Sec. 1101. Permitted principal uses.**

The following principal uses shall be allowed in the CBD, Central Business District:

- (1) Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building, such as, but not limited to: foods, drugs, liquor, furniture, clothing, dry goods, notions, or hardware.
- (2) Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographers, and dry cleaners.
- (3) Restaurants and taverns where patrons are served only while seated within the building occupied by such establishment.
- (4) Theaters when completely enclosed; houses of worship.
- (5) Offices and office buildings of an executive, administrative, or professional nature. \*See below for restrictions.
- (6) Banks, with drive-in facilities permitted when said drive-in facilities are incidental to the principal function.
- (7) Municipal buildings and post office.
- (8) Offices and showrooms of plumbers, electrician, decorators, or similar trades, in connection with which not more than 50 percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise; and provided that the ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, or display. All storage of materials on any land shall be within the confines of the building or part thereof occupied by said establishment.
- (9) Business schools or private schools. Examples of private schools permitted herein include, but are not limited to, the following: dance studios, music and voice schools, and art studios.

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- (10) Newspaper offices and printing plants. \*See below for restrictions.
  - (11) Warehouse and storage facilities when incident to and physically connected with any principal use permitted, provided that such facility be within the confines of the building or part thereof occupied by said establishment. \*See below for restrictions.
  - (12) Bed and breakfast homes, subject to section 2114.
  - (13) Other uses which are similar to the above and subject to the following restrictions:
    - a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from premises where produced.
    - b. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
    - c. Outdoor storage of commodities shall be expressly prohibited.

\*The uses set forth in Sec. 1101(5), (10) and (11) are not permitted on street level for properties fronting Main Street between 2nd Street and University Drive.

### **Sec. 1102. Permitted accessory use.**

The following accessory uses shall be allowed in the CBD, Central Business District:]

- (1) Any use or building customarily incidental to a permitted principal use excluding any type of use that would otherwise not be permitted on street level under Sec. 1101.
- (2) Mechanical amusement devices, not exceeding three per establishment, and:
  - a. Licensed under chapter 6 of the City Code;
  - b. Only in a restaurant or tavern conforming to section 1101(3), [related to] permitted principal uses;
  - c. If in a restaurant or tavern serving alcoholic beverages, the establishment shall have a Class C liquor license.

### **Sec. 1103. Conditional uses.**

The following special exception uses shall be allowed in the CBD, Central Business District]

- (1) Bus station.
- (2) See section 2108 on public utilities and facilities.
- (3) Outdoor dining, when incidental to a permitted restaurant or tavern, and subject to section 2121, outdoor dining standards.

Parking for an outdoor cafe shall be determined by the planning commission based upon the size of the outdoor dining area in relation to the permanent seating in the restaurant, as follows:

- a. Outdoor dining areas that are strictly on a "weather permitting basis" may be approved without additional parking if there is seating for 30 or fewer patrons,
- b. Outdoor dining areas for more than 30 patrons or those that use awnings, roofs, or similar permanent or temporary structures to extend the season and/or to avoid inclement weather conditions, such as rain, may be required to provide additional parking.
- c. In determining whether a restaurant must provide additional parking for its outdoor cafe, the planning commission will use the following guidelines:

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1. If the outdoor seating is 25 percent or less of the seating capacity indoors, no additional parking is necessary.
  2. If the outdoor seating is 26 to 50 percent of the seating capacity indoors, the restaurant may be required to provide up to 125 percent of the parking required for the indoor space.
  3. If the outdoor seating is over 50 percent of the seating capacity indoors, the restaurant may be required to provide up to 150 percent of the parking required for the indoor space.
- (4) Funeral home.
- (5) Adult bookstore, adult cabaret and adult motion picture theater as defined in article 39 (Definitions), but subject to the following restrictions and regulations, which shall be in addition to those set forth in article 26 of this zoning ordinance, to wit:
- a. These uses shall be situated within the district so as to be out of the reasonable proximity of uses selling alcoholic beverages and uses where minors are generally present; and, specifically, no such use shall be located within:
    1. 1,000 feet of a church or house of worship;
    2. 1,000 feet of a public or private school having curriculum including kindergarten or any one or more grades one through 12;
    3. 750 feet of an establishment licensed by the Michigan Liquor Control Commission;
    4. 1,000 feet of property zoned for any residential use under this ordinance, or a residential dwelling;
    5. 750 feet of another adult bookstore, adult cabaret or motion picture theater.
  - b. These uses, when permitted, shall, in addition to any other condition of approval required by the planning commission under article 26 hereof, comply and adhere to the following regulations in their daily operation:
    1. No person under 18 years of age shall be permitted entry into an adult motion picture theater, adult cabaret or adult bookstore unless accompanied by the parent or legal guardian of such person. For purposes of enforcing this provision, the owner or agent of the person or entity operating the adult use shall require from all persons desiring to enter therein, the display of sufficient identification to ensure compliance with this provision, and for all determinations whether this provision has been satisfied, it shall be the burden of proof of the owner of the adult motion picture theater, adult cabaret or adult bookstore, to show clearly that the display of identification was required and that the identification displayed was sufficient.
    2. No person under 18 years of age shall be employed by, or shall otherwise be permitted to be present at, or in, an adult motion picture theater, adult cabaret or adult bookstore.
    3. Each and every person desiring to enter an adult motion picture theater shall be expressly verbally advised immediately prior to entry by the owner or agent of the person or entity operating the adult motion picture theater that the display to be presented on such occasion includes the display of specified sexual activities.
  - c. An adult bookstore, adult cabaret, or adult motion picture theater is prohibited in any district and at any location within the City of Rochester except as a special exception use in the CBD, Central Business District, as provided for herein.
- (6) See section 2111 on upper story apartments.
- (7) Overnight lodging facilities subject to the following standards:
- a. Each lodging unit shall be no less than 250 square feet in floor area; and

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- b. Each lodging unit shall have its own private bathroom facility.
  - c. Lodging units are not permitted on street levels.
- (8) Buildings in the CBD may include a third story subject to special exception approval and further provided that the third story shall not exceed 40 feet, shall be enclosed in a mansard roof or setback 15 feet from the front building line.

CITY OF ROCHESTER ZONING ORDINANCE  
ARTICLE 11A. DE-1 Downtown Edge-1 DISTRICT  
**First DRAFT – CC Review – May 23, 2023**

<b>Review</b>	<b>Date</b>	<b>Status</b>
PC Introduction	3/16/2023	Set for Public Hearing
PC Public Hearing	4/20/2023	Recommended for approval to CC
CC Introduction		
CC Public Hearing/1 <sup>st</sup> Reading		
CC 2 <sup>nd</sup> Reading/Adoption		

**ARTICLE 11A. DOWNTOWN EDGE-1 DISTRICT (DE-1)**

**Sec 1100.A. Intent**

- (a) The Downtown Edge-1 District is intended as an extension of the central business district west of Main Street and promote the development of a pedestrian oriented and accessible, mixed-use district in which a variety of retail, commercial, office, service, civic and residential uses are permitted. Each use shall be complementary to the stated function and purpose of the district and shall not have adverse impact upon adjacent street capacity and safety, utilities, and other city services. The intent is to support the central business district, create a mix of businesses that encourages an active pedestrian environment and promotes both convenience and destination shopping activities while providing opportunities for other uses including office and service uses.

The district discourages the development of separate off-street parking facilities for each individual use and encourages the development of off-street parking facilities designed to accommodate the needs of several individual uses.

To encourage and enhance pedestrian circulation, shopping safety, and convenience, certain uses are prohibited which tend to break up and disrupt the intensive concentration of pedestrian oriented uses, such as but not limited: automotive related service and repair including muffler shops, tire stores, quick lubes, auto body repair, engine rebuilding, brake shops, automotive stereo and telephone installation, and similar automotive related activities.

**SECTION 1101.A. Permitted principal uses.**

The following principal uses shall be allowed in the DE-1, Downtown Edge 1 District:

- (1) Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building, such as, but not limited to: foods, drugs, furniture, clothing, dry goods, notions, or hardware.
- (2) Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographers, and dry cleaners.
- (3) Restaurants and taverns where patrons are served only while seated within the building occupied by such establishment. An outdoor cafe, when accessory to a permitted restaurant or tavern, may be permitted as a conditional use. Nothing in this section shall be construed to prohibit an establishment that has a carry-out service, ice cream parlor, bakery or similar use where patrons may leave the establishment before consuming the food purchased.
- (4) Residential units when located above the first floor per standards of Article 21 Section 2111.
- (5) Theaters when completely enclosed.
- (6) Municipal parking facilities such as surface parking lots and parking decks.
- (7) Offices and office buildings of an executive, administrative, or professional nature.
- (8) Financial institutions with no drive-through or drive-in facilities.
- (9) Offices and showrooms of plumbers, electrician, decorators, or similar trades, in connection with which not more than fifty (50) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering,

finishing, or refinishing its products or merchandise; and provided that the ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, or display. All storage of materials on any land shall be within the confines of the building or part thereof occupied by said establishment.

- (10) Business schools or private schools. Examples of private schools permitted herein include, but are not limited to, the following: dance studios, music and voice schools, and art studios.
- (11) Other uses which are similar to the above and subject to the following restrictions:
  - a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from premises where produced.
  - b. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
  - c. Outdoor storage of commodities shall be expressly prohibited.

#### **SECTION 1102.A. Permitted accessory uses.**

- (1) Any use or building customarily incidental to a permitted principal use.
- (2) Mechanical amusement devices, not exceeding three (3) per establishment, and:
  - a. Licensed under Chapter 6 of the City Code;
  - b. Only in a restaurant or tavern conforming to Number 3 above, Permitted Principal Uses;
  - c. If in a restaurant or tavern serving alcoholic beverages, the establishment shall have a Class C liquor license.

