

# City of Detroit

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June 19, 2020

## HONORABLE CITY COUNCIL

**RE:** Request to consider the request of the City Planning Commission staff and the Planning and Development Department, to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by amending Article XVII, *Zoning District Maps*, Section 50-17-5, *District Map No. 4*, to provide for the following:

(1) To show a PD (Planned Development District) zoning classification where an SD2 (Special Development District, Mixed-Use) zoning classification is currently shown on land bounded by Wilkins Street on the north, the Chrysler Freeway Service Drive on the east, the Fisher Freeway Service Drive and Winder Street on the south, and Beaubien Street on the west; and

(2) To show a PD (Planned Development District) zoning classification where a B4 (General Business District) zoning classification is currently shown on land commonly known as 114 Winder Street; and

(3) To modify the existing PD (Planned Development District) zoning classification, established by Ordinance 01-96, currently shown on land generally bounded by Mack Avenue on the north, Beaubien Street on the east, Erskine Street on the south, and Brush Street on the west in order to repeal the regulations for development for such classification; and

(4) To modify the existing PD (Planned Development District) zoning classification, established by Ordinance 39-07, currently shown on land generally bounded by John R Street, the alley south of Erskine Street, Brush Street, Mack Avenue, Woodward Avenue, and Alfred Street in order to revise the boundaries for such classification; and

(5) To modify the existing PD (Planned Development District) zoning classification, established by Ordinance Nos. 01-96, 25-96, and 39-07, as amended by Ordinance Nos. 07-16, 24-17, 27-17, 26-18, 14-19, and 35-19, currently shown on land generally bounded by Mack Avenue, Beaubien Street, Wilkins Street, the Chrysler Freeway Service Drive, the Fisher Freeway Service Drive, Woodward Avenue, Erskine Street, and John R Street, but excluding certain properties abutting Woodward Avenue.

The proposed map amendment is being requested in order to adopt the Brush Park Form-Based Code as the regulations for development for the subject area described and found in the map below (**RECOMMEND APPROVAL**).

## **BACKGROUND**

In the spring of 2016, The City Planning Commission staff completed a series of online courses and subsequent classroom trainings in Lansing, Michigan on form-based code (FBC).

As staff contemplated possible application of the FBC concepts in the City of Detroit, it became evident that the Brush Park neighborhood would be a good candidate for a first application of the zoning tool for the following reasons:

- the development activity currently underway;
- the need for a community plan post Emergency Manager Order No. 36 which eliminated both the Urban Renewal areas and the Fourth Modified Development Plan;
- the need for more cohesive development;
- the City Modern Bedrock development, located nearby, that incorporated the form based development concept, and;
- the desire to take an opportunity to apply the concept to one of the most rapidly changing neighborhoods in the city.

CPC staff began to search for funding in order to further the zoning initiative. Initially staff were in discussions with the Michigan Association of Planning (MAP) to identify sources of funding to support the effort. PDD had also been searching for an approach to resolve the zoning dilemma in Brush Park, in which their original thought was to rezone large portions of the area to SD1 (Special Development District, Small-Scale, Mixed-Use) or SD2 (Special Development District, Mixed-Use).

CPC staff met with the Planning and Development Department (PDD) on July 15, 2016 to discuss CPC staff's proposal for a Form-Based Code. PDD was receptive of the concept and also knew of funding sources to help advance the effort. From that point, CPC and PDD partnered to advance the effort. Utile, from Boston, Massachusetts, was brought on board (using PDD's funding) to be the lead consultant, due to their expertise in the practice. More than three years have spanned, involving many stakeholders, to produce what is before the Your Honorable Body for consideration.

## **PROPOSAL**

The City Planning Commission and the Planning and Development Department are co-petitioners for the proposed Brush Park Form-Based Code ordinance.

On December 6, 2018, the CPC held a public hearing to consider the proposed FBC. The Commission subsequently voted to approve the proposal in May 2019. Since that time, CPC has worked further with the community and Law Department (Law) to accommodate additional changes.

As a result of further consideration, it was decided that the best way to effectuate the FBC would be to apply a zoning map amendment, as opposed to the text amendment that was originally petitioned for. A new public hearing was held on June 18, 2020 due to modifications made within the ordinance. The spirit and intent of this ordinance is largely the same as what was approved by CPC in May 2019. The most significant changes are that the Public Realm Standards were removed after consultation with Law. These provisions were intended to make the standards for public sidewalks, curb cuts and other elements of the public right-of-way, mesh with privately owned land. At this time, there is not an expedient way to accomplish this goal and so staff may pursue this as a secondary effort to avoid further delay of the FBC implementation.

There are two areas within the subject Brush Park community that do not bear a PD (Planned Development District) zoning classification. One is currently zoned B4 (General Business District) and the other SD2 (Special Development District, Mixed Use). Both are to be rezoned to a PD (Planned Development) zoning classification so that the FBC will be applicable to the entire area described in the subject ordinance.

The ordinance also modifies the boundaries of ordinances 01-96 and 39-07, as these ordinances' boundaries are being altered in the area where the FBC is being applied. However, their existing regulations will continue to apply to parcels abutting Woodward, which are outside of the FBC boundary (See FBC Regulating Map).

Lastly, the FBC will repeal the terms, conditions and regulations that currently govern developments in Brush Park that were implemented through the Brush Park Third Modified Development Urban Renewal Plan and were effectuated by Ordinances 01-96, 25-96, and 39-07. The FBC will replace these provisions. Other individual PDs that have been approved by the legislative bodies, such as the City Modern development, are able to continue in perpetuity as they exist, or, are consistent with approved plans. Developments in this category are subject to the provisions of *Sec. 6 Nonconformities and Savings Provision* of the FBC.

In general, the above actions are proposed in order to adopt the Brush Park Form-Based Code as the regulations for development within the subject area described and found in the attached map.

## **FORM-BASED CODES**


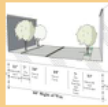
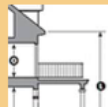


According to the Form-Based Codes Institute:

“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. 4

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, etc.), 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 a code implements.”

## 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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Form-Based Codes Institute website

Above 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 except the Public Realm Standards as mentioned previously in this report. The following is included in the subject ordinance:

- Regulating Plan**
- Building Standards**
- Administration**
- Definitions**

There are however, other elements that are considered optional by form-based code experts. The Brush Park FBC ordinance utilizes the Landscaping and Signage standards of the current Zoning Ordinance. The elements that FBC experts describe as optional include:

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

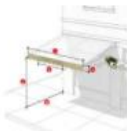
## Additional Optional Elements



**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.

Form-Based Codes Institute website

## COMMUNITY ENGAGEMENT AND PUBLIC HEARING RESULTS

To-date, CPC and PDD have held over 20 meetings and conversations with the community over a 2 year period regarding the Form-Based Code. These meetings and conversations include a week of kick off meetings with our steering committee, at-large community meetings, and one-on-one calls with stakeholders, sit-down meetings at individual's homes and businesses, conference calls, face-to-face discussions, focus group meetings, and a charrette. The overall sentiment has been that many residents are anxious for this ordinance to be implemented.

CPC and PDD have additionally worked with other city agencies to inform and receive feedback regarding the project. Those entities include the The Historic District Commission (HDC), The Historic Designation Advisory Board (HDAB), and the Board of Zoning Appeals (BZA). Other parties that have conducted analysis of the code or had input, include the Office of the Chief Financial Officer, University of Michigan, Code Studio (CPC's zoning consultant) as well as several other national consultants who provided input and analysis for staff.

As stated previously, there were two public hearings held for this matter. The first public hearing was held December 6, 2018. At that meeting the chair of the Brush Park CDC spoke in strong support of the FBC. Another speaker asked questions about how form-based codes were planned to be applied city-wide and expressed some concern. CPC addressed these concerns during the PH. Subsequently, the ordinance was voted for approval in May of 2019.

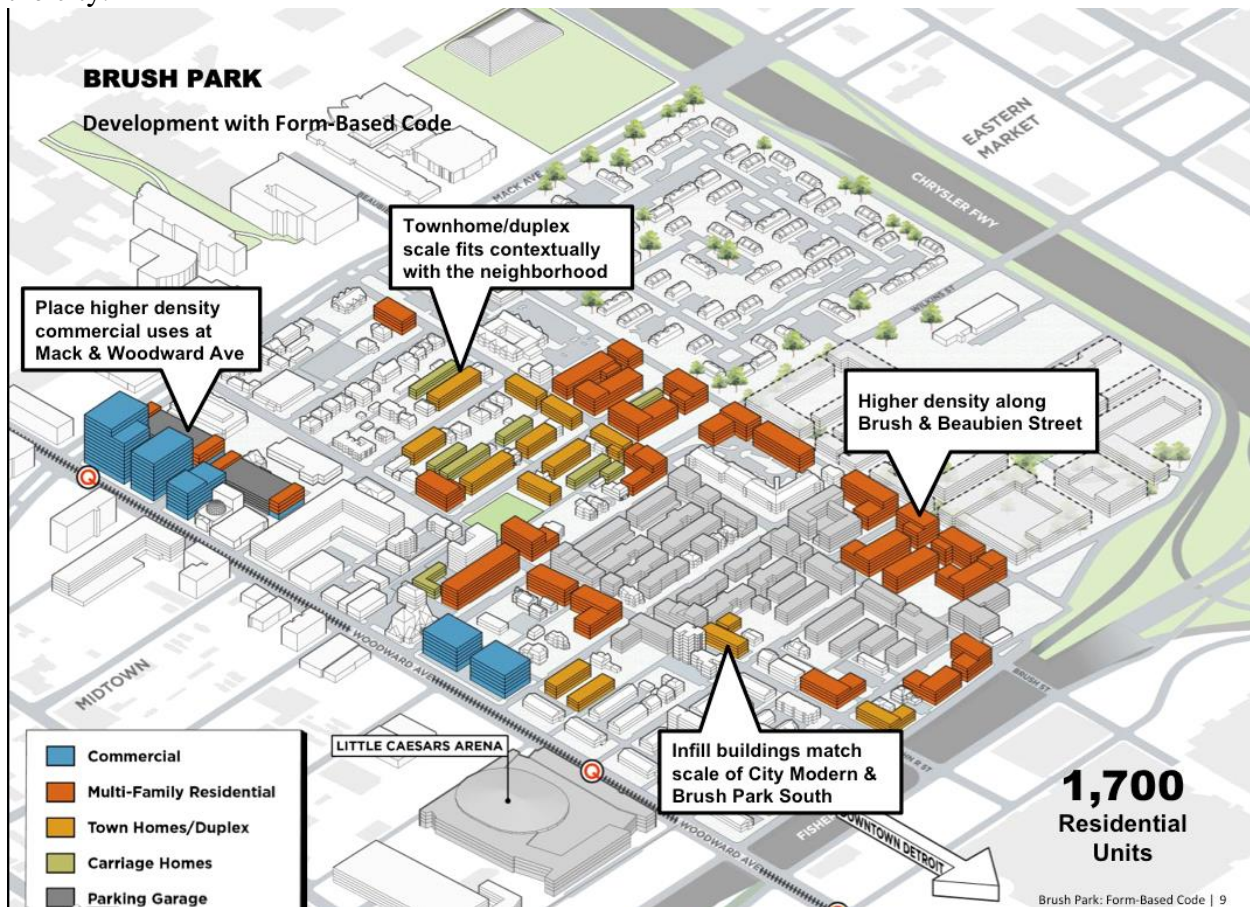
After the CPC voted to approve the FBC in 2019, CPC staff worked further with Law and the community to finalize the FBC. After further refining the FBC (as it is the first ordinance of its kind) it was determined that the goals of the ordinance would be more appropriately implemented through a rezoning map amendment versus a zoning text amendment, as it was originally noticed to the community.

For this reason, a second public hearing was held on June 18, 2020. At this public hearing two community members spoke to voice questions regarding open space, and permissible building heights. CPC staff and PDD answered their questions. It should be noted that a letter of support was submitted for the Form Based Code by the Brush Park CDC. Additionally, a separate

support letter was submitted by the chair of the Brush Park CDC speaking as a board member, but also as property owner of Brush Park.

## ANALYSIS

During the course of this process, much thought and study have gone into this effort. Much was learned from the studies that have been done in other places where FBC has been applied or fully instituted and, they provided valuable guidance on how the concepts included in this draft ordinance might be applied on an even larger scale to improve redevelopment as it continues in the city.



An image depicting a study that was done by Utile, Boston that shows the opportunity for new development and associated density.

The primary outcomes of this proposed ordinance includes 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 for developers, small and large
- Sets expectations for developers and allows the neighborhood to set the vision in advance
- 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 easier to comprehend

## **MAJOR ASPECTS OF THE FORM-BASED CODE ORDINANCE**

### **Review and Process**

This ordinance proposes to allow the land within the proposed boundaries to be governed similarly to standard zoning districts that make up the majority of districts in the zoning ordinance. Most zoning districts have established parameters that are set forth; they are adopted by the City Council and are implemented by staff administratively.

The new development path of the FBC should alleviate the sometimes contentious, negotiated development process that currently exists for each project within a PD district. The current process can lead to a less cohesive neighborhood and also weighs on the community because they don't know what is allowed for each development. The prospect of new projects can become antagonistic, leading to development fatigue. With the adoption of the FBC, the rules will be set in place, so that the community and developers know what is permitted.

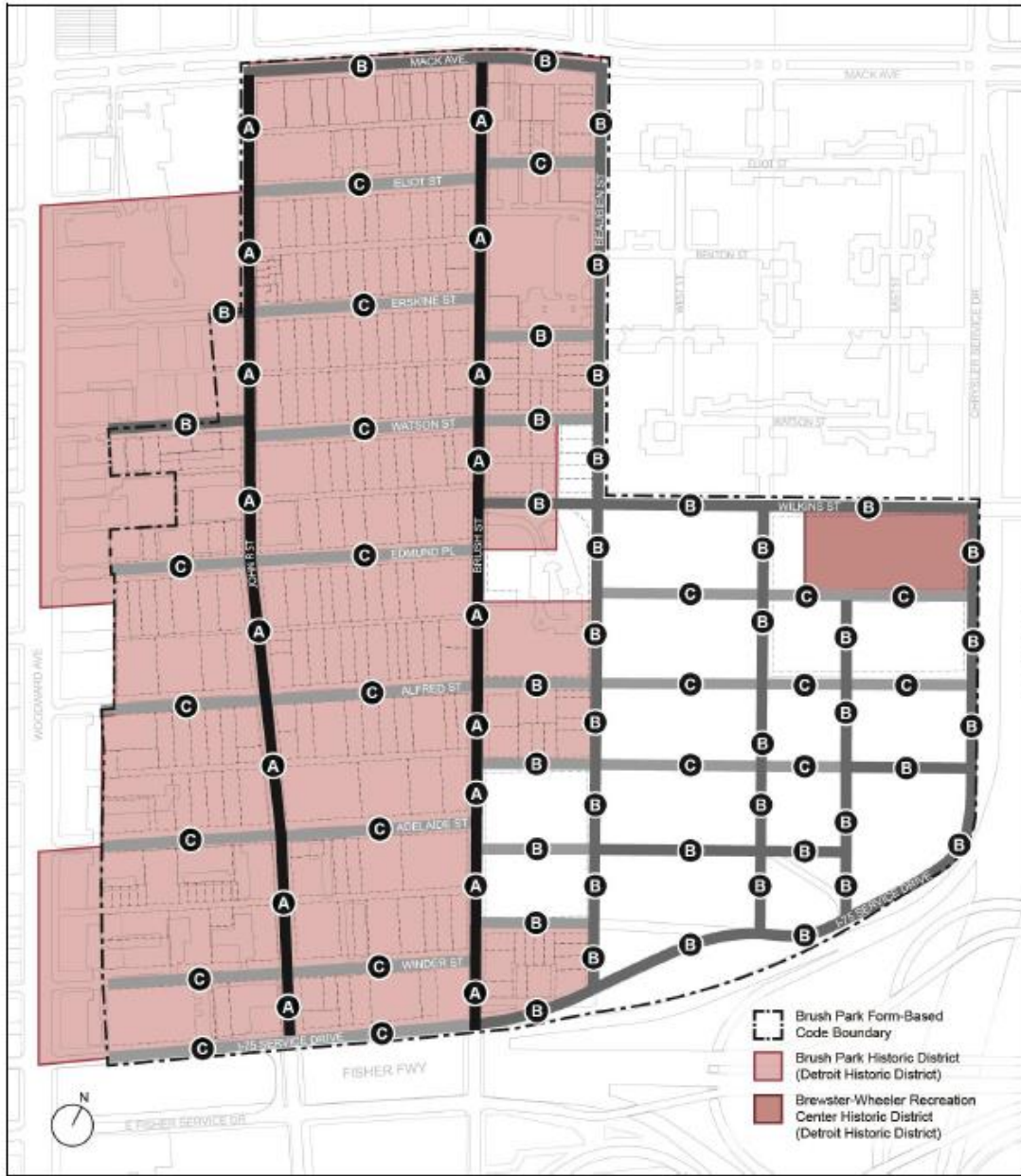
This will result in a more predictable, final, built environment for the community and give assurance to residents that there are concrete standards that they have helped to craft according to their own vision. Having set regulations and process for development also gives developers more confidence to invest because they more easily understand the expectations of the community, the financial risks involved and have a clear-cut path to reach the finish-line, by conforming to the adopted parameters.

Once a developer applies and meets the provisions of this ordinance, they could then receive administrative approval to pull permits after first engaging the community regarding their project. The developer would have to also seek approval concerning aesthetics from the HDC.

### **Regulating Plan Map**

The regulating plan map will act, in essence, as the new zoning map. Development would be based on the street on which the parcel fronts. "A" streets would allow the most intensive uses and highest densities while "C" streets would be tailored to maintain more residentially scaled development and uses would be less obtrusive. Lastly, "B" streets would fall between the former, with regard to intensity.

**MAP 7(a): Street Type Map.**



### **The Civic Space Map**

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

In consultation with the Law Department, CPC added a short list of uses that are compatible with, and can be operated in conjunction with the civic space as not to impose a ‘takings’ on the property owner. The allowable uses for civic spaces are:

- Outdoor recreation facility
- Outdoor art exhibition grounds; sculpture gardens



- Urban garden
- Retail sales incidental and accessory to permissible uses in the civic spaces, such as food service, concession stands and other activities deemed appropriate by the City Planning Commission staff.

