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**TO:** City Planning Commission

**FROM:** Kimani Jeffrey, Staff

**RE:** Request of the City Planning Commission and the Planning and Development Department to amend the Detroit Zoning Ordinance, Chapter 61, of the 1984 Detroit City Code, in two parts; the first part consisting of a text amendment and the second part consisting of a map amendment. The request is for a text amendment to Article XI of the Detroit Zoning Ordinance to create a Form-Based District for the Brush Park neighborhood, generally bounded by Mack Avenue on the north, the Chrysler Freeway on the east, the Fisher Service Freeway on the south, and Woodward Avenue on the west and secondly the request consists of a map amendment to Map No. 4, Article XVII, of the Detroit Zoning Ordinance to change an existing SD2 (Special Development District, Mixed-Use) zoning classification to the PD (Planned Development) zoning classification on land bounded by Wilkins Street on the north, the Chrysler Freeway on the east, Winder Street on the south and Beaubien Street on the west. Additionally to change an existing B4 (General Business District) zoning classification to the PD (Planned Development) zoning classification on property commonly known as 114 Winder Street (See map B) in order to implement the provisions of the Brush Park Form-Based Zoning District (**RECOMMEND APPROVAL**).

**DATE:** May 2, 2019

**BACKGROUND**

At the December 6, 2018 CPC meeting, a public hearing was held on the proposed Brush Park Form Based Code ordinance. At the time, the Commission was also provided with a draft ordinance for review.

The City Planning Commission staff and the Planning and Development Department are co-petitioners and presented on the initiative to amend the Detroit Zoning Ordinance, Chapter 61, of the 1984 Detroit City Code, in two parts; the first consisting of a text amendment and the second consisting of a map amendment (Please see attached public hearing notice for the full detailed request and intent.)

## FORM BASED CODE-ZONING

To refresh your memories on what form based coding is, according to the Form Based Codes Institute, “a form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law. A form-based code offers a powerful alternative to conventional zoning regulation.






Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and city blocks. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals. They are keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development, rather than only distinctions in land-use types.

This approach contrasts with conventional zoning’s focus on the detailed management and segregation of land uses, and the control of development intensity through **abstract and uncoordinated** parameters (e.g., FAR, dwellings per acre, setbacks, parking ratios, traffic LOS), to the neglect of an integrated built form. Not to be confused with design guidelines or general statements of policy, form-based codes are regulatory, not advisory. They are drafted to implement a community plan. They try to achieve a community vision based on time-tested forms of urbanism. Ultimately, a form-based code is a tool; the quality of development outcomes depends on the quality and objectives of the community plan that the code implements.”

Below you will find the five main elements that Form Based Codes typically address that are considered the pillars to make a successful ordinance that can accomplish the objectives of a form based regulation. The proposed ordinance that is being considered for Brush Park contains all of these elements. They include a:

**Regulating Plan**  
**Public Standards**  
**Building Standards**  
**Administration**  
**Definitions**

### Five Main Elements of Form-Based Codes

<p><b>1. Regulating Plan</b></p> <p>A plan or map of the regulated area designating the locations where different building form standards apply.</p> 	<p><b>2. Public Standards</b></p> <p>Specifies elements in the public realm: sidewalk, travel lanes, on-street parking, street trees and furniture, etc.</p> 	<p><b>3. Building Standards</b></p> <p>Regulations controlling the features, configurations, and functions of buildings that define and shape the public realm.</p> 	<p><b>4. Administration</b></p> <p>A clearly defined and streamlined application and project review process.</p> 	<p><b>5. Definitions</b></p> <p>A glossary to ensure the precise use of technical terms.</p> 
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There are however, other elements that are considered optional by form-based code experts and they include:

- Architectural Standards**
- Landscaping Standards**
- Signage Standards**
- Environment Resource Standards (Stormwater standards)**
- Annotation**

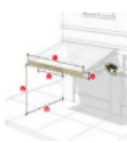
### Additional Optional Elements



**Architectural Standards**  
Regulations controlling external architectural materials and quality.



**Landscaping Standards**  
Regulations controlling landscape design and plant materials on private property as they impact public spaces.



