

Article 23

General Provisions



Section 2318 Town Center Overlay District:

Purpose

The Town Center Overlay District is intended to permit the redevelopment of specifically defined sites within the area historically identified as Utica Junction, which is generally bounded by the commercial frontage on Utica Road from Gratiot Avenue on the south to Birmingham Street to the north.

This district is intended to allow for the development of a fully integrated, mixed use, pedestrian-oriented town center area, as designated on the zoning map and Master Plan. The intent of the district is to minimize traffic congestion, infrastructure costs and environmental degradation by promoting a compact, mixed use, pedestrian-friendly community following smart growth principles. Provisions for the town center district support traditional neighborhood design principles, which are historically based on urban development from the early colonial times to the 1940s, including, but not limited to:

- Residential neighborhoods, which are interconnected to all development by roadways and pedestrian ways, with an emphasis on making the entire area a more walkable community.
- Housing types and uses that are mixed and developed in close proximity to one another.
- Civic buildings and civic squares, which provide places of assembly for social activities, in prominent locations that act as landmarks, symbols and focal points for community identity.
- Recreation and open space, with neighborhood greens, landscaped streets, woven into roadway and block patterns for the purpose of providing adequate space for social activity, parks and visual enjoyment.
- The location of dwellings, shops and workplaces in close proximity to each other, the scale of which accommodates and promotes pedestrian travel within the community.

1. Schedule of uses.

Use and development of land and buildings shall only be for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the district indicated at the top of Table may be used for the purposes denoted by the following abbreviations:

P: Permitted Use: Land and buildings in this district may be used for the purposes listed by right.

SLU: Special Land Use: Land and/or buildings in this district may be used for this purpose by obtaining Special Land Use approval when all applicable standards cited in Article 23, Special Land Use Review Requirements and Procedures and specific standards are met.

**Table 1
Schedule of Uses**

Use	Utica TCD
<i>Residential</i>	
Townhouses.	P
Multiple-family dwellings.	P
Senior apartments and senior independent living.	P
Live-work units.	P
Dwellings within mixed-use buildings	P
Dwellings and workshop space above garages provided use of workshop is limited to hobby or permitted home occupation.	P
Home occupations.	P
<i>Retail Businesses</i>	
Retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware. (Uses up to 25,000 square feet net floor area).	P
Retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware. (Uses 25,000 square feet of net floor area or more.)	SLU
Open-air business, outdoor display and sales accessory to a permitted retail business, such as nurseries and home improvement items.	SLU
<i>Restaurants and Bars</i>	
Standard sit-down restaurants and taverns without drive-through service.	SLU
Restaurants and taverns with outdoor seating.	SLU

Restaurants with open front windows.	SLU
Carry-out restaurants.	SLU
Cocktail lounge/night club (not including adult regulated).	SLU
Banquet halls.	SLU
<i>Service Uses</i>	
Service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing home appliance/electronic repair, photographic reproduction, and similar service establishments that require a retail adjunct.	P
Dry cleaning establishments or pick-up stations dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.	P
Hotels.	P
Bed and Breakfast Inns.	P
Personal service establishment including barber shops, beauty shops and health salons.	P
Pet grooming and training with no boarding of animals.	SLU
<i>Office, Financial, Medical and Human Care Uses</i>	
Offices for executive, administrative, professional, accounting, brokerage, insurance, writing, clerical, drafting and sales uses.	P
Banks, credit unions, savings and loan associations without drive-through facilities.	P
Business services such as mailing, copying, data processing and retail office supplies.	P
Day care centers for children.	SLU
Adult day care homes.	SLU
Veterinary clinics, not including animal boarding.	SLU
<i>Institutional, Governmental and Quasi-Public</i>	
Civic buildings, libraries, parks and civic squares, which provide places of assembly for social activities, in prominent locations that act as landmarks, symbols and focal points for community identity.	P
Governmental offices or other governmental uses, post offices, public utility offices, exchanges and transformer stations.	P

