

## CHAPTER 17.56

### MD MIXED USE ENTERTAINMENT DISTRICT

#### 17.56.010 INTENT

The MD Mixed Use Entertainment District is established to encourage diversity of compatible land uses, and may include a mixture of uses, such as residential, office, commercial, recreational, and other similar uses within an aesthetically attractive environment conducive to the development and protection against nuisance-type uses and combinations.

Development shall be guided by an approved project development plan that conforms with goals, objectives and policies of the city's Master Plan, and any subsequent amendments thereto, and is implemented through the use of the site plan review and special use approval processes. The MD development is intended to accomplish the following:

- A. Help create major new multiple-use developments in planned locations with appropriate densities, heights and mixtures of uses.
- B. Encourage areas devoted primarily to pedestrians by separating pedestrian and vehicular circulation patterns and by requiring off-street parking spaces in accordance with this objective and with the objectives of an approved project development plan.
- C. Encourage originality, flexibility and innovation in site planning and development, including architecture, landscaping and graphic design, in a manner compatible and harmonious with adjoining development and within the district as a whole.
- D. Make recreational and open space more accessible to the district's residents, visitors, and nearby residential and commercial uses.
- E. Create environments conducive to a higher quality of life and surroundings for residents, businesses, employees and institutions.
- F. Encourage successful reuse of underutilized or contaminated parcels.
- G. Allow flexibility in design and relief from regulations enforced in other zoning districts related to such restrictions as building height, building bulk, lot coverage setback, parking and loading requirements, and standards applicable to specific uses.
- H. The MD District is not a development option or an overlay district. However, all development with a MD District shall be by planned unit development, and is subject to the requirements and standards of Chapter 17.58, *Planned Unit Development*. Development of all parcels in the MD District shall comply with the requirements and approval procedures outlined within this chapter.
- I. Development in the MD District is intended to conform to the intent and standards of the city's Master Plan, specifically the design and use criteria established in planned locations.

**17.56.020 PRINCIPAL PERMITTED USES**

The following uses may be permitted in the MD District in a development proposal, provided that development shall be in complete conformity with a project development plan approved by the city:

- A.** Indoor and outdoor business recreation uses, including the following:
  - 1. Theaters, auditoriums, concert halls, cinemas, and similar places of assembly.
  - 2. Bowling alleys.
  - 3. Racetracks for parimutuel harness or thoroughbred racing.
  - 4. Billiard halls.
  - 5. Dance halls.
  - 6. Skating rinks.
  - 7. Uses similar to the above.
- B.** Libraries and museums.
- C.** Community centers and municipal buildings.
- D.** Business and technical schools.
- E.** Health and athletic clubs.
- F.** Artists' studios and galleries.
- G.** Restaurants, provided that a drive-in or drive-through restaurant shall not be individually freestanding. Outdoor seating areas may be provided.
- H.** Cocktail lounges, nightclubs, taverns, pubs, and brewpubs.
- I.** Hotels and motels
- J.** Drive-in and drive-through facilities for financial institutions, automatic teller machines, dry-cleaning establishments, and similar uses.
- K.** Common open space, including pedestrian plazas, greens and courts.
- L.** Attached single-family dwellings, subject to the following conditions:
  - 1. Each dwelling unit shall have a minimum floor area of 2,000 square feet, and shall have at least one separate living room and one separate bedroom.
  - 2. The maximum permitted density is 14 units per acre for attached single-family dwellings.
  - 3. Where building height is 4 stories or greater, an "amenity area" shall be provided at a standard of 200 square feet per dwelling unit. An "amenity area" is an area or areas intended for use for recreational purposes, including landscaped site areas, patios, balconies, communal lounges, swimming pools and any other areas of the site which may be used for recreational purposes but not including any driveway or parking area.