**Signage Standards**  
Regulations controlling allowable signage sizes, materials, illumination, and placement.



**Environment Resource Standards**  
Regulations controlling issues such as storm water drainage and infiltration, development on slopes, tree protection, solar access, etc.



**Annotation**  
Text illustrations explaining the intentions of specific code provisions.

## COMMUNITY ENGAGEMENT AND PUBLIC HEARING RESULTS

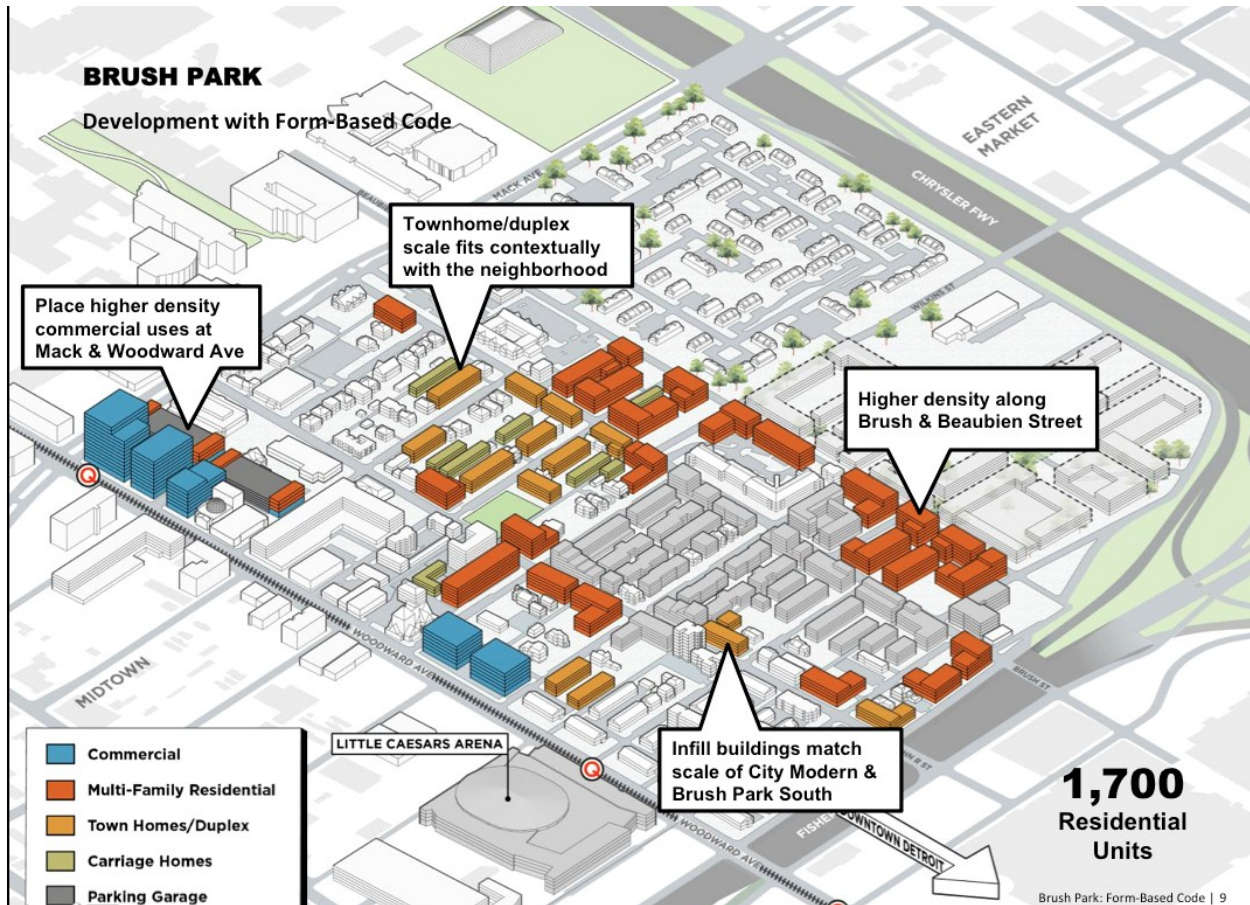
To-date, CPC staff and PDD have held over 20 meetings with the community over a 2 year period regarding the proposed Form Based Code. Many residents are anxious for this ordinance to be implemented as soon as possible.