#### **SECTION 1103.A. Special Exception Uses.**

- (1) See section 2108 on public utilities and facilities.
- (2) Convenience stores that also sell liquor, subject to Article II. Liquor license Control in the City's Code of Ordinances.
- (3) Outdoor cafe, when incidental to a permitted restaurant or tavern, where such outdoor cafe will not occupy any portion of a public right-of-way. A proposal for an outdoor cafe that includes the use of any part of a public right-of-way must be accomplished by a draft license agreement, utilizing the City Council's standard license agreement format. A copy of the format for the standard license agreement may be obtained with the Conditional Use application. After Planning Commission approval of Conditional Use, the proposed license agreement will be forwarded to the City Council for their consideration. Nothing in this section shall be construed to require a license agreement for an establishment with a carry-out service, ice cream parlor, or similar use where patrons may leave the establishment before consuming the food purchased, unless said establishment chooses to operate an outdoor cafe and seeks approval as set forth above.

Parking for an outdoor cafe shall be determined by the Planning Commission based upon the size of the outdoor dining area in relation to the permanent seating in the restaurant, as follows:

- a. Outdoor dining areas that are strictly on a "weather permitting basis" may be approved without additional parking if there is seating for 30 or fewer patrons,
- b. Outdoor dining areas for more than 30 patrons or those that use awnings, roofs, or similar permanent or temporary structures to extend the season and/or to avoid inclement

weather conditions, such as rain, may be required to provide additional parking.

- c. In determining whether a restaurant must provide additional parking for its outdoor cafe, the Planning Commission will use the following guidelines:
  1. If the outdoor seating is 25% or less of the seating capacity indoors, no additional parking is necessary.
  2. If the outdoor seating is 26% - 50% of the seating capacity indoors, the restaurant may be required to provide up to 125% of the parking required for the indoor space.
  3. If the outdoor seating is over 50% of the seating capacity indoors, the restaurant may be required to provide up to 150% of the parking required for the indoor space.
- (4) Funeral home.
- (5) Houses of worship.
- (6) Bed & breakfast homes, subject to Section 2114.

#### **SECTION 1104.A. Development standards.**

The required minimum useable floor area, minimum required setback dimensions, maximum building height, minimum area, and lot size for the Downtown Edge-2 District shall be as set forth in this section.

- (1) Front Yard. Buildings shall be built at zero setback; however, the Planning Commission shall have the discretion to modify the setback requirement as part of site plan review and approval pursuant to Article 27 of the Zoning Ordinance. Factors taken into consideration for such modification shall include but not be limited to predominant building line established along the block face between the two closest intersecting streets, creation of plazas or other public amenities into the area of the proposed setback.
- (2) Patios or outdoor decks located on public sidewalks shall be located in a manner adequate to allow for a minimum 5 foot pedestrian clearance on the sides.
- (3) Patios or outdoor decks located in the block extending between Pine and Walnut, W. University and E. Fourth Street shall be located with a minimum setback of 10 feet from the property lines. The setback area shall be planted with a dense stand of evergreens to create a screen six (6) feet tall or other form of landscaping and/or screening deemed suitable by the Planning Commission, to mitigate any noise issues and concerns for abutting residentially zoned or used properties. Roof top dining areas/terraces shall be provided with screening to the satisfaction of the Planning Commission that mitigates noise concerns. The Planning Commission may also place restrictions on the hours of operation of such outdoor patio/deck/rooftop dining areas as a conditional use.
- (4) Side Yard, corner lot. Structures are recommended to be built at side lot line with no setbacks. Maximum setback dimensions of the principal building(s) and attachments thereto, on a corner lot having on its side street an abutting interior lot shall not exceed 10 feet.
- (5) Rear Yard. Minimum required setback shall be 5 feet.
- (6) Building Height. Maximum height of the principal building shall not exceed 35 feet or 3 stories. All proposed structures must meet line-of-sight test established with an existing two-story structure located on Main Street within downtown.
- (7) Architectural design standards shall conform to guidelines established in Section 2118.

- (8) Parking. Parking may be accommodated as on-site decks or integrated into the building design. Access to parking off public alley shall be appropriately screened. Use of public parking/decks is encouraged.
- (9) Frontage on Walnut Street must be occupied by storefronts and access to ground story parking must be off public alley. For corner lots, access to parking may be allowed from the side street, upon Planning Commission review and approval of the site plan design and layout.

CITY OF ROCHESTER ZONING ORDINANCE  
 ARTICLE 11A. DE-2 Downtown Edge-2 DISTRICT  
**First DRAFT – CC Review – May 23, 2023**

<b>Review</b>	<b>Date</b>	<b>Status</b>
PC Introduction	3/16/2023	Set for Public Hearing
PC Public Hearing	4/20/2023	Recommended for approval to CC
CC Introduction		
CC Public Hearing/1 <sup>st</sup> Reading		
CC 2 <sup>nd</sup> Reading/Adoption		

**ARTICLE 11B. DOWNTOWN EDGE-2 DISTRICT (DE-2)**

**SECTION 1100.B. INTENT**

- (a) The Downtown Edge-2 District is intended as an extension of the downtown’s core area to the east of Main Street, extending between the alley on the east side of Main Street to Water Street, and from W. University Drive to Mill Street. The district also includes parcels on the west side of Main Street occupying the block between W. Second and First streets, extending from Walnut to the alley to its east; also included are a block of parcels on the north side of W. University Drive, west of Main Street. With the core area being maximized with many established uses and limited area for new businesses to come into the downtown, the Edge-2 district encourages expansion of businesses from the downtown core, while making provisions for parking to support downtown businesses. Allowing for additional business expansion from the downtown is intended to add to the City’s tax base.

The east side of Main Street is not limited by proximity to residential neighborhoods unlike the west side of Main Street; therefore, the scope for additional business and service uses is greater. The parcels on the west side of Main Street within this district, abuts multiple family and commercial/office zoned and use parcels. The design guidelines provided are intended to minimize potential impacts of the uses allowable within the district on the surrounding areas. The intent is to allow for a mix of commercial and loft style residential units and parking facilities. Due to the drop in grade on the east side of Main Street, this district could be allowed a higher density of development but only to the extent that it does not detract from the Main Street skyline. While the uses proposed in this district are intended to continue the pedestrian-centric design of the downtown, some higher intensity vehicle uses can also be accommodated in this district. Extensive automotive uses are not appropriate for this area; however may be considered in a very limited area on the east side of Main Street, along the south border of the district based on existing land use patterns.

**SECTION 1101.B. Permitted principal uses.**

The following principal uses shall be allowed in the DE-2, Downtown Edge 2 District:

- (1) Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building, such as, but not limited to: foods, drugs, liquor, furniture, clothing, dry goods, notions, or hardware.
- (2) Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographers, and dry cleaners.
- (3) Restaurants and taverns where patrons are served only while seated within the building occupied by such establishment. An outdoor cafe, when accessory to a permitted restaurant or tavern, may be permitted as a Conditional Use. Nothing in this section shall be construed to prohibit an establishment that has a carry-out service, ice cream parlor, bakery or similar use where patrons may leave the establishment before consuming the food purchased.
- (4) Residential units when located above the first floor per standards of Article 21 Section 2111.

- (5) Theaters when completely enclosed.
- (6) Houses of worship.
- (7) Municipal parking facilities such as surface parking lots and parking decks.
- (8) Offices and office buildings of an executive, administrative, or professional nature.
- (9) Banks, with drive-in facilities permitted when said drive-in facilities are incidental to the principal function.
- (10) Offices and showrooms of plumbers, electrician, decorators, or similar trades, in connection with which not more than fifty (50) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise; and provided that the ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, or display. All storage of materials on any land shall be within the confines of the building or part thereof occupied by said establishment.
- (11) Business schools or private schools. Examples of private schools permitted herein include, but are not limited to, the following: dance studios, music and voice schools, and art studios.
- (12) Warehouse and storage facilities when incident to and physically connected with any principal use permitted, provided that such facility is located within the confines of the building or part thereof occupied by said establishment.
- (13) Other uses which are similar to the above and subject to the following restrictions:
  - a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from premises where produced.
  - b. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
  - c. Outdoor storage of commodities shall be expressly prohibited.

**SECTION 1102.B. Permitted accessory uses.**

- (1) Any use or building customarily incidental to a permitted principal use.
- (2) Mechanical amusement devices, not exceeding three (3) per establishment, and:
  - a. Licensed under Chapter 6 of the City Code;
  - b. Only in a restaurant or tavern conforming to Number 3 above, Permitted Principal Uses;
  - c. If in a restaurant or tavern serving alcoholic beverages, the establishment shall have a Class C liquor license.

**SECTION 1103.B. Special exception uses.**

- (1) Public utilities and facilities.
- (2) Outdoor cafe, when incidental to a permitted restaurant or tavern, where such outdoor cafe will not occupy any portion of a public right-of-way. A proposal for an outdoor cafe that includes the use of any part of a public right-of-way must be accomplished by a draft license agreement, utilizing the City Council's standard license agreement format. A copy of the format for the

standard license agreement may be obtained with the Special Exception application. After Planning Commission approval of the Special Exception, the proposed license agreement will be forwarded to the City Council for their consideration. Nothing in this section shall be construed to require a license agreement for an establishment with a carry-out service, ice cream parlor, or similar use where patrons may leave the establishment before consuming the food purchased, unless said establishment chooses to operate an outdoor cafe and seeks approval as set forth above.

