
1130.100 "EM-UPD" ENTERTAINMENT MIXED-USE PLANNED DEVELOPMENT DISTRICT
(EOR 2018-9-89)

1130.110 Purpose: The purpose of the Entertainment Mixed-Use Planned Development (EM-UPD) District is to provide an appropriate Zoning District to accommodate the unique demands and impacts of large and regional scale destination and entertainment developments.

The purpose of an EM-UPD is to promote integrated development oriented at a pedestrian scale which provides for a mixture of land uses. This district should produce development that creates an attractive environment and destination for commerce, employment, living, interaction, dining and entertainment and for the residents, workers, and visitors to the City of Hamilton.

The EM-UPD District provides standards that promote development designs which will create a sense of place and identity serving as a destination within the city through the provision of the following:

1. Encouraging a mixture of land uses in either a horizontal or vertical development pattern.
2. An integrated internal street network which facilitates effective and efficient automobile and pedestrian movement, where appropriate.
3. Multiple parking locations and options, including on-street parking, dispersed throughout the development and arranged in a manner that promotes pedestrian movement, where appropriate.
4. Building sizes, heights, and locations arranged within a walkable environment featuring a high level of integration with the exterior streetscape, street network, and parking locations.
5. Streetscapes which contain a variety of amenities that create a sense of place and promote social interaction, outdoor activity and assembly, where appropriate.
6. Proper integration with land uses in the surrounding area.

Due to the unique characteristics, form, and impact of these types of developments, deviation from traditional zoning standards is necessary. The regulations established herein this Chapter of the zoning ordinance are intended to provide flexibility in design and permit planned diversification in the relationships between types of land uses and structures within a development. The regulations herein are also intended provide the proper oversight, input, and review is to ensure that all development properly integrates with the character and form of the surrounding areas through the protection of the public health, safety, and welfare.

1130.120 Principal Permitted Uses: No building, structure or land shall be used and no

building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses, subject to all applicable regulations and such permits and licenses as may be required by law:

- 1130.120.1 Commercial Recreation: Any type of commercial recreation including, but not limited to, baseball fields, football fields, soccer fields, swimming pools, skating rinks, golf driving ranges, and other sports facilities.
- 1130.120.2 Day Care Facilities
- 1130.120.3 Eating Places: Soda fountains, ice cream parlors and restaurants. Drive-through operations are permitted when such operations are accessory to the business.
- 1130.120.4 Eating and/or Drinking Places: Bars and cafes serving or selling alcoholic beverages, including establishments that provide live entertainment.
- 1120.120.5 Entertainment: Theaters, live entertainment venues, bowling alleys, and similar enterprises, subject to all applicable regulations and such permits and licenses as may be required by law.
- 1130.120.6 Financial Institutions: Banks, savings and loan associations and similar financial institutions, including free-standing automated teller machines (ATMs). Drive-through services shall be excluded with the exception of free-standing ATMs.
- 1130.120.7 Hotels: Lodging and hospitality related uses in which all rooms are accessed from inside the principal structure in which they are located.
- 1130.120.9 Studios: Art, martial art, karate, gymnastic, music, dance studios and other similar uses that will further the intent and purpose of the EM-UPD District.
- 1130.120.9 Medical Offices and Clinics: Such uses and services provided shall be accessory or ancillary to other uses provided in the development area such as orthopedic services or sports medicine. Such uses shall not include overnight accommodations for patients.
- 1130.120.10 Offices: Business and professional offices
- 1130.120.11 Retail and Service: Retail businesses or services establishments that supply commodities or which perform services that are consistent with, or accessory to, uses which further the intent and purpose of the EM-UPD District. Such uses may include, but are not limited to, grocery stores, farmer's markets, dry cleaners, convenience store, tailoring, catering, food service, and sales of equipment.
- 1130.120.12 Residential Single-Family: Townhomes and other attached single-family residential dwellings.
- 1130.120.13 Residential Multi-Family: Apartments, condos, and other similar land uses which are consistent with and further the intent and purpose of the EM-UPD District.

- 1130.120.14 Recreational: Recreation uses including, not limited to, gyms, fitness centers, sports clubs, and swimming pools.
- 1130.120.15 Public and Semi-Public UYses: School / pre-school, marinas and other water related recreation facilities, parks, open spaces, and other public and semi-public uses provided they are intended to primarily serve or complement the needs of visitors to the development and will further the intent and purpose of the EM-UPD District.
- 1130.120.16 Ancillary Uses: Limited, ancillary commercial uses provided they are intended to primarily serve or complement the needs of visitors to the development and will further the intent and purpose of the EM-UPD District.

1130.130 Prohibited Uses: Any use not specifically listed or described within Section 1130.20 shall be considered prohibited within the EM-UPD District.