At the public hearing for this matter, two people spoke to this issue, one being Joanne Warwick who expressed some concern over the ordinance. The other person that spoke was Mona Ross-Gardner, who is the chair of the Brush Park CDC. Mrs. Ross-Gardner expressed that she was speaking on behalf of the community, saying “they have brought our community many meetings. We have seen this as a very positive thing for Brush Park. We would like to see this expedited to be very honest with you. This is really important because I’m actually speaking for our entire community. We’d like to have this expedited because it has caused issues in Brush Park because we don’t actually have a plan in place. So the sooner, the better. And I do commend you guys, you’ve done a very good job! You’ve worked with us personally and we really do appreciate it. So we would actually like to see this happen as soon as possible. ”

This is the sentiment that we get when speaking with many community members that want to see the ordinance implemented.

## ANALYSIS

During the course of this process, much thought and study has gone into this effort. Many of the studies that have been done have taught us a lot as city staff, and provided guidance on how the concepts included in this draft ordinance might be applied on a larger scale to improve development in the city as it grows.



An image depicting a study that was done that shows the opportunity for new development and associated density

Some of the primary potential outcomes of this proposed ordinance is that it:

- Implements the longstanding vision of the community
- Creates a more predictable outcome of what the neighborhood will look like once built out
- Reduces costs
- Sets expectations for developers and allows the neighborhood to set the vision
- Provides projections for the amount of greenspace, parking and other needs in the area
- Promotes walkability
- Allows for varying housing options
- Makes zoning more user-friendly and comprehensible

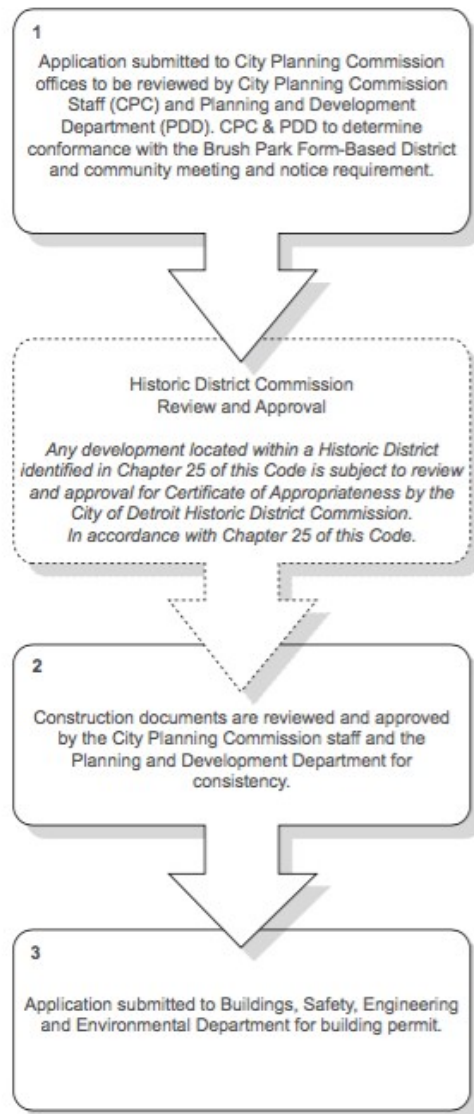
## MAJOR ASPECTS OF THE FORM BASED CODE ORDINANCE