Parking for an outdoor cafe shall be determined by the Planning Commission based upon the size of the outdoor dining area in relation to the permanent seating in the restaurant, as follows:

- a. Outdoor dining areas that are strictly on a "weather permitting basis" may be approved without additional parking if there is seating for 30 or fewer patrons,
  - b. Outdoor dining areas for more than 30 patrons or those that use awnings, roofs, or similar permanent or temporary structures to extend the season and/or to avoid inclement weather conditions, such as rain, may be required to provide additional parking.
  - c. In determining whether a restaurant must provide additional parking for its outdoor cafe, the Planning Commission will use the following guidelines:
    1. If the outdoor seating is 25% or less of the seating capacity indoors, no additional parking is necessary.
    2. If the outdoor seating is 26% - 50% of the seating capacity indoors, the restaurant may be required to provide up to 125% of the parking required for the indoor space.
    3. If the outdoor seating is over 50% of the seating capacity indoors, the restaurant may be required to provide up to 150% of the parking required for the indoor space.
- (3) Funeral home.
- (4) Bed & breakfast homes, subject to Section 2114.

#### **SECTION 1104.B. Development standards.**

The required minimum useable floor area, minimum required setback dimensions, maximum building height, minimum area, and lot size for the Downtown Edge-2 District shall be as set forth in this section.

- (1) Front Yard. The predominant existing pattern of development features structures built at setbacks of 5-10 feet with landscaping between the sidewalk and building. Structures are recommended to be built at a setback consistent with the established front yard setback on the block on that side of the street.
- (2) Patios or outdoor decks located on public sidewalks shall be located in a manner adequate to allow for a minimum 5 foot pedestrian clearance on the sides.
- (3) Side Yard, corner lot. Structures are recommended to be built at side lot line with no setbacks. Maximum setback dimensions of the principal building(s) and attachments thereto, on a corner lot having on its side street an abutting interior lot shall not exceed 10 feet.
- (4) Rear Yard. Minimum required setback shall be 5 feet.
- (5) Building Height. Maximum height of the principal building shall not exceed 40 feet or 3 stories. However, the grade drop-off allows for flexibility in building height in this district. Additional building height shall be permitted through the special projects approval process upon demonstration by the applicant that the proposed increase in building height will not exceed the line of sight test from Main Street.

- (6) Architectural design standards shall conform to guidelines established in Section 2118.
- (7) Parking. Parking shall be accommodated as on-site decks or integrated into the building design.

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ARTICLE 11C. T TRANSITION DISTRICT  
**First DRAFT – CC Review – May 23, 2023**

<b>Review</b>	<b>Date</b>	<b>Status</b>
PC Introduction	4/20/2023	Set for public hearing
PC Public Hearing	5/18/2023	Recommended for approval to CC
CC Introduction		
CC Public Hearing/1 <sup>st</sup> Reading		
CC 2 <sup>nd</sup> Reading/Adoption		

**ARTICLE 11C. TRANSITION DISTRICT (T)**

**SECTION 1100.C. Intent**

- (a) The Transition District is intended to act as a buffer between the higher intensity commercial uses in the Central Business District and the Downtown Edge-1 District and adjacent single family residential neighborhoods. The uses supported in this area are a mix of residential, office and low-intensity commercial uses. Several buildings in this area have historic significance and the goal is to preserve their historic integrity while allowing for their successful adaptation for new uses. The buffering goal is intended to be accomplished through a combination of site design, setbacks and landscaping. Emphasis is on preserving historic structures and allowing for minimal impact on the single-family residential districts by limiting all vehicular access to Walnut only.

The T district is further intended to maintain and enhance a viable mix of complimentary uses and discourage domination by any single category of use; preserve and enhance the historic character as a community asset that contributes positively to property values, community identity, and a sense of place; extend greater opportunities for traditional community living, working, housing and recreation to citizens and residents of the city; promote developments where the physical, visual and spatial characteristics are established and reinforced through the consistent use of traditional urban design and architectural design elements; discourage commercial and business uses that create objectionable noise, glare or odors; promote uses that support and compliment the retail focus of the Central Business District, such as office and residential uses. The district is referred to in the Master Plan as a larger Downtown Interface area.

**SECTION 1101.C. Permitted principal uses.**

The following principal uses shall be allowed in the T, Transition District:

- (1) Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building, such as, but not limited to: foods, drugs, furniture, clothing, dry goods, notions, or hardware.
- (2) Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographers, and dry cleaners.
- (3) Restaurants and taverns where patrons are served only while seated within the building occupied by such establishment. An outdoor cafe, when accessory to a permitted restaurant or tavern, may be permitted as a conditional use. Nothing in this section shall be construed to prohibit an establishment that has a carry-out service, ice cream parlor, bakery or similar use where patrons may leave the establishment before consuming the food purchased.
- (4) One-family detached dwellings subject to the regulations of the R-1 District.
- (5) Two-family dwellings subject to the regulations of the RT District.
- (6) Residential units when located above the first floor per standards of Article 21 Section 2111.
- (7) Municipal parking facilities such as surface parking lots and parking decks.

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- (8) Offices of an executive, administrative, or professional nature.
- (9) Medical and dental office buildings.
- (10) Financial institutions with no drive-through or drive-in facilities.
- (11) Other uses which are similar to the above and subject to the following restrictions:
  - a. That the proposed use(s) will contribute to the viable mix of uses in the district;
  - b. Is compatible with the uses permitted in the district;
  - c. Will meet the transition intent of the district;
  - d. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from the premises where produced.
  - e. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
  - f. Outdoor storage of commodities shall be expressly prohibited.

**SECTION 1102.C. Permitted Accessory Use**

- (1) Any use or building customarily incidental to a permitted principal use.

**SECTION 1103.C. Conditional Uses**

- (1) Public utilities and facilities.
- (2) Funeral homes.
- (3) Outdoor cafe, when incidental to a permitted restaurant or tavern, where such outdoor cafe will not occupy any portion of a public right-of-way. A proposal for an outdoor cafe that includes the use of any part of a public right-of-way must be accomplished by a draft license agreement, utilizing the City Council's standard license agreement format. A copy of the format for the standard license agreement may be obtained with the Special Exception application. After Planning Commission approval of the Special Exception, the proposed license agreement will be forwarded to the City Council for their consideration. Nothing in this section shall be construed to require a license agreement for an establishment with a carry-out service, ice cream parlor, or similar use where patrons may leave the establishment before consuming the food purchased, unless said establishment chooses to operate an outdoor cafe and seeks approval as set forth above.

Parking for an outdoor cafe shall be determined by the Planning Commission based upon the size of the outdoor dining area in relation to the permanent seating in the restaurant, as follows:

- a. Outdoor dining areas that are strictly on a "weather permitting basis" may be approved without additional parking if there is seating for 30 or fewer patrons,
- b. Outdoor dining areas for more than 30 patrons or those that use awnings, roofs, or similar permanent or temporary structures to extend the season and/or to avoid inclement weather conditions, such as rain, may be required to provide additional parking.
- c. In determining whether a restaurant must provide additional parking for its outdoor cafe, the Planning Commission will use the following guidelines:
  1. If the outdoor seating is 25% or less of the seating capacity indoors, no additional parking is necessary.
  2. If the outdoor seating is 26% - 50% of the seating capacity indoors, the restaurant may be required to provide up to 125% of the parking required for the indoor space.
  3. If the outdoor seating is over 50% of the seating capacity indoors, the restaurant may

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ARTICLE 11C. T TRANSITION DISTRICT  
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be required to provide up to 150% of the parking required for the indoor space.

4. Houses of worship.
5. Bed & breakfast homes, subject to Section 2114.

**SECTION 1104.C. Development Standards.** The required minimum useable floor area, minimum required setback dimensions, maximum building height, minimum area, and lot size for the Transition (T) District shall be as set forth in this section.

- (1) There is no minimum required lot width and lot area. The following requirements establish the minimum developable lot size.
- (2) Front Yard (including both street frontages on through lots). Buildings shall be built at a 15-foot setback to maintain the residential character; however, the Planning Commission shall have the discretion to modify the setback requirement as part of site plan review and approval pursuant to Article 27 of the Zoning Ordinance. Factors taken into consideration for such modification shall include but not limited to the predominant building line established along the block face between the two closest intersecting streets, existing building footprint and historic details.
- (3) Side Yard. Total of 15 feet with a minimum of 5 feet on each side. Required side yard setback for a corner lot with a side street shall be 15 feet.
- (4) Building Height. The maximum height of the principal building shall not exceed 25 feet or 2 stories in keeping with the residential buffer intent of the district.
- (5) Access. The primary pedestrian entrance to use shall be off Walnut Street or off the side street for a corner lot. Secondary pedestrian access to Pine Street shall be permitted, if required to conform to Building Code standards. All vehicular access shall be limited to Walnut Street only.
- (6) Architectural design standards shall conform to guidelines established in Section 2118.
- (7) Parking. Parking may be accommodated on-site or integrated into the building design.

CITY OF ROCHESTER ZONING ORDINANCE  
 ARTICLE 11D. MU MIXED-USE DISTRICT  
**First DRAFT – CC Review – May 23, 2023**

<b>Review</b>	<b>Date</b>	<b>Status</b>
PC Introduction	4/20/2023	Set for Public Hearing
PC Public Hearing	5/18/2023	Recommended for approval to CC
CC Introduction		
CC Public Hearing/1 <sup>st</sup> Reading		
CC 2 <sup>nd</sup> Reading/Adoption		

**ARTICLE 11D. MIXED-USE DISTRICT (MU)**

**SECTION 1100.D. Intent**

- (a) The Mixed-Use District is intended to support a wide range of uses and allow for design flexibility. The district can support a variety of commercial, office and residential uses. The natural topography of the various areas within this district varies significantly, which makes building height a significant consideration to ensure little to no impact on the skyline of the traditional Central Business District. The proximity to the Clinton River Trail and the Paint Creek Trail allows for residential developments which would provide recreational amenities and opportunities for the residents. At the same time, the location of some parcels just north of the Central Business District provides opportunities for commercial and mixed uses. The district is oriented towards serving both pedestrian and automotive traffic. The district is referred to in the Master Plan as a larger Downtown Interface area.