<i>Recreational Uses</i>	
Amusement arcades which provide space for patrons to engage in playing of mechanical amusement devices or similar activities.	SLU
Bowling alleys, billiard halls, indoor archery ranges, indoor tennis courts, indoor soccer facilities, indoor skating rinks or similar forms of indoor commercial recreation up to 30,000 square feet gross floor area.	P
Health clubs and related uses including gyms, martial arts instruction, gymnasiums up to 30,000 square feet gross floor area.	SLU
Public or private noncommercial recreational areas, institutional or community recreation centers and swimming pool clubs.	P
Theaters, assembly halls, concert halls or similar places of assembly with seating capacity up to 750 people or parking for not more than 200 vehicles.	P

2. Requirements applicable to all uses.

All uses permitted by right or by special land use approval shall be required to meet the following requirements:

- A. *Dealing Directly with Consumers.* All permitted retail or service establishments shall deal directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- B. *Conducted within Enclosed Buildings.* All business, servicing or processing, except for off-street parking, loading and approved open air uses, shall be conducted within completely enclosed buildings.

3. Standards applicable to specific uses.

Uses allowed in the Town Center Overly district shall be subject to meeting the following specific requirements applicable to that use:

- A. **Dwellings Within Mixed-Use Buildings.** Dwellings within mixed use buildings that also contain space for commercial or office shall be subject to the following conditions:
 - 1. No dwelling units shall occupy any portion of a commercial or office building at ground level or below ground level. A commercial or office business may occupy any number of the total floors.
 - 2. In those instances where a residential use is proposed to occupy the same floor as an office or commercial business, the planning commission shall review and approve the mixed-use floor based on findings related to the compatibility of the residential use and the office or commercial business. These findings may include, but are not limited to:
 - a. Compatible hours of operation;

- b. Noise or odors of the operation or occupancy that would be detrimental to the office or commercial business operation, or vice versa;
 - c. Excessive foot traffic.
 - 3. Each dwelling unit shall have a minimum floor area of not less than six hundred square feet.
 - 4. Off-street parking shall be provided in accordance with Article 20 and shall be located in areas within one thousand feet of the dwelling unit for which parking is provided.
- B. Open-Air Business. Open-air business uses shall be subject to the following:
 - 1. The outdoor display and sales shall be accessory to a principal permitted retail use with a building on the site.
 - 2. All outdoor display and sales areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose of stormwater without negatively impacting adjacent property.
 - 3. Any approved outdoor sales or display within a parking lot shall meet the required parking lot setback; provided the planning commission may require additional landscaping, screening or ornamental fencing.
 - 4. Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.
- C. Restaurants. Restaurants shall be designed to minimize any impact from noise and odors on nearby residential uses. This may include limiting hours of operation, noise insulation, enclosed storage of waste receptacles and ventilation filters. Outdoor restaurants and cafes shall also be subject to the requirements of subsection D of this section.
- D. Outdoor Restaurants and Cafes. Outdoor restaurants and cafes shall be subject to the following requirements, in addition to subsection C of this section:
 - 1. An outdoor restaurant or cafe may be set up and used during the months of April through October.
 - 2. A site drawing showing a detailed plan of the outdoor restaurant or cafe shall be administratively approved by the city. The city will review the site plan in order to ensure the following traffic and pedestrian safety measures:
 - a. Any sidewalk or open space used for the outdoor restaurant or cafe is immediately adjacent to the applicant restaurant, provided that the cafe

may be separated from the restaurant by the main pedestrian walkway along the public sidewalk.