**MAP 7(b): Civic Spaces Map.**


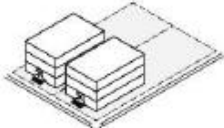
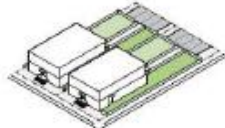
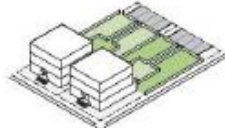





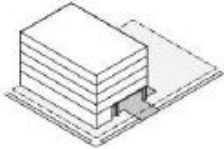
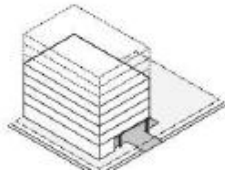
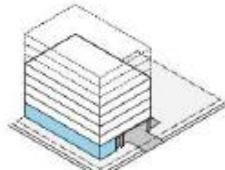


## Typologies

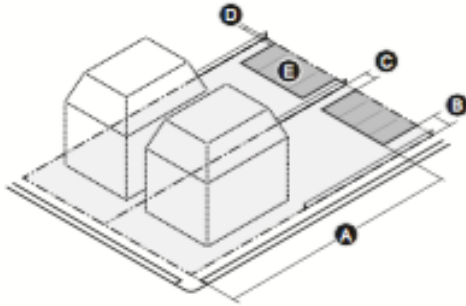
The typologies included in the FBC set dimensional standards for new development or redevelopment in Brush Park. New construction would have to meet the form of these typologies as outlined in Sec. 12 of the ordinance. Standards do not dictate the skin or design of those buildings. The freedom of architectural expression would be left to the architect. However, the design would still have to be approved by the HDC. These typologies have dimensional standards that apply to them as well.

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

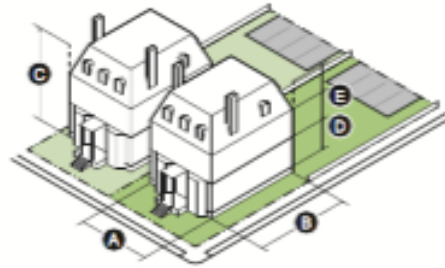
**TABLE 12(a): Principal Building Types and Example Variations.**

Principal Building Types	Example Variations		
<p data-bbox="321 266 521 294"><b>Single-Family House</b></p> 			
<p data-bbox="375 453 467 480"><b>Multiplex</b></p>	<p data-bbox="656 453 725 480">Duplex</p>	<p data-bbox="920 453 990 480">Triplex</p>	<p data-bbox="1185 453 1255 480">Sixplex</p>
			
<p data-bbox="358 642 483 669"><b>Townhouses</b></p>	<p data-bbox="574 642 797 669">Side by Side Townhouses</p>	<p data-bbox="855 642 1045 669">Attached Townhouses</p>	<p data-bbox="1120 642 1310 669">Stacked Townhouses</p>
			
<p data-bbox="337 831 505 858"><b>Mid-Rise Building</b></p>	<p data-bbox="602 831 769 858">Apartment Building</p>	<p data-bbox="867 831 1034 858">Mixed-use Building</p>	
			

**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

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

Lastly, while the form of buildings is the foundational principle in form-based zoning (by emphasizing the massing and placement of buildings over the activities taking place within) it should be noted that the uses within the building are 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 intensity of the use. Since form is now regulated, it is possible to be more liberal in the activities that take place in a building. The thought is that if a building only has a set dimensional capacity, then the permitted uses can be more flexible, because of the capacity limits.

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 proposed FBC ordinance serves to pilot such regulations which have never been done in the City of Detroit. Form-based codes have been instituted 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.

The Brush Park form-based PD ordinance is the result of a community effort from the beginning, enhancing and implementing the 4th Modified Development Plan. Over the years, the Brush Park community has expressed sentiments of disenfranchisement, because their community, despite their efforts, was left without updated regulations to govern development. This ordinance

will serve to fulfill their request, create more cohesive development, and to alleviate the tensions that can arise when new development comes into the neighborhood and lacks a set of regulations that guide developers to fulfill the community's vision. It will also serve to spur more development, as the studies and work that have gone into this ordinance, have provided the legwork that developers would incur at their own expense, providing the rules for what the community has put forth as their desire.

Lastly, the FBC creates a more equitable development process via the parameters that community have desired through the establishment on the front end, setting the community as the driving force in development. Still, developers now incur less cost to do projects. Many times an extenuated process hurts small developers through additional costs, while giving the edge to the larger developers.

It is understood that City Council will want to keep apprised of what is happening in the Brush Park neighborhood as this is a dynamic area. Since this is a pilot, CPC will keep this Honorable Body updated as to how the ordinance is working for developments, as projects come through the pipeline. It is also reasonable to assume that there may be modification to the PD ordinance that CPC may bring back to the Council, as we see the FBC in operation and attempt to work out the flaws.

As CPC weighed the pros and cons of keeping the district as PD, we recognize the desire for the legislative bodies to remain engaged in this community and its redevelopment. Therefore, we decided to propose the continuance of the PD district so that the CPC and City Council would retain statutory authority.

## **RECOMMENDATION**

### **According to Sec 50-3-96 Approval Criteria and 50-11-15 PD Design Criteria**

CPC believes that the proposed rezoning and adoption of the Brush Park Form-Based Code is consistent with the goals and intent of the Planned Development Approval Criteria, Sec. 50-3-96 and the PD design Criteria Sec. 50-11-15 that speaks to conformance with the Master Plan of Policies, Scale Form and Massing, Orientation, Preservation and Restoration and all other applicable criteria. The ordinance will serve to achieve more cohesive development, better housing options, and provide a transparent plan for the community.

At the June 18, 2020 public hearing for this matter, the CPC voted to approve the updated revised iteration of the FBC with the conditions presented by staff.

1. Based on the rationale listed in this report, CPC staff submits this recommendation for approval of the Brush Park Form-Based Code zoning ordinance that includes the following: That staff be allowed to work with the Brush Park community and the Law Department to solidify final provisions of this ordinance and correct any errors that might 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.

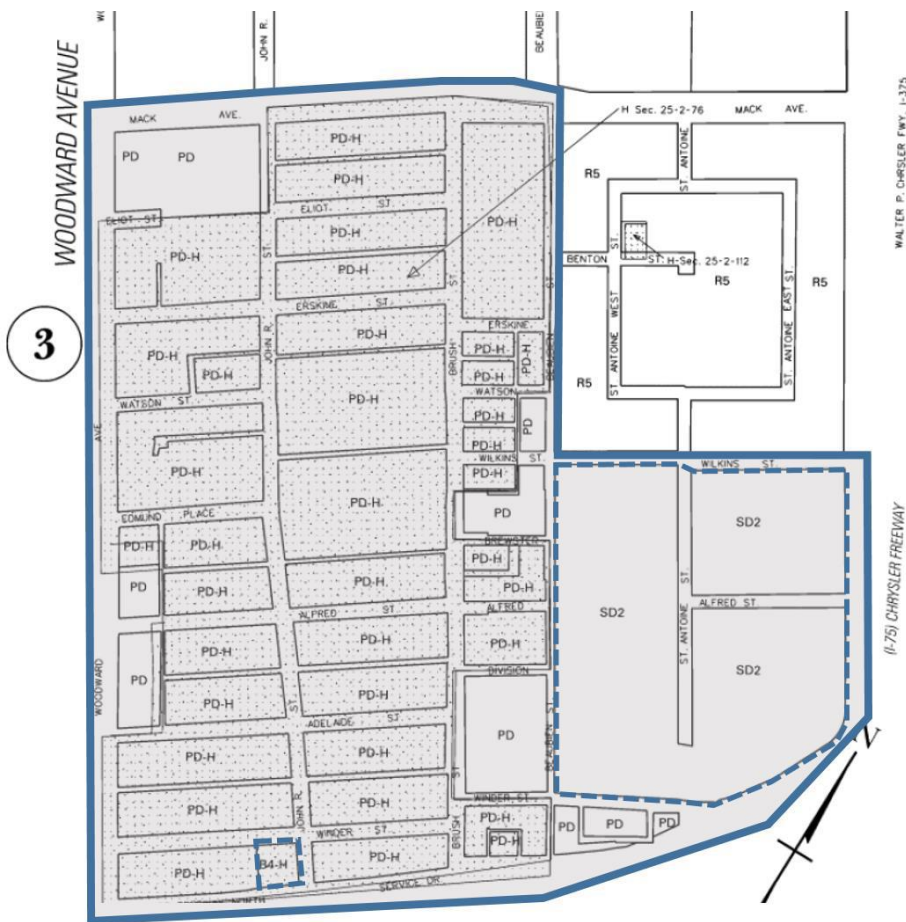
Respectfully submitted,  
ALTON JAMES, CHAIRPERSON



Marcell R. Todd, Jr., Director  
Kimani Jeffrey, City Planner

Attachment:  
Ordinance

Cc: Katy Trudeau, Deputy Director, PDD  
Karen Gage, Director of Zoning Innovation, PDD  
David Bell, Director, BSEED  
Lawrence T. Garcia, Corp. Counsel  
Arthur Jemison, Chief of Infrastructure and Services



-  General Form Based Code Map Amendment Boundary
-  B4, SD2 to PD Map Amendment Boundary

## SUMMARY

An ordinance to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by amending Article XVII, *Zoning District Maps*, Section 50-17-5, *District Map No. 4*, to provide for the following:

(1) To show a PD Planned Development District zoning classification where an SD2 Special Development District, Mixed-Use zoning classification is currently shown on land bounded by Wilkins Street on the north, the Chrysler Freeway Service Drive on the east, the Fisher Freeway Service Drive and Winder Street on the south, and Beaubien Street on the west; and

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(3) To modify the existing PD Planned Development District zoning classification, established by Ordinance 01-96, currently shown on land generally bounded by Mack Avenue on the north, Beaubien Street on the east, Erskine Street on the south, and Brush Street on the west in order to repeal the regulations for development for such classification; and

(4) To modify the existing PD Planned Development District zoning classification, established by Ordinance 39-07, currently shown on land generally bounded by Mack Avenue on the north, Brush Street, the alley south of Erskine Street, and John R Street on the east, Alfred Street on the south, and Woodward Avenue on the west in order to revise the boundaries for such classification; and

(5) To modify the regulations for development for the PD Planned Development District zoning classification, to be established by this ordinance, and as established by Ordinance Nos. 01-96, 25-96, and 39-07, as amended by Ordinance Nos. 07-16, 24-17, 27-17, 26-18, 14-19, and 35-19, by adopting the Brush Park Form-Based Code as the regulations for development for the land generally bounded by Mack Avenue on the north, Beaubien Street, Wilkins Street, and the Chrysler Freeway Service Drive on the east, the Fisher Freeway Service Drive on the south, and Woodward Avenue, Erskine Street, and John R Street on the west, but excluding certain properties abutting Woodward Avenue.

1 **BY COUNCIL MEMBER \_\_\_\_\_** :

2 **AN ORDINANCE** to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by  
3 amending Article XVII, *Zoning District Maps*, Section 50-17-5, *District Map No. 4*, to provide for  
4 the following:

5 (1) To show a PD Planned Development District zoning classification where an SD2  
6 Special Development District, Mixed-Use zoning classification is currently shown on land  
7 bounded by Wilkins Street on the north, the Chrysler Freeway Service Drive on the east, the Fisher  
8 Freeway Service Drive and Winder Street on the south, and Beaubien Street on the west; and

9 (2) To show a PD Planned Development District zoning classification where a B4  
10 General Business District zoning classification is currently shown on land commonly known as  
11 114 Winder Street; and

12 (3) To modify the existing PD Planned Development District zoning classification,  
13 established by Ordinance 01-96, currently shown on land generally bounded by Mack Avenue on  
14 the north, Beaubien Street on the east, Erskine Street on the south, and Brush Street on the west in  
15 order to repeal the regulations for development for such classification; and

16 (4) To modify the existing PD Planned Development District zoning classification,  
17 established by Ordinance 39-07, currently shown on land generally bounded by Mack Avenue on  
18 the north, Brush Street, the alley south of Erskine Street, and John R Street on the east, Alfred  
19 Street on the south, and Woodward Avenue on the west in order to revise the boundaries for such  
20 classification; and

21 (5) To modify the regulations for development for the PD Planned Development  
22 District zoning classification, to be established by this ordinance, and as established by Ordinance  
23 Nos. 01-96, 25-96, and 39-07, as amended by Ordinance Nos. 07-16, 24-17, 27-17, 26-18, 14-19,



1 and 35-19, by adopting the Brush Park Form-Based Code as the regulations for development for  
2 the land generally bounded by Mack Avenue on the north, Beaubien Street, Wilkins Street, and  
3 the Chrysler Freeway Service Drive on the east, the Fisher Freeway Service Drive on the south,  
4 and Woodward Avenue, Erskine Street, and John R Street on the west, but excluding certain  
5 properties abutting Woodward Avenue.

6 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:**

7 **Section 1.** Chapter 50 of the 2019 Detroit City Code, *Zoning*, is amended by amending  
8 Article XVII, *Zoning District Maps*, Section 50-17-5, *District Map No. 4*, to modify the zoning  
9 classifications of certain properties depicted therein and to adopt the Brush Park Form-Based Code  
10 as the regulations for development for such properties, as follows:

11 **CHAPTER 50. ZONING**

12 **ARTICLE XVII. ZONING DISTRICT MAPS**

13 **Sec. 50-17-5. District Map No. 4.**

14 (1) The existing SD2 Special Development District, Mixed-Use zoning classification  
15 is revised to PD Planned Development District zoning classification for the land bounded by  
16 Wilkins Street on the north, the Chrysler Freeway Service Drive on the east, the Fisher Freeway  
17 Service Drive and Winder Street on the south and Beaubien Street on the west.

18 (2) The existing B4 General Business District zoning classification is revised to PD  
19 Planned Development District zoning classification for the land commonly known as 114 Winder  
20 Street, more specifically identified as:

21 Lots N. 155.37 ft. on E. line beginning N 159.91 feet on W line of Lots 12 through 14  
22 Winders Subdivision of Park Lots 6 & 7 Liber 46 page 561 deeds Wayne County Records  
23 1/34 23,646 square feet.

1 (3) The regulations for development of the existing PD Planned Development District zoning  
2 classification, established by Ordinance No. 01-96, are repealed as follows:

3 ~~That the Land Use and Development Plan and the Declaration of Restrictions embodied in~~  
4 ~~the Development Plan for the Brush Park Rehabilitation Project (Ordinance No. 12-90, as~~  
5 ~~amended) shall constitute the Planned Development District Regulations and shall be duly~~  
6 ~~recorded at the Wayne County Registry of Deeds in accordance with Detroit Zoning~~  
7 ~~Ordinance Section 110.0102.~~

8 for the land generally bounded by Mack Avenue on the north, Beaubien Street on the east, Erskine  
9 Street on the south, and Brush Street on the west, more specifically described as:

10 Land in the City of Detroit, County of Wayne, Michigan being Lots 29 thru 65, both  
11 included, of “Miller and Wilcox’s Subdivision of Out Lot 180, 182, and 184 of the  
12 Subdivision of the Lambert Beaubien Farm”, as recorded on May 14, 1860 in Liber 1, Page  
13 86 of Plats, Wayne County Records; also Lot 1, Block J of “Brush Subdivision of part of  
14 Park Lots 15, 16 and 17 and part of the Brush Farm adjoining”, as recorded on January 22,  
15 1874 in Liber 3, page 24 of Plats, Wayne County Records; also Lot 2 Block J, Lots 1 & 2  
16 Block K, and Lots 1 & 2 Block L of “Brush Subdivision of part of Park Lots 17, 18, 19,  
17 20, and 21 and part of the Brush Farm adjoining”, as recorded on May 14, 1884 in Liber 8,  
18 page 12 of Plats, Wayne County Records; also public alley converted to public easement,  
19 17 feet wide, on July 17, 1985 J.C.C. Pages 1617-18; also the reversionary interest in public  
20 streets, Benton Avenue, 50 feet wide, and Eliot Avenue, 50 feet wide, plus public alleys 17  
21 and 20 feet wide, all within the bounds of this parcel being more particularly described as  
22 follows: Beginning at the intersection of the easterly line of Brush Street, 60 feet wide, and  
23 the northerly line of Erskine Avenue, 50 feet wide, thence northerly along the said easterly

1 line of Brush Street, 735.54 feet record, to the southerly line of Mack Avenue; thence  
2 easterly along said southerly line of Mack Avenue, 308.66 feet record, to the westerly line  
3 of Beaubien Street, 50 feet wide; thence southerly along the said westerly line of Beaubien  
4 Street, 735.5 feet record, to the northerly line of Erskine Avenue; thence westerly along the  
5 said northerly line of Erskine Avenue, 308.66 feet record, to the point of beginning  
6 containing 227,024 square feet or 5.2118 acres, more or less.