### Review and Process

The proposed ordinance creates a process by which the City Planning Commission and Council would vote to approve the ordinance that is the vision of the community, in order for it to operate as other zoning districts do. So that rather than having a negotiated development for each project, creating an in cohesive neighborhood, the rules will be set in place so that the community and developers know what is or is not allowable, creating more predictability for all involved in the process. Since the Commission and Council, will have approved the ordinance (if adopted) with its parameters, the Form Based Code would operate similar to the other 28 zoning districts in that, the developer would either conform or not conform. Once in conformance to the provisions of this ordinance, they could then receive administrative approval to pull permits. This would also be supplemented by still requiring the developer to inform the community of the project and

also seek approval regarding aesthetics from the HDC. Zoning would only regulate dimensional aspects and the form of the built environment.

FIGURE 405 Brush Park Development Review Process Diagram



## Regulating Plan Map

The regulating plan will act in essence as the new zoning map. Development would be based on the street that your parcel fronts. Street with a designation of “A” would allow the most intensive uses and highest densities while “C” streets would be tailored to maintain more low density residential scale of development and uses would be less obtrusive.

MAP 407 (b) Street Type Frontage Map



Detroit Zoning Ordinance (04/17/19)

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**The Civic Space map**

The Civic space map essentially zones park/open space so that development pressures do not supercede the intent for parks to be expanded or new parks to be implemented. In this map, these spaces would be zoned and could not be used for any other purpose. These spaces were based on the projected densities and recommended open space acreage per capita.

MAP 407 (c) Civic Spaces



### Typologies

The typologies included in the Form Based Code set dimensional standards for new development or redevelopment in Brush Park. New construction would have to meet the general form of these buildings. This does not incorporate the skin or design of those buildings. The freedom of architectural expression would be left to the architect. However, that design would still have to

be approved by the Historic District Commission. These typologies have dimensional standards that apply to them as well.

**SEC. 61-11-412 PRINCIPAL AND REAR BUILDING TYPES**

TABLE 412 (a) Principal Building Types and Example Variations


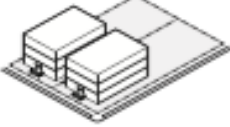
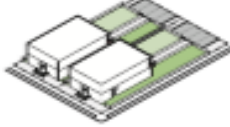
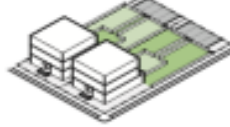





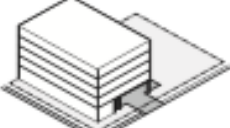
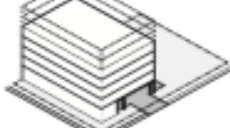

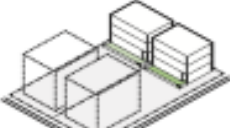
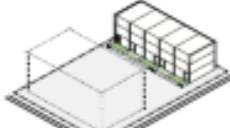
Principal Building Types	Example Variations		
Single-Family House			
			
<b>Multiplex</b>	<b>Duplex</b>	<b>Triplex</b>	<b>Sixplex</b>
			
<b>Townhouses</b>	<b>Side by Side Townhouses</b>	<b>Attached Townhouses</b>	<b>Stacked Townhouses</b>
			