- b. The use of a sidewalk or open space for the outdoor restaurant or cafe allows a minimum pedestrian walkway of five feet.
 - c. Any tables, chairs, umbrellas or other equipment shall not extend into or over the five-foot wide pedestrian walkway, and there shall be no barriers to pedestrian visibility. The number, size and location of tables, chairs and equipment shall be administratively approved by the city.
 - d. If alcohol is to be served in conjunction with the proposed outdoor restaurant or cafe, barriers designating the service area, as required by the Michigan Liquor Control Commission, will be utilized. If no alcohol is to be served, a barrier approved by the city will be utilized between the service area and the pedestrian right-of-way.
3. The outdoor restaurant or cafe must be part of a licensed full service restaurant and it must meet all of the requirements of, and secure all of the necessary permits from, the Macomb County Health Department and the Michigan Liquor Control Commission.
 4. Liability insurance and property damage coverage, naming the city of Roseville as an insured party, in an amount approved by the city, must be provided before an outdoor restaurant or cafe may be set up.
 5. Final approval by the appropriate city department is required for any seating placed within the public right-of-way.
- E. Day Care Centers. In addition to the requirements noted in Article 6, Section 602(4)a, Day Care Centers for children shall be subject to the following:
1. The facility shall have received a state license to operate prior to seeking a special use permit under this title. A copy of the license must be filed with the building department as a condition of special land use approval.
 2. Not less than four hundred square feet of outdoor play area per child, (as authorized by the license issued to the applicant by the Department of Human Services), shall be provided on the site.
 3. The outdoor play area shall not be located in the front yard.
 4. Screening and fencing of the outdoor play area shall be provided as required by the planning commission.

5. Parking shall be provided to allow for direct drop-off and pick-up of children without requiring children to cross streets.

F. Adult Foster Care Family Homes. Day care homes for elderly adults shall be subject to the following conditions:

1. No more than six persons, other than full-time occupants of the dwelling, may be cared for in any one dwelling.
2. Certification shall be provided from the Michigan Association of Day Care Providers to ensure safety and quality of care.
3. Day care facilities shall not provide nursing or medical care.

G. Amusement Arcades. Amusement arcades which provide space for patrons to engage in playing of electronic and mechanical amusement devices or similar activities shall be subject to the following:

1. Locations for any such establishment shall be confined to county primary streets and shall have the entrance to both the business and parking area for such establishment on the county primary street. Access from a side or residential street shall be prohibited.

Table 2 delineates the height, bulk, and setback requirements pertaining to the type of building. Notes to the schedule of regulations follow.

Table 2
Schedule of Town Center Overly District Regulations

	<i>Mixed-Use, Apartment and Nonresidential Buildings</i>
Lot area	There is no required min. lot area
Lot width	There is no required min. lot width
Residential density	Apartment (residential only) 25 units/acre max. Dwellings above the first floor in commercial/mixed-use buildings: 30 units/acre max.
Front yard and building frontage requirements	Zero front yard setback; 5-ft. max. front yard. The building facade shall be built to within 10 ft. of the front lot line for a min. of 60% of the street frontage length. (A, B, C)
Side yard	A zero side setback may be permitted where a fire wall is provided along the side lot line. Where a fire wall is not provided, buildings shall be spaced a min. of 10 ft.
Rear yard	20-ft. min. rear yard setback.

Building height	20-ft. min. building height 40-ft./4 stories max. building height The first story shall be a min. of 14 ft. in height
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A. Mixed Use, Apartment and Nonresidential Buildings Front Yard Building Setback Exceptions. All mixed use, apartment and nonresidential buildings shall have sixty percent of the length of the ground level street-facing building facade built within five (5) feet of the front lot line. Exceptions are permitted to allow a greater amount of the building to be setback when the front yard area, or forecourt, is used for one or more purposes listed below:

1. Widening the sidewalk along the frontage of the building;
2. Providing a public gathering area or plaza that offers seating, landscape enhancements, public information and displays, fountains, or other pedestrian amenities;
3. Accommodating an inset entranceway to the building;
4. Providing outdoor seating for the proposed use;
5. The building is used for public or quasi-public/institutional purposes with a plaza or open space area provided in the front yard;
6. Driveway or pedestrian access to parking at the rear of the building;
7. Side yard parking along no more than forty percent of the frontage subject to the requirements of subsection B of this section;
8. Where older residential structures have been converted to a nonresidential or mixed use and are to be retained.

