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September 14, 2023

HONORABLE CITY COUNCIL

RE: Request of City Planning Commission 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 modify the development regulations for the existing PD Planned Development District zoning district established by Ordinance No. 2020-33, commonly known as the Brush Park Form-Based Code, for development on 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 (**RECOMMEND APPROVAL**)

RECOMMEND APPROVAL

This matter came before the City Planning Commission on September 22, 2022 and at that time, the CPC voted to recommend **APPROVAL** of the subject request.

BACKGROUND

Ordinance 2020-33, more commonly known as the Brush Park Form-Based Code (FBC), was adopted in July 2020 after undergoing more than three years of engagement with the Brush Park community and receiving affirmative votes from the City Planning Commission and City Council as well as the formal support of the Historic District Commission.

Form-Based Code History

According to the Form-Based Codes Institute: ¹“a form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law. A form-based code offers a powerful alternative to conventional zoning regulation. Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and city blocks. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals. They are keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development, rather than only distinctions in land-use types.


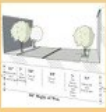



This approach contrasts with conventional zoning’s focus on the detailed management and segregation of land uses, and the control of development intensity through abstract and

¹ Form-Based Codes Institute website

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.”

Below you will find the five main elements that Form-Based Codes typically address that are considered the pillars to make a successful ordinance that can accomplish the objectives of a form based regulation. The Brush Park FBC contains all of these elements except the Public Realm Standards.

Five Main Elements of Form-Based Codes

<p>1. Regulating Plan</p> <p>A plan or map of the regulated area designating the locations where different building form standards apply.</p> 	<p>2. Public Standards</p> <p>Specifies elements in the public realm: sidewalk, travel lanes, on-street parking, street trees and furniture, etc.</p> 	<p>3. Building Standards</p> <p>Regulations controlling the features, configurations, and functions of buildings that define and shape the public realm.</p> 	<p>4. Administration</p> <p>A clearly defined and streamlined application and project review process.</p> 	<p>5. Definitions</p> <p>A glossary to ensure the precise use of technical terms.</p> 
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Excerpt from the Form-Based Codes Institute website

PROPOSAL

The CPC staff and Planning and Development Department have been administering the Brush Park Form-Based Code for approximately three years now since its adoption in July of 2020. To-date 15-20 Projects ranging from minor modifications and interior rehabs to new construction, have been approved by city staff, consistent with the Form-Based Code.

Since the time of adoption, staff have come across a short list of items that we propose to modify in the code, as we believe it will help to facilitate more developable parcels, while maintaining the original intent, integrity, and protections that Brush Park residents have supported. Please see these proposed amendments below:

- 1. Administrative Adjustments:** Adding language to allow the ground floor elevation minimum to be waived if CPC staff authorizes.
Rationale: There are instances where it may be appropriate to waive the requirement that the ground floor of a structure be elevated.
- 2. Building Standards:** Reduce the percentage of principal entrances to a building or structure that must be located on a facade other than the front facade from 100 percent to 50 percent.

Rationale: The original intent of this provision is to require a building's units to be street facing to facilitate pedestrian activity on the public streets and create opportunities for interaction and good design, however there are instances where it is feasible for some of those units not to face the street.

3. **Development Standards-Blank Wall Area:** To limit the applicability of blank wall area standards to building facades that are street facing.

Rationale: The original intent of this provision is to require a certain percentage of a building to contain architectural features, so that a building avoids blank wall space and has visual points of interest. This update will only require street facing facades to meet this standard.

4. **Access/Parking:** The 150% parking maximum is proposed to be eliminated and maximum parking limits for specific typologies are proposed to be added.

Rationale: This particular provision will be eliminated, but maximums will still be in place and found under specific building typologies, instead of the Access and Parking section which currently applies broadly.

5. **Historic House Parking Standard Minimum Elimination:** The .5 parking space per dwelling unit minimum is eliminated for the Historic House typology.

Rationale: We've found that parking minimums and maximums for building typologies that have a low number of units is not necessary as the nature of these types of developments have a minimal number of units and the sites have limited capacity to become an undesirable influence on the site. The parking min and max for these smaller building typologies has been problematic for some developers to meet. Given the capacity limits that are already present for these small developments, the parking requirements are proposed to be eliminated to allow developers a better chance of making a project work.

6. **Multiplex Typology:** A parking maximum of 1.5 is added.

Rationale: Since the 150% parking max is proposed to be eliminated under the Access and Parking section, a maximum is added to this specific typology.