<b>Mid-Rise Building</b>	<b>Apartment Building</b>	<b>Mixed-use Building</b>	
			

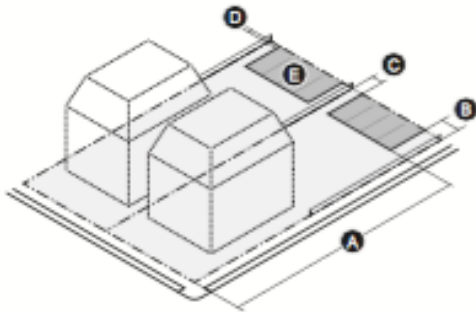
TABLE 412 (b) Rear Building Types

Rear Building Types		
<b>Carriage House</b>	<b>Mews Building</b>	
		

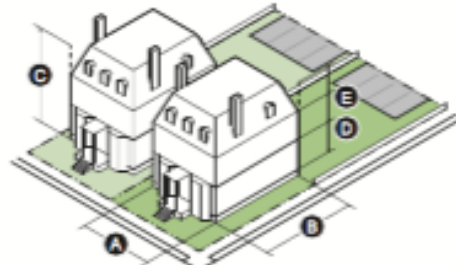
The way in which these standards are laid out helps developers and community members to understand what is possible to be built in their neighborhood. As opposed to typical zoning ordinance textual description this visually demonstrates what a structure might look like in basic form. It also succinctly lists standards in an easy to read format.



**3. Access/Parking**  
(In accordance with Sec. 61-11-410)



**4. Building Standards**  
(In accordance with Sec. 61-11-409 (d))



**Parking Setbacks**

<b>A</b> Primary Front Setback	60' min
<b>B</b> Secondary Front Setback	10' min
<b>C</b> Side Setback	5' min
<b>D</b> Rear Setback	0' min

**Parking Ratio**

<b>E</b> Parking Spaces	0.5/DU min
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**Parking Access**

Abutting an Alley	Preferred
Primary Frontage	Not Permitted
Driveway Width	12' max

**Lot Perimeter Definition**  
(In accordance with Sec. 61-11-411)

Side & Rear Fencing or Hedge Row	Required where screening parking
Fence or Hedge Height	3' min 6' max

**Massing**

Facade Build Out	70% min
<b>A</b> Width	35' min 40' max
<b>B</b> Depth	40' min 55' max
<b>C</b> Number of Stories	2.5 max
Story Height	10' min
Ground Floor Elevation	2' min
Building Height, Feet	30' max

**Fenestration**

<b>D</b> Ground Story Fenestration	20% min 50% max
<b>E</b> Upper Story Fenestration	20% min 50% max

**Use & Occupancy**

Outdoor Amenity Space	1/DU min
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Lastly, while the form of buildings is the foundational principle in form based zoning, emphasizing the massing and look of buildings over the use, it should be noted that use is still taken into account, but as a secondary guiding principle. The Brush Park Form Based Code ordinance incorporates a use table that assigns uses to street types based on the nature of the use. Since form is now regulated, it may then be possible to be more liberal in the activities that take

place in a building. For instance, a building on a C street can now have certain additional business natured uses than allowed currently.

TABLE 413 Permitted Uses

Use Category Specific Use Type	Street Designation			Standards General (Art. XII, Div. 2) Standards Specific (Art. XII, Div. 3)
	A-Street	B-Street	C-Street	
<b>Residential Uses</b>				
Household Living				
Loft	R	R	R	Sec. 61-12-117; Sec. 61-12-118
Multiple-family dwelling	R	R	R	Sec. 61-12-117; Sec. 61-12-120; Sec. 61-12-121
Single family detached	N	Historic House Only	R	Sec. 61-12-117; Sec. 61-12-118
Town house	R	R	R	Sec. 61-12-117; Sec. 61-12-126
Two-family dwelling	N	R	R	Sec. 61-12-117; Sec. 61-12-118
<b>Public, Civic, and Institutional Uses</b>				
Community Service				
Fire or police station, post office, courthouse, and similar public building	R	N	N	Sec. 61-12-136
Neighborhood center, nonprofit	R	R	R	Sec. 61-12-138
Day Care				
Adult day care center	R	R	R	Sec. 61-12-131
Child care center	R	R	R	Sec. 61-12-133; Sec. 61-12-402
Family day care home	R	R	R	Sec. 61-12-135
Library	R	R	N	
Museum	R	R	N	
Outdoor art exhibition grounds; sculpture gardens	R	R	R	
<b>Park &amp; Open Space</b>				
Outdoor recreation facility	R	R	R	Sec. 61-12-139; Sec. 61-13-131(4)
<b>Religious Institution</b>				
All	R	R	R	
<b>Schools</b>				
Educational institution	R	R	R	Sec. 61-12-134
School, elem, middle/junior high, or high	R	R	N	Sec. 61-12-139.5
<b>Retail, Service and Commercial Uses</b>				
Assembly				