B. Parking. Parking lots shall meet the following requirements:

1. Parking is permitted only in side and rear yards. When parking is located in a side yard (behind the front building line) and has frontage on a public right-of-way, no more than forty percent of the total site's frontage shall be occupied by parking. Parking in the side yard shall be screened by a three-foot tall brick screen wall between the sidewalk and the parking lot. The planning commission may permit a hedge row or ornamental wrought iron fence instead of a brick wall.
2. Where a parking deck is provided or parking is located on the ground level below a building, at least sixty percent of the site's frontage shall be occupied by usable building space to a depth of at least twenty feet.
3. Parking lot design shall conform to the requirements of Section 2002, Off-Street Parking Space Layout Standards. Because the regulations of this section are

intended to encourage pedestrian/transit friendly design and compact mixed-use development that requires less reliance on automobiles, the amount of parking required by Section 2001 may be reduced by thirty percent.

4. Where parking is visible from a street, it shall be screened by a three-foot tall brick screen wall located between the parking lot and the sidewalk. The planning commission may permit a hedge row or ornamental wrought iron, or similar ornamental fence instead of a brick wall. Where a parking lot for a nonresidential use is adjacent to a residential use, a six-foot tall brick screen wall shall be provided between the parking lot, including drives, and the residential use instead of the greenbelt required by Article 20. Where the commercial parking lot is separated from the residential use by an alley, then the screen wall may be reduced to three feet in height; provided however, the planning commission may also require a six-foot tall brick wall on the residential side of the alley. Parking lot landscaping shall be provided as required by Section 2212, except the area of landscape islands and number of parking lot trees may be reduced to one-half the normal requirement for parking that is located in the rear yard.

- C. Civic Uses. Sites developed with civic uses such as schools, churches, libraries, government offices and parks require specific architectural treatment and design that is unique from other uses. The planning commission may permit modifications to the dimensional and building height requirements as part of the site plan review. In considering the modifications, the planning commission shall determine that the design of the building, location of the building and parking, and the relationship of the site design to the streetscape and adjacent buildings are in keeping with the intended character of the Roseville Town Center District.

4. Commercial architectural requirements.

Nonresidential buildings and mixed use buildings (with residential in upper floors) shall meet the following architectural design requirements:

- A. Building Types Permitted. Nonresidential and mixed use buildings shall be designed with traditional styles of architecture characteristic of a Midwestern small town. Buildings shall front onto the sidewalk with windows, doors, and architectural detailing customary of traditional storefronts, and contain varying materials and appearances.
- B. Front Facade Requirements. Walls that face a public street shall include windows and architectural features customarily found on the front of a building, such as awnings, cornice work, edge detailing or decorative finish materials.
 1. Blank walls shall not face a public street;
 2. Entrances.
 - a. All buildings shall have a main entrance that is located on at least one street front.

- b. The entrance to the sidewalk shall be usable and all retail and service uses shall maintain a customer entrance to the sidewalk.
- c. Entrances for upper story offices or residential units shall be to the sidewalk.
- d. Main entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas.
- e. For buildings longer than one hundred feet, there shall be a minimum of one usable entrance every full fifty feet of frontage along the front public sidewalk and shall provide architectural variation to visually break the building up.
- f. For office service uses, entrance must be on the first floor of the building.

C. Corner Buildings. Buildings situated at a corner shall possess a level of architectural design that incorporates accents and details that accentuate its prominent location. This can be accomplished through height projections incorporated into a design feature such as additional height, a building peak, tower, or similar accent with the highest point located at the intersecting corner. Alternatively, a pedestrian plaza may be provided at the corner of the intersecting streets. A main entrance must be on a street-facing wall and either at the corner or within twenty-five feet of the corner.

D. Building Materials. The following exterior finish materials are required on the front facade and any facade facing a street or parking area. These requirements do not include areas devoted to windows and doors.

- 1. All walls exposed to public view from the street or parking area shall be constructed of not less than sixty percent brick or stone. Panel brick and tilt-up brick textured paneling shall not be permitted.
- 2. The remaining facade may include wood or fiber cement siding. Exterior finish insulation systems (EFIS) may be used for architectural detailing above the first floor. Vinyl siding may be used on walls above the height of eight feet.
- 3. Buildings that have upper stories shall be designed to create a distinct and separated ground floor area through the use of accent such as a cornice, change in material or textures, or an awning or canopy between the first and second stories.