7 (4) The boundaries of the existing PD Planned Development District zoning  
8 classification, established by Ordinance No. 39-07, are revised for the land generally bounded by  
9 Mack Avenue on the north, Brush Street, the alley south of Erskine Street, and John R Street on  
10 the east, Alfred Street on the south, and Woodward Avenue on the west, more specifically  
11 described as:

12 ~~Beginning at the intersection of the easterly line of Woodward Avenue, 120 feet wide, and~~  
13 ~~the southerly line of Edmund Place, 60 feet wide, thence southerly along easterly line of~~  
14 ~~Woodward Avenue to the southerly line of Lot 5 of "Brush Subdivision of part of Park~~  
15 ~~Lots 11, 12 and 13", as recorded in Liber 1, Page 191 of Plats, Wayne County Records;~~  
16 ~~thence easterly along said southerly line of said Lot 5 to the westerly line of public alley;~~  
17 ~~thence southerly along said westerly line of public alley to the northerly line of Alfred~~  
18 ~~Street, 60 feet wide; thence easterly along the northerly line of Alfred Street to the westerly~~  
19 ~~line of John R, 60 feet wide, thence northerly along the westerly line of John R, to the~~  
20 ~~northerly line of the public alley south of and parallel to Erskine Rd. 60 feet wide, thence~~  
21 ~~easterly along the northerly line of the public alley to the westerly line of Brush Street, 60~~  
22 ~~feet wide, thence northerly along the westerly line of Brush Street to the southerly line of~~  
23 ~~Mack Avenue, 120 feet wide, thence westerly along southerly line of Mack Avenue to the~~

1 ~~easterly line of Woodward Avenue, 120 feet wide, thence southerly along the easterly line~~  
2 ~~of Woodward Avenue to the point of beginning.~~

3 Beginning at a point on the easterly line of Woodward Avenue being the southwest corner  
4 of the parcel known as 2844 Woodward Avenue, described as "E Woodward 5 S 30 ft 6  
5 Exc Woodward AS WD BLK 5 BRUSH SUB L1 P191 PLATS, W CR 1/40 80 X 160.45A,  
6 thence easterly along the southerly line of said parcel to the alley east of and parallel to  
7 Woodward Avenue located between Alfred Street and Edmund Place, thence northerly  
8 along said alley extended northerly to the southeast corner of the parcel known as 39  
9 Edmund Place, described as "E WOODWARD 1-2 EXC WOODWARD AVE AS WD J  
10 N FOWLERS L4 P31 PLATS, W C R 1/42 100.21 IRREG" thence northerly along the  
11 easterly line of said parcel to the northeast corner thereof, thence westerly along the  
12 southerly line of the parcel known as 2930 Woodward Avenue, described as "E  
13 WOODWARD ALL THAT PT OF LOTS 2-3 & VAC ALLEYS ADJ BRUSH SUB L45  
14 P121 DEEDS, W C R 1/47 DESC AS FOLS BEG AT INTSEC OF S LINE OF LOT 2  
15 WITH E LINE WOODWARD AVE AS WD TH N 26D 38M W 100.21 FT TH N 59D  
16 39M E 157.60 FT TH N 22D 40M W 28.72 FT TH N 59D 39M E 30 FT TH N 22D 40M  
17 W 20 FT TH N 59D 39M E 162.57 FT TH S 26D 38M E 149.72 FT TH S 60D 02M 36S  
18 W 353.76 FT TO PTE OF BEG 1/-- 100.21 IRREG" thence northerly along the easterly  
19 line of said parcel extended to the northerly line of the alley south of and parallel to Watson  
20 Street thence westerly along said alley line to the west line of the parcel known as 42  
21 Watson, described as "S WATSON BPARSONS EST L23 P13 PLATS, WCR 1/45 45.5  
22 X 105.41AV" thence northerly along the westerly line of said parcel extended to the  
23 northerly line of Watson Street, thence east along said northerly line of Watson Street to

1 the westerly line of the parcels known as 111 Watson, described as "N WATSON 4SUB  
2 OF PARK LOTS 16 & 17 & E 1/2 OF LOT 5 OF BRUSH SUB REC IN L45 P121  
3 DEEDS,WCR L8 P33 PLATS, WCR 1/46 60 IRREG" and 114 Erskine, described as "S  
4 ERSKINE 6 E 31 FT 7 SUB OF PARK LOTS 16 & 17 & THE E 1/2 OF LOT 5 OF  
5 BRUSHS SUB L8 P33 PLATS, W C R 1/46 80 IRREG" thence northerly along the  
6 westerly line of said parcels to the southerly line of Erskine Street, thence easterly on  
7 Erskine Street to John R Street, thence northerly along John R. Street to Mack Avenue,  
8 thence westerly along Mack Avenue to the easterly line of Woodward Avenue, thence  
9 southerly along the easterly line of Woodward Avenue to the point of beginning.

10 (5) The regulations for development of the PD Planned Development District zoning  
11 classification, to be established by this ordinance, and as established by Ordinance Nos. 01-96, 25-  
12 96, and 39-07, as amended by Ordinance Nos. 07-16, 24-17, 27-17, 26-18, 14-19, and 35-19, are  
13 modified by adopting the Brush Park Form-Based Code as the regulations for development for the  
14 land generally bounded by Mack Avenue on the north, Beaubien Street, Wilkins Street, and the  
15 Chrysler Freeway Service Drive on the east, the Fisher Freeway Service Drive on the south, and  
16 Woodward Avenue Erskine Street, and John R Street on the west, but excluding certain properties  
17 abutting Woodward Avenue, more specifically described as:

18 Beginning at a point on the northerly line of the Fisher Freeway southbound Service Drive  
19 distant 133.58 feet east of the easterly line of Woodward Avenue, thence northerly  
20 following the western line of the GARDEN LOFTS CONDO PLAN NO 919; GARDEN  
21 LOFTS; REC L44942 P12-117 DEEDS, WCR 1/246 thence following a line beginning  
22 133.58 ft east of Woodward Avenue on the northerly line of Winder Street and running N  
23 26 deg 23 min 58 sec W to the southerly line of Adelaide Street thence along a line whose

1 point of beginning lies 135.0 feet east of Woodward Avenue on the southerly line of  
2 Adelaide Street and running N 26 deg 23 min 58 sec W to the northerly line of Alfred  
3 Street, thence northerly following the easterly line of the alley east of and parallel to  
4 Woodward Avenue from Alfred Street to Edmund Place, thence northerly following the  
5 easterly line of the parcel known as 39 Edmund Place, described as "E WOODWARD 1-2  
6 EXC WOODWARD AVE AS WD J N FOWLERS L4 P31 PLATS, W C R 1/42 100.21  
7 IRREG" to the northeast corner thereof, thence easterly along the southerly line of the  
8 parcel known as 2930 Woodward Avenue described as "E WOODWARD ALL THAT PT  
9 OF LOTS 2-3 & VAC ALLEYS ADJ BRUSH SUB L45 P121 DEEDS, W C R 1/47 DESC  
10 AS FOLS BEG AT INTSEC OF S LINE OF LOT 2 WITH E LINE WOODWARD AVE  
11 AS WD TH N 26D 38M W 100.21 FT TH N 59D 39M E 157.60 FT TH N 22D 40M W  
12 28.72 FT TH N 59D 39M E 30 FT TH N 22D 40M W 20 FT TH N 59D 39M E 162.57 FT  
13 TH S 26D 38M E 149.72 FT TH S 60D 02M 36S W 353.76 FT TO PTE OF BEG 1/--  
14 100.21 IRREG" to the southeast corner thereof, thence northerly along the easterly line of  
15 said parcel known as 2930 Woodward extended to the northerly line of the alley south of  
16 and parallel to Watson Street thence westerly along said alley line to the west line of the  
17 parcel known as 42 Watson, described as "S WATSON BPARSONS EST L23 P13  
18 PLATS, WCR 1/45 45.5 X 105.41AV" thence northerly along said west parcel line  
19 extended to the centerline of Watson Street, thence easterly along said Watson Street line  
20 to the westerly line of the parcels known as 111 Watson, described as "N WATSON 4SUB  
21 OF PARK LOTS 16 & 17 & E 1/2 OF LOT 5 OF BRUSH SUB REC IN L45 P121  
22 DEEDS,WCR L8 P33 PLATS, WCR 1/46 60 IRREG" and 114 Erskine, described as "S  
23 ERSKINE 6 E 31 FT 7 SUB OF PARK LOTS 16 & 17 & THE E 1/2 OF LOT 5 OF

1 BRUSHS SUB L8 P33 PLATS, W C R 1/46 80 IRREG" thence northerly along above said  
2 parcel lines and their extensions to the centerline of Erskine Street, thence easterly on  
3 Erskine Street to the centerline of John R. Street, thence northerly on John R Street to Mack  
4 Avenue, thence easterly along Mack Avenue to Beaubien Street, thence southerly along  
5 Beaubien Street to Wilkins Street, thence easterly along Wilkins Street to the Chrysler  
6 Freeway, thence southerly and southwesterly along the westerly and northwesterly line of  
7 I-75 freeway (Chrysler and Fisher Freeways) to the westerly line of Brush Street, thence  
8 westerly along the northerly line of the Fisher Freeway southbound Service Drive to the  
9 point of beginning.  
10

1 **BRUSH PARK FORM-BASED CODE**

2 **Sec. 1. Intent.**

3 This Brush Park Form-Based Code (“Form-Based Code”) is intended to provide the public with  
4 a predictable vision of the built environment in the Brush Park neighborhood. This Form-Based  
5 Code regulates land development using form as the primary basis to define the developing character  
6 of the neighborhood. This Form-Based Code creates opportunities for medium-density mixed-use  
7 development while incorporating elements from the Brush Park Rehabilitation Project Fourth  
8 Modified Development Plan, the City of Detroit Master Plan of Policies for the Brush Park  
9 neighborhood, and the design guidelines for the Brush Park and Brewster-Wheeler Recreation  
10 Center Historic Districts. This Form-Based Code designates civic space for community recreational  
11 use, encourages pedestrian-friendly streets and the advancement of a walkable urban  
12 neighborhood. The organizing principle for this Form-Based Code is a hierarchy of street types  
13 that determine the placement of specific building types and by-right uses based on intensity.

14 **Sec. 2. Purpose.**

15 The purpose of this Form-Based Code is:

- 16 (1) To implement the goals and objectives of the Brush Park Rehabilitation Project  
17 Fourth Modified Development Plan, the City of Detroit Master Plan of Policies for  
18 the Brush Park neighborhood, and the design guidelines for the Brush Park and  
19 Brewster-Wheeler Recreation Center Historic Districts.
- 20 (2) To provide the Brush Park community predictability in the outcome of development  
21 and redevelopment through an efficient administrative permitting process.
- 22 (3) To provide a diversity of urban housing choices appropriate to Brush Park.
- 23 (4) To place commercial uses within a safe, comfortable walking distance of residential



- 1           units.
- 2           (5)   To prevent the establishment of incompatible developments in Brush Park.
- 3           (6)   To encourage mixed-use development in order to reinforce Brush Park as a  
4           walkable urban neighborhood.
- 5           (7)   To permit the development of attached medium density residential buildings and  
6           multi-story, multi-unit, mixed-use buildings that relate to the size and scale of the  
7           existing historic district context.

8   **Sec. 3. Applicability.**

9           (a)   This Form-Based Code is applicable to all zoning lots that are both located within  
10          the area depicted in the regulating maps set forth in Section 7 of this Form-Based Code and shown  
11          on Zoning Map No. 4, set forth in Section 50-17-5 of this Code, as having a PD Planned  
12          Development zoning classification.

13          (b)   If any provision of this Form-Based Code conflicts with any other provision set  
14          forth elsewhere in this Chapter, the provisions of this Form-Based Code control.

15   **Sec. 4. Definitions.**

16

<b><u>Term</u></b>	<b><u>Definition</u></b>
<u>Basement</u>	<u>A space having one-half or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than seven feet.</u>
<u>Blank Wall Area</u>	<u>Any portion of a facade that does not include fenestration or surface relief through the use of windows, columns, cornices, moldings, piers, pilasters, sills, sign bands, or other equivalent</u>

	<u>architectural features that either recess or project from the plane of the facade by at least four inches</u>
<u>Building Coverage</u>	<u>The portion of a zoning lot that is covered by a building or structure, as measured from the outside of the building or structure at ground level, and expressed as a percentage of the area of the zoning lot.</u>
<u>Building Height</u>	<u>The vertical distance from the grade plane at the center of the front of a building or structure to either the highest point of the building or structure for a flat or mansard roof, or to the mean height level (midpoint) between eaves and ridge for a gabled, hip, or gambrel roof.</u>
<u>Civic Space</u>	<u>An open space or park, either publicly or privately owned and operated, that is open to and maintained for public recreational purposes.</u>
<u>Dooryard</u>	<u>A fenced or elevated garden or patio that buffers dwellings from the adjacent public sidewalk.</u>
<u>Façade, Front</u>	<u>All exterior walls of a building or structure that are oriented in whole or in part toward a front lot line.</u>
<u>Façade Build Out</u>	<u>The ratio of building width to lot width for any zoning lot, measured at the point of maximum front façade and expressed as a percentage. The measurement of façade build out is depicted in Figure 9(c) of this Form-Based Code.</u>

<u>Historic House</u>	<u>A principal building type built as a residential dwelling prior to 1940 and located within the Brush Park Historic District.</u>
<u>Lobby Entrance</u>	<u>An at-grade principal entrance providing access to a portion of a building.</u>
<u>Lot, Flag</u>	<u>A zoning lot not fronting or abutting a public right-of-way for which access to a public right-of-way is a possible only via a private driveway or right-of-way.</u>
<u>Lot, Key</u>	<u>A zoning lot for which a side lot line abuts the rear lot line of another zoning lot.</u>
<u>Lot Line, Party</u>	<u>A side lot line shared between two adjacent zoning lots.</u>
<u>Nonconformity</u>	<u>A nonconforming use, nonconforming structure, or nonconforming lot, as each is defined in this Form-Based Code.</u>
<u>Nonconforming Lot</u>	<u>A zoning lot that was legally established but that does not currently comply with applicable configuration requirements, including minimum lot area, lot depth, and lot width standards, as set forth in this Form-Based Code.</u>
<u>Nonconforming Structure</u>	<u>A building or structure that was legally established but that does not currently comply with applicable development or building type standards, as set forth in this Form-Based Code.</u>
<u>Nonconforming Use</u>	<u>A use of a zoning lot that was legally established but that is not currently permissible for such zoning lot, as set forth in this Form-Based Code.</u>

<u>Porch</u>	<u>An elevated covered or uncovered entrance to a building or a roofed structure projecting from the exterior wall or walls of a principal structure and supported by piers, posts or columns and commonly open to weather.</u>
<u>Portico</u>	<u>A roofed landing leading to an at-grade entrance of a building.</u>
<u>Principal Building</u>	<u>The building or structure located on a zoning lot that is intended to contain the principal use for such zoning lot. Specific permissible types of principal buildings are Historic House, Single-Family House, Mid-Rise Building, Multiplex, and Townhouse, all of which are depicted in Table 12(a) in Section 12 of this Form-Based Code.</u>
<u>Principal Entrance</u>	<u>A main point of access for pedestrians into a building or structure, including to an upper story or ground story thereof. A building or structure can have more than one principle entrance.</u>
<u>Rear Building</u>	<u>A building or structure located in the rear portion of a zoning lot behind the principal building for such zoning lot. Specific permissible types of rear buildings are Carriage House and Mews Building, both of which are depicted in Table 12(b) in Section 12 of this Form-Based Code.</u>
<u>Stoop</u>	<u>An unroofed landing, with a set of stairs, leading to an entrance of a building.</u>

<u>Storefront</u>	<u>An at-grade portion of the front facade consisting of a principal entrance and substantial windows for the display of goods, services, and signs associated with a ground story non-residential use of a principal building.</u>
<u>Story, Ground</u>	<u>The lowest story of a building or structure for which the height of the finished floor is at or above the established grade at the center of the front of such building or structure.</u>
<u>Story, Upper</u>	<u>Any story of a building or structure above its ground story.</u>
<u>Structured Parking</u>	<u>Motor vehicle parking spaces located within a building or structure, whether aboveground or underground.</u>
<u>Visible Light Reflectance (VLR)</u>	<u>The portion of total visible light that is reflected by a glazing system, expressed as a percentage.</u>
<u>Visible Light Transmittance (VLT)</u>	<u>The portion of total visible light that is transmitted through a glazing system, expressed as a percentage.</u>

1

2 **Sec. 5. Development review.**

3 (a) Development review.

4 (1) All development to which this Form-Based Code applies is subject to development  
5 review in accordance with Article XI, Division 2 of this Chapter and this Section.

6 (2) Applications for development review must be made on a form acceptable to the  
7 City Planning Commission staff and must contain a complete site plan, prepared in  
8 accordance with Article III, Division 5 of this Chapter, as well as construction  
9 drawings, building elevations, lighting, landscaping, signage plans, proposed uses,

1           and any additional information reasonably identified by the City Planning  
2           Commission staff as necessary to adequately depict the proposed development.

3           (3) Applications for development review must be submitted to the City Planning  
4           Commission staff.

5           (4) The City Planning Commission staff, upon receipt of a complete application for  
6           development review, shall review such application and determine if the  
7           development proposed in such application is in accordance with the applicable  
8           standards and requirements of this Form-Based Code. If the City Planning  
9           Commission staff determines that the proposed development accords with the  
10           applicable standards and requirements of this Form-Based Code, it shall issue  
11           preliminary approval of the application.

12           (5) Upon receipt of preliminary approval, an applicant may apply for any other  
13           regulatory approvals that may be necessary for the proposed development,  
14           including but not limited to a certificate of appropriateness or other approval by the  
15           City of Detroit Historic District Commission.

16           (6) Upon issuance of all other necessary approvals, the applicant shall resubmit the site  
17           plan, all construction drawings, building elevations, lighting, landscaping, signage  
18           plans, proposed uses, and other information necessary to adequately depict the  
19           proposed development, whether or not any such information has been revised  
20           subsequent to preliminary approval, to the City Planning Commission staff for final  
21           review. The applicant shall also submit a community impact plan to minimize  
22           disruption to the surrounding neighborhood during construction and address any  
23           negative impacts that may arise. A community impact plan must provide for the

1           following:

2           (i) A construction schedule to describe the start and end dates and other  
3           anticipated milestones of the development.

4           (ii) A strategy to mitigate fugitive dust, noise pollution, and pest infestation that  
5           may arise from ground disturbance and other construction activities.

6           (iii) A strategy for temporary site screening, construction staging, and  
7           construction-related vehicle parking.

8           (iv) A vibration analysis or other impact analysis, if determined to be necessary  
9           by the City Planning Commission.

10          (7) The City Planning Commission staff shall perform final development review to  
11          confirm that the proposed development remains in accordance with this Form-  
12          Based Code. If the proposed development remains in accordance, the City Planning  
13          Commission staff shall issue final approval of the application.

14          (8) Upon receipt of final approval, the applicant shall distribute its community impact  
15          plan to the owners and occupants of all properties located adjacent to or across the  
16          street from the proposed development, as well to any local neighborhood  
17          community organizations that the City Planning Commission may identify in its  
18          final approval. Upon distribution of its community impact plan, the applicant may  
19          apply for building permits from the Buildings, Safety Engineering, and  
20          Environmental Department and any other permits or approvals from the City that  
21          may be necessary for construction of the proposed development.

22          (9) In performing each preliminary and final review of an application, the City  
23          Planning Commission staff may consult with and solicit advice from the Planning

1           and Development Department as to the proposed development’s compliance with  
2           this Form-Based Code, the Detroit Water and Sewerage Department as to the  
3           proposed development’s post-construction stormwater management plans, and any  
4           other City department whose expertise may apply to the proposed development.

5           (b) *Historic Review.*

6           (1) Any development located within a historic district, as established in Chapter 21 of  
7           this Code, is subject to review and approval by the City of Detroit Historic District  
8           Commission in accordance with the procedures set forth therein.