**SECTION 1101.D. Permitted Principal Uses**

The following principal uses shall be allowed in the MU, Mixed-Use District:

- (1) Two-family dwellings subject to the regulations of the RT District.
- (2) Residential units when located above the first floor per standards of Article 21 Section 2111.
- (3) Multiple family dwellings subject to the regulations of the RM-2 District.
- (4) Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building, such as, but not limited to: foods, drugs, liquor, furniture, clothing, dry goods, notions, or hardware.
- (5) Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to: repair shops (watches, computers, electronic equipment, personal items such as shoes, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographers, and dry-cleaning outlets only, excluding processing facilities.
- (6) Restaurants and taverns where patrons are served only while seated within the building occupied by such establishment. An outdoor cafe, when accessory to a permitted restaurant or tavern, may be permitted as a Conditional Use. Nothing in this section shall be construed to prohibit an establishment that has a carry-out service, ice cream parlor, bakery or similar use where patrons may leave the establishment before consuming the food purchased.
- (7) Breweries.
- (8) Carry-out food establishments, without drive-through facilities.
- (9) Office of an executive, administrative, or professional nature.
- (10) Medical and dental office uses.
- (11) Financial institutions with drive-in facilities permitted when said drive-in facilities are incidental to the principal function.
- (12) Offices and showrooms of plumbers, electrician, decorators, or similar trades, in connection with which not more than fifty (50) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering,

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ARTICLE 11D. MU MIXED-USE DISTRICT  
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finishing, or refinishing its products or merchandise; and provided that the ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, or display. All storage of materials on any land shall be within the confines of the building or part thereof occupied by said establishment.

- (13) Health and physical fitness centers including exercise gyms, workout centers, dance and gymnastic studios, yoga, martial arts and other forms of exercise and physical conditioning.
- (14) Veterinary hospitals, excluding kennels.
- (15) Places of assembly such as theaters, dance halls, assembly halls or similar facilities.
- (16) Other uses which are similar to the above and subject to the following restrictions:
  - a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from the premises where produced.
  - b. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
  - c. Outdoor storage of commodities shall be expressly prohibited.

**SECTION 1102.D. Permitted Accessory Use**

- (1) Any use or building customarily incidental to a permitted principal use.

**SECTION 1103.D. Conditional Uses**

- (1) Outdoor cafe, when incidental to a permitted restaurant or tavern, where such outdoor cafe will not occupy any portion of a public right-of-way. A proposal for an outdoor cafe that includes the use of any part of a public right-of-way must be accomplished by a draft license agreement, utilizing the City Council's standard license agreement format. A copy of the format for the standard license agreement may be obtained with the Conditional Use application. After Planning Commission approval of Conditional Use, the proposed license agreement will be forwarded to the City Council for their consideration. Nothing in this section shall be construed to require a license agreement for an establishment with a carry-out service, ice cream parlor, or similar use where patrons may leave the establishment before consuming the food purchased, unless said establishment chooses to operate an outdoor cafe and seeks approval as set forth above.

Parking for an outdoor cafe shall be determined by the Planning Commission based upon the size of the outdoor dining area in relation to the permanent seating in the restaurant, as follows:

- a. Outdoor dining areas that are strictly on a "weather permitting basis" may be approved without additional parking if there is seating for 30 or fewer patrons,
- b. Outdoor dining areas for more than 30 patrons or those that use awnings, roofs, or similar permanent or temporary structures to extend the season and/or to avoid inclement weather conditions, such as rain, may be required to provide additional parking.
- c. In determining whether a restaurant must provide additional parking for its outdoor café, the Planning Commission will use the following guidelines:
  - 1. If the outdoor seating is 25% or less of the seating capacity indoors, no additional parking is necessary.
  - 2. If the outdoor seating is 26% - 50% of the seating capacity indoors, the restaurant may be required to provide up to 125% of the parking required for the indoor space.
  - 3. If the outdoor seating is over 50% of the seating capacity indoors, the restaurant may be

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required to provide up to 150% of the parking required for the indoor space.

- (2) Public utilities and facilities.
- (3) Funeral homes.
- (4) Senior housing facilities such as convalescent homes, assisted living and independent living facilities.
- (5) Hotels.
- (6) Parking garages and decks.

**SECTION 1103.D. Development Standards.**

The required minimum useable floor area, minimum required setback dimensions, maximum building height, minimum area, and lot size for the Mixed Use (MU) District shall be as set forth in this section.

- (1) There is no minimum lot area.
- (2) The minimum required lot width shall be 50 feet.
- (3) Front Yard. Structures shall be built at front lot line with no minimum front yard setback; However, the Planning Commission shall have the discretion to modify the setback requirement as part of site plan review and approval pursuant to Article 27 of the Zoning Ordinance. Factors taken into consideration for such modification shall include but not be limited to predominant building line established along the block face between the two closest intersecting streets, creation of plazas or other public amenities into the area of the proposed setback.
- (4) Side Yard, corner lot. For a corner lot abutting a side street, a minimum setback of 10 feet shall be maintained.
- (5) Rear Yard. There is no minimum rear yard setback requirement.
- (6) Lot Coverage. Maximum lot coverage shall not exceed 50%.
- (7) Building Height. Due to the varied location and existing topography of parcels in this district, the followings standards shall apply:
  - a. Parcels located on the west side of Elizabeth between East University Drive and E. Second Street, and parcels located on east side of Letica between Parkdale and E. Second Street shall be permitted a maximum building height not to exceed 5 stories or 60 feet. Buildings shall not be less than 4 stories or 48 feet tall, to allow for all rooftop mechanical equipment to be concealed with the use of parapets or other screens, within the maximum permissible height and to maintain a consistent skyline. Buildings taller than that can be approved by the Planning Commission subject to demonstration with skyline tests, detailed diagrams and simulated drawings that the proposed building will not be visible from Main Street. Buildings not meeting the skyline test may not be permitted to exceed the height recommendation even through the special projects approval process.
  - b. Parcels located with frontage on Main Street, shall be permitted a maximum building height not to exceed 2-1/2 stories or 35 feet. All projects must demonstrate through a skyline test and detailed diagrams that the proposed building will not impact or affect the appearance of the existing downtown core buildings. Buildings shall not be allowed to exceed the maximum permitted height even through the special projects approval process.
  - c. Buildings accessory to a principal permitted or conditional land use, such as a clubhouse etc., may be less than the minimum height for the district, subject to review and approval of the site plan by the Planning Commission.
- (8) Architectural design standards shall conform to guidelines established in Section 2118.
- (9) Parking. Parking shall be accommodated on-site within the side or rear yard and screened with landscaping and other decorative elements. Parking may also be located off-site, within convenient

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walking distance for pedestrians. Use of integrated parking decks to accommodate the parking is encouraged. Parking garages or decks, when provided, shall be accessed from rear or side yard only.

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 ARTICLE 11E. MU-1, MIXED-USE-1 DISTRICT  
**First DRAFT – CC Review – May 23, 2023**

<b>Review</b>	<b>Date</b>	<b>Status</b>
PC Introduction	4/20/2023	Set for Public Hearing
PC Public Hearing	5/18/2023	Recommended for Approval to CC
CC Introduction		
CC Public Hearing/1 <sup>st</sup> Reading		
CC 2 <sup>nd</sup> Reading/Adoption		

**ARTICLE 11E. MIXED-USE-1 DISTRICT (MU-1)**

**SECTION 1100.E. Intent**

- (a) The Mixed Use-1 District is intended to support a wide range of uses and allow for design flexibility, while still acting as a transition from the downtown district located to its west. This district can support a variety of commercial, office and residential uses. The natural topography of the area, with a steep grade drop-off heading from Main Street to the east boundary of the district allows for buildings of taller stature without impacting the skyline of the downtown core area. The lack of any single-family residential neighborhoods in the immediate proximity to this area allows for the inclusion of intensive commercial and office uses of land without significant impacts. The proximity to the Clinton River Trail and the Paint Creek Trail allows for residential developments which would provide recreational amenities and opportunities for the residents. The district is oriented towards serving both pedestrian and automotive traffic. The district is referred to in the Master Plan as a larger Downtown Interface area.

**SECTION 1101.E. Permitted Principal Uses**

- (1) Two-family dwellings subject to the regulations of the RT District.
- (2) Residential units when located above the first floor per standards of Article 21 Section 2111.
- (3) Multiple family dwellings subject to the regulations of the RM-2 District.
- (4) Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building, such as, but not limited to: foods, drugs, liquor, furniture, clothing, dry goods, notions, or hardware.
- (5) Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographers, and dry cleaning outlets only, excluding processing facilities.
- (6) Restaurants and taverns where patrons are served only while seated within the building occupied by such establishment. An outdoor cafe, when accessory to a permitted restaurant or tavern, may be permitted as a Conditional Use. Nothing in this section shall be construed to prohibit an establishment that has a carry-out service, ice cream parlor, bakery or similar use where patrons may leave the establishment before consuming the food purchased.
- (7) Breweries.
- (8) Carry-out food establishments, without drive-through facilities.
- (9) Office of an executive, administrative, or professional nature.
- (10) Medical and dental office uses.
- (11) Banks, with drive-in facilities permitted when said drive-in facilities are incidental to the principal function.
- (12) Offices and showrooms of plumbers, electrician, decorators, or similar trades, in connection with which not more than fifty (50) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise; and provided that the ground floor premises facing upon and visible from any

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abutting street shall be used only for entrances, offices, or display. All storage of materials on any land shall be within the confines of the building or part thereof occupied by said establishment.

(13) Health and physical fitness centers including exercise gyms, workout centers, dance and gymnastic studios, yoga, martial arts and other forms of exercise and physical conditioning.

(14) Commercial recreational facilities such as swim schools.

(15) Veterinary hospitals, excluding kennels.

(16) Places of assembly such as theater, dance hall, assembly halls or similar facilities.