E. Windows and Doors.

- 1. Storefront/Ground Floor. Storefronts shall have windows, doorways and signage, which are integrally designed and painted. No less than seventy percent of the storefront/ground floor facade shall be clear glass panels and doorway. Glass areas

on storefronts shall be clear or lightly tinted. Mirrored glass is prohibited. Required window areas shall be either windows that allow views into retail space, working areas or lobbies, pedestrian entrances, or display windows set into the wall. Windows shall not be blocked with opaque materials or the back of shelving units or signs. The bottom of the window must be no more than three feet above the adjacent exterior grade.

2. Entranceway. The front entranceway shall be inset a minimum of three feet but not less than six inches greater than the entrance door swing from the front building wall.
3. Upper Story. Openings above the first story shall be a maximum of fifty percent of the total facade area. Windows shall be vertical in proportion.

F. Roof Design.

1. Unless otherwise approved by the planning commission, buildings should have flat roof appearance from the street with a decorative cornice that is designed proportionate to the size of the building and length of the wall.
2. The planning commission may permit a pitched roof.
3. Flat roofs shall be enclosed by parapets.
4. All rooftop-mounted equipment shall be screened from view on all sides of the building.
5. Parapets and other screening treatment shall use high quality building materials and shall blend with the design of the building in terms of color, materials, scale and height.

G. Awnings. Storefronts may be supplemented by awnings, which give shade and shelter or add color and visual interest to the entry or display window of the storefront, provided that the following conditions are met:

1. Awnings may project over the public sidewalk with a minimum eight-foot clearance provided from the sidewalk, but must be a minimum of five feet from the street curb.
2. Awnings shall be positioned immediately above the ground floor window area of the facade and have a straight shed that projects from the building at a straight angle with open sides.
3. Awnings shall be constructed of a durable material such as canvas or other similar material approved by the building official that will not fade or tear easily.

Plasticized, vinyl, rigid, cubed or curved awnings or mansard style canopies are prohibited.

4. Awnings shall not be internally illuminated and any signs may only be illuminated by fixtures located above the awning and directed downward.
5. Awnings must be installed in accordance with building code requirements.

H. **Converted Dwellings.** Where buildings that were originally constructed for one-family residential purposes have been converted to nonresidential uses, the building design requirements of this subsection may be modified by the city where consistent with the historic character of the building. Such modifications may include allowing the use of siding in lieu of masonry materials and residential fenestration (windows) in lieu of the requirement for storefront windows on the first floor. The building shall be brought into compliance with the building code.

5. Residential architectural requirements.

Townhouses shall meet the following architectural design requirements:

- A. **Building Design.** Residential buildings shall utilize high-quality traditional architecture, such as but not limited to: Arts and Crafts, Colonial, Gothic Revival, Italianate, Tudor, Victorian and other traditional styles characteristic of the Midwestern United States.
- B. **Building Elevations.** As part of a subdivision, condominium or multiple-family site plan application, typical elevations shall be approved by the planning commission as part of the development's design guidelines or pattern book.
- C. **Front Facade.** All residential units shall provide a pedestrian door facing the front lot line.
 1. All dwellings shall include a front porch with steps. The porch shall have a minimum depth of six feet and a minimum area of seventy-two square feet. A stoop or porch (plus steps) shall not extend any nearer than three feet to the sidewalk in front of the lot.
 2. The first floor elevation shall be no less than twenty-four inches above the exterior sidewalk elevation in front of the building. Ramps for accessibility are permitted to encroach into the front yard setback.
 3. The front facade of all residential units shall be at least fifteen percent windows or doors.
- D. **Building Material.** All buildings shall utilize high-quality building materials that are in keeping with traditional architectural styles. Permitted wall materials include, brick, stone, wood, and fiber cement siding. Vinyl siding may be permitted only above the first floor.

- E. **Accessory Buildings.** Detached garages shall be located in the rear yard and may be accessed by a rear alley or in one-family dwellings by a driveway that runs from the front yard to the rear along the side of the dwelling. Detached garages and other accessory buildings located in the rear yard shall be set back a minimum of three feet from the rear and side lot lines and ten feet from the main building. Accessory buildings and structures shall be subject to the regulations of Section 2303; except accessory buildings may be up to two stories, and twenty feet in height. If an accessory apartment is proposed within an accessory building, a permit shall be required from the city for the installation of a bathroom or kitchen.
- F. **Attached Garages.** Attached garages may only be permitted on the rear side of the building where the garage is accessed from a rear alley.