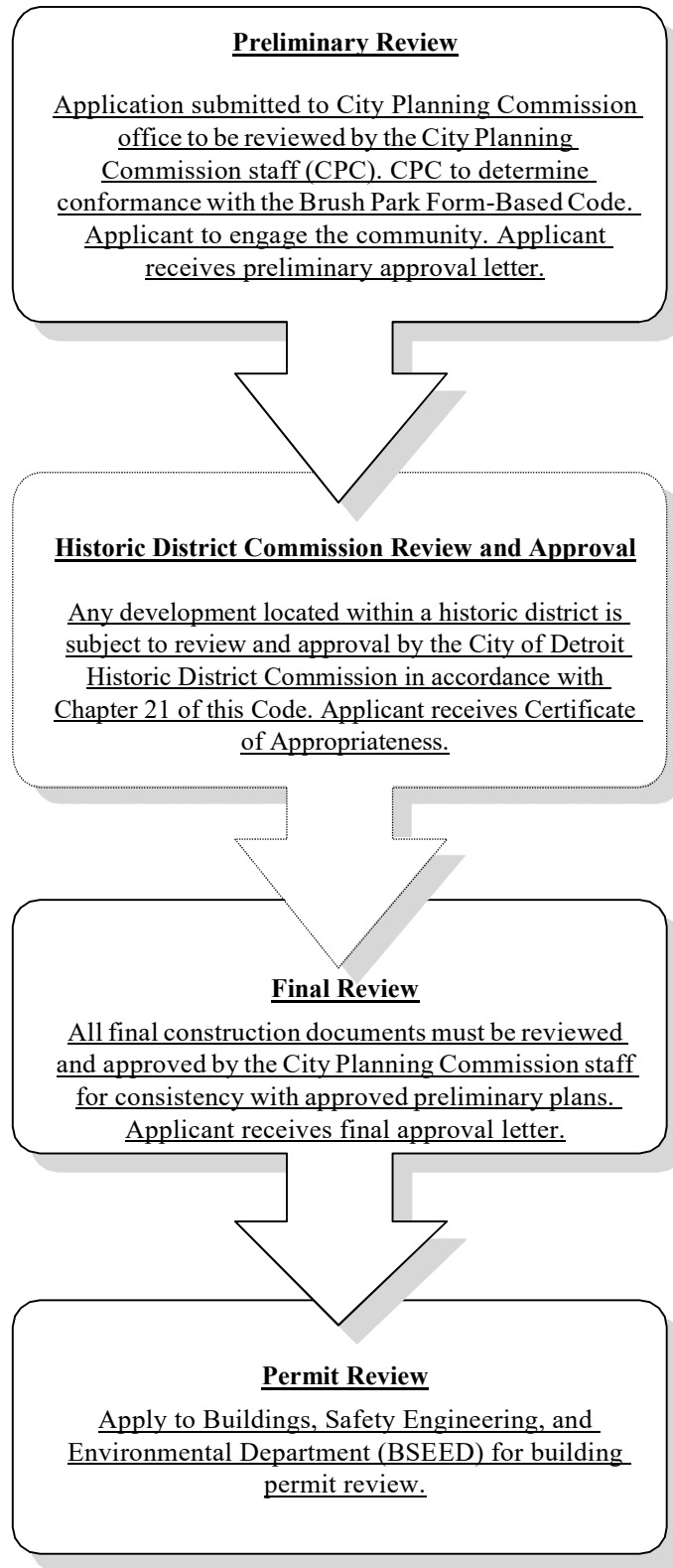
9           (2) The boundaries of all historic districts located within the area to which this Form-  
10           Based Code applies, existing as of the date of enactment of this Form-Based Code,  
11           are shown on Map 7(a) in Section 7 of this Form-Based Code.

12           (c) *Administrative Adjustments.* The City Planning Commission staff may authorize  
13           the modification of any numeric standard that is set forth in this Form-Based Code by a factor not  
14           to exceed fifteen percent of such numeric standard.

15           (d) *Waivers and Variances.* Any waiver or variance of any requirement, prohibition, or  
16           numeric standard beyond the extent permissible as an administrative adjustment is prohibited,  
17           except as expressly authorized in this Form-Based Code.



**FIGURE 5: Brush Park Development Review Process Diagram.**



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**Sec. 6. Nonconformities and savings provision.**

(a) In General. The regulations set forth in this Section govern all nonconformities that are located within the area to which this Form-Based Code applies, notwithstanding any conflicting provision set forth in Article XV of this Chapter.

(b) Authority to Continue. Any nonconformity may be continued but must not be expanded, intensified, or otherwise modified except as expressly allowed in this Section. The ability to continue a nonconformity is not affected by changes in tenancy, ownership or management thereof.

(c) Determination of Nonconforming Status.

(1) A nonconformity may exist if:

(i) A use, structure, or lot legally existed as of the effective date of this Form-Based Code but is not currently in compliance with all applicable provisions of this Form-Based Code, or

(ii) A use, structure, or lot has been legally constructed or established in accordance with this Form-Based Code but is not currently in compliance with all applicable provisions of this Form-Based Code solely as a result of an amendment thereof.

(2) The burden of establishing that any instance of noncompliance with any provision of this Form-Based Code applicable to an existing use, structure, or lot constitutes a nonconformity rests upon the owner or operator of such use, structure, or lot.

(3) The City Planning Commission staff may require an applicant for development review under this Form-Based Code to submit evidence, in the form of a prior permit or other supporting documentation, showing that a use, structure, or lot that

1 is not currently in compliance with all applicable provisions of this Form-Based  
2 Code was legally constructed or established and constitutes a nonconformity.

3 (4) The City Planning Commission staff, with advice from the Planning and  
4 Development Department as it may request, shall determine whether the evidence  
5 submitted by the applicant adequately establishes that a nonconformity exists.  
6 Upon determining that a nonconformity exists, the City Planning Commission staff  
7 shall allow such nonconformity to continue in accordance with this Section.

8 (d) *Determination of the extent of nonconformity.*

9 (1) For a nonconforming use, the extent of the nonconformity is the area, measured in  
10 square feet, of the building or structure, or portion thereof, in which the  
11 nonconforming use operates.

12 (2) For a nonconforming structure or lot, the extent of the nonconformity is the  
13 magnitude of the difference between the actual dimension of any specific feature  
14 of the structure or lot and the permissible dimension of such feature as currently set  
15 forth in this Form-Based Code.

16 (e) *Nonconforming uses.*

17 (1) Any change of a nonconforming use to another use that is permissible according to  
18 Table 13 in Section 13 of this Form-Based Code is permissible.

19 (2) Any change of a nonconforming use to another use that is not permissible according  
20 to Table 13 in Section 13 of this Form-Based Code is prohibited.

21 (3) Any change to a nonconforming use or to the building or structure in which a  
22 nonconforming use operates that would increase the extent of the nonconformity is  
23 prohibited. Any change to a nonconforming use or to the building or structure in

1 which a nonconforming use operates that would decrease the extent of the  
2 nonconformity is permissible.

3 (f) *Nonconforming structures.*

4 (1) Any ordinary repair and maintenance of a nonconforming structure, including but  
5 not limited to painting, roof replacement, re-siding, window replacement, and other  
6 improvements that are reasonably determined by the City Planning Commission  
7 staff to be cosmetic or de minimis in nature is permissible.

8 (2) Any modification to a nonconforming structure that would cause the structure to  
9 conform to applicable standards currently set forth in this Form-Based Code or that  
10 would otherwise reduce the extent of the nonconformity is permissible.

11 (3) Any modification to a nonconforming structure that would cause any feature of the  
12 nonconforming structure to become newly noncompliant with the applicable  
13 standards currently set forth in this Form-Based Code or that would otherwise  
14 increase the extent of the nonconformity is prohibited.

15 (4) Nothing in this Section that provides for the modification of a nonconforming  
16 structure may be construed as limiting the authority of the City of Detroit Historic  
17 District Commission to review and approve or deny such modification.

18 (g) *Nonconforming lots.*

19 (1) Any modification of the dimensions of a nonconforming lot or any combination of  
20 a nonconforming lot with another lot that would that would reduce the extent of the  
21 nonconformity or that would cause the nonconforming lot to conform with  
22 applicable provisions currently set forth in this Form-Based Code is permissible.

23 (2) Any modification to the dimensions of a nonconforming lot that would increase the

1 extent of the nonconformity is prohibited.

2 (3) For any nonconforming lot, the City Planning Commission staff is authorized to  
3 waive or vary any development standard, building type standard, or other numerical  
4 standard set forth in this Form-Based Code solely, and only to the extent necessary,  
5 to enable the development of a principle building type that is permissible for the  
6 nonconforming lot according to Table 7(a) in Section 7 of this Form-Based Code.

7 (h) Site characteristics not compliant with applicable standards. All zoning lots subject  
8 to this Form-Based Code shall comply with all applicable parking, landscaping, and screening  
9 provisions currently set forth in this Form-Based Code. Any zoning lot that is not in compliance  
10 with all such current parking, landscaping, and screening standards is in noncompliance with this  
11 Form-Based Code and must not be considered nonconforming.

12 (i) Casualty. For any building or structure containing a nonconforming use or for any  
13 nonconforming structure that is damaged or destroyed:

14 (1) If the extent of the damage or destruction is equal to or greater than 60 percent of  
15 the assessed valuation of the building or structure at the time the damage or  
16 destruction occurred, the nonconformity must not be re-established and any new or  
17 restored structure must comply with all applicable provisions currently set forth in  
18 this Form-Based Code.

19 (2) If the extent of the damage or destruction is less than 60 percent of the assessed  
20 valuation of the building or structure at the time the damage occurred, the  
21 nonconformity may be re-established only if all of the following conditions are  
22 satisfied:

23 (i) The cause of the damage or destruction was not the deliberate action of a

1 person or entity with legal interest in the property or its agent.

2 (ii) Reconstruction or restoration of the building or structure would not increase  
3 the extent of the nonconformity as it existed prior to the damage or  
4 destruction of the building or structure.

5 (iii) Reconstruction or restoration of the building or structure is started within a  
6 period of two years following the date that the damage or destruction of the  
7 structure met or exceeded the 60 percent threshold. The City Planning  
8 Commission staff may, upon written request, extend this two-year period  
9 for not more than two additional years.

10 (iv) Plans for reconstruction or restoration of the building or structure undergo  
11 development review in accordance with the procedures set forth in Section  
12 5 of this Form-Based Code and is issued final approval as a result of such  
13 review prior to application for a building permit for such reconstruction or  
14 restoration.

15 (j) Abandonment. The question of abandonment of any nonconforming use must be  
16 addressed in accordance with the procedures and standards set forth in Section 50-15-31 of this  
17 Code. Notwithstanding Section 50-15-28 of this Code, the re-establishment of any abandoned  
18 nonconforming use is prohibited.

19 (k) Savings provision. Notwithstanding any provision in this Form-Based Code to the  
20 contrary, all terms, conditions, and other regulations for development set forth in any of the  
21 following ordinances, each having been duly enacted, are incorporated into this Form-Based Code  
22 by reference, such that no building, structure or development in compliance with such development  
23 regulations constitute a nonconformity:

- 1           (1) Ordinance No. 07-16, effective April 23, 2016,
- 2           (2) Ordinance No. 24-17, effective September 9, 2017,
- 3           (3) Ordinance No. 27-17, effective October 28, 2017,
- 4           (4) Ordinance No. No. 14-19, effective August 24, 2019, and
- 5           (5) Ordinance No. 35-19, effective December 4, 2019.

6    **Sec. 7. Regulating maps.**

7           (a) District boundaries. The boundaries of the area to which this Form-Based Code  
8 applies are shown on Map 7(a) and Map 7(b) of this Section.

9           (b) Street types map. All streets located within the area to which this Form-Based Code  
10 applies are classified by type, being “A” Streets, “B” Streets, and “C” Streets. Such classifications  
11 are shown in Map 7(a) of this Section.

12           (c) Civic spaces map. All areas designated as “civic spaces” are shown in Map 7(b) of  
13 this Section. All zoning lots shown as civic spaces must be used as civic space in accordance with  
14 Section 13(c)(5) of this Form-Based Code.

15           (d) Permissible building types. Principal and rear building types are permissible for a  
16 zoning lot based on the type of the street that abuts the primary front lot line of the zoning lot. The  
17 permissibility of each building type is set forth in Table 7(a) in this Section, subject to the  
18 following:

- 19           (1) Where any zoning lot fronts a B or C Street and includes a side lot line that abuts a  
20           zoning lot that contains a Historic House, the only principal building type that is  
21           permissible for the zoning lot is the Multiplex.
- 22           (2) A rear building is permissible on a zoning lot only if the lot also contains a principal  
23           building.

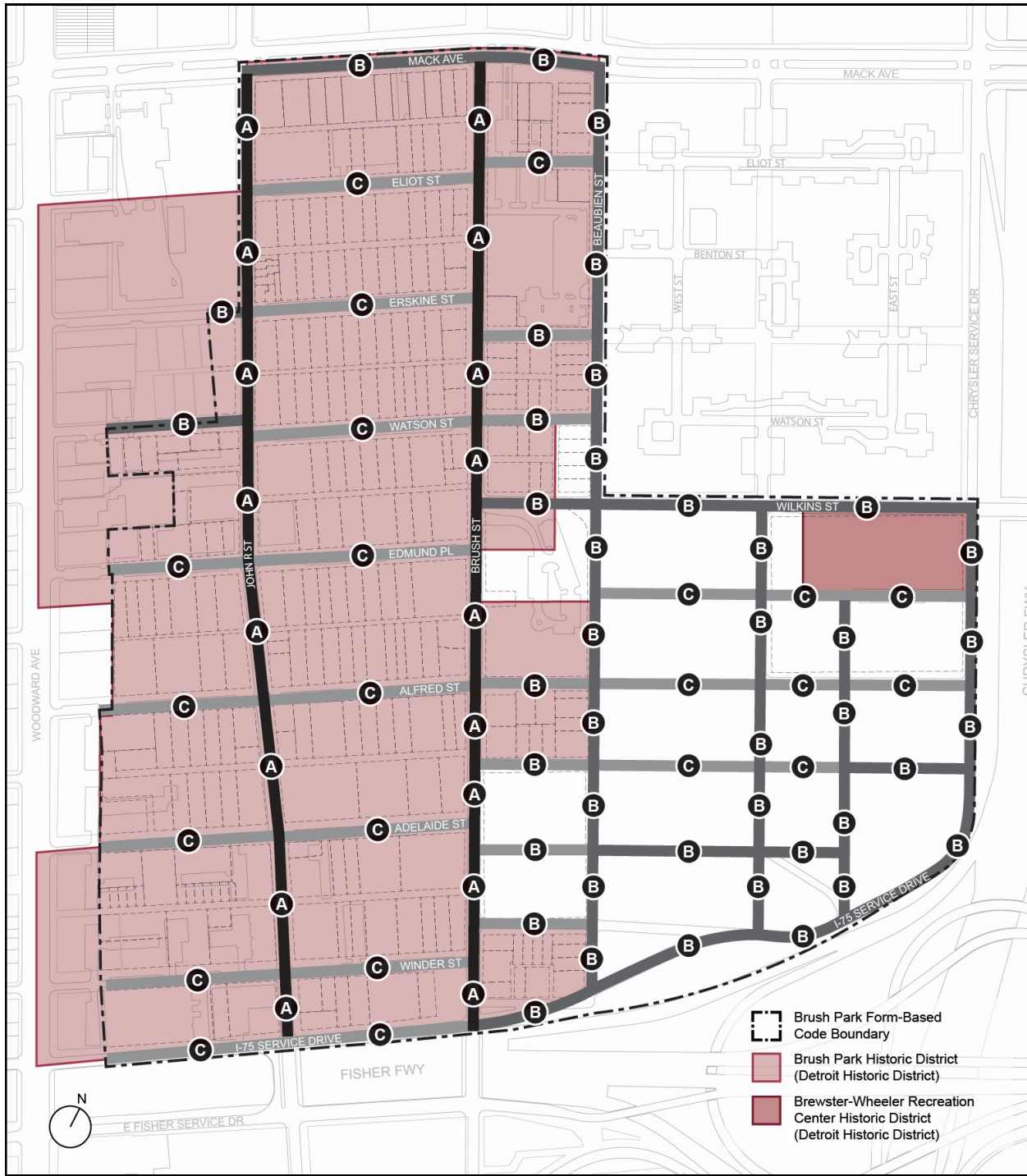
1 **TABLE 7(a): Permissible Building Types.**

	<u>A Street</u>	<u>B Street</u>	<u>C Street</u>	<u>Type Specific Standards</u>
<b><u>Principal Buildings</u></b>				
<u>Historic House</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>Sec. 12(c)</u>
<u>Single-Family House</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>Sec. 12(d)</u>
<u>Multiplex</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>Sec. 12(e)</u>
<u>Townhouses</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Sec. 12(f)</u>
<u>Mid-Rise Building</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>Sec. 12(g)</u>
<b><u>Rear Buildings</u></b>				
<u>Carriage House</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Sec. 12(h)</u>
<u>Mews Building</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Sec. 12(i)</u>

2 P - Permissible                      N - Not Permissible



1 **MAP 7(a): Street Type Map.**



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1 **MAP 7(b): Civic Spaces Map.**



2

1 **Sec. 8. Civic space standards.**

2 (a) The area of any zoning lot located within the area identified as “Civic Space A” on  
3 Map 7(b) in Section 7 of this Form-Based Code must be not less than 44,000 square feet.

4 (b) The area of any zoning lot located within the area identified as “Civic Space B” on  
5 Map 7(b) in Section 7 of this Form-Based Code must be not less than 7,500 square feet.

6 **Sec. 9. Development standards.**

7 (a) In general. This Section establishes the standards for all development located  
8 within the area to which this Form-Based Code applies.

9 (b) Zoning lot standards.

10 (1) Permissible zoning lot types. Any newly established zoning lot must be configured  
11 as a corner, interior, or key lot. The establishment of a new flag lot or through lot is  
12 prohibited.

13 (2) Front lot lines. Every zoning lot must have not more than one primary front lot line.  
14 For any zoning lot that abuts a single street, such as an interior lot, flag lot, or key  
15 lot, the lot line that abuts such street is the primary front lot line for the zoning lot.  
16 For any zoning that abuts more than one street, such as a through lot or corner lot,  
17 the primary front lot line must be determined as follows, and all other lot lines  
18 abutting a street are secondary front lot lines:

19 (i) For an existing through lot, the primary front lot line is as designated by the  
20 City Planning Commission staff.