(17) Other uses which are similar to the above and subject to the following restrictions:

- a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from premises where produced.
- b. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
- c. Outdoor storage of commodities shall be expressly prohibited.

**SECTION 1102.E. Permitted Accessory Use**

- (1) Any use or building customarily incidental to a permitted principal use.

**SECTION 1102.E. Conditional Uses**

- (1) Any use or building customarily incidental to a permitted principal use.
- (2) Outdoor cafe, when incidental to a permitted restaurant or tavern, where such outdoor cafe will not occupy any portion of a public right-of-way. A proposal for an outdoor cafe that includes the use of any part of a public right-of-way must be accomplished by a draft license agreement, utilizing the City Council's standard license agreement format. A copy of the format for the standard license agreement may be obtained with the Conditional Use application. After Planning Commission approval of Conditional Use, the proposed license agreement will be forwarded to the City Council for their consideration. Nothing in this section shall be construed to require a license agreement for an establishment with a carry-out service, ice cream parlor, or similar use where patrons may leave the establishment before consuming the food purchased, unless said establishment chooses to operate an outdoor cafe and seeks approval as set forth above.
- (3) Parking for an outdoor cafe shall be determined by the Planning Commission based upon the size of the outdoor dining area in relation to the permanent seating in the restaurant, as follows:
  - a. Outdoor dining areas that are strictly on a "weather permitting basis" may be approved without additional parking if there is seating for 30 or fewer patrons,
  - b. Outdoor dining areas for more than 30 patrons or those that use awnings, roofs, or similar permanent or temporary structures to extend the season and/or to avoid inclement weather conditions, such as rain, may be required to provide additional parking.
  - c. In determining whether a restaurant must provide additional parking for its outdoor café, the Planning Commission will use the following guidelines:
    1. If the outdoor seating is 25% or less of the seating capacity indoors, no additional parking is necessary.
    2. If the outdoor seating is 26% - 50% of the seating capacity indoors, the restaurant may be required to provide up to 125% of the parking required for the indoor space.
    3. If the outdoor seating is over 50% of the seating capacity indoors, the restaurant may be required to provide up to 150% of the parking required for the indoor space.

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- (4) Public utilities and facilities.
- (5) Funeral homes.
- (6) Senior housing facilities such as convalescent homes, assisted living and independent living facilities.
- (7) Hotels.
- (8) Parking garages and decks.

**SECTION 1103.E. Development Standards.**

The required minimum useable floor area, minimum required setback dimensions, maximum building height, minimum area, and lot size for the Mixed Use-1 District shall be as set forth in this section.

- (1) There is no minimum required lot width and lot area. The following requirements establish the minimum developable lot size.
- (2) Front Yard. Structures shall be built at front lot line with no minimum front yard setback; However, the Planning Commission shall have the discretion to modify the setback requirement as part of site plan review and approval pursuant to Article 27 of the Zoning Ordinance. Factors taken into consideration for such modification shall include but not be limited to predominant building line established along the block face between the two closest intersecting streets, creation of plazas or other public amenities into the area of the proposed setback.
- (3) Side Yard, corner lot. For a corner lot abutting a side street, a minimum setback of 10 feet shall be maintained.
- (4) Rear Yard. There is no minimum rear yard setback requirement.
- (5) Lot Coverage. Maximum lot coverage shall not exceed 75%.
- (6) Building Height. Due to the existing grade allowing for higher density of development on the parcels located within this district, minimum building height shall be 3 stories. To ensure optimal use of land and prevent the construction of single and two-story structures which would allow for roof-tops and mechanical equipment to be visible, the minimum building height shall be maintained. Maximum height of the principal building shall not exceed 5 stories or 60 feet and shall be determined through application of the skyline test. Buildings taller than that can be approved by Planning Commission subject to demonstration with detailed diagrams and simulated drawings that proposed building will not be visible from Main Street. Buildings not meeting the skyline test may not be permitted to exceed the height recommendation even through the special projects approval process.
- (7) Buildings accessory to a principal permitted or conditional land use, such as a clubhouse etc., may be less than the minimum height for the district, subject to review and approval of the site plan by the Planning Commission.
- (8) Architectural design standards shall conform to guidelines established in Section 2118.
- (9) Parking. Parking shall be accommodated on-site and shall be located pre-dominantly in the rear yard, screened with landscaping and other decorative elements. Use of integrated parking decks to accommodate the parking is encouraged.



# Memorandum

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**TO:** Planning Commission

**FROM:** John Jackson, AICP  
Vidya Krishnan

**SUBJECT:** **Multiple Family Residential District Follow Up**

**DATE:** September 5, 2023

Based on the feedback from the last Planning Commission meeting regarding the proposed Multiple Family districts, we have made some modifications and would like to discuss others with the Planning Commission in more detail.

## **RM-1, Multiple Family Residential District – Zoning**

The question was raised, why reduce the front yard setback from 40 feet to 25 feet WITH the ability to have an 8-foot front porch? Great Oaks was held up as the potential model for the RM-1 front yard setback.

The Master Plan (most recent and the previous versions) include policies to maintain the scale, character, and walkability of the residential neighborhoods. One of the ways to accomplish that is to improve the way multiple family uses relate to the residential streets and adjacent uses.

The Great Oaks apartments were developed at a time when property was available – it's a big piece of land. This allows more generous setbacks. But the big setbacks really are not consistent with the fabric of the traditional neighborhoods in Rochester.

Finally, Great Oaks is identified as a PICA which would allow the area to be modified or redeveloped.

The proposed reduction in setbacks is intended to encourage better building orientation and design and make infill projects on smaller sites more viable.

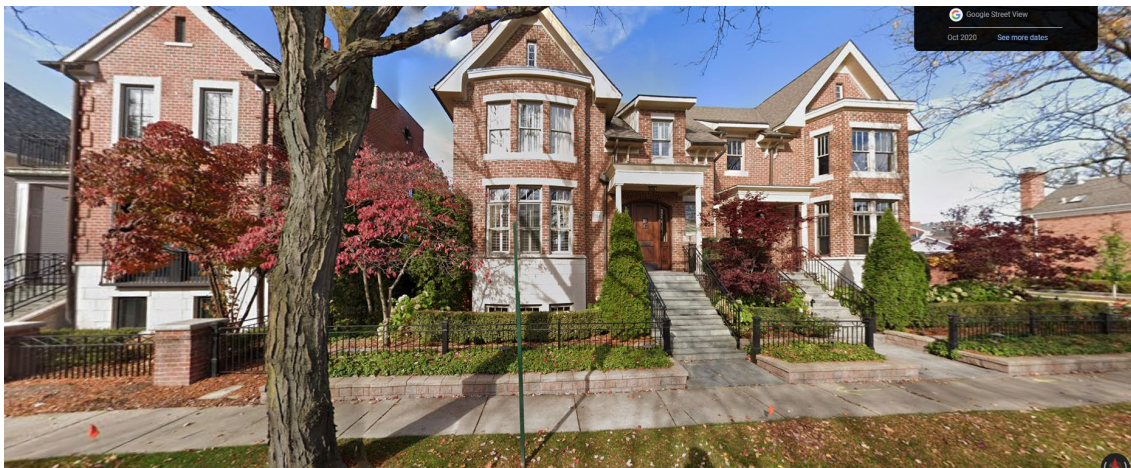


## Development Under Existing Ordinance





## Potential Development Under Proposed Ordinance





## RM-2, Multiple Family Residential District - Zoning

There was discussion regarding the allowable height in the RM-2 District with the question being raised as to the appropriate maximum height. The current ordinance allows up to eight stories. The recently adopted Master Plan recommends reducing the height to six stories.

There are currently two sites in the City planned for and anticipated to have the RM-2 designation. Both are located south of 1<sup>st</sup> Street and west of Rochester Rd./Main St.



Both of the sites are designated as PICA sites which means they may be considered for deviation from the minimum building height allowed. The owners of these properties have not begun construction on any approved projects, as a result, they would be subject to any zoning requirements that are in place at the time they apply for site plan approval and ultimately building permits and construction.

I would recommend the City consider allowing the highest maximum building height they are comfortable with in this area, by right. Then utilize their regulatory flexibility under the Special Projects provision to allow additional height in exchange for better design, bigger setbacks to offset the increased height, and public benefits. This could result in a maximum building of four stories in the zoning ordinance.

### NEXT STEPS

Once the City Council is comfortable with all of the proposed changes to the zoning ordinance, including the schedule of regulations, we will work with the City attorney to effect the proposed changes. This will result in adding new districts and modifying existing districts.

Once the districts are in place the City can then adopt a new Zoning Map. This map will include the new districts and align with the recently adopted master plan. We will be prepared to walk through this process at the Planning Commission meeting this week.

CITY OF ROCHESTER ZONING ORDINANCE  
ARTICLE 8. RM-[1] MULTIPLE-FAMILY RESIDENTIAL DISTRICT  
First DRAFT – PC Review – June 15, 2023

Review	Date	Status
PC Introduction	6/15/2023	
PC Public Hearing		
CC Introduction		
CC Public Hearing/1 <sup>st</sup> Reading		
CC 2 <sup>nd</sup> Reading/Adoption		

**ARTICLE 8. RM-[1] MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

**Sec. 800. Intent.**

- (a) By allowing multiple-family dwellings, this district is intended to contribute to the diversification of the community's housing. RM-1 districts are intended to be located at sites suitable for a residential environment. This district is applicable to existing multifamily buildings built under the standards hereof, it being the intent that future multifamily buildings be developed under the standards of the RM-2 District.

**Sec. 801. Permitted principal uses.**

[The following principal uses shall be allowed in the RM-1, Multiple-Family Residential District:]

- (1) Two-family dwellings, subject to the area, height, bulk and placement regulations of the R-2 District.
- (2) Multifamily dwellings.