- M. Supermarkets, hypermarkets, multiple-unit shopping centers, and other retail uses.
- N. Wholesale stores.
- O. Wireless telecommunication facilities, subject further to the requirements and conditions of Chapter 17.20 *Wireless Telecommunication Facilities*.
- P. All other uses listed as principal permitted uses in the LB and CB Districts, subject to the terms and conditions imposed therein, not expressly prohibited by within this chapter.
- Q. Accessory buildings and uses customarily incidental to the principal permitted uses of this chapter

### **17.56.030 PROHIBITED USES**

The following uses shall be prohibited within the MD District, as these are considered incompatible with the overall intent of this chapter:

- A. Outdoor storage and display of merchandise or equipment.
- B. Animal hospitals, veterinarians or kennels, except as associated with a racetracks for parimutuel harness or thoroughbred racing.
- C. Automobile wash establishments.
- D. Automotive service centers or repair facilities as a principal use.
- E. Automobile, truck, tractor and trailer sales, rental and repair.
- F. Gas stations.
- G. Manufacturing, storage or distribution.
- H. Outdoor storage.
- I. Commercial parking lots as a principal use.
- J. Convenience or party stores.
- K. All adult business uses.
- L. Tattoo parlors and body piercing studios.
- M. Tobacco shops.
- N. Video sales or rental stores.
- O. Check cashing establishments.
- P. Second hand stores.
- Q. Billboards as a principal use.
- R. Funeral homes, mortuaries, crematoria, or columbaria.

### **17.56.040 APPROVAL PROCESS**

#### **A. OPTIONAL PRE-APPLICATION MEETING**

An optional pre-application meeting with the Planning Commission may be requested by the applicant to discuss whether a development proposal is likely to meet the standards for the MD District and to discuss application requirements.

**B. MD PROJECT DEVELOPMENT PLAN REVIEW**

1. MD project development plan review shall be initiated by submittal of an application for MD development. That application shall include the following:
  - a. A completed application form and an application fee.
  - b. A written statement indicating how the project meets the standards for approval of the MD District.
  - c. Proof of current ownership of the land or evidence of a contractual ability to acquire such land, such as a purchase option or agreement.
2. An MD project development plan which shall provide sufficient detail to permit review of major features of the development and identification of issues that shall be addressed in the final MD project development plan submittal. The project development plan shall be drawn to scale on sheets measuring at least 24 inches by 36 inches, and shall include:
  - a. All site plan descriptive and identification data listed in Section 17.60.080, *Site Plan Review*.
  - b. Identification of each phase if a multiple-phase development is proposed.
3. The application for an MD project development plan shall include a development agreement, which shall include terms and conditions of MD project development plan approval and any of the following required by the City Council:
  - a. The agreement shall set forth the permitted uses.
  - b. The agreement shall set forth the conditions upon which the approval is based, including phasing requirements, requirements for on-site improvements and contributions to required improvements to public facilities.
  - c. The agreement shall set forth a program and financing for maintaining common areas and features, such as walkways, signs, lighting and landscaping.
  - d. The agreement shall establish architectural standards and requirements for building elevations and building materials.
  - e. The agreement shall assure the construction and maintenance of all streets and utilities. Such assurance may include bonds or other financial guarantees and the establishment of a condominium or property owner's association with appropriate assessments to ensure the ongoing maintenance of all roads, storm drainage improvements, landscaping and all other common areas.
  - f. The agreement shall address any other concerns of the city regarding construction and maintenance of roads and common area improvements.
  - g. The agreement shall state that it shall not be effective until it is recorded in the office of the Oakland County Register of Deeds and a certified copy of the recorded agreement has been delivered to the city.
4. A public hearing shall be held by the Planning Commission with notification to property owners within 300 feet of the boundary of the proposed MD project development plan site not less than 5 days nor more than 15 days before the meeting at which the Planning Commission will review the MD project development plan.
5. Following the public hearing, the Planning Commission shall recommend approval, approval with conditions, or denial of the MD project development plan application to the City Council based upon the standards for MD development approval listed herein this chapter.