21 (ii) For a corner lot that abuts an A Street the primary front lot line is the lot line  
22 that abuts such A Street.

23 (iii) For all other zoning lots that abut more than one street, the primary front lot

1 line may be determined by the property owner and so designated in the  
2 development review application for the proposed development.

3 (3) Lot dimensions, including lot width and depth, for each building type are required  
4 as set forth in Section 12 of this Form-Based Code.

5 (4) Lot width must be measured as the horizontal distance between two points along  
6 the lot lines on either side of the primary front lot line, each 20 feet from the primary  
7 front lot line.

8 (5) Lot depth must be measured as the horizontal distance between the midpoint of the  
9 primary front lot line and the midpoint of the rear lot line or, if there is no rear lot  
10 line, to the most distant point on any other lot line.

11 (c) *Building placement.*

12 (1) Not more than one principal building and one rear building type may be located on  
13 any zoning lot. A rear building may be located on a zoning lot only if a principal  
14 building is also located on the same lot. A principle building may be located on a  
15 zoning lot regardless of whether or not a rear building is also located on the same  
16 lot.

17 (2) Building placement standards for each principal and rear building type, including  
18 building setback standards, are required as set forth in Section 12 of this Form-Based  
19 Code.

20 (3) Unless otherwise specified in this Section, all buildings and structures must be  
21 located at or behind any required minimum front, side, or rear setback.

22 (4) Unless otherwise specified in this Section, the front facade of each story of a  
23 principal building must be located at or in front of any maximum front setback for

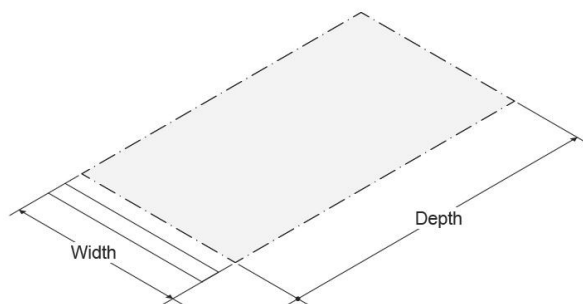
1           the building.

2           (5) Notwithstanding the front setbacks for each principal building type, as set forth in  
3           Section 12 of this Form-Based Code, any new development located on a zoning lot  
4           that is on the same block face as a Historic House must have a contextual front  
5           setback as follows, provided that the maximum front set back must not exceed the  
6           distance set forth in Section 12 of this Form-Based Code for the applicable building  
7           type:

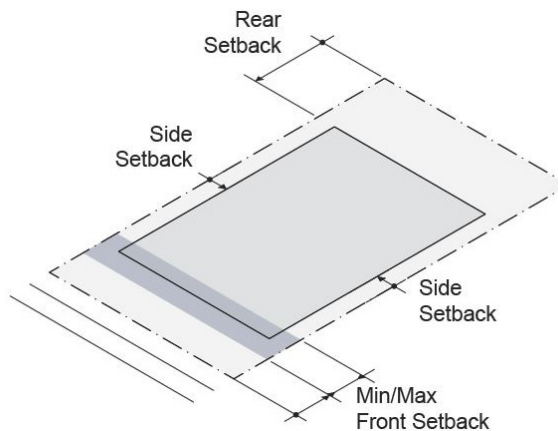
8           (i) If the zoning lot is an interior lot or key lot, the minimum and maximum  
9           front setbacks must be equal to the actual setbacks for the Historic House  
10           that is located on the same block face.

11           (ii) If the zoning lot is a corner lot, the minimum primary front setback must be  
12           the actual front setback of any Historic House located on the same block  
13           face as its primary front lot line and the minimum secondary front setback  
14           must be the actual front setback of any Historic House located within 50  
15           feet of the zoning lot on the same block face as its secondary front lot line.

17           **FIGURE 9(a): Lot Dimensions.**



17           **FIGURE 9(b): Setbacks.**



- 1       (6) Stoops, porticos, porches, awnings, and entry canopies may encroach any distance  
2           into any front setback.
- 3       (7) Cornices, belt courses, sills, buttresses and other architectural features not otherwise  
4           specified in this Subsection may encroach not more than two feet into any setback.
- 5       (8) Chimneys may encroach up to four feet into any setback, provided that any chimney  
6           must be located not less than two feet from any lot line.
- 7       (9) Balconies may project not more than four feet into any front or rear setback and not  
8           more than three feet into any sidesetback, provided that any such balcony must be  
9           located not less than two feet from any side lot line.
- 10      (10) Building eaves and roof overhangs may encroach not more than three feet into any  
11           setback, provided that any such eave or overhang must be located not less than two  
12           feet from any side lot line.
- 13      (11) Unenclosed fire escapes and emergency egress stairways may encroach up to four  
14           feet into any side or rear setback, provided that any such fire escape or stairway  
15           must be located not less than two feet from any side or rear lot line.
- 16      (12) Mechanical equipment associated with residential uses, such as HVAC units and  
17           security lighting, may encroach any distance into a side or rear setback, provided  
18           that such equipment must be located not less than two feet from any side or rear lot  
19           line.
- 20      (13) Terraces, uncovered and unenclosed patios, and structures below and covered by  
21           the ground may encroach any distance into a setback.
- 22      (14) Minor structures accessory to utilities, such as hydrants, manholes, transformers,  
23           and other cabinet structures, may encroach any distance into a setback.

1        (d) Building standards.

2        (1) Building standards for each principal and rear building type, including building  
3        coverage, massing, fenestration standards, and outdoor amenity space standards,  
4        are required as set forth in Section 12 of this Form-Based Code.

5        (2) Any rear building located on a zoning lot may be oriented either toward a front lot line  
6        of the zoning lot or toward an alley abutting the zoning lot.

7        (3) The front facade of a principal building must be oriented toward and constructed  
8        parallel to the primary front lot line of the zoning lot.

9        (4) The front façade of a building must be constructed in accordance with the façade  
10       build-out ratio for the applicable building type, as set forth in Section 12 of this  
11       Form-Based Code.

12       (5) Front façades of principal and rear buildings that are wider than 60 feet must vary  
13       in vertical plane, so as to create rhythm and articulation in the building massing.

14       (6) Building width must be measured as the distance between the exterior of the side  
15       walls of the building, parallel to the front facade of the building.

16       (7) Building depth must be measured as the maximum length of any exterior side wall  
17       of the building, perpendicular to the front facade of the building.

18       (8) The total number of stories of a building must be calculated as follows:

19       (i) The ground story counts as one story, except that a ground story that is 25  
20       feet or more in height counts as two stories.

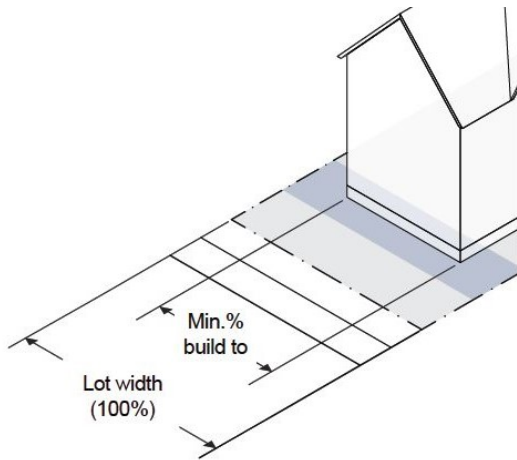
21       (ii) Each upper story counts as one story, except that any upper story with a  
22       mezzanine or loft counts as two stories.

23       (iii) Interstitial space between stories counts as a story if the space has a walking

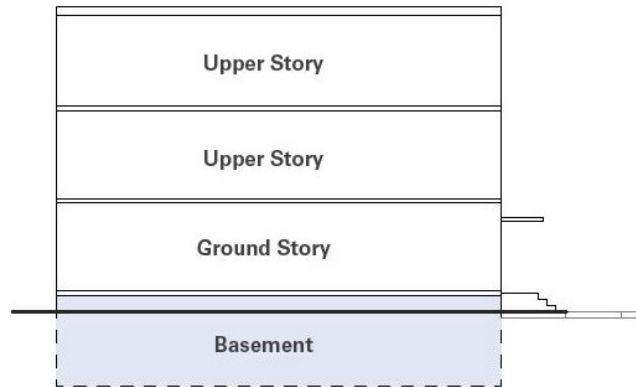
1 surface, permanent lighting, a ceiling height of seven feet six inches (7'6")  
2 or more, and is accessible via a stairwell or elevator door.

3 (iv) A basement counts as one story only if the finished floor of the ground story  
4 is five feet or more above the established grade at the center of the front of  
5 the building, and otherwise does not count as a story.

6 **FIGURE 9(c): Facade Build-Out.**



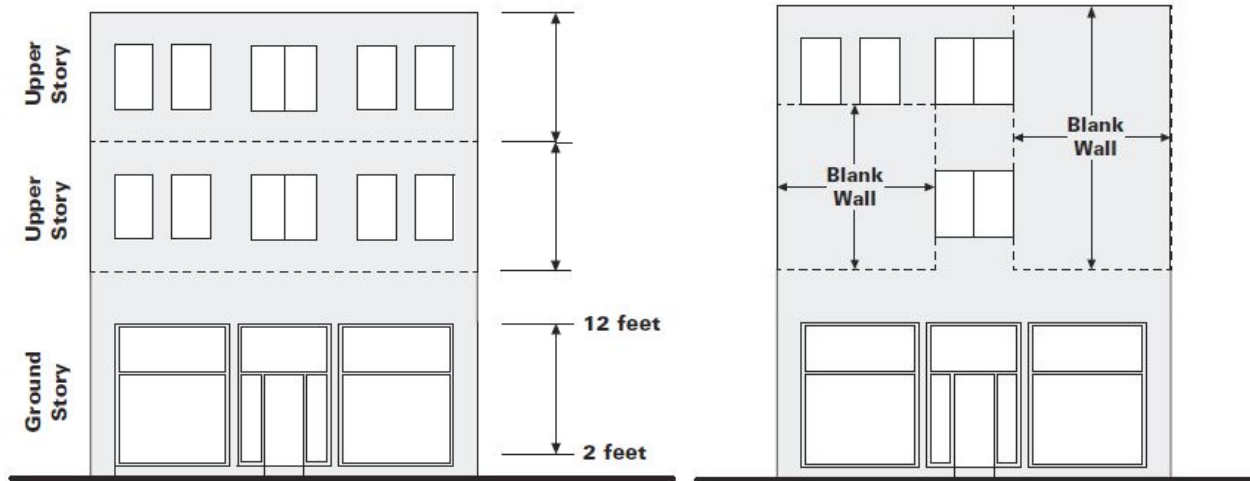
**FIGURE 9(d): Building Stories**





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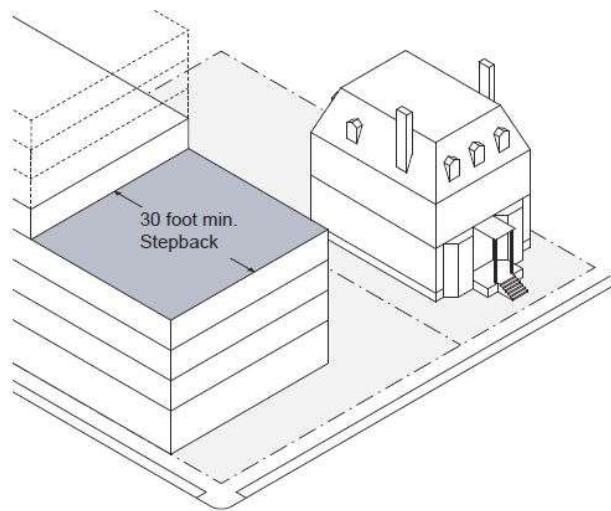
**FIGURE 9(e): Fenestration.**



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(9) The maximum number of stories for any new structure located immediately adjacent to a Historic House is eight stories, provided that the front façade of any fifth through eighth story must be stepped back from the front facade of the adjacent Historic House by not less than 30 feet, as shown in Figure 9(f) of this Form-Based Code.

**FIGURE 9(f): Stepback for Buildings Adjacent to a Historic House.**



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(10) For any Mid-Rise Building that is located in the area bounded by Wilkins Street on the north, I-75 Service Drive on the east and south, and Beaubien Street on the west, the maximum number of stories is 15 and the maximum height is 180 feet.

(11) For any Mid-Rise Building that is located in the area bounded by Mack Avenue on the north, Beaubien Street on the east, I-75 Service Drive on the south, and Brush Street on the west, the maximum number of stories is nine and the maximum height is 110 feet.

(12) Story height must be measured vertically from the surface of the finished floor of the story to the surface of the finished floor of the above story. If there is no story above, story height must be measured from the surface of the finished floor to the top of the structural beam or joists above or the top of the wall plate, whichever is higher. Minimum story height requirements are not applicable for half-stories.

(13) Ground story elevation must be measured from the grade plane to the top of the finished floor of the ground story of a building.

(14) Roof decks; mechanical and stairwell penthouses; roof mounted cellular, radio, and internet transmission equipment; vents or exhausts; solar panels or skylights; flagpoles; belfries, chimneys, cupolas, monuments, parapets, spires, steeples; and other non-habitable architectural features are permissible and are not subject to applicable building height limitations.

(15) All principal entrances to a building or structure must be located in the front facade of the building or structure.

(16) Access to any principal entrance for a residential use must be provided by way of a

1           stoop, portico, porch, dooryard, or lobby entrance.

2           (17) Any principal entrance to a building must include an awning or entry canopy, except  
3           if the principal entrance is recessed into the facade of the building. Any such awning  
4           or entry canopy must be constructed with a width of not less than the width of the  
5           doorway surround, trim, or exterior casing above which it is mounted; a depth of  
6           not less than three feet; and a clearance of not less than eight feet.

7           (18) Fenestration must be provided for each building type as set forth in Section 12 of  
8           this Form-Based Code, expressed as a percentage of the total area of each facade as  
9           follows:

10          (i) Ground story fenestration must be determined as a percentage of the area  
11          located between the heights of two feet and 12 feet above the grade plane.

12          (ii) Upper story fenestration must be determined as a percentage of the area  
13          located between the top of a finished floor and the top of the finished floor  
14          above.

15          (19) Glazing must meet the following criteria:

16          (i) For ground story fenestration, glazing must have a minimum of 60 percent  
17          Visible Light Transmittance and no more than 15 percent Visible Light  
18          Reflectance. Not less than 75 percent of all ground floor commercial  
19          storefront glazing must be unobstructed to a depth of not less than five feet.

20          (ii) For upper story fenestration, glazing must have must have a minimum of 40  
21          percent Visible Light Transmittance and no more than 15 percent Visible  
22          Light Reflectance.

23          (20) Blank wall area limitations for any façade applies both vertically and horizontally.

1           (21) If outdoor amenity space is required, as set forth in Section 12 of this Form-Based  
2                   Code, it must be provided for as a balcony, deck, patio, porch, roof deck, roof  
3                   terrace, or yard.

4           (22) The minimum area of any outdoor amenity space must be not less than 36 square  
5                   feet, without obstruction and with no dimension less than four feet.

6           (23) For all building types, outdoor amenity space may be shared by multiple dwelling  
7                   units, provided that the area of such shared space must be not less than the sum of  
8                   the areas of the outdoor amenity spaces required for all dwelling units that the  
9                   shared space is intended to serve.

10          (24) Ground story dwelling units must be not less than 20 feet in depth.

11    **Sec. 10. Access and parking.**

12          (a) *In general.* This Section establishes the parking requirements for all building types,  
13               as well as the standards for access to such parking. Use of any parking facility must be limited to  
14               the temporary storage of operable private passenger vehicles.

15          (b) *Construction.* Parking may be provided as surface off-street parking, surface on-  
16               street parking, aboveground structured parking, and underground structured parking.

17          (c) *Number of parking spaces; minimum required and maximum permissible.*

18          (1) The minimum number of parking spaces required for each principal and rear  
19               building type is as set forth in Section 12 of this Form-Based Code.

20          (2) Any nonresidential use located in a building or structure that does not exceed 3,000  
21               square feet of gross floor area is exempt from applicable minimum parking  
22               requirements.

23          (3) For any building or structure over 3,000 square feet of gross floor area, the City

1 Planning Commission staff may grant a waiver of applicable parking requirements  
2 for the first 3,000 square feet of retail, service, or commercial use of such building  
3 or structure, if both of the following criteria can be satisfied:

4 (i) The area subject to the waiver contains a use that is pedestrian-oriented, and

5 (ii) The waiver will not be injurious to the surrounding areas by creating or  
6 increasing traffic congestion or by disrupting traffic circulation.

7 (4) The maximum number of parking spaces permissible for each principal and rear  
8 building type is 150 percent of the minimum number of spaces required for that  
9 building type, notwithstanding any exemptions or waivers to such requirements that  
10 may apply to any particular building or structure, except if an alternative maximum  
11 number for any building type is set forth in Section 12 of this Form-Based Code,  
12 such number must control.

13 (d) *Parking setbacks.* Parking setbacks for each principal and rear building type are  
14 required as set forth in Section 12 of this Form-Based Code. Unless otherwise specified, no off-  
15 street surface or above-ground structured parking may be located within any parking setback.  
16 Additionally, all such parking facilities, including associated drive aisles and other paved surfaces,  
17 must be set back not less than six feet from any lot line abutting a zoning lot used solely for  
18 residential purposes.

19 (e) *Parking access.* Parking must be directly accessible to a street via a driveway, alley,  
20 or vehicular entrance into a building or structure, subject to the following:

21 (1) The permissible means of access to parking for each principle and rear building  
22 type are as set forth in Section 12 of this Form-Based Code.

23 (2) Parking, as well as loading docks and associated service areas, must be accessible

1 from an alley or across a secondary front lot line. Access across a primary front lot  
2 line is prohibited.

3 (3) Parking for multiple adjacent zoning lots may be accessible by means of a shared  
4 driveway, provided that the owners of all zoning lots with the benefit or burden of  
5 such shared driveway maintain an access easement for its use.

6 (f) Satellite parking. Parking associated with a zoning lot, excluding any required  
7 handicapped parking, may be constructed at an off-site satellite location within 1,320 feet of the  
8 zoning lot. Such distance between a zoning lot and its satellite parking must be measured radially  
9 between the nearest points of the lot lines of the zoning lot and the satellite parking, respectively.

