

§22 RESTRICTED OFFICE-RETAIL DISTRICTS #1, 2 & 3 (RORD) *Revised 09-15-17*

22-1 Purpose

The purpose of the RORD is to allow for the limited use of land and existing buildings for offices, retail stores, multiple-family dwellings and combinations thereof. These provisions are designed to create zone classifications, which would afford a reasonable and desirable combination of compatible uses along the Post Road, Riverside Avenue and Saugatuck Avenue adjacent to and in scale with established residential areas. Frame residential structures on small lots with topographic limitations in the proximity of commercial areas tend to become economically depressed as the demand for fire resistant buildings on larger and more accessible sites increases. The character of such areas is more residential in architectural design, building scale and physical features of the land. These provisions are intended to retain the residential character of the existing buildings and are not intended to lead to the wholesale redevelopment of those areas to new commercial uses. Consequently, a mixed-use type of zone is required to conserve the value of such property and to recognize the intensity of uses while preserving the character of such areas from the standpoint of compatible land uses, architectural design, building scale and physical appearance.

22-2 Permitted Uses

In a Restricted Office-Retail District, no land, building, or structure shall be used, and no building shall be hereafter erected, altered or added to, unless otherwise provided in these regulations except for one (1) or more of the following uses:

22-2.1 Principal Uses

- 22-2.1.1 Any use permitted in the Residence AAA District, subject to the same approvals and conditions as specified in §11-2, herein, except §11-2.4.12, Accessory Apartments; and §11-2.4.6A Home Occupation, Level 1, and §32-21, Home Occupation, Level 2.

22-2.2 Special Permit Uses

The following uses are permitted in principal buildings subject to Special Permit and Site Plan Approval in accordance with §43, herein.

- 22-2.2.1 Business, professional, insurance, real estate or other offices; Healthcare Professional offices (as defined herein), but excluding medical offices, (as defined herein).
- 22-2.2.2 Stores and shops where goods are sold and services are rendered primarily at retail in RORD #1 and #2 only; except that a fitness center and/or exercise facility may be permitted in RORD #3 provided;
 - (a) The facility shall not exceed 2,500 square feet of floor area;
 - (b) The main exercise area in the facility shall not exceed 1,000 square feet of floor area;

- (c) There shall be no more than two (2) such facilities within this zone; and
- (d) Hours of operation are not restricted except the number of clients that may be present at any one time shall not exceed twenty (20) on weekdays between the hours of 9:00am - 5:00pm when available parking may be limited.

- 22-2.2.3 Off-street parking lots, decks and garages.
- 22-2.2.4 Grocery Stores, delicatessens and Retail Food Establishments.
- 22-2.2.5 Restaurants, Cafes and Taverns.
- 22-2.2.6 Commercial marinas, docks, landings and boathouses in RORD #2, only. No boat shall be occupied or used as a dwelling or dwelling unit.
- 22-2.2.7 Inclusionary two-family and multi-family dwelling units subject to the provisions of §32-12, herein.
- 22-2.2.8 Commercial Wireless telecommunication service facilities, in conformance with §32-16.
- 22-2.2.9 Private Occupational Schools.
- 22-2.2.10 Indoor and Outdoor Commercial Recreation and Entertainment Uses.

22-2.3 Accessory Uses

- 22-2.3.1 Uses customarily accessory to a permitted principal use, including the manufacturing, processing or assembling of goods which is incidental to the conduct of a retail business conducted on the premises subject to the provisions of §32-7, herein, in RORD #1 & #2, only.
- 22-2.3.2 Outdoor storage and display is permitted in accordance with §32-6, herein, in RORD #1 & #2, only.
- 22-2.3.3 Outdoor Eating Areas for Restaurants, Cafes, Taverns and Retail Food Establishments subject to an annual Zoning Permit approval pursuant to §5 and §32-20 Outdoor Eating Areas.
- 22-2.3.4 One attached dwelling unit, provided density does not exceed 20 bedrooms per acre.