7. **Mews Typology: Reduce** the Façade Build-Out minimum percent from 80% to 60%.

Rationale: This provision lowers the required building width, giving more flexibility to develop a Mews Building.

8. **Townhouse:** Proposing to increase the townhouse maximum unit width from 19' to 25'.

Rationale: This increases the maximum width of a unit to be similar to national standards and gives more opportunity for various unit sizes.

9. **Rear Building Setbacks:** Newly requiring setbacks for rear building topologies to ensure adequate space for electric and other utility infrastructure. Allows CPC staff to waive or administratively adjust where setbacks are not necessary.

Rationale: DTE Energy has requested this consideration due to new safety guidelines required for utility pole installation and required maintenance.

Current Zoning

PD PLANNED DEVELOPMENT DISTRICT

The PD Planned Development District will permit planned developments throughout the City and will be particularly useful in district areas established in accordance with Section 74 of the Michigan Blighted Area Rehabilitation Act, being MCL 125.74, for urban renewal. Such planned developments shall be substantially in accordance with the goals and objectives of the Master Plan, by having a major land use that corresponds to the most general category of land use, which are residential, retail and local services, industrial, mixed use, parks and open space and other, proposed in the Master Plan for the area involved. Such planned developments shall provide a desirable environment for the uses proposed and shall not be out of harmony with their general surroundings.

PLANNING CONSIDERATIONS

Surrounding Zoning and Land Use

The zoning classification and land uses surrounding the subject area are as follows:

North: PD & R6; Whole Foods, Detroit Medical Center

East: R5; Brewster Homes, Chrysler Freeway

South: Fisher Freeway

West: Woodward Ave

Master Plan Consistency

The subject site is located within the Lower Woodward area of Neighborhood Cluster 4 of the Detroit Master Plan of Policies (MP). The Future Land Use map for this area shows Mixed-Residential Commercial (MRC) and High-Density Residential (RH). The Planning & Development Department (P&DD) provided a Master Plan Interpretation for this matter, confirming that the proposed changes are consistent with the MP.

Community Input

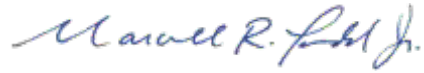
City staffs have met with the Brush Park CDC and larger community on multiple occasions. The subject PD modification proposals were presented at a CDC board meeting and an at-large community meeting. City staff made minor amendments to the original proposal based on the community input so that what is currently proposed reflects community feedback. The Brush Park CDC has submitted a letter of support for the proposed amendments.

CONCLUSION

At the time of adoption of the FBC ordinance, staff anticipated that there would be a need for certain amendments once we learned more after implementation and the facilitation of projects. Staff originally expected to make possible amendments after one year. However, given the number of projects that have successfully been implemented through the code, it seems that the FBC is working well. The proposed amendments will enhance the continued development, ensure the on-going protection of residents and foster the type of cohesive development that the community desires.