Those uses listed below shall be specifically prohibited within the EM-UPD District:

- 1130.130.1 Adult Businesses (OR 96-12-134)
- 1130.130.2 Automotive Repair, Major: As Defined in Section 1108.00 (OR 2014-8-72)
- 1130.130.3 Automotive Service And Minor Repair: As Defined in Section 1108.00 (OR 2014-8-72)
- 1130.130.4 Automobile and Other Vehicle Sales: As Defined in Section 1108.00 (OR 2014-8-72)
- 1130.130.5 Automobile Washing Facilities (Car Wash): As Defined in Section 1108.00 (OR 2014-8-72)
- 1130.130.6 Bail Bonds (OR2014-5-34)
- 1130.130.7 Check Cashing (OR2014-5-34)
- 1130.130.8 Car Title Loan Business (OR2014-5-34)
- 1130.130.9 Correctional Facility
- 1130.130.10 Industrial Uses
- 1130.130.11 Instant Bingo (OR 99-7-63)
- 1130.130.12 Mortuaries
- 1130.130.13 Medical Marijuana Cultivation, Processing, or Retail Dispensing: As Defined in Section 1108.00 (OR 2015-2-14) (REVISED: OR2017-12-132)
- 1130.130.14 Pawn Shops (OR2014-5-34)

- 1130.130.15 Pay Day Lending (OR2014-5-34)
- 1130.130.16 Sanitary Landfill/Solid Waste Disposal
- 1130.130.17 Sweepstakes/Internet Café (OR2012-7-60)
- 1130.130.18 Tattoo & Piercing (OR2014-5-34)
- 1130.130.19 Residential Facility, Small: As Defined in Section 1108.00 (OR2014-8-71)
- 1130.130.20 Residential Facility, Large: As Defined in Section 1108.00 (OR2014-8-71)

1130.140 Area Requirements: No EM-UPD District shall be permitted on less than ten (10) acres of land. However, development of a smaller tract adjacent to an existing EM-UPD District may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.

1130.150 Area, Height, and Setback Requirements: Requirements shall be as approved in the development plan.

1130.160 Fences, Wall and Signs: The location, height, and type of all fences, walls, and signs shall be as approved in the development plan.

1130.170 Landscaping: The location and number of planting and species shall be as approved in the plan.

1130.180 Off-street parking and loading and/or unloading: Off-street parking and, when applicable, loading and/or unloading facilities, shall be as approved in the development plan.

1130.190 Design Criteria for Development: When evaluating a proposed development within the EM-PD District, decisions should be based on adherence to the following design criteria. The criteria is intended to provide flexibility and establish a baseline for the character, form, and design elements of development within the EM-UPD District. As such, flexibility, individuality, and creativity in proposed developments shall be permitted from the criteria established below provided that such proposals are consistent with the intent and purpose of the EM-UPD District.

1130.190.01 Street Network & Off-Street Parking: The internal street and off-street parking network provides the foundation for development within the EM-UPD District.

In keeping with the intent and purpose of this EM-UPD District, the central elements that should be addressed and provided by the street network and off-street parking area include the following:

- 1) Provide convenient and safe access
- 2) Accommodate multi-modal movement and transportation within

the development

- 3) Provide smooth transitions between different areas of the development.
- 4) Provide interconnectivity between destinations, parking areas, and the pedestrian network within the development
- 5) Provide connections to adjacent areas surrounding the development where appropriate.

1130.190.02 **Pedestrian Network:** The pedestrian network should facilitate pedestrian movement within the development and be designed in a manner that promotes walkability, social interaction and connectivity between areas and destinations creating a sense of place, identity, and character within the development area. Elements of the pedestrian network within the development should include:

- 1) Provision of a network of walking areas along the internal and/or external portions of the development to provide convenient access and connectivity between the parking areas, destinations within the development, and to surrounding areas where appropriate.
- 2) Provision of landscaping features including but not limited to trees, planting, boxes, planting strips, landscaped berms, shrubs, and other types of landscaping features consistent with the intent and purpose of the EM-UPD District.

1130.190.03 **Building Architecture:** Building designs are encouraged to create a unique and attractive image for the development. High design standards and creativity are encouraged. It is not the intent of these regulations to prohibit any national building identity, but to integrate those designs and maintain a general theme within the development.

- 1) Design of buildings, including materials and architectural style should be cohesive throughout the development.
- 2) Building designs and materials should be consistent with the Commercial Design Standards set forth in Chapter 1111.00 of the Zoning Ordinance to the greatest extent possible.
 - a. Relief from the standards set forth in Chapter 1111.00 of the Zoning Ordinance shall be considered in the review and approval process of development proposals.

1130.190.04 **Signage and Lighting:** Signage and lighting should be planned and designed to be compatible with the buildings on the site in a manner which enhances the appearance of the site and development as a whole.

- 1) Exterior lighting fixtures should be cohesive in placement and design throughout the development, where appropriate.

- 2) The materials and types of signs used within the development shall be a consistent architectural style throughout the development, where appropriate.

1130.190.05 Landscaping: Landscaping should be planned and designed to be to enhance each element of the development including the buildings, vehicular and pedestrian connections, street network, and public spaces.

- 1) Landscaping and plantings should be cohesive in placement and design throughout the development, where appropriate.
- 2) The types of planting used within the development shall be consistent throughout the development, where appropriate.