10 Satellite parking is further subject to the following requirements:

11 (1) Pedestrian access to any satellite parking facility must be via a paved sidewalk or  
12 walkway.

13 (2) The owner of the zoning lot that is served by the satellite parking must have an  
14 ownership or leasehold interest in the property on which the satellite parking is  
15 located. The City Planning Commission staff may require evidence of such  
16 ownership or leasehold interest in the form of a lease, recorded covenant, or other  
17 comparable legal instrument as part of the development review process set forth in  
18 Section 5 of this Form-Based Code.

19 (g) Shared parking facilities. If a zoning lot cannot feasibly contain onsite the  
20 minimum number of required parking spaces, the City Planning Commission staff may authorize  
21 the use of a shared parking facility if such facility satisfies the following standards:

22 (1) Capacity. The shared parking facility must have sufficient parking capacity to  
23 accommodate the minimum number of required parking spaces for each zoning lot

1 that shares in its use. A single parking space in a shared parking facility may be  
2 counted against the minimum parking requirements of multiple zoning lots only if  
3 such zoning lots are reasonably anticipated to have distinct timeframes for peak  
4 parking demand.

5 (2) *Location.* The shared parking facility must be located not more than 1,320 feet from  
6 the zoning lot, measured radially in accordance with the method set forth in  
7 Subsection (f) of this section.

8 (3) *Required study and analysis.* The applicant for development of the zoning lot shall  
9 submit a shared parking analysis to the City Planning Commission staff as part of  
10 the development review process that demonstrates the feasibility of use of the shared  
11 parking facility. The study must identify the size and type of the proposed  
12 development, the minimum number of required parking spaces, the anticipated rate  
13 of parking turnover and the anticipated peak parking and traffic loads for all uses  
14 to be located on the zoning lot, and the distance between the shared parking facility  
15 and the zoning lot; and

16 (4) *Shared parking agreement.* The owner of the zoning lot must have all necessary  
17 rights, in the form of an ownership or leasehold interest in the property on which  
18 the shared parking facility is located or a shared parking agreement or other  
19 contractual agreement, for use of the requisite number of parking spaces in the  
20 shared parking facility. The applicant for development of the zoning lot shall submit  
21 evidence of such rights to the City Planning Commission staff as part of the  
22 development review process.

23 (h) All street frontage of any zoning lot along which on-street parking is permissible

1 may be utilized to satisfy a portion of the applicable minimum parking requirement for the zoning  
2 lot. Every continuous length of street frontage along which on-street parking is permissible that is  
3 at least 23 feet long and abuts the zoning lot may be counted as one space for purposes of satisfying  
4 the minimum parking requirement for the zoning lot.

5 **Sec. 11. Perimeter definition, landscaping, fencing, and signage.**

6 (a) Lot perimeter standards for each principle and rear building type, including fencing  
7 and hedge height standards, are required as set forth in Section 12 of this Form-Based Code.

8 (b) Any parking lot that is adjacent to a street or an abutting zoning lot must be  
9 effectively screened from such street or zoning lot by a perimeter wall or fence in accordance with  
10 Sections 50-14-341 and 50-14-342 of this Code.

11 (c) A fence or hedge row may be placed along the lot lines of any zoning lot, so as to  
12 define the perimeter of such zoning lot. Permissible fencing and hedging for each building type is  
13 set forth in Section 12 of this Form-Based Code, subject to the following standards:

14 (1) Chain link fences are prohibited along primary and secondary front lot lines.

15 (2) Fence posts and supporting rails must face inward toward the zoning lot being  
16 fenced and the finished face must be oriented towards the adjacent zoning lot or  
17 street, as applicable.

18 (3) Fences located forward of any maximum primary or secondary front setback must  
19 not exceed four feet in height and must be no more than 50 percent opaque.

20 (d) Fences located behind any maximum front setback must be not exceed six feet in  
21 height and may be fully opaque.

22 (e) Landscaping. Landscaping for any zoning lot to which this Form-Based Code  
23 applies must be in accordance with the provisions of Article XIV, Division 2 of this Chapter.

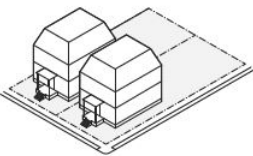
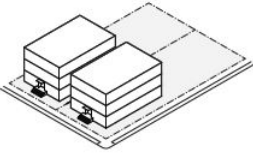
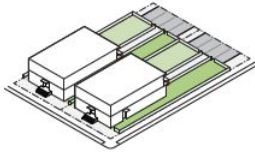
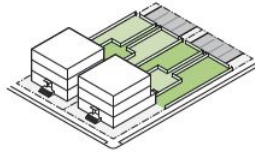
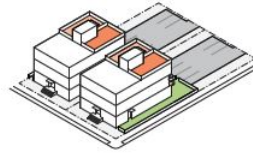
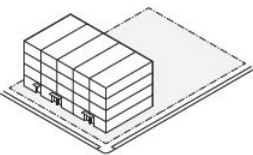
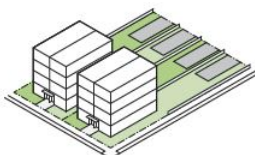
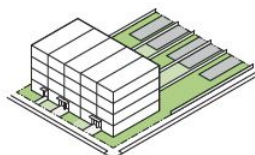
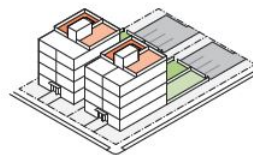
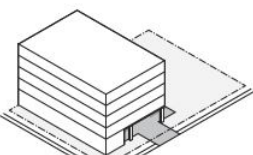
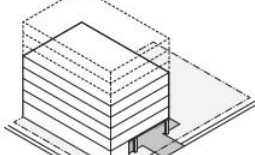
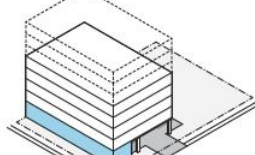


1           (f) Signage. Signage located on any zoning lot to which this Form-Based Code applies  
 2 must be in accordance with applicable provisions of Chapter 4 and Chapter 50 of this Code. All  
 3 signage must be tastefully designed to be visually appealing, in character with surrounding  
 4 development and in accordance with the Brush Park Historic District Elements of Design and the  
 5 Brewster-Wheeler Recreation Center Historic District Elements of Design, as applicable.

6 **Sec. 12. Principal and rear building types.**

7           (a) Permissible principle building types are Single-Family House, Multiplex,  
 8 Townhouse, and Mid-Rise Building, each of which is depicted in Table 12(a) in this Section.

9 **TABLE 12(a): Principal Building Types and Example Variations.**

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

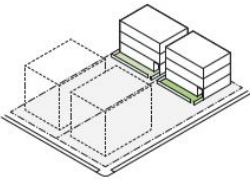
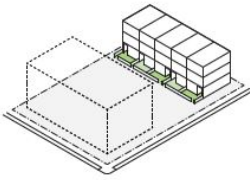
10

11

1 (b) Permissible rear building types are Carriage House and Mews Building, each of  
2 which is depicted in Table 12(b) in this Section.

3 **TABLE 12(b): Rear Building Types.**

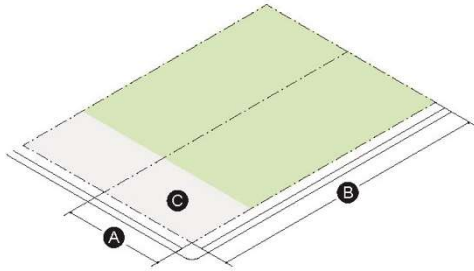
4

Rear Building Types			
Carriage House	Mews Building		
			

(c) HISTORIC HOUSE

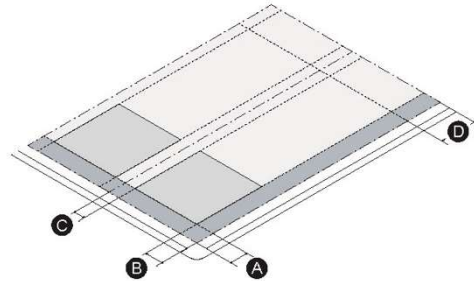
**1. Zoning Lot Standards**

(Additional standards found in Sec. 9 (b))



**2. Building Placement**

(Additional standards found in Sec. 9 (c))



**Frontage**

Permissible Street Frontage <sup>1</sup>	C
--	---

**Lot Dimensions**

<b>A</b> Width	40' min
<b>B</b> Depth	135' min

**Lot Development**

<b>C</b> Building Coverage	40% max
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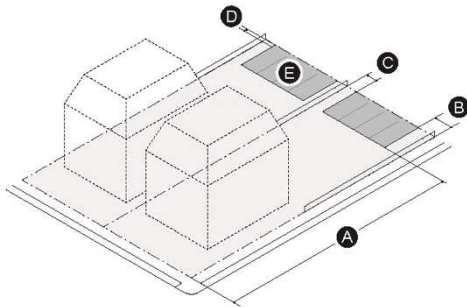
**Building Setbacks**

<b>A</b> Primary Front Setback <sup>2</sup>	10' min	20' max
<b>B</b> Secondary Front Setback <sup>2</sup>	6' min	10' max
<b>C</b> Side Setback	6' min	
<b>D</b> Rear Setback	20' min	

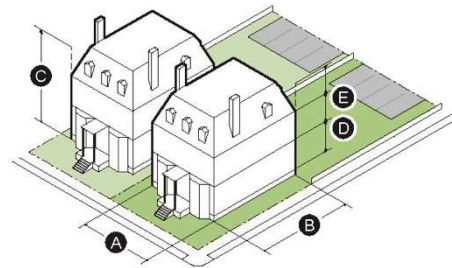
<sup>2</sup> Additional standards found in Sec. 9 (c) 5

<sup>1</sup> Additional standards found in Sec. 7

**3. Access and Parking**  
(Additional standards found in Sec. 10 )



**4. Building Standards**  
(Additional standards found in Sec. 9 (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

Parking Access	
Abutting an Alley	Permissible
Primary Frontage	Not Permissible
Driveway Width	12' max

Lot Perimeter Definition (Additional standards found in Sec. 11)	
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

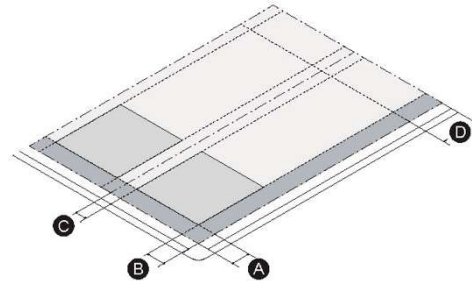
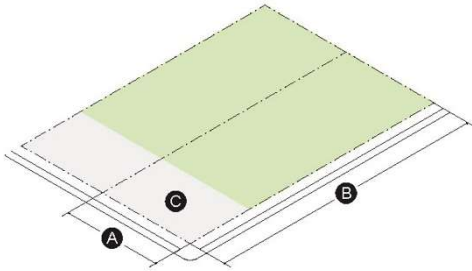
(d) SINGLE-FAMILY HOUSE

**1. Zoning Lot Standards**

(Additional standards found in Sec. 9 (b))

**2. Building Placement**

(Additional standards found in Sec. 9 (c))



Frontage	
Permissible Street Frontage <sup>1</sup>	C

Lot Dimensions	
<b>A</b> Width	40' min
<b>B</b> Depth	135' min

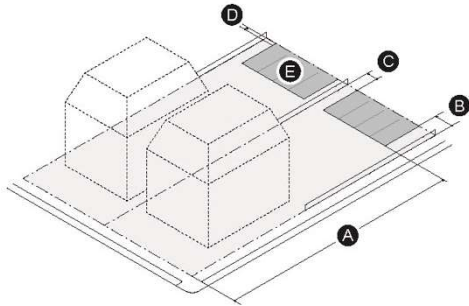
Lot Development	
<b>C</b> Building Coverage	40% max

Building Setbacks		
<b>A</b> Primary Front Setback <sup>2</sup>	10' min	20' max
<b>B</b> Secondary Front Setback <sup>2</sup>	6' min	10' max
<b>C</b> Side Setback	6' min	
<b>D</b> Rear Setback	20' min	

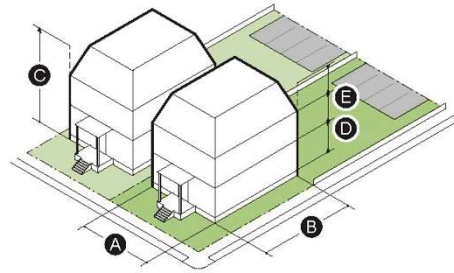
<sup>2</sup> Additional standards found in Sec. 9 (c) 5

<sup>1</sup> Additional standards found in Sec. 7

**3. Access and Parking**  
(Additional standards found in Sec. 10)



**4. Building Standards**  
(Additional standards found in Sec. 9 (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	Permissible
Primary Frontage	Not Permissible

**Lot Perimeter Definition**  
(Additional standards found in Sec. 11)

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

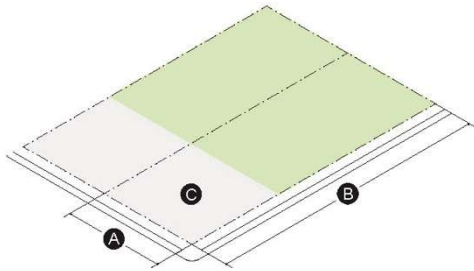
**Use & Occupancy**

Outdoor Amenity Space	1/DU min
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(e) MULTIPLEX

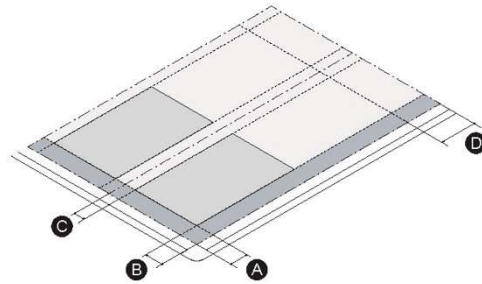
**1. Zoning Lot Standards**

(Additional standards found in Sec. 9 (b))



**2. Building Placement**

(Additional standards found in Sec. 9 (c))



Frontage	
Permissible Street Frontage <sup>1</sup>	B or C Street

Lot Dimensions	
<b>A</b> Width	50' min
<b>B</b> Depth	100' min

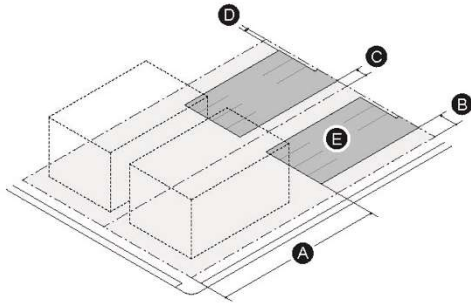
Lot Development	
<b>C</b> Building Coverage	40% max

Building Setbacks		
<b>A</b> Primary Front Setback <sup>2</sup>	8' min	20' max
<b>B</b> Secondary Front Setback <sup>2</sup>	8' min	20' max
<b>C</b> Side Setback	6' min	
<b>D</b> Rear Setback	20' min	

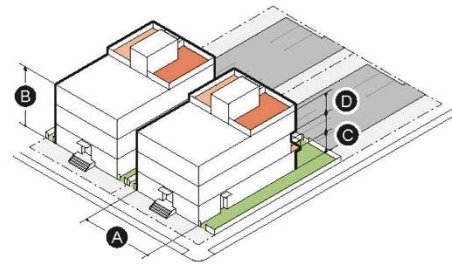
<sup>2</sup> Additional standards found in Sec. 9 (c) 5

<sup>1</sup> Additional standards found in Sec. 7

**3. Access and Parking**  
(Additional standards found in Sec. 10 )



**4. Building Standards**  
(Additional standards found in Sec. 9 (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	Permissible
Primary Frontage	Not Permissible
Secondary Frontage	B or C Street Only
Driveway Width	12' max

**Lot Perimeter Definition**

(Additional standards found in Sec. 11)

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 38' max
<b>B</b> Number of Stories	2 min 3 max
Story Height	10' min
Ground Floor Elevation	2' min
Building Height, Feet	40' max

**Fenestration**

<b>C</b> Ground Story Fenestration	20% min 70% max
<b>D</b> Upper Story Fenestration	20% min 70% max
Blank Wall	20' max

**Use & Occupancy**

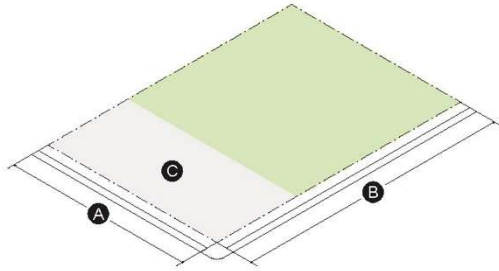
Outdoor Amenity Space	1/DU min
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(f) TOWNHOUSES

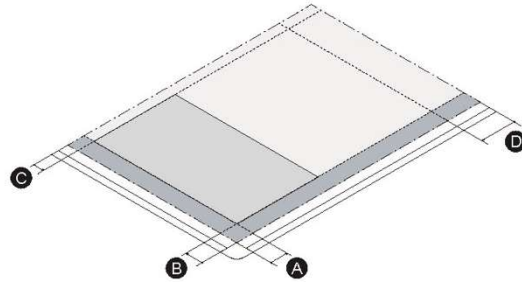
**1. Zoning Lot Standards**

(Additional standards found in Sec. 9 (b))



**2. Building Placement**

(Additional standards found in Sec. 9 (c))



**Frontage**

Permissible Street Frontage <sup>1</sup>	A, B, or C Street
--	-------------------

**Lot Dimensions**

<b>A</b> Width	50' min
<b>B</b> Depth	--
A Street Frontage	85' min
B or C Street Frontage	135' min

**Lot Development**

<b>C</b> Building Coverage	40% max
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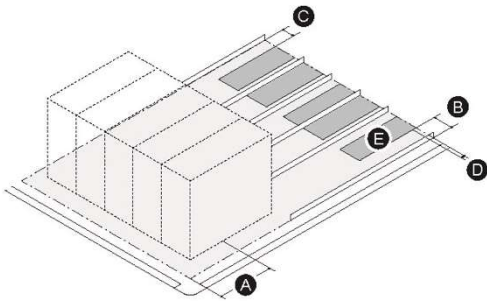
<sup>1</sup> Additional standards found in Sec. 7