22-2.4 Prohibited Uses

The following uses in addition to §32-7, herein, shall be prohibited: gasoline filling station, automobile service establishment or repair garage, any lot, establishment or dealer for new or used motor vehicles, automobiles, motorcycles, trucks, mobile homes, trailers, campers, boats, farm or other heavy equipment, hotels, motels, motor inns, drive-in restaurants, newspaper and job printing establishments, veterinary hospitals, animal clinics, bowling alleys, skating rinks, and heavy commercial uses such as lumber yards, septic tank sales, construction equipment yards and contractor's storage.

22-2.5 Mixed Use Requirements in RORD #3

Only office and residential uses, and no retail uses shall be permitted in RORD #3 and at least 30% of the total building floor area on the lot shall be used for residential dwelling units.

For the purpose of this calculation, total building floor area shall exclude parking areas and cellars, and the residential floor area shall include storage areas, stairs, halls, foyers, and other similar spaces used in common with the dwelling unit(s).

22-3 Lot Area (See Definitions)

The minimum lot area shall be the minimum required lot area of the Zoning District in existence at the time such RORD is established for the area. The lot shall have at least 50 feet of frontage on at least one street.

22-4 Setbacks (See §31-4 through §31-8, also.)

22-4.1 In a RORD #1

No principal building, structure or use shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, fifteen (15) feet from any side lot line, or twenty-five (25) feet from any rear lot line. No accessory building or structure shall extend closer than thirty, (30) feet from any front lot line or Residential District Boundary Line, and fifteen (15) feet from the side and rear lot lines.

22-4.2 In a RORD #2 & #3

No principal building, structure, or use shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, fifteen (15) feet from any side lot line or twenty-five (25) feet from any rear lot line. No accessory building or structure shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, and fifteen (15) feet from the side and rear lot lines.

22-4.3 Setback from the Front Lot Line within the Village District Overlay

22-4.3.1 **Maintenance and Minor Repairs** – Existing buildings that are within the Village District Boundary and do not conform with the requirement to be set back thirty (30) feet from the front lot line are considered conforming for the purposes of maintenance or minor repairs (as defined in §5-2 Specific Terms) to existing façade elements. No Site Plan review is required.

22-4.4 Building Spacing

Groups of buildings on a single lot shall be so arranged that the minimum horizontal distance between the nearest walls or corners of any principal and/or accessory detached buildings shall not be less than one-half the sum of the heights of such adjacent buildings.

22-5 Height

No building or other structure shall exceed two and one half (2-1/2) stories and a height of thirty (30) feet, except for an addition that matches the existing pitched, gabled or gambrel roof line of an

existing building on that lot.

22-6 Coverage (See Definitions)

The building coverage shall not exceed twenty percent (20%) of the area of the lot which lies within the RORD.

22-7 Building Area (See Definitions)

No building shall have more than two thousand, five hundred (2,500) square feet of building area.

22-8 Floor Area

22-8.1 Minimum

No mandatory requirement.

22-8.2 Maximum Expansion

An existing principal building may be expanded provided that such additions are made an integral part of the interior and exterior of the existing structure and provided that the maximum area of expansion on the ground shall not exceed twenty-five percent (25%) of the ground floor area of the principal structure existing as of the date of zoning change for any RORD area, and in no case shall any expansion exceed fifty percent (50%) of the gross floor area of the principal structure existing as of the date of zoning change to a RORD area and further provided that no such expansion shall exceed the maximum allowable building area for any one building.

22-8.3 Total Maximum

No one floor shall exceed an area of 2,500 square feet.

22-8.4 FAR (See Definitions)

No buildings or structures in any Single or Multiple Use Development, as defined herein, shall exceed a Floor Area Ratio (FAR) of 0.25 on the area of the lot that lies within the RORD zone; except for two-family or multi-family dwellings. No buildings or structures in any Single or Multiple Use Development, which contains two-family or multi-family dwellings, shall exceed a FAR as described in §32-12. In any Multiple Use Development containing two-family or multi-family dwellings, any incremental increase in floor area above the maximum allowable FAR for the non-residential uses shall be used for dwelling(s) units, only. No dwelling unit approved under these bonus provisions shall thereafter be changed to any non-residential use. Floor area used for parking and loading shall be excluded from the FAR.