**Sec. 802. Permitted accessory uses.**

[The following accessory uses shall be allowed in the RM-1, Multiple-Family Residential District:]

- (1) Same as R-2 District.
- (2) Private swimming pool designed and operated for occupants of principal buildings and their personal guests.
- (3) For multifamily dwellings, off-street parking, carports, garages, recreational facilities, swimming pools, club houses, maintenance and management buildings, and similar facilities primarily for the use of the residents.

**Sec. 803. ~~Special exception~~ Conditional uses.**

[The following special exception uses shall be allowed in the RM-1, Multiple-Family Residential District:]

- (1) Same as R-2 District.
- (2) ~~Hospitals~~, convalescent homes, nursing homes: ~~of fireproof construction~~, on a site of at least five acres.
- (3) Group housing at a density of a least 1,000 square feet lot area per person in residence.
- (4) Bed and breakfast homes, subject to section 2114.

**Sec. 804. Development Standards.**

[The following development standards shall apply to development in the RM-1, Multiple-Family Residential District:]

- 
- (1) Parking: Parking should be located behind the building. Garages should not protrude beyond the front façade of the building.
  - (2) Front Porches. Unenclosed front porches should be allowed to encroach up to 8 feet into the front yard setback area.

CITY OF ROCHESTER ZONING ORDINANCE  
ARTICLE 9. RM-2, MULTIPLE-FAMILY RESIDENTIAL DISTRICT  
First DRAFT – PC Review – June 15, 2023

Review	Date	Status
PC Introduction	6/15/2023	
PC Public Hearing		
CC Introduction		
CC Public Hearing/1 <sup>st</sup> Reading		
CC 2 <sup>nd</sup> Reading/Adoption		

**ARTICLE 9. RM-2, MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

**Sec. 900. Intent.**

- (a) Same as RM-1 District. In this RM-2 District, structures of greater building height and density than in the RM-1 District are allowable as special exception uses. Density and lot area requirements of this district for multifamily dwellings of not more than two stories are greater than in RM-1 districts, reflecting improved environmental standards.

**Sec. 901. Permitted principal uses.**

[The following principal uses shall be allowed in the RM-2, Multiple-Family Residential District:]

- (1) One-family dwellings, subject to the regulations of the R-2 District.
- (2) Multifamily dwellings in buildings of not more than two stories, subject to the regulations of this district.

**Sec. 902. Permitted accessory uses.**

[The following accessory uses shall be allowed in the RM-2, Multiple-Family Residential District:]

- (1) Same as RM-1 District.

**Sec. 903. ~~Special exception~~ Conditional uses.**

[The following special exception uses shall be allowed in the RM-2, Multiple-Family Residential District:]

- (1) Same as RM-1 District.
- (2) Multifamily dwellings in buildings of more than two stories but not more than ~~eight-six~~ stories and ~~100~~ 80 feet building height: subject to the area, height, bulk, and placement regulations for such building(s) in this district.
- (3) Within a multifamily building containing at least 80 dwelling units, the following uses: restaurant, coffee shop, bookstore, barber shop, beauty shop, laundromat, valet service, drug store, and similar uses intended for the convenience and patronage of the building's residents. These uses are subject to the conditions set forth below:
  - a. The total floor area of any single such establishment shall not exceed 2,000 square feet.
  - b. The total floor area of all such establishments shall not exceed the number of dwelling units in the building times 100 square feet.

- 
- c. There shall be no outdoor advertising of such establishments other than one announcement sign not to exceed four square feet for each establishment.
  - d. Such other conditions as shall be required by the city planning commission in conjunction with approval of the site plan.
- (4) Mixed-use residential/office developments may be permitted in the RM-2 districts, only after special exception approval by the planning commission following a public hearing, and subject to the following standards:
- a. Mixed-use projects may only include residential and office uses, except for buildings of at least 80 residential units which may include personal services establishments subject to subsection (3) of this section.
  - b. Only principal permitted office uses allowed in the O-2, Restricted Office districts may be included in mixed-use projects.
  - c. The maximum ratio of office to residential floor area, in percent, shall be 30 percent office to 70 percent residential.
  - d. ~~Only properties zoned RM-2 and immediately adjoining the downtown (CBD or B-1 zones) are suitable for mixed-use developments.~~
  - e. ~~All mixed-use developments shall comply with all RM-2 setback requirements.~~
  - f. ~~Mixed-use developments shall provide the number of parking spaces required for the combined total of the residential and office uses computed separately. Mechanical areas for heating/cooling equipment, and elevator shafts/stairway towers serving both the residential and office units jointly shall be considered part of the residential use when computing the parking requirements.~~
  - g. Mixed-use developments must provide all outdoor recreation and open space required for the residential units in the development.
  - h. The size and scale of the development, and specifically the maximum number of stories, shall be at the discretion of the planning commission. The commission shall base any limitations on the number of stories on its impact on and compatibility with the immediate neighborhood, as determined by the commission.
  - i. Mixed residential/office developments shall demonstrate separation of the two uses, either by floor, by means of design features such as special lobbies, or otherwise, to the satisfaction of the planning commission.

#### **Sec. 904. Development Standards.**

[The following development standards shall apply to development in the RM-2, Multiple-Family Residential District:]

- (1) Parking: Parking should be located behind the building. Garages should not protrude beyond the front façade of the building.
- (2) Front Porches. Unenclosed front porches should be allowed to encroach up to 8 feet into the front yard setback area.



# Memorandum

**TO:** Planning Commission

**FROM:** John Jackson, AICP  
Vidya Krishnan

**SUBJECT:** **Research Technology and Light Industrial District Implementation**

**DATE:** June 11, 2023

## ZONING AND FUTURE LAND USE DEFINITIONS

The Master Plan includes two districts for industrial based uses – Research Technology and Light Industrial.

The following chart compares the Master Plan District with the current zoning districts and proposed zoning districts.

<b>INDUSTRIAL DISTRICT COMPARISON ROCHESTER, MI</b>		
<b>Master Plan</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>
<b>Research Technology</b>	RP, Research Park	RTECH
<b>Light Industrial</b>	LI-1 LI-2	LI

The RTECH, Research Technology District replaces RP, Research Park district. The intent of the district is to allow for a wider variety of office uses and associated supplemental activities in either a campus designed setting or on an individual smaller scale parcel. This district is also intended to accommodate a modest amount of manufacturing which would be directly related to the main office headquarters and/or research conducted on site. The district has been planned to be located in areas where the impact to existing residential uses would be limited.

The LI, Light Industrial District replaces I-1 and I-2 Industrial 1 and 2 Districts. The district accommodates a variety of industrial uses. The intent language of the district is written to match the goals of the Master Plan. The list of permitted and conditional uses has been minimally changed from the permitted and conditional uses currently in the I-1. A new development standards section has been added to outline the specific dimensional requirements identified in the Master Plan.

CITY OF ROCHESTER ZONING ORDINANCE  
ARTICLE 16. RESEARCH TECHNOLOGY DISTRICT  
**First DRAFT – PC Review – June 15, 2023**

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<b>Review</b>	<b>Date</b>	<b>Status</b>
PC Introduction	6/15/2023	
PC Public Hearing		
CC Introduction		
CC Public Hearing/1 <sup>st</sup> Reading		
CC 2 <sup>nd</sup> Reading/Adoption		

**ARTICLE 16. RTECH - RESEARCH TECHNOLOGY DISTRICT**

**Sec. 1600. Intent.**

- (a) This RTECH district is intended to accommodate uses such as research, testing, manufacturing, packaging or technologically related activities which are a component of the overall business activities. These uses are envisioned to be located and designed as either a comprehensive campus setting or smaller in scale on an individual parcel. The district is spread out over different areas in the City which include existing large-scale research and manufacturing facilities and also areas abutting the Clinton River. The district envisions developments that take advantage of the unique natural settings they are located in or that will allow for non-residential uses developed in harmony with preservation and enhancement of natural features.

**Sec. 1601. Permitted principal uses.**

- (1) Research, testing, development, manufacturing, packaging, and warehousing of pharmaceutical - prescription and nonprescription where warehousing is supplemental to a principal use; veterinary, diagnostics, hospital and biological products and related dispensing containers; scientific instruments, medical devices and other uses and activities related thereto, including raising and maintenance of animals.
- (2) Technical and occupational training schools and institutions of higher learning.
- (3) Offices; banks, credit unions, savings and loan associations, not including drive-in facilities, clinics, hospitals, veterinary hospitals, public or non-profit recreation uses such as parks, playgrounds, golf courses, athletic fields, swimming pools, and community centers.
- (4) Municipal buildings and uses owned by the City of Rochester.
- (5) Technology-oriented companies, data processing offices and other computing related centers.
- (6) Offices of manufacturing agents, sales representatives, and others requiring display areas and/or a limited warehousing area supplemental to the principal use.
- (7) Printing shops and other establishments which complete manufacture of a finished product and where all activities are completely contained within a fully enclosed structure.

**Sec. 1602. - Permitted accessory uses.**

- (1) Accessory structures and uses customarily incidental to a permitted principal use.

**Sec. 1603. Conditional uses.**

- (1) Commercial recreation facilities such as tennis club or racquetball club.
- (2) Radio and television studios and associated transmitting towers and facilities; microwave towers.

- 
- (3) See section 2108 on public utilities and facilities.
  - (4) Oil and gas wells in accordance with the criteria set forth in section 2130.
  - (5) Banks, credit unions, or savings and loan associations which include drive-in facilities related thereto;
  - (6) Funeral home, meeting hall, house of worship and other places of assembly;
  - (7) A business establishment permissible in the B-1 General District found to be of significant convenience to the employees and firms in the RTECH Research Technology District for example, restaurant, filling station, or credit union;
  - (8) Other uses deemed similar to the uses permissible in the district, subject to Planning Commission determination on such suitability of such uses to the intent of the district.