**Building Setbacks**

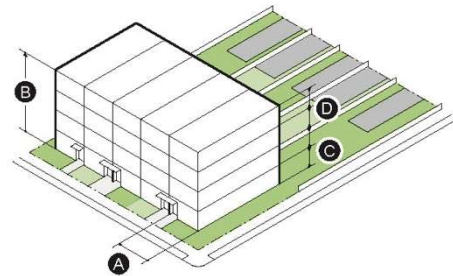
<b>A</b> Primary Front Setback <sup>2</sup>	--	--
A Street	0' min	3' max
I-75 Service Dr.	25' min	35' max
B & C Street	8' min	20' max
<b>B</b> Secondary Front Setback <sup>2</sup>	--	--
B & C Street	8' min	20' max
<b>G</b> Side Setback	--	--
Party Lot Line	0' min	--
Side Lot Line	6' min	--
<b>D</b> Rear Setback	20' min	--

<sup>2</sup> Additional standards found in Sec. 9 (c) 5

**3. Access and Parking**  
(Additional standards found in Sec. 10 )



**4. Building Standards**  
(Additional standards found in Sec. 9 (d))



Parking Setbacks	
<b>A</b> Primary Front Setback	15' 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

Parking Access	
Abutting an Alley	Permissible
Primary Frontage	Not Permissible
Secondary Frontage	B or C Street Only
Driveway Width	12' max

Lot Perimeter Definition (Additional standards found in Sec. 11)	
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 Per Unit	16' min 19' max
<b>B</b> Number of Stories	2 min 4 max
Story Height	10' min
Ground Floor Elevation	2' min
Building Height, Feet	50' max

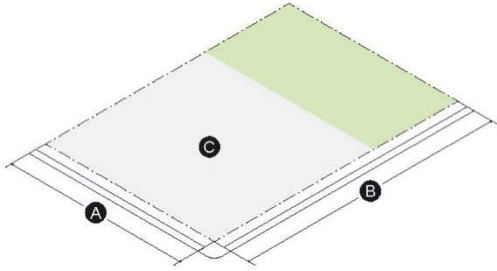
Fenestration	
<b>C</b> Ground Story Fenestration	20% min 70% max
<b>D</b> Upper Story Fenestration	20% min 70% max
Blank Wall	20' max

Use & Occupancy	
Total Attached Units	2 min 10 max
Outdoor Amenity Space	1/DU min

(g) MID-RISE BUILDING

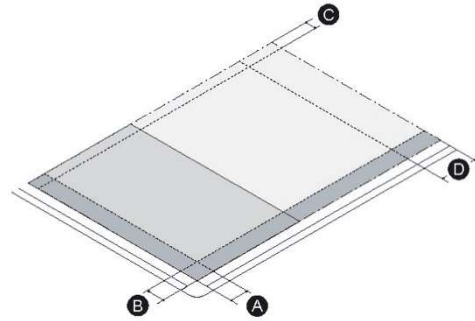
**1. Zoning Lot Standards**

(Additional standards found in Sec. 9 (b))



**2. Building Placement**

(Additional standards found in Sec. 9 (c))



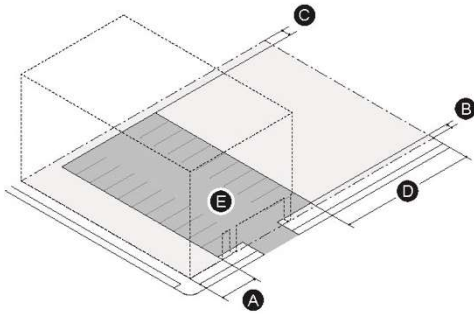
Frontage	
Permissible Street Frontage <sup>1</sup>	A or B Street
Lot Dimensions	
<b>A</b> Width	50' min
<b>B</b> Depth	85' min
Lot Development	
<b>C</b> Building Coverage	No max

Building Setbacks		
<b>A</b> Primary Front Setback <sup>2</sup>	0' min	10' max
I-75 Service Dr.	25' min	35' max
<b>B</b> Secondary Front Setback <sup>2</sup>	0' min	10' max
<b>C</b> Side Setback	--	
A Street	0' min	
B or C Street	5' min	
<b>D</b> Rear Setback	20' min	

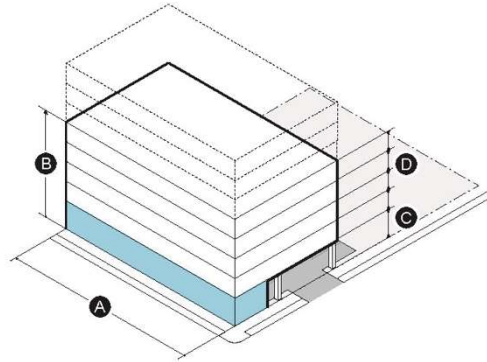
<sup>1</sup> Additional standards found in Sec. 7

<sup>2</sup> Additional standards found in Sec. 9 (c) 5

**3. Access and Parking**  
(Additional standards found in Sec. 10)



**4. Building Standards**  
(Additional standards found in Sec. 9 (d))



**Parking Setbacks**

<b>A</b> Primary Front Setback	20' min
<b>B</b> Secondary Front Setback	20' min
<b>C</b> Side Setback	0' min
<b>D</b> Rear Setback	0' min

**Parking Ratio**

<b>E</b> Parking Spaces	
Residential	0.5/DU min 1.5/DU max
Commercial and Other Uses	1.5/1000 sf min 2.0/1000 sf max
Food and Beverage Service	1.5/500 sf min 2.0/500 sf max

**Parking Access**

Abutting an Alley	Permissible
Primary Frontage	Not Permissible
Secondary Frontage	B or C Street Only
Vehicular Entrance Width	24' max

**Lot Perimeter Definition**  
(Additional standards found in Sec. 11)

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

**Massing**

Facade Build Out	80% min
<b>A</b> Width	30' min 200' max
<b>B</b> Number of Stories <sup>3</sup>	8 max
Ground Story Height	14' min
Upper Story Height	10' min
Building Height, Feet	90' max

<sup>3</sup>Additional standards found in Sec. 9 (d) 9 and Sec. 9 (d) 10

**Fenestration**

<b>C</b> Ground Story Fenestration	--
Residential	20% min 70% max
Commercial	70% min
<b>D</b> Upper Story Fenestration	20% min 70% max
Blank Wall	20' max

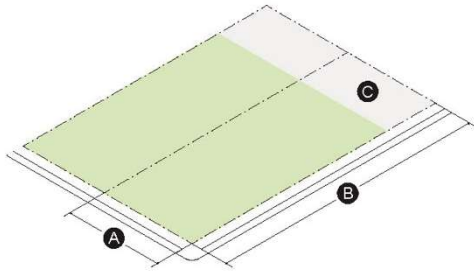
**Use & Occupancy**

Outdoor Amenity Space	1/DU min
-----------------------	----------

(h) CARRIAGE HOUSE

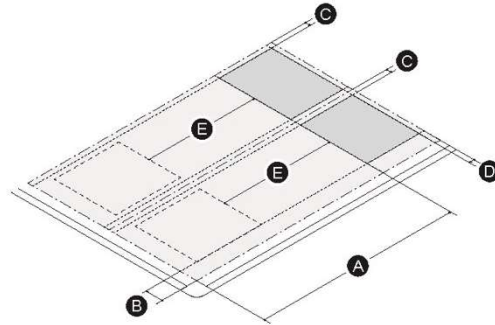
**1. Zoning Lot Standards**

(Additional standards found in Sec. 9 (b))



**2. Building Placement**

(Additional standards found in Sec. 9 (c))



**Frontage**

Permissible Street Frontage<sup>1</sup> A, B, or C Street

**Lot Dimensions**

<b>A</b> Width	40' min
<b>B</b> Depth	135' min

**Lot Development**

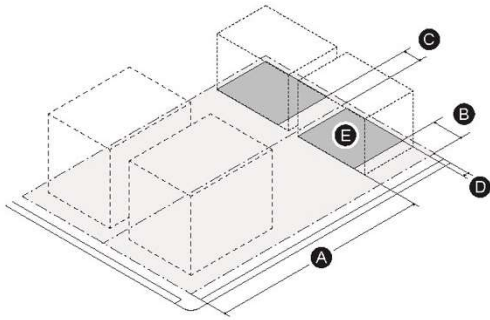
<b>C</b> Building Coverage	20% max
----------------------------	---------

**Building Setbacks**

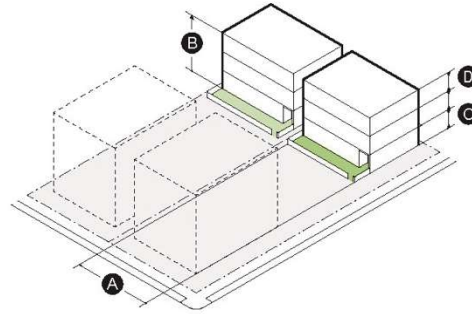
<b>A</b> Primary Front Setback	60' min
<b>B</b> Secondary Front Setback	10' min
<b>C</b> Side Setback	3' min
<b>D</b> Rear Setback	0' min
<b>E</b> Separation from Principal Building	10' min

<sup>1</sup> Additional standards found in Sec. 7

**3. Access and Parking**  
(Additional standards found in Sec. 10)



**4. Building Standards**  
(Additional standards found in Sec. 9 (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
-------------------------	------------

**Parking Access**

Abutting an Alley	Permissible
Primary Frontage	Not Permissible

**Lot Perimeter Definition**  
(Additional standards found in Sec. 11)

Side & Rear Fencing or Hedge Row	Optional
Fence or Hedge Height	3' min 6' max

**Massing**

Facade Build Out	45% min
<b>A</b> Width	24' min 36' max
<b>B</b> Number of Stories	1 min 3 max
Story Height	10' min
Ground Floor Elevation	0' min
Building Height, Feet	35' max

**Fenestration**

<b>C</b> Ground Story Fenestration	15% min 50% max
<b>D</b> Upper Story Fenestration	15% min 50% max
Blank Wall	30' max

**Use & Occupancy**

Outdoor Amenity Space	1/DU min
-----------------------	----------

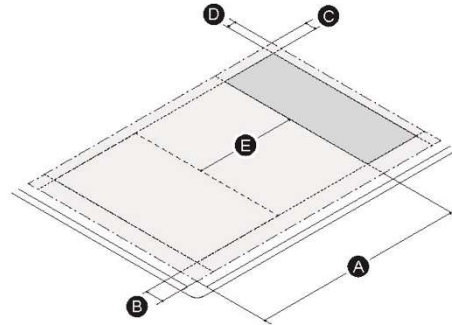
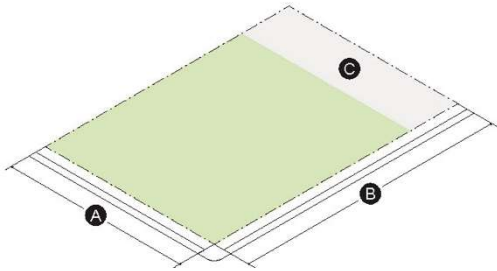
(i) MEWS BUILDING

**1. Zoning Lot Standards**

(Additional standards found in Sec. 9 (b))

**2. Building Placement**

(Additional standards found in Sec. 9 (c))



**Frontage**

Permissible Street Frontage <sup>1</sup>	A, B, or C Street
--	-------------------

**Lot Dimensions**

<b>A</b> Width	80' min
<b>B</b> Depth	135' min

**Lot Development**

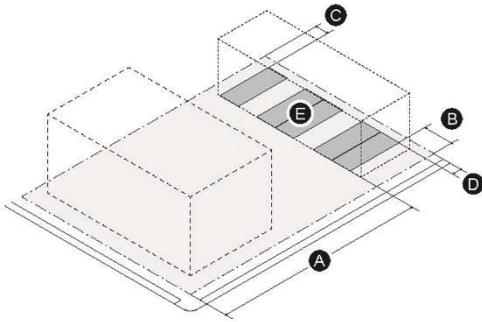
<b>C</b> Building Coverage	20% max
----------------------------	---------

**Building Setbacks**

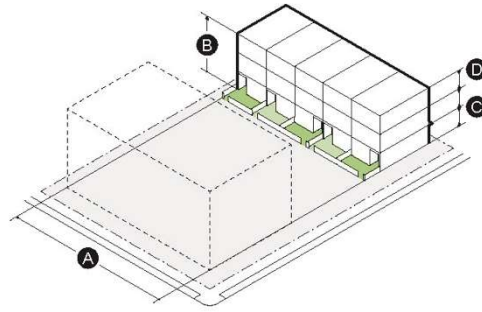
<b>A</b> Primary Front Setback	60' min
<b>B</b> Secondary Front Setback	10' min
<b>C</b> Side Setback	3' min
<b>D</b> Rear Setback	0' min
<b>E</b> Separation from Principal Building	10' min

<sup>1</sup> Additional standards found in Sec. 7

**3. Access and Parking**  
(Additional standards found in Sec. 10)



**4. Building Standards**  
(Additional standards found in Sec. 9 (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
-------------------------	------------

**Parking Access**

Abutting an Alley	Permissible
Primary Frontage	Not Permissible

**Lot Perimeter Definition**  
(Additional standards found in Sec. 11)

Side & Rear Fencing or Hedge Row	Optional
Fence or Hedge Height	3' min 6' max

**Massing**

Facade Build Out	80% min
<b>A</b> Width	35' min 200' max
<b>B</b> Number of Stories	2 min 3 max
Story Height	10' min
Ground Floor Elevation	0' min
Building Height, Feet	35' max

**Fenestration**

<b>C</b> Ground Story Fenestration	15% min 50% max
<b>D</b> Upper Story Fenestration	15% min 50% max
Blank Wall	30' max

**Use & Occupancy**

Outdoor Amenity Space	1/DU min
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**Sec. 13. Use standards.**

(a) In general.

(1) The use of any zoning lot within the area to which this Form-Based Code applies is subject to the applicable provisions of Article XII, Divisions 2 and 3 of this Chapter. If any provision in this Section conflicts with the provisions of Article XII of this Chapter, this Section controls.

(2) Uses are permissible on a zoning lot based on the type of the street that abuts the primary front lot line of the zoning lot, according to Table 13 in this Section. Use categories and specific use types not expressly authorized for any particular street type are prohibited.

(b) Use categories. Multiple uses may operate within any building type on a zoning lot, provided that each use is permissible for that building type.

(c) Understanding the use table. Table 13 in this Section is organized as follows:

(1) Use categories and specific use types are identified in the first column of Table 13 in this Section and are separated by headings for organizational purposes.

(2) The permissibility of each specific use type on zoning lots that are adjacent to each street type are identified in the second, third, and fourth columns of Table 13 in this Section.

(3) Uses permissible by-right. An “R” in Table 13 in this Section corresponding to a particular specific use type and street type indicates that the specific use type is permissible as a matter-of-right on any zoning lot for which the primary front lot line abuts a street of the specified street type, subject to compliance with all other applicable regulations of this Chapter.

1           (4) Uses not permissible. An “N” in Table 13 in this Section corresponding to a  
2           particular specific use type and street type indicates that the specific use type is not  
3           permissible on any zoning lot for which the primary front lot line abuts a street of  
4           the specified street type.

5           (5) Uses for civic spaces. Notwithstanding anything in this Form-Based Code to the  
6           contrary, the following specific use types are permissible as a matter of right on  
7           any zoning lot shown as civic space on Map 7(b) in Section 7 of this Form-Based  
8           Code, regardless of the street type that abuts the primary front lot line of the  
9           zoning lot. Specific use types that are not expressly authorized as a matter of right  
10          is prohibited.

11          (i) Outdoor recreation facility.

12          (ii) Outdoor art exhibition grounds; sculpture gardens.

13          (iii) Urban garden.

14          (iv) Retail sales incidental and accessory to permissible uses in the Civic

15               Spaces, such as food service, concession stands and other activities deemed  
16               appropriate by the City Planning Commission staff.

1 **TABLE 13: Permissible Uses.**

2

Use Category Specific Use Type	Street Designation		
	A-Street	B-Street	C-Street
<b>Residential Uses</b>			
Household Living			
Loft	R	R	R
Multiple-family dwelling	R	R	R
Single-family detached	N	Historic House Only	R
Town house	R	R	R
Two-family dwelling	N	R	R
<b>Public, Civic, and Institutional Uses</b>			
Community Service			
Fire or police station, post office, courthouse, and similar public building	R	N	N
Neighborhood center, nonprofit	R	R	R
Day Care			
Adult day care center	R	R	R
Child care center	R	R	R
Family day care home	R	R	R
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
<b>Religious Institution</b>			
All	R	R	R
<b>Schools</b>			
Educational institution	R	R	R
School, elem, middle/junior high, or high	R	R	N
<b>Retail, Service and Commercial Uses</b>			
Assembly			

R - By-Right    N - Not Permissible

**TABLE 13: Permissible Uses**

Use Category Specific Use Type	Street Designation		
	A-Street	B-Street	C-Street
Private club, lodge, or similar use	R	R	N
Rental hall or banquet facility	R	R	N
<b>Food and Beverage Service</b>			
Brewpub or microbrewery or small distillery or small winery	R	N	N
Establishment for the sale of alcoholic beverages for consumption on the premises	R	N	N
Restaurant, carry-out, without drive-up or drive-thru facilities	R	R	N
Restaurant, fast-food, without drive-up or drive-thru facilities	R	R	N
Restaurant, standard, without drive-up or drive-thru facilities	R	R	Historic House Only
<b>Office</b>			
Medical or dental clinic, physical therapy clinic, or massage facility	R	R	R
Office, business or professional	R	R	R
Radio or television station	R	R	N
Recording studio or photo studio or video studio, no assembly hall	R	R	N
<b>Public Accommodation</b>			
Bed and breakfast inn	R	R	R
Hotel	R	R	R
Youth hostel/hostel	R	R	R
<b>Recreation/entertainment, indoor</b>			
Arcade	R	R	N

R - By-Right    N - Not Permissible

**TABLE 13: Permissible Uses**

Use Category Specific Use Type	Street Designation		
	A-Street	B-Street	C-Street
Pool hall	R	R	N
Recreation, indoor commercial and health club	R	R	R
Theater & Concert café, excluding drive-in theaters	R	N	N
Retail sales and service; sales oriented			
Stores of a generally recognized retail nature whose primary business is the sale of new merchandise, without drive-up or drive-thru facilities	R	R	R
Art gallery	R	R	R
Bake shop, retail	R	R	R
Pet shop	R	R	N
Produce or food markets, wholesale	R	N	N
Specially designated distributor's (SDD) or specially designated merchant's (SDM) establishment	R	R	N
Used goods dealers	R	R	N
Retail sales and service; service oriented			
Animal-grooming shop	R	R	R
Automated teller machine, without drive-up or drive-thru facilities	R	N	N
Bank without drive-up or drive-thru facilities	R	R	N
Barber or beauty shop	R	R	R
Body art facility	R	R	N
Business college or commercial trade school	R	N	N

R - By-Right    N - Not Permissible

**TABLE 13: Permissible Uses**

Use Category Specific Use Type	Street Designation		
	A-Street	B-Street	C-Street
Dry cleaning, laundry, or laundromat	R	R	R
Kennel, commercial	R	N	N
Nail salon	R	R	R
Printing or engraving shops	R	R	R
Radio, television, or household appliance repair shop	R	R	N
School or studio of dance, gymnastics, music, art, or cooking	R	R	R
Shoe repair shop	R	R	R
Veterinary clinic for small animals	R	R	N
<b>Manufacturing and Industrial Uses</b>			
Low/medium-impact manufacturing or processing as defined in Sec. 50-16-284	R	R	R
Low-impact manufacturing or processing as defined in Sec. 50-16-284	R	R	R
Confection manufacture	R	R	R
Food catering establishment	R	R	R
Jewelry manufacture	R	R	R
Lithographing, and sign shops	R	R	N
Wearing apparel manufacturing	R	R	R
<b>Agricultural Uses</b>			
Aquaculture	R	R	R
Aquaponics	R	R	R
Hydroponics	R	R	R
Urban garden	N	N	R <0.5 acre

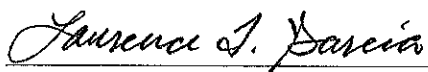
R - By-Right    N - Not Permissible

1           **Section 2.** All ordinances or parts of ordinances in conflict with this ordinance are repealed,  
2 except that Ordinance No. 07-16, effective April 23, 2016, Ordinance No. 24-17, effective September  
3 9, 2017, Ordinance 27-17, effective October 28, 2017, Ordinance No. 14-19, effective August 24,  
4 2019, and Ordinance 35-19, effective December 4, 2019, including all provisions set forth therein,  
5 are saved from repeal and remain valid.