6. The Planning Commission can request a joint Planning Commission / City Council meeting before providing the City Council with a final recommendation on site plan and development plan approval.
7. Based upon the findings and recommendations made by the Planning Commission, and the standards for approval of an MD project development plan listed herein this chapter, the City Council shall approve, approve with conditions, or deny the preliminary MD project development plan application.
8. When all required revisions are made on a final MD project development plan, all conditions are met, and a final development agreement is accepted and signed by both the applicant and the City Council, the project development plan and development agreement shall be placed on file with the City Clerk's office and the development agreement shall be registered at the Oakland County Register of Deeds at the applicant's expense.

### **C. SITE PLAN, SUBDIVISION OR CONDOMINIUM APPROVAL REQUIRED.**

1. A site plan, subdivision or condominium approval shall be required following approval of an MD project development plan and filing of necessary documents with the City as required under Section 17.56.040 of this chapter.
2. Site plan, subdivision plat, and condominium plan submittals shall be consistent with conditions of the project development plan and development agreement. Final site plan approval may be granted by the Planning Commission if all conditions of MD project development plan approval are complied with and there are no major differences between the site plan and the project development plan.
3. Substantial changes to the proposal when the site plan is submitted, as determined by the Planning Commission, shall require resubmittal and approval of a revised MD project development plan as provided for in Section 17.56.040 of this chapter.

### **D. STANDARDS FOR APPROVAL OF MD PROPOSAL.**

The Planning Commission shall consider the following standards and City Council when evaluating and acting upon a MD project development plan application:

1. All information required under Section 17.56.040 of this chapter shall be provided.
2. The MD project development plan proposal shall conform to the spirit and intent of the Master Plan, specifically as it relates to the entertainment plan district.
3. The MD project development plan shall be designed to create no unacceptable adverse impact on public utility and circulation systems, surrounding properties, or the environment, unless such impacts are mitigated by improvements to public facilities.
4. Safe, convenient, and well-defined vehicular and pedestrian circulation within and to the site shall be provided.
5. The building design, architecture, orientation and materials shall be consistent with the objective of creating an identifiable, signature development for the city.

6. Preference shall be shown for multiple and mixed-use developments with integrated design and shared facilities such as parking, utilities and roadways.
7. Landscape, lighting, and infrastructure improvements of exceptional quality shall be provided, as determined by the Planning Commission and City Council.
8. All setbacks, building bulk (height and floor area ratios), other dimensional requirements of the zoning districts wherein the uses proposed are permitted, and standards applicable to specific uses shall be used as a guide, however, the Planning Commission and City Council may approve any deviations from these standard requirements where appropriate and where the proposal is otherwise in conformance with the intent of this section.
9. The parking requirements of Chapter 17.28, *Off-street Parking Requirements*, of this title shall apply, however shared parking facilities shall be encouraged. Such facilities collectively shall provide not less than the sum of the requirements for the various individual uses computed separately. The Planning Commission and City Council may grant exceptions to this clause in instances where they determine that operating hours of uses do not overlap.
10. The approval may include reasonable conditions to achieve the following objectives:
  - a. Ensure that public services and facilities affected by an MD project development plan will be capable of accommodating increased service and facility loads for which it may cause.
  - b. Protect the natural environment and conserve natural resources and energy.
  - c. Ensure compatibility between adjacent uses of land.
  - d. Promote the use of land in a socially and economically desirable manner.
  - e. Achieve the objectives of the city's Master Plan.
11. Performance guarantees may be required pursuant to Section 17.04.100 of this title.

#### **17.56.050 DEVELOPMENT AGREEMENT**

The development agreement shall address all of the requirements specified in this chapter.

#### **17.56.060 APPEALS AND VIOLATIONS**

- A. The Zoning Board of Appeals shall not have the authority to change conditions, or make interpretations to an MD project development plan, site plan or written conditions, or development agreement, which right is reserved to the City Council.
- B. Any violation or deviation from the approved MD project development plan, site plan or written conditions, or development agreement, except as authorized in this chapter, shall be considered a violation and treated as a violation of this title.