**Sec. 1604. Development standards.**

The required minimum useable floor area, minimum required setback dimensions, maximum building height, minimum area, and lot size for the RTECH Research Technology District shall be as set forth in this section.

- (1) *Lot Area.* Minimum required lot area shall be 40,000 square feet.
- (2) *Lot Width.* Minimum required lot width shall be 200 feet.
- (3) There is no maximum building coverage in the RTECH district.
- (4) *Building height.* Maximum height of buildings shall not exceed 45 feet or four stories for properties with a lot line abutting the South Street right-of-way. Maximum height of buildings for all other lots zoned RT shall not exceed 30 feet or two and one-half (2 ½) stories.
- (5) *Front yard.* Buildings shall be setback at a minimum of 50 feet from the front lot line.
- (6) *Side yard.* Buildings shall be setback a minimum of 20 feet from any side lot line. The minimum required side yard setback for a corner lot with a side street shall be 50 feet.
- (7) *Rear yard.* Minimum required setback shall be 20 feet.
- (8) *Parking.* Parking may be accommodated on-site or integrated into the building design. Required greenbelts and landscaping as identified Article 28 shall be provided.

**Sec. 1605. - Planning commission approval required.**

The planning commission shall review and approve or reject any proposed development, in accordance with the standards and requirements of this article.

CITY OF ROCHESTER ZONING ORDINANCE  
 ARTICLE 17. LIGHT INDUSTRIAL DISTRICT  
**First DRAFT – PC Review – June 15, 2023**

<b>Review</b>	<b>Date</b>	<b>Status</b>
PC Introduction	6/15/2023	
PC Public Hearing		
CC Introduction		
CC Public Hearing/1 <sup>st</sup> Reading		
CC 2 <sup>nd</sup> Reading/Adoption		

**ARTICLE 17. LI - LIGHT INDUSTRIAL DISTRICT**

**Sec. 1700. Intent.**

- (a) The City has a limited number of industrial uses due to the limited amount of land and size of parcels available to reasonably accommodate such uses. Light industrial uses are typically located on the southeast side of the City. The area is characterized by assorted industrial and high intensity commercial uses. The area is envisioned as the only industrial district within the City. This district is intended to accommodate industrial, warehousing, and related operations which, by virtue of their operational characteristics, are reasonably compatible with nearby residential districts and within a densely populated community. The district is also intended for heavy commercial uses which are typically characterized by outdoor storage or garage components which may occupy an area larger than the customer component. Uses which would be adversely affected by location in an industrial area, such as residential dwellings, are prohibited.

**Sec. 1701. Permitted principal uses.**

Any of the following uses, when conducted wholly within a completely enclosed building or within a designated area enclosed on all sides by a six-foot fence or solid wall shall be allowed in the LI, Light Industrial District. Said fence or wall shall be completely obscuring on those sides abutting or adjacent to districts zoned for residential use.

- (1) Warehouse, storage and transfer, and wholesale establishments, and trucking facilities. Storage facilities for building materials, sand, gravel, stone, lumber, contractor's equipment and supplies.
- (2) Public utility buildings and yards, electric transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants. Water and gas tank holders. Railroad transfer and storage tanks. Heating and electrical power generating plants, and all necessary uses. Railroad rights-of-way and related uses.
- (3) The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceutical, toiletries, food products, hardware and cutlery; tools, die, gauge, and machine shops.
- (4) The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials, such as, but not limited to bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones. Sheet metal (excluding any operation involving metal plating, buffing, polishing and-or stamping), shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns.
- (5) The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.

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- (6) Manufacture of musical instruments, toys, novelties, metal or rubber stamps, or other small molded rubber products
  - (7) Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs
  - (8) Laboratories, either experimental, film or testing.
  - (9) Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like.
  - (10) Veterinary hospitals.
  - (11) Car wash, service garage, bump and paint shop, tire sales, muffler and brake shops, quick oil and lube centers, and similar operations.

**Sec. 1702. Permitted accessory uses.**

- (1) Accessory structures and uses customarily incidental to a permitted principal use.

**Sec. 1703. Conditional uses.**

- (1) A business establishment permissible in the B-1 General District found to be of significant convenience to the employees and firms in the LI, Light Industrial District, for example, restaurant, filling station, or credit union.
- (2) An industrial use similar in operational and performance characteristics to a permitted principal use in this district.
- (3) Lumber and planing mill, metal plating, buffing and polishing or stamping, and similar uses.
- (4) See section 2108 on public utilities and facilities.
- (5) Indoor commercial recreation uses that are typically housed in a large structure, such as: indoor soccer, golf domes, skate parks, ice skating arenas, swimming facilities.
- (6) Oil and gas wells in accordance with the criteria set forth in section 2130.
- (7) Pet grooming, pet exercise and care facilities, subject to the following conditions:
  - a. All outdoor pet exercise areas must be fenced and screened with landscaping as deemed appropriate by the Planning Commission.
  - b. Pets shall be supervised when outdoors.
  - c. Use shall comply with City's noise ordinance.
  - d. No overnight accommodation shall be provided for animals.
  - e. Parking shall be provided in accordance with ITE standards for the use classification.

**Sec. 1704. - Development standards.**

The required minimum useable floor area, minimum required setback dimensions, maximum building height, minimum area, and lot size for the LI, Light Industrial District shall be as set forth in this section.

- 
- (1) *Lot Area.* Minimum required lot area shall be 10,000 square feet.
  - (2) *Lot Width.* Minimum required lot width shall be 80 feet.
  - (3) There is no maximum building coverage in the LI district.
  - (4) *Building height.* Maximum height of buildings shall not exceed 35 feet or three (3) stories.
  - (5) *Front yard.* Buildings shall be setback at a minimum of 25 feet from the front lot line.
  - (6) *Side yard.* Buildings shall be setback a minimum of 15 feet from any side lot line. The minimum required side yard setback for a corner lot with a side street shall be 25 feet.
  - (7) *Rear yard.* Minimum required setback shall be 40 feet.
  - (8) *Parking.* Parking must be accommodated on-site and should be predominantly located within the side and rear yard.

**Sec. 1705. - Planning commission approval required.**

The planning commission shall review and approve or reject any proposal for compliance with the standards and requirements of this article.

## ARTICLE 20. SETBACK, AREA, BULK, HEIGHT AND PLACEMENT REGULATIONS

First DRAFT – PC Review – June 15, 2023

### Sec. 2000. Schedule of district regulations.

(a) The area, height, bulk, and placement requirements for principal and accessory uses shall be as set forth below and following this schedule:

District	Maximum Percent of Lot Coverage by all Buildings	Minimum Yard Setback From Lot Lines (in feet)				Maximum Building Height		Minimum Lot Size	
		Front Yard	Side Yards		Rear Yard	In Feet	In Stories	Area (in Square Feet)	Width (in feet)
			Least One	Total of Two					
R-1	30	25	5	15	35	25	2½	6,000	50
R-2	30	25	5	15	35	25	2½	7,200	60
R-3	30	25	5	15	35	25	2½	8,400	70
R-4	25	25	10	30	35	25	2½	9,600	80
R-5	25	25	10	30	35	25	2½	15,000	100
RT	30	25	5	15	35	35	2½	3,200	54
RM-1	30	<del>40</del> 25	20 <u>Street 25</u>	40 <u>Street 45</u>	35	30	2½	1 BR: 2,250 2 BR: 3,000 3 BR: 3,750	<u>50</u>
<del>RM-2</del> 1 or 2 stories	<del>30</del>	<del>40</del>	<del>40</del>	<del>80</del>	<del>40</del>	<del>25</del>	<del>2</del>	<del>1 BR: 3,500 2 BR: 4,500 3 BR: 6,000 4 BR: 8,000</del>	<del>--</del>
More than 2 stories <del>RM-2</del>	<u>60</u>	<u>50-10 Min. 25 Max.</u>	<u>50-15 Street 10 Min. Street 25 Max.</u>	<u>30-50 Street 25 Street 40</u>	<u>25-50</u>	<u>100-80</u>	<u>8-6</u>	1 BR: <u>2,500-1,000</u> 2 BR: <u>2,000-3,000</u>	<u>50</u>

								3 BR: 5,0003,500	
O-1*	--	25	5	20	30	35	2½	---	---
O-2*	--	25	10	20	30	35	2½	---	---
CBD	--	<sup>1</sup>	10	35	3	<a href="#">35</a>	---		
DE-1	See Section 1104.A								
DE-2	See Section 1104.B								
T	See Section 1104.C								
MU	See Section 1104.D								
MU-1	See Section 1104.E								
B-1	--	See following notes	10	35	3	---	---		
RP	--	50	20	40	50	50		40,000	200
RP	See following notes								
IND-1	--	25	15	40	20	50		10,000	80
IND-2	--	25	15	40	20	75		10,000	80

\*Minimum setback from residential district: 30 feet in O-1, 20 feet in O-2.

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**Sec. 2001. R-3, R-4.**

- (a) The minimum lot width indicated in the schedule may be further reduced to 65 feet in the R-3 District and to 70 feet in the R-4 District, provided that the average lot width of all the lots in the subdivision is 70 feet in the R-3 District and 80 feet in the R-4 District. This provision is only applicable where approved by the city as part of approving a preliminary plat that is consummated in a recorded final plat covering all the lots so averaged. See planned residential development provisions of article 25 regarding lot sizes.

**Sec. 2002. RM-1, RM-2.**

- (a) In computing the bedroom (abbreviated BR) count of a dwelling unit, a "den," "library," or "family room" or similar extra room shall be counted as a bedroom.
- (b) The minimum distance between buildings on the lot shall be subject to site plan approval; see article 27.