6           **Section 3.** This ordinance is declared necessary for the preservation of the public peace,  
7 health, safety and welfare of the people of the City of Detroit.

8           **Section 4.** This ordinance shall become effective on the eighth (8<sup>th</sup>) day after publication  
9 in accordance with Section 401 (6) of Public Act 110 of 2006, as amended, M.C.L. 125.3401 (6),  
10 and Section 4-118, paragraph 3 of the 2012 Detroit City Charter.

11  
12 Approved as to Form:

13  
14 

15 Lawrence T. Garcia,  
16 Corporation Counsel



234 Winder Street • Detroit, MI 48201 • [www.BrushParkCDC.org](http://www.BrushParkCDC.org) • [BrushParkCDC@Gmail.com](mailto:BrushParkCDC@Gmail.com)

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June 18, 2020

City Planning Commission  
Kimani Jeffrey, City Planner - Historic  
[jeffreyk@detroitmi.gov](mailto:jeffreyk@detroitmi.gov)

**Re: Letter of Support for Brush Park Form Based Code**

The Brush Park Community Development Corporation (the “CDC”) is providing this letter to express our support for the Brush Park Form Based Code (“FBC”) that is being considered for implementation by the City Planning Commission (“CPC”) staff and the Planning and Development Department on Thursday, June 18, 2020.

By a vote of 7 in favor, no objections and no abstentions, the CDC board has voted to support the FBC. CPC staff has worked closely with the CDC over the last several years to develop the FBC and we support this document as a framework for responsible development in our community. Please see the attached Attachment A, which contains the opinions offered by the Board during the voting process for your consideration; please note, the opinions have no bearing on the Board’s vote and are included for reference only.

We thank you again for your commitment to Brush Park and making a positive impact in our community. Please let us know if you need any further information from the CDC in order to move forward through this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Karissa Holmes".

Karissa Holmes, Vice President



## Attachment A

### Comments from Board:

**Comment 1:** I support the FBC, but there are at least two topics that are still not addressed by the FBC that are significantly important to Brush Park's success as a walkable urban neighborhood. It is important for these topics to be addressed, either in future versions of the code or by other mechanisms: (1) curb cuts and (2) alleys. We have asked the City to address these throughout the planning process, but the response has been they require further planning/coordination and are unable to address them at this time.

- **CURB CUTS.** As written, curb cuts are still allowed to provide parking access on B and C streets, while alleys are "preferred" or "permissible". I know a commitment to maintaining our alleys has to be coordinated with DPW, but their maintenance and required use are extremely important to creating a pedestrian-friendly, compact, walkable urban neighborhood that this code and the community desire. I believe there should be stronger language about parking access being required from the alley. Perhaps there can be a written provision in the Access/Parking section that only if there can be a demonstrated hardship should the alley not be used for parking access and will be reviewed by CPD/PDD.
- **ALLEYS.** The FBC does not provide standards for alleys, but it should, similar to the way it does for streets. The concern is that there is nothing to prevent them being vacated or developed in an undesirable way. Please consider writing standards for alleys, perhaps in the section for Public Realm Standards, to provide minimum/maximum width, ensure two way access, and appropriate grading.

Lastly, thank you to everyone who worked on this FBC. We very much look forward to utilizing it and for continuing to make Brush Park a great neighborhood.

To Whom it may concern Mr. Jefferies

My name is Mona Ross Gardner I am a resident / Property owner and business owner (Brush St Bar and Grill/ 234 Winder St Inn Inc) in Brush Park for over 30 years. I am also the Chair of the Brush Park CDC. I have been working on the Form Base Code with the Planning Department for the past 3 years along with the community of Brush Park & all of the developers, who are now our neighbors.

Our board of directors for Brush Park as a whole will submit our combined vote, but as stated above I wear more than one hat in our growing community. I am personally in full support of the Form Base Code for Brush Park and Thank all who have put in their time and effort to create a typology for our community.

Mona Ross Gardner

CITY OF DETROIT

# Form-Based Code Cost Benefit Analysis

Prepared for Planning & Development and City Planning Commission

March 27, 2018



# Table of Contents

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III. Results	6
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II. FBC Benchmarking	13



# I. Executive Summary



- The City of Detroit’s Planning & Development department (“PDD”) and City Planning Commission (“CPC”) approached the Office of Financial Planning and Analysis (“OFPA”) for assistance in creating an analysis to evaluate the cost/benefit of a form-based code (“FBC”) zoning regulation methodology vs. the existing, single-use zoning methodology (“Euclidean”)<sup>(1)</sup> for City land development and planning purposes.
  - The analysis will be used in discussions with City Council and other parties to help the City evaluate the merit of FBC and potentially implement it.
- OFPA interviewed relevant parties, researched FBC—and other zoning methodologies—for background and developed a model to assess the net cost/benefit of FBC vs. Euclidean.
- Based on the aforementioned actions and assumptions outlined in the next section, the analysis supports FBC as a potentially significant cost savings relative to the current Euclidean methodology.

### RECOMMENDATION

**PDD and CPC pursue FBC regulation as a land planning and development tool for the City of Detroit due to its more efficient and less expensive process.**

(1) This name is derived from the 1926 US Supreme Court decision in *Euclid v. Amber Realty Co.* (272 U.S 365) to uphold the constitutional validity of zoning.



## II. Scope, Methodology and Assumptions



# Form-Based Cost Benefit Analysis

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## Scope

- OFPA was engaged to determine the financial impact of utilizing FBC vs. Euclidean for a sample development.
- Although the cost to the developer could differ—potentially significantly—under both methods, the financial impact on the City of Detroit is the focus of this analysis.
- This review is not exhaustive. Assumptions and potential next steps to further validate the inputs into this analysis are discussed below and on **p. 9** in this document.
- This is a financial impact analysis only. Legal, social, political and/or other impact, if any, have not be considered.

## Methodology

- OFPA interviewed CPC, PDD and other City staff to discern the cost and time inputs necessary to calculate a status quo/Euclidean scenario and a pro forma FBC scenario.

## Key Assumptions

- The inputs received for this analysis are materially complete and accurate.
- Developer costs are excluded from this analysis and assumed to be constant in both scenarios.
- External funding (e.g. grants) for preparation activities is available and constant in both scenarios.
- Major departures from FBC—which could result in increased cost to the City—are negligible.
- Costs for DPW’s City Engineering division review will be paid by developers in both scenarios.
- There is sufficient, available land that is suitable for FBC application in the City of Detroit.
- The results of the sample analysis can be extrapolated to potential FBC development areas.





### III. Results



# FBC Cost/Benefit Analysis – City of Detroit Brush Park Development Example

STATUS QUO: EUCLIDEAN						
TIME TO IMPLEMENT: 4 - 6 MONTHS						
	A.	B.	C.	D. = A x B x C	E.	F. = D + E
STEP Description	COD Staff <sup>(1)</sup>	Step Cost / Hour	# of Potential Projects	Total Labor Cost	Other Costs <sup>(1)</sup>	Total Cost
1 Pre-application conference	LPD Planner III	\$47.23	2.0	13.0	\$1,228	\$ 1,228
2 submission/review	LPD Planner III	\$47.23	8.0	13.0	4,912	4,912
	Planner Architect II	\$35.42	8.0	13.0	3,684	3,684
3 CPC public hearing	LPD Planner III	\$47.23	34.0	13.0	20,878	20,878
CPC action	LPD Planner III	\$47.23	4.0	13.0	2,456	2,456
CPC drafts Legal description	LPD Planner III	\$47.23	4.0	13.0	2,456	2,456
4 City Engineering review & sign off <sup>(2)</sup>	City Engineering Staff			13.0	–	–
5 Law department ordinance review	Asst Corp Council	\$56.81	8.0	13.0	5,908	5,908
6 PDD public hearing/council meeting	LPD Planner III	\$47.23	12.0	13.0	7,369	7,369
7 City Council session	City Council			13.0	–	–
8 Mayor review/sign off	Mayor's office	\$56.81	4.0	13.0	2,954	2,954
9 Review construction drawings	LPD Planner III	\$47.23	8.0	13.0	4,912	4,912
10 Historical review	Planner III	\$46.10	8.0	13.0	4,794	4,794
11 CD review	LPD planner III	\$47.23	5.0	13.0	3,070	3,070
	Planner Architect II	\$35.42	5.0	13.0	2,302	2,302
<b>GRAND TOTAL</b>			<b>110.0</b>		<b>\$66,925</b>	<b>\$66,925</b>

PRO FORMA: FORM-BASED CODE						
TIME TO IMPLEMENT: 1 - 2 MONTHS						
	A.	B.	C.	D. = A x B x C	E.	F. = D + E
STEP Description	COD Staff <sup>(1)</sup>	Step Cost / Hour	# of Potential Projects	Total Labor Cost	Other Costs <sup>(1)</sup>	Total Cost
1 Pre-application			13.0	–		\$ -
2 submission/review	LPD Planner III	\$47.23	8.0	13.0	4,912	4,912
	Planner Architect II	\$35.42	8.0	13.0	3,684	3,684
3			13.0			–
			13.0			–
4			13.0			–
5			13.0			–
6 Law department ordinance review	Asst Corp Council	\$56.81	8.0	13.0	5,908	5,908
7			13.0			–
8			13.0			–
9 Mayor review/sign off	Mayor's office	\$56.81	4.0	13.0	2,954	2,954
10			13.0			–
11 Historical review	Planner III	\$46.10	8.0	13.0	4,794	4,794
12 CD review	LPD Planner III	\$47.23	5.0	13.0	3,070	3,070
	Planner Architect II	\$35.42	5.0	13.0	2,302	2,302
<b>GRAND TOTAL</b>			<b>46.0</b>		<b>\$27,626</b>	<b>\$27,626</b>

Δ Status Quo - Pro Forma	
TIME SAVED: 2 - 5 MONTHS	
B - B	F - F
# Hours	Total Cost
2.0	\$1,228
–	–
–	–
34.0	20,878
4.0	2,456
4.0	2,456
–	–
–	–
12.0	7,369
–	–
–	–
8.0	4,912
–	–
–	–
–	–
<b>64.0</b>	<b>\$39,299</b>

ROI 42.26%

- FBC has time and cost advantages over Euclidean because much of the citizen engagement, legal work, code variances and associated approvals are done once and up-front.
  - Euclidean development repeats many of these steps each time a project within the development zone is undertaken.
- Per CPC and PDD, there are 10-15 anticipated projects within the Brush Park planned FBC development zone.
- Assuming 13 projects, FBC reduces the development timeline by 2-5 months / 64 hours and saves ~\$39K vs. the Euclidean method—yielding a ROI of ~42%.
- Extrapolating from this example: The greater the number of City FBC development zones and underlying projects, the greater the savings.



(1) Data provided by PDD.  
 (2) No data received. Cost assumed to be paid by developer.

## VI. Recommendation and Potential Next Steps



# OFPA Recommendation & Potential Next Steps

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## Recommendation

- OFPA recommends PDD and CPC pursue FBC as land planning and development regulation in the City of Detroit where applicable for the following reasons:
  - ✓ FBC is a more efficient zoning process than Euclidean as it eliminates multiple steps—saving time and money.
    - Even if the percentage of available, applicable City land is small, it makes sense to evaluate implementing FBCs where possible due to its aforementioned benefits.
  - ✓ FBC can produce significant cost advantages over Euclidean when variances from the FBC are minimal.
    - Each major variance from the FBC reduces the ROI and the benefit over the Euclidean method.
  - ✓ FBC appears to be growing in popularity nationwide and will likely be a direct recipient of future research and innovation within the industry.

## Potential Next Steps

- Speak with municipalities which have implemented FBC to discern useful data regarding potential incremental cost or cost savings to better inform this analysis.
- Speak with the development community to understand its views of FBC and potentially inform a supplemental analysis from the developer perspective.
- Review and fine-tune the inputs in this analysis—updating as necessary. Particular focus should be on incremental costs or cost savings that were missed/beyond scope.
- Consider creating a holistic analysis which incorporates the cost/benefit to all concerned parties and also incorporate the non-financial impact of FBC vs. Euclidean.



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# VIII. Appendix



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## Appendix I: What is Form-Based Code?



## What is FBC?

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- FBC focuses land use regulation towards creating more livable communities. The approach uses traditional community character to create and maintain a more human-scale environment.
- Unlike conventional zoning that focuses on separating land uses, FBC focuses on building form as it relates to streetscape and adjacent uses.
- FBCs allow for a mixture of land uses based upon the context of building form. As a result, compatibility of uses is achieved through design and orientation, instead of strict land use separation.
- Where conventional zoning focuses on use and development of an individual lot, FBCs focus on the role that individual buildings serve in shaping the public streetscape.
- FBCs rely on design concepts and patterns intended to preserve the assets of a community, creating more livable environments and spaces.



Source: Form-Based Codes Institute ([www.formbasedcodes.org/definition](http://www.formbasedcodes.org/definition))

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## Appendix II: FBC Benchmarking





## I. Form Based Code Popularity

According to The Codes Study, there are 654 codes worldwide that meet criteria established by the Form-Based Codes Institute, as well as an additional 16 form-based guidelines. 387 of these are adopted, with others in progress. Also, 88% have been adopted since 2003 (Form Based Code Institute, 2017).

The following cities have used some version of Form-Based Codes:

Michigan Cities	Other Major US Cities
Allegan	Asheville, NC
Birmingham	Atlanta, GA
East Lansing	Baltimore, MD
Farmington	Baton Rouge, LA
Fremont	Denver, CO
Grand Rapids	Duluth, MN
Grandville	Fort Myers, FL
Howell	Greensboro, NC
Jonesville	Houston, TX
Lansing	Iowa City, IA
Marquette	Los Angeles, LA
Petoskey	Miami, FL
Pittsfield Township	Nashville, TN
Saline	New Orleans, LA
Traverse City	Philadelphia, PA
Troy	Salt Lake City, UT

## II. Evidence from Individual Cities

### Birmingham, Michigan

Birmingham introduced form-based codes in 1996. Since then, as discussed in an article in the Congress for the New Urbanism, more than 3 million square feet of commercial development has been built in 30 major mixed-use projects (Congress for the New Urbanism, 2018).

A 2016 article by Robert J. Gibbs claims that Birmingham has the highest commercial rents and land values in Michigan and is considered one of the most walkable and commercially successful small towns in America (Gibbs, 2016).



## **Nashville, Tennessee**

According to an article by Sean Tubbs in the Charlottesville Tomorrow, Richard Bernhardt, the former director of the Nashville-Davidson County Planning Department, said that areas of Nashville under form-based zoning increased 113 percent in property value from 2005 to 2013 compared with just 33 percent countywide (Tubbs, 2013).

Nashville downtown building permits prior to and after implementation of FBC in February of 2010:

July 2007 – January 2010	\$176 million in new private sector building permits
February 2010 – September 2012	\$544 million in new private sector building permits

(Richard Bernhardt, 2012)

Smart growth development in the U.S. generates 10x more tax revenue per acre than conventional suburban development and costs less by an average of 10% on ongoing delivery of police, ambulance and fire services; Income per acre is as high as 1,150 times more under Nashville’s downtown form-based code, compared to suburban counterparts. (Smart Growth America, 2013)

## **Arlington County, Virginia**

The county adopted the Columbia Pike Form-Based Code in 2003 to transform four commercial nodes into mixed-use centers. The code requires three- to six-story mixed-use urban buildings, fronting on the pike, and wide sidewalks, street trees and on-street parking. As a result, since the FBC was adopted for the centers in 2003, it has fostered the construction of 10 mixed-use development projects, including more than 1,500 homes, more than 280,000 square feet of retail and office space, a new community center and a new public plaza (Form Based Code Institute, 2017).

## **Miami, Florida**

Miami enacted a citywide form-based code system in 2010 known as Miami 21. The Form-Based Codes Institute states that Miami 21 has all the provisions that would be found in a typical zoning ordinance but goes further, addressing such important aspects as sustainability, view corridors, and solar access. Preservation of historic districts is included. A public benefits program gives developers additional density for affordable housing, meeting green building standards, or contributing to an open space trust fund (Form Based Codes Institute, 2018).

An article by Sean Mccaughan in the Architect’s Newspaper describes how the increased density that comes with using form based code has created issues with traffic and congestion as Miami does not have an adequate mass transit system (Mccaughan 2016).