22-9 Architectural Design

The architectural design, scale and mass of buildings and other structures, including, among other elements, the exterior building material, color, roof-line, and building elevations shall be of such character as to harmonize and be compatible with the neighborhood so as to protect property values in the neighborhood, and to preserve and improve the appearance and beauty of the community.

New construction shall adhere to the purpose of this district, in whole or in part.

- 22-9.1** Buildings shall be designed to achieve a small scale and residential appearance.
- 22-9.2** Pitched roofed buildings shall be required.
- 22-9.3** Roof-top mechanical equipment shall be prohibited; except for energy conservation systems such as solar energy panels.
- 22-9.4** Buildings shall be designed and located on the site so as to, retain the existing topography and natural features of the land to the greatest extent possible.

22-9A Village District Overlay Site Plan Review

The following actions require Site Plan Review for properties within a Village District Boundary (see §36 Village District Overlay):

22-9A.1 Exterior Alterations

Site Plan Review under §36 Village District Overlay is required for exterior reconstruction, alteration, or addition to any existing structure or new construction that alters the exterior appearance from a building visible from public streets, public spaces, walkways, bikeways or from the Saugatuck River. The basis for Site Plan Review will be §36-2 Design Principles and Design Standards.

22-9A.2 New Construction or Substantial Reconstruction and Rehabilitation of Existing Facades within Public View

Site Plan Review under §36 Village District Overlay is required for new construction or for substantial repairs or reconstruction to existing facades within view either from public streets, public spaces, walkways, bikeways or from the Saugatuck River. The basis for Site Plan Review will be §36-2 Design Principles and Design Standards.

22-9A.3 Documentation of Existing Conditions

Existing façade elements and setback from the front lot line must be documented to the satisfaction of the Planning and Zoning Commission with photographs, a survey or other relevant methods.

22-10 Signs

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

22-11 Parking and Loading

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations; however, such parking and loading shall be located on the lot and to the rear of the front leading edge of the principal building.

22-12 Landscaping, Screening and Buffer Area

Landscaping, screening and buffer areas shall be provided in accordance with §35 of the Supplementary Regulations.

22-13 Utilities

All utilities and conduits within the site shall be underground.

22-13.1 No Zoning Certificate of Compliance shall be issued for any building or dwelling unit unless and until such building or unit has been connected to a public water supply, suitable power supply and a public sanitary sewer line.

22-13.2 Storm drainage facilities shall be provided and shall be designed to achieve a zero impact run-off based on a minimum 25-year storm flow. Street culverts and bridges shall be designed for a 100-year storm flow.

22-13.3 All storm drainage facilities and public sanitary sewers, shall be designed and constructed in accordance with Town Standards, subject to the approval of the Town Engineer.

22-14 Linked Buildings in RORD #1, Only.

22-14.1 For the purposes of this §22-14 any two buildings which are linked shall be referred to as "Sub-Buildings." The structure that results from linking two Sub-Buildings shall be referred to as a "Linked Building." That which connects the two Sub-Buildings shall be referred to as a "Link."

22-14.2 All floors of the Linked Building shall be handicapped accessible.

22-14.3 A Link shall contain only elevators, stairwells, landing and lobbies and have a building area less than 500 square feet.

22-14.4 The floor area of each of the two Sub-Buildings, excluding the Link, shall not exceed 2,500 square feet per floor.

22-14.5 The floor area of the Linked Building, including the Link, shall not exceed 5,500 square feet per floor.

22-14.6 The floor area of the Linked Building, shall be included in the overall calculation of the total FAR under §22-8.4.

22-14.7 Linked Buildings shall be devoted entirely to non-residential uses.

22-14.8 The longest sides of each of the two Sub-Buildings shall

be at right angles to each other.

- 22-14.9** In order to more adequately screen the Linked Buildings, the Planning & Zoning Commission may require up to a 25% increase in the combined number of plantings required for front landscape areas, parking areas and buffer strips pursuant to Chapter 35. The Planning & Zoning Commission shall determine the most appropriate location for such additional plantings.

- 22-14.10** All other regulations applicable to RORD #1 shall apply, except that §22-7, Building Area; §22.8.4, total maximum floor area; and Chapter 35, Landscaping, Screening, and Buffer Provisions; may be modified pursuant to this §22-14 for Linked Buildings.