**Sec. 2003. RM-2.**

- (a) No building of two stories or less shall contain more than 16 dwelling units.
- (b) No part of a dwelling unit shall be below grade unless approved as part of the site plan by the city planning commission, their approval to be based on consideration of sloping topography affording unique design opportunities for amenities.
- (c) ~~No building of two stories or less shall be closer than 40 feet to any perimeter lot line of the property unless a lesser setback is approved as part of the site plan by the city planning commission, their approval to be based on unique circumstances of topography, natural features, adjoining land use, or similar considerations.~~
- (d) Any building of more than two stories shall have front, side, and rear yard setbacks from the perimeter lot lines of the property at least equal to the height of the building; except that where such lot line(s) abut a street, alley, or other permanently reserved open space, one-half the width of such open space may be considered as yard setback; but in no instance shall any yard setback from a property lot line be less than 50 feet.
- (e) ~~Any building of more than two stories shall be of fireproof construction, such as masonry and steel, reinforced concrete, or similar fireproof rated materials.~~

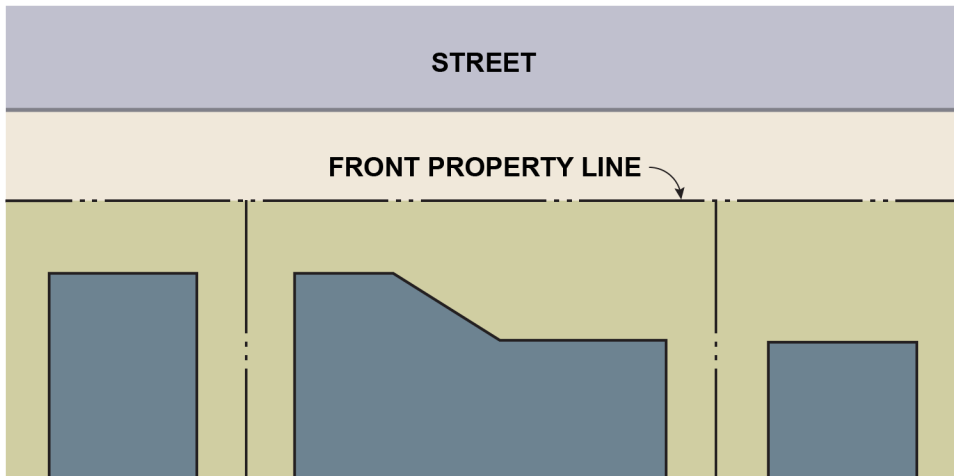
**Sec. 2004. CBD, B-1.**

- (a) No side yards are required along interior lot lines, provided all requirements of the building code have been met with regard to fire protection and separation, adequate light, and adequate ventilation.
- (b) ~~Mechanical equipment, such as heating/ventilation/air conditioning, for buildings in B-1 and CBD districts shall be provided with visual and acoustical screening by means of principal building features or components, such as roof structural members, parapet walls, and the like. These principal building features shall obscure at least 75 percent of the height of the equipment being screened but not less than five feet. The use of wood, metal, or similar screen fences to obscure mechanical equipment shall not be permitted. The building wall or parapet wall for a structure with a flat roof may be permitted to a maximum height of 40 feet in order to provide the required screening for mechanical equipment. Buildings with a pitched roof may not increase building height.~~

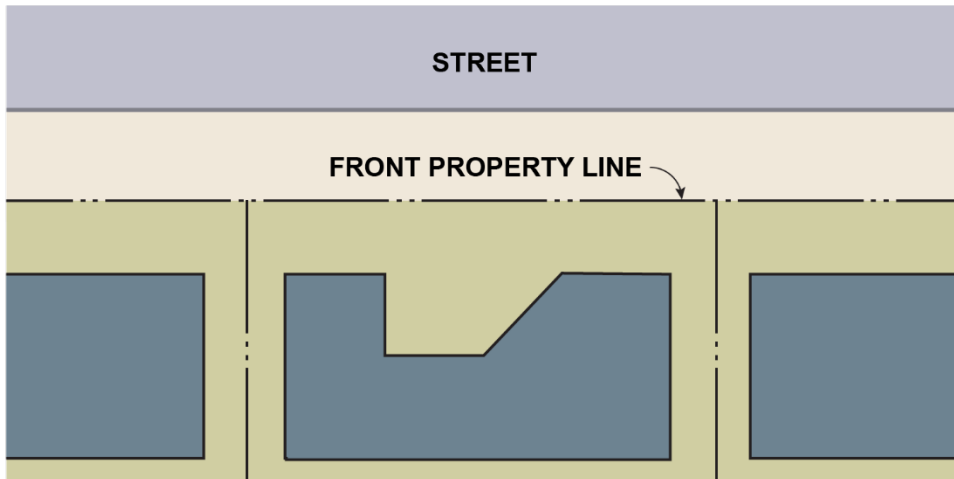
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**Sec. 2005. B-1.**

- (a) The minimum front yard setback shall be 15 feet, and the minimum side yard setback shall be ten feet, provided however that the city planning commission may in its discretion as part of site plan review and approval pursuant to article 27 of this ordinance approve lesser or no front and/or side yard setbacks, taking into consideration subsections (d)(1) through (3) of this section.
- (b) That portion of the front yard between the building and the front lot line shall not be used for vehicle parking and shall be mainly devoted to landscaped open space and pedestrian access.
- (c) The established pattern of front setbacks on the same block and the same side of the street. The planning commission shall be guided by the intent that the required front yard setback should not result in poor visibility of the building from the street caused by the setbacks of existing buildings on adjoining lots. Similarly, the approved front yard setback for the subject building shall take into consideration the effect of the subject building on the visibility of adjoining buildings. In furtherance of this intent, the planning commission may, as the circumstances warrant, approve:
  - (1) Transitional setback as illustrated in Diagram A below;
  - (2) A plaza as illustrated in Diagram B below in the case where adjoining buildings have little or no front yard setback.



**Diagram A – Transitional Setback**



**Diagram B – Plaza Setback**

(d) B-1 setback examples.

- (1) In establishing the front yard setback for a building in close proximity to existing buildings, the planning commission shall be guided by the design principal that a transitional setback or plaza as described in subsections (c)(1) and (2) of this section may be more appropriate to and compatible with the established pattern of setbacks than would be a setback of the subject building abruptly different from setbacks of existing buildings.
- (2) Provision for accessibility by service and other vehicles. The planning commission shall be guided by the intent of discouraging reliance upon public streets for loading and delivery activities, and encouraging such activities to be accommodated via service drives and alleys, with adequate truck loading space provided on the lot. On a small lot, the planning commission might accordingly find that the intent would be better served by reducing side yard requirements if the enhanced building site thereby facilitates provision of adequate truck loading at the rear of the building. Similarly, the reduction and consolidation of the number of driveways and parking areas might justify the reduction of side yards. Side yard reduction shall be consistent with fire fighting and other public safety considerations: narrow and deep side yards are generally undesirable.
- (3) Adequacy of side yard setback in relation to windows and doors of the subject and adjoining buildings. The planning commission shall take into consideration the effect of side yards on daylight, ventilation, and egress in relation to windows and doors of the subject and adjoining buildings; distances between buildings of less than eight feet are generally not desirable and a better building relationship in some circumstances might be achieved by no side yard setback.

**Sec. 2006. RPOTR.**

- (a) No building shall be closer to a Residential District than four times the building's roof height elevation over the Residential District boundary average elevation, but not less than 50 feet. For example, if the Residential District boundary average elevation is 730, the ground elevation of the building is 710, and the building roof

is 810, the building would be 80 feet above the Residential District boundary, and would therefore be required to be 320 feet from the Residential District. The average elevation of the Residential District boundary shall be determined by the city for the sector of the boundary faced by the building, plus 50 feet beyond, along the boundary.

- (b) The maximum height of a building may be increased from 50 up to 125 feet provided that no building shall be closer to a property line of land under other ownership (excluding public right-of-way and railroad right-of-way) than the building's roof elevation over the average elevation of the property line, determined in the same manner as in the previous paragraph; the building shall be set back from any Residential District boundary as set forth in the previous paragraph.

### **Sec. 2007. Minimum lot size.**

- (a) Any other provisions of this ordinance notwithstanding, the minimum lot size of any lot in any district not served by public water supply and public sanitary sewer shall be established by the city engineer based on engineering requirements for safe and adequate water supply and sewage disposal, but in any event not less than:
  - (1) ~~RP-ORT~~ District: 40,000 square feet lot area and 200 feet lot width.
  - (2) All other districts: 20,000 square feet lot area 100 feet lot width.
- (b) The provisions of this section do not waive any provision of chapter 54 of the City Code, including section 54-236 thereof on discontinuance of a private sewage disposal system when a public sewer becomes available.

### **Sec. 2008. All districts.**

- (a) Screen walls shall be constructed in accordance with article 28 before a certificate of occupancy is issued for a nonresidential use.
- ~~(a)~~(b) Mechanical equipment, such as heating/ventilation/air conditioning, shall be provided with visual and acoustical screening by means of principal building features or components, such as roof structural members, parapet walls, and the like. These principal building features shall obscure at least 75 percent of the height of the equipment being screened but not less than five feet. The use of wood, metal, or similar screen fences to obscure mechanical equipment shall not be permitted. The building wall or parapet wall for a structure with a flat roof may be permitted to a maximum height of 40 feet in order to provide the required screening for mechanical equipment. Buildings with a pitched roof may not increase building height.

### **Sec. 2009. Parking in all districts.**

- (a) The design, construction and operation of off-street parking shall be in accordance with article 24.

### **~~Sec. 2010. West Walnut transition zone.~~**

- ~~(a) The West Walnut transition zone is intended to provide a buffer for the residential uses west of the downtown district. Uses within this zone must be respectful of the nearby residential neighborhood. Building height in this zone shall be limited to two stories on the west side of Walnut in order to provide an appropriate transition to the increased heights permitted on the east side of the street. This gradual transition is intended to prevent close in single family homes from feeling as if the downtown towers over them.~~