6. Modifications to architectural requirements.

The planning commission may approve deviations to the architectural requirements to allow for creativity and flexibility in development and design. Each deviation shall require a finding that the design standard sought to be deviated from would, if no deviation was permitted, prohibit an enhancement that would be in the public interest. A front elevation drawing of the proposed building shall be provided superimposed on a color drawing or photograph of the entire block and adjacent blocks in both directions showing the relation of the proposed building design to other buildings along the street, which shall be utilized to evaluate the proposed building design based upon all of the following criteria:

- A. Innovations in architectural design may be permitted, provided the building design shall be in keeping with the desired character of the town center area, as articulated in the city of Roseville master plan and the city of Roseville Utica Town Center design guidelines.
- B. The building shall be oriented towards the front sidewalk and maintain or enhance the continuity of the pedestrian-oriented environment. A modification shall not result in an increased dominance of vehicular parking or garage doors along the front of the building.
- C. The roof design shall not be out of character with other buildings along the block and shall be within the minimum and maximum height requirements of the district.
- D. The exterior finish materials shall be of equal or better quality and durability as those permitted herein, with the intent to allow for new technologies in building material while maintaining the desired character of the town center area.
- E. Ground floor windows shall be provided along the front sidewalk to maintain the pedestrian orientation of the streetscape, and upper story windows shall not be incompatible with the rhythm and proportions of windows on other buildings along the block.

7. Streetscape design requirements.

- A. Street Design Standards. All streets shall be constructed to meet the requirements of the city of Roseville, including the city engineering design standards and the Utica Town Central design guidelines, except as provided for in this section.
 - 1. Streets shall meet city requirements for roadway width, except bump-outs may be permitted at intersections, crosswalks and at intermediate points along long blocks to enhance pedestrian safety.

- B. Traffic Calming. The use of traffic calming devices such as raised intersections, lateral shifts, and traffic circles are encouraged as alternatives to conventional traffic control measures. Whenever a conflict exists between design priority for pedestrian usage and vehicular level of service, the conflict shall be resolved in favor of the pedestrian; provided the design results in the safest possible design for both vehicles and pedestrians.

- C. Sidewalks.
 - 1. Sidewalks along the frontage of nonresidential buildings shall be a minimum of fourteen feet wide concrete or brick pavers and provided consistently on both sides of the street. The planning commission may allow the sidewalk width to be reduced to not less than eight feet for frontages that will not be occupied by uses having sidewalk cafes.

 - 3. Sidewalks along the frontage of residential buildings shall be a minimum of five feet wide concrete and provided on both sides of the street.

 - 3. Sidewalks shall be seven feet wide where abutting a parking space or a road curb.

- D. Street Trees. One canopy tree shall be provided for every forty feet of frontage, planted within planters, tree grates within the sidewalk, or within a five-foot wide green planting strip located between the curb and sidewalk.

- E. Street Lights. Pedestrian level street lighting of a decorative nature shall be installed along all sidewalks and parking areas and shall be designed to promote the traditional neighborhood character of the area.
 - 1. Light fixtures shall meet the specification in Section 2305 and in this section. Whenever a conflict exists between Section 2305 and 2318, the conflict shall be resolved in favor of Section 2318.

 - 2. Pedestrian level lighting fixtures shall not exceed sixteen feet in height and shall be placed along the sidewalks and parking areas in accordance with the city engineering standards. Eighteen-foot tall double arm light fixtures may be permitted adjacent to intersections.

 - 3. Street lighting for vehicular traffic, in addition to, or in combination with, pedestrian level lighting may be required. In the event that vehicular traffic street

lighting is required, such lighting shall be installed in accordance with the city engineering standards.

4. Building wall and freestanding exterior lighting shall be directed downward in order to reduce the glare onto adjacent properties and streets.