R - By-Right    N - Not Permitted

## CONCLUSION

The Brush Park Form Based Code ordinance is a pilot for the city. It has never been done in the City of Detroit before. However, it has been achieved in many Michigan cities including:

Birmingham, East Lansing, Grandville, Wyoming, Muskegon, Farmington, Jonesville, Marquette, Grand Rapids and others. Nationally, cities such as Los Angeles, CA and Miami, FL have implemented form based zoning codes.

This Brush Park Form Based zoning ordinance really has been a community effort, stemming from the 4<sup>th</sup> Modified Development plan crafting to the enhancement of that to the Brush Park Form Based Code. Over the years, the Brush Park community has expressed sentiments of disenfranchisement, because their community was left with no set regulations to govern development. This ordinance will serve to create more cohesive development, and to alleviate the contention that arises when new development comes into the neighborhood. It will also serve to spur more development, as the studies and work that has gone into this ordinance, has provided the legwork that developers would incur at their own expense, providing the rules for what the community desires.

Staff realizes that the Commission will want to stay a part of what is happening in the Brush Park neighborhood as this is an expanding area. As this is a pilot, CPC staff would plan to keep the Commission periodically updated as to how the ordinance is working and what those developments are as projects come through the pipeline. It is also reasonable to assume that there may be minor amendments to the ordinance that staff may come back to the Commission for as we see the form based code in operation and work out any flaws.

As staff weighed the pros and cons of keeping the district as PD, one of the reasons that we decided to propose the continuance of the PD district is so that the CPC and Council would retain statutory authority. So, staff is cognizant of the desire for the legislative bodies to remain engaged in this community and development.

#### **According to Sec 61-3-96 Approval Criteria**

According to the Zoning Ordinance, a PD must accomplish the following:

*That the development will result in a recognizable and substantial benefit to the ultimate users of the project and to the City, where such benefits would otherwise be unfeasible or unlikely to be achieved. The benefits can be accomplished through a higher quality unified design that would be required by the typical regulations of this Zoning Ordinance. These benefits shall be demonstrated in terms of preservation of natural features, unique architecture, extensive landscaping, special sensitivity to land uses in the immediate vicinity, particularly well-designed access and circulation systems, and/or integration of various site features into a unified development;*

*Whether the proposed Planned Development substantially responds to the intent of Section 503 of the Michigan Zoning Enabling Act, being MCL 125.3503, to:*

- A. (a) Permit flexibility in the regulation of land development;*
- B. (b) Encourage innovation in land use and variety in design, layout, and type of structures constructed;*
- C. (c) Achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities, encourage useful open space; and*
- D. (d) Provide better housing, employment, and shopping opportunities that are*

*particularly suited to the needs of the residents;*

CPC staff believes that the proposed rezoning and adoption of the Brush Park Form Based Code will accomplish all of the goals and intent of the Planned Development zoning classification for the reasons identified through this report. It will serve to achieve more cohesive development, better housing options, and provide a plan for the community.

### **RECOMMENDATION**

Based on the rationale listed in this report CPC staff submits this recommendation for approval of the Brush Park Form Based Code Pilot zoning ordinance including the following:

1. that staff be allowed to work with the Brush Park community and Law Department to solidify final provisions of this ordinance and correct any errors that may be found before submitting to City Council for final action.
2. that staff be responsible for providing a periodic update to the Commission on Brush Park activities and the effectiveness of the ordinance after implementation.