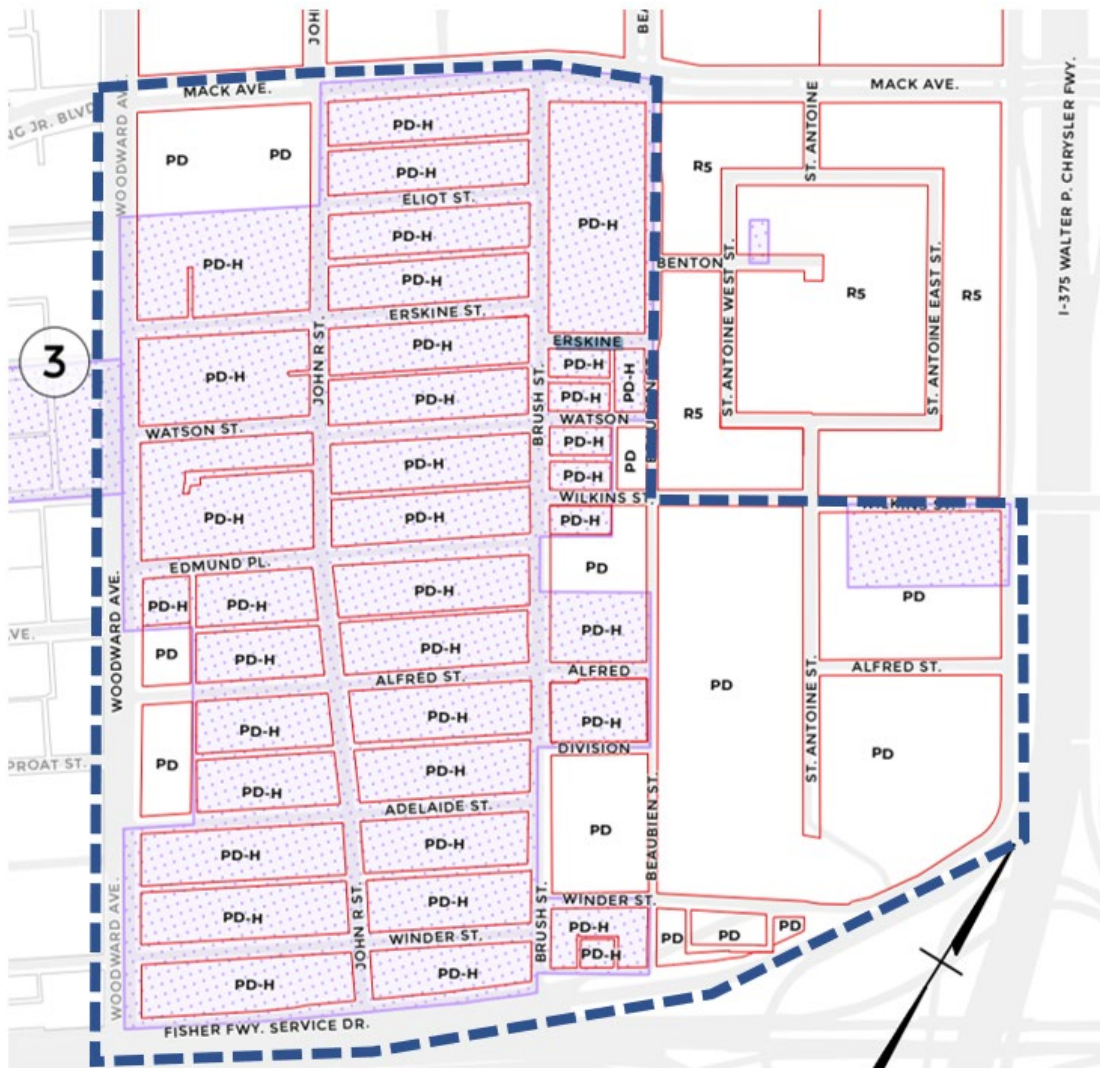
Respectfully submitted,

LAUREN HOOD, CHAIRPERSON



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

cc: Antoine Bryant, Director, PDD
Greg Moots, PDD
David Bell, Director, BSEED
Conrad Mallett, Corporation Counsel
Daniel Arking, Law



**General Form-Based Code Map Amendment Area
Indicated by Dashed Boundary (excludes certain
properties abutting Woodward)**

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 modify the development regulations for the existing PD Planned Development District zoning district established by Ordinance No. 2020-33, commonly known as the Brush Park Form-Based Code, for development on 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, as follows:

- *Administrative Adjustments*: To authorize the City Planning Commission staff to reduce or waive ground floor elevation requirements and rear building rear setbacks.
- *Building Standards*: To reduce the percentage of principal entrances to a building or structure that must be located on the front facade from 100 percent to 50 percent.
- *Development Standards-Blank Wall Area*: To limit the applicability of blank wall area standards to street-facing facades.
- *Access/Parking*: To repeal general maximum off-street parking limits, establish specific maximum off-street parking limits for the single-family house, multiplex, and townhouse building typologies, and repeal the minimum off-street parking requirement for the historic house building typology.
- *Mews Building Facade Build-Out*: To reduce the minimum required façade build-out requirements for the mews building typology from 80 percent to 60 percent.
- *Townhouse Unit Width*: To increase the maximum unit width for the townhouse building typology from 19 to 25 feet.
- *Rear Building Setbacks*: To revise the rear parking setback requirements for the carriage house and mews building typologies.
- *Savings Provision*: To save from repeal the development regulations established by Ordinance No. 2020-8, effective November 14, 2020, and Ordinance No. 2020-40, effective December 10, 2020, by incorporating such regulations into the Form Based Code.
- *Technical Corrections*: To make various technical corrections to the existing text of the Form Based Code.

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 modify the
4 development regulations for the existing PD Planned Development District zoning district
5 established by Ordinance No. 2020-33, commonly known as the Brush Park Form-Based Code,
6 for development on land generally bounded by Mack Avenue on