

ORDINANCE NO. 1756

A Council-initiated Zoning Ordinance Text Amendment to amend Title V, Zoning and Planning, Chapter 45, Zoning, of the Code of the City of Southfield by amending Article 4, Section 5.22-3 Overlay Development District, Table 1 Permitted Table of Uses, and other amendments that may become necessary as needed for the City of Southfield.

THE CITY OF SOUTHFIELD ORDAINS:

THE CODE OF THE CITY OF SOUTHFIELD IS HEREBY AMENDED BY AMENDING ARTICLE 4, SECTION 5.22-3 OVERLAY DEVELOPMENT DISTRICT, TABLE 1 PERMITTED TABLE OF USES OF CHAPTER 45, ZONING, OF TITLE V, ZONING AND PLANNING, WHICH SHALL BE DESIGNATED AS FOLLOWS:

Section 5.22-3-2 MUCD, Mixed Use Corridor District

Art. 5.22-3-2	Required Lot Area	Minimum Lot Width	Maximum Building Heights		Maximum Lot Coverage (%)	Minimum Setback Measurement (in feet)				Minimum Usable Floor Area (sq ft)
			Feet	Stories		Front	Least Side	Total Sides	Rear	
<u>District</u> MUCD	0.25 Acres	(A)	(A)	(A)	(A)	5' (B)	(A)	(A)	(A)	(A)

(A) To be determined with each individual development proposed

(B) Exceptions shall be made for architectural features including bay windows, balconies, etc.

A. Statement of Intent

1. Eligible properties within the Mixed-Use Corridor District have frontage along main thoroughfares (i.e., West Twelve Mile Road, West Ten Mile Road and West Nine Mile Road as indicated on the Zoning Map) and tend to be shallow lots that make redevelopment a challenge. It is the intent of this District to authorize the use of Mixed Use Corridor District (MUCD) regulations for the purposes of: encouraging the use of land in accordance with its character and adaptability; to act as a buffer between adjoining non-residential and residential areas, and to ensure that new development is compatible in use, scale, and design with the transitional function of the District; permit mixed-use moderate-density, multiple-family (Middle Housing) residential uses, along with small-scale commercial uses and mixed-use developments that will primarily serve the day-to-day needs of residents in nearby neighborhoods and residential complexes; and encourages innovation in land use planning; providing enhanced housing, employment, walkability, traffic circulation and recreational opportunities for the residents of Southfield; ensuring compatibility of design and use between neighboring properties; and, encouraging development that is consistent with Sustainable Southfield, as amended, and the City's Future Land Use Plan.

2. The provisions in this Article are not intended as a device for ignoring the more specific standards of the Zoning Ordinance, or the planning upon which the ordinance is based. To that end, provisions in this Article are intended to result in land development substantially consistent with the zoning standards generally applied to the proposed uses, allowing for modifications and departures from generally applicable standards in accordance with guidelines in this Article to insure appropriate, fair, and consistent decision making.

B. Eligibility Requirements

1. **Recognizable Benefits.** The Mixed-Use Corridor District (MUCD) will encourage redevelopment of vacant or underutilized shallow depth parcels and result in a recognizable and substantial benefit to the ultimate users of the project and to the community.
2. **Minimum Size.** The minimum size of a lot in the Mixed-Use C01Tidor District (MUCD) shall be 0.25 acres of contiguous land. The site area used to determine eligibility shall be the gross site area exclusive of public rights-of-way, provided that a minimum right-of-way of sixty (60) feet shall be reserved for all adjacent roads.
3. **Use of Public Services.** The proposed type and density of use shall not result in an unreasonable increase in the use of public services, facilities, and utilities, and shall not place an unreasonable burden upon the subject site, surrounding land, property owners and occupants, or the natural environment.
4. **Compatibility with Future Land Use Plan.** The proposed development shall not have an adverse impact upon the Future Land Use Plan of the City and shall be consistent with the intent and spirit of this Article.
5. **Economic Impact.** The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
6. **Usable Open Space.** The proposed development shall include usable open space where feasible, including but not limited to outdoor patios, seating areas, gazebos, pergolas, gardens, rooftop amenities, playgrounds, internal walking paths, art installations, recreational facilities, etc.
7. **Unified Control.** The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance.
8. **Legal Documentation.** The applicant shall provide legal documentation of single ownership or control in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed as shown on the plans, and further that all portions of the development that are not to be

maintained or operated at public expense will continue to be operated and maintained by the developers or their successors. These legal documents shall bind all development successors in title to any commitments made as a part of the documents. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is given to the City Clerk & City Attorney.

C. **Project Design Standards:** Proposed Mixed Use Corridor District (MUCD)s shall comply with the following project design standards:

1. **Location.** A mixed-use development may be approved in any eligible MUCD overlay zone location in the City, as identified on the City of Southfield Zoning Districts map.
2. **Permitted Uses.** Any land use authorized in this Ordinance may be included in a Mixed-Use Corridor District (MUCD) as a principal or accessory use, provided that public health, safety, and welfare are not impaired. The following additional permitted and accessory uses may also be permitted in the MUCD:
 - (a) Residential use including duplex, triplexes, fourplexes, cottage courts, multiplexes, stacked residential, row housing, 4-8 units.
 - (b) Commercial uses considered accessory to residential including retail, personal service, restaurant, and daycare, excluding drive thru.
 - (c) Office use including general and medical
 - (d) Public libraries, parks, nature preserves, parkways, and recreational facilities.
 - (e) Private parks and recreation areas for use of the residents of the MUCD.
 - (f) Community buildings.
 - (g) Accessory buildings.
3. **Residential Density.** The permitted density of residential uses within a Mixed-Use Corridor District (MUCD) shall be determined by the Planning Commission. The density established by the Planning Commission shall be consistent with the Future Land Use Plan and the standards contained in this Ordinance, and upon determination by the Commission that such density will not adversely affect water and sewer services, storm water drainage, road capacity, traffic, parks and recreation, fire and police services, schools, character of the area, and any planned public and private improvements in the area.
4. **Applicable Base Regulations.** Unless waived or modified in accordance with the procedures and standards set forth in this Article, the yard and bulk, parking,

loading, landscaping, lighting, and other standards set forth in the districts listed below shall generally be applicable for uses proposed as part of a Mixed-Use Corridor District (MUCD):

- (a) Single family residential uses shall comply with the regulations applicable in the (R-T) Attached Single Family Residential District, Article 6.
 - (b) Multiple family residential uses shall comply with the regulations applicable in the (RM) Multiple Family (Low Rise) Residential District, Article 7, and (RMM) Multiple Family (Medium Rise) Residential District, Article 8.
5. **Regulatory Flexibility.** To encourage flexibility and creativity in development consistent with the Mixed-Use Corridor District (MUCD) concept, departures from compliance with the regulations in paragraph 4, above, may be granted as a part of the approval of the Mixed-Use Corridor District (MUCD). For example, such departures may include modifications of lot dimensional standards; floor area standards; setback requirements; density standards; parking, loading, and landscaping requirements; and similar requirements. Such departures may be approved only on the condition that they will result in a higher quality of development than would be possible using conventional zoning standards.
6. **Open Space Requirements.** Mixed Use Corridor District (MUCD)s shall provide open space where feasible, including but not limited to outdoor patios, seating areas, gazebos, pergolas, gardens, rooftop amenities, playgrounds, internal walking paths, art installations, recreational facilities, etc. Any pervious land area within the boundaries of the site may be included as required open space except for land contained in public or private street rights-of-way. The required open space shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions or covenants that run with the land, assuring that the open space will be developed according to the site plan and never changed to another use. Such conveyance shall:
- (a) Provide for the privately-owned open space to be maintained by private property owners with an interest in the open space,
 - (b) Provide maintenance standards and a maintenance schedule,
 - (c) Provide for assessment of the private property owners by the City of Southfield for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.
7. **Frontage and Access.** The eligible subject property must be located on a public thoroughfare (i.e., W Twelve Mile Road, West Ten Mile Road or West Nine Mile Road) and in accordance with the MUCD boundaries as shown on the Zoning Map, with direct access to the thoroughfare. Construction of private drives or secondary access drives as a means of providing indirect access to a public road

shall be permitted in accordance with Article II Curb Cuts, Chapter 33, Title IV Streets and Sidewalks, of the Southfield City Code.

8. **Natural Features.** The development shall be designed to promote preservation of natural animal or plant habitats of significant value that exist on the site, the Planning Commission or City Council may require that the Mixed-Use Corridor District (MUCD) plan preserve the areas in a natural state and adequately protect them as open space preserves or passive recreation areas. One hundred percent (100%) of any preserved natural area may be counted toward meeting the requirements for open space.
 9. **Utilities.** All utility lines serving the Mixed-Use Corridor District (MUCD), whether designed for primary service from main lines or for distribution of services throughout the site, shall be placed underground at all points within the boundaries of the site.
 10. **Additional Considerations.** The Planning Commission shall take into account the following considerations, which may be relevant to a particular project: perimeter setbacks and screening; thoroughfare, drainage and utility design; underground installation of utilities; insulating the pedestrian circulation system from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, stormwater management, green infrastructure, landscaping and building materials; and noise reduction and visual screening mechanisms from vehicular thoroughfares and ways.
- D. Procedures and Requirements.** The approval of a Mixed-Use Corridor District (MUCD) application shall require an amendment to the Zoning Ordinance to revise the zoning map and designate the subject property as "Mixed Use Corridor District (MUCD # YR-#####, i.e., MUCD 19-0001)". Approval of a Mixed-Use Corridor District (MUCD), including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendments. Mixed Use Corridor District (MUCD) applications shall be submitted in accordance with the procedures and requirements set forth in Section 5.22-3 C, Rezoning Procedure, and the following:
1. The applicant shall first submit a Preliminary Development Plan which shall be reviewed in accordance with normal zoning amendment procedures. The Planning Department & Planning Commission shall review the Preliminary Development Plan, hold a public hearing, and make a recommendation to the City Council. The City Council shall have the final authority to act on a Preliminary Development Plan and grant the requested Mixed Use Corridor District (MUCD) zoning, subject to the Master Development Plan, (including phase one site plan if applicable), & Development Agreement.
 2. Following approval of the Preliminary Plan and rezoning to Mixed Use Corridor District (MUCD), the applicant shall submit a Site Plan for each subsequent phase of development, if required, in accordance with the Master Development Plan and

normal site plan review procedures.

E. Development Standards and Requirements with respect to Review and Approval. In considering any application for approval of any Mixed-Use Corridor District (MUCD) proposal, the Planning Commission and City Council shall make their determinations on the basis of the standards for site plan approval set forth in Section 5.22, Article 4, as well as the following standards and requirements:

1. **Conformance with the Mixed-Use Corridor District (MUCD) Concept.** The overall design and all uses proposed in connection with a Mixed-Use Corridor District (MUCD) shall be consistent with and promote the intent of the Mixed-Use Corridor District (MUCD) concept as described in Section 5.22-3-2A, as well as with specific project design standards set forth herein.
2. **Compatibility with Adjacent Uses.** The proposed Mixed Use Corridor District (MUCD) shall set forth specifications with respect to architectural integrity, height, setbacks, density, parking, circulation, green infrastructure, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to surrounding properties and the uses thereon. In determining whether this requirement has been met, consideration shall be given to:
 - (a) Access to major thoroughfares.
 - (b) Estimated traffic to be generated by the proposed development.
 - (c) Proximity and relation to intersections.
 - (d) Adequacy of driver sight distances.
 - (e) Location of and access to off-street parking.
 - (f) Required vehicular turning movements.
 - (g) Provisions for pedestrian circulation.
 - (h) Access and connection to non-motorized pathways & public transit.
3. **Protection of Natural Environment.** The proposed Mixed Use Corridor District (MUCD) shall be protective of the natural environment and shall be in compliance with all applicable environmental protection laws and regulations. Low Impact Design & Green Infrastructure in building and site is encouraged.
4. **Compatibility with the Future Land Use Plan.** The proposed Mixed Use Corridor District (MUCD) shall be consistent with the general principles and objectives of *Sustainable Southfield*, as amended, and the City's Future Land Use

Plan.

5. **Compliance with Applicable Regulations.** The proposed Mixed Use Corridor District (MUCD) shall be in compliance with all applicable Federal, state, and local laws and regulations.

F. Phasing and Commencement of Construction

1. **Phasing.** Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary component to insure protection of natural resources and the health, safety, and welfare of the users of the Mixed-Use Corridor District (MUCD) and the residents of the surrounding area. Each phase of the project shall be commenced within eighteen (18) months of the schedule set forth on the approved plan for the Mixed-Use Corridor District (MUCD). If construction is not commenced within the required time period, approval of the plan shall become null and void, subject to the guidelines in Article 4, Section 5.22-3

- G. **Area, Height, Bulk, and Placement Requirements.** Buildings and uses in the Mixed-Use Corridor District (MUCD) District are subject to the area, height, bulk, and placement requirements in Article 22, Schedule of Regulations, unless specifically modified in the Master Development Plan & Development Agreement.

- H. **General Development Standards.** Buildings and uses in the Mixed-Use Corridor District (MUCD) District shall be subject to all applicable standards and requirements set forth in this Ordinance, unless specifically modified in the Master Development Plan & Development Agreement, including the following:

Section/Article	Topic
Article 4	General Provisions
Section 5.22-5	Public Art Requirement
Section 5.29	Off-Street Parking Provisions
Section 5.30	Off-Street Parking Requirements
Section 5.31	Off-Street Parking Layout, Standards, Construction and Maintenance
Section 5.37-1,	Fence Regulations
Section 5.33,	Wall Requirements and Screening Devices
Section 5.38	Landscape Requirements and Plan Materials, Buffer Strip, Parking Lot, and Right-of-Way Planting
Section 5.55	Wetland and Watercourse Protection
Section 5.56	Woodlands and Tree Preservation
Article 22	Schedule of Regulations
N/A	Performance Standards

1. Every person, firm, or corporation who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) and cost of prosecution or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment. The City, in addition to other remedies, may institute any appropriate action or proceeding to prevent, abate, or restrain the violation. Each day's continuance of a violation shall be deemed a separate and distinct offense. Any person violating the provisions of this Ordinance shall in addition become liable to the City for any expense or loss or damage occasioned by the City by reason of such violation.
2. Should any Section, clause, or paragraph of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the Ordinance as a whole or part thereof other than the part declared to be invalid.
3. All Ordinances in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.
4. This Ordinance shall become effective upon passage and publication.

KENSON J. SIVER, Mayor

SHERIKIA L. HAWKINS, City Clerk

PZTA22-0002

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A COPY OF THIS ORDINANCE MAY BE PURCHASED OR INSPECTED AT THE SOUTHFIELD CITY CLERK'S OFFICE LOCATED AT 26000 EVERGREEN ROAD, MONDAY THROUGH FRIDAY, FROM 8:00 A.M. TO 5:00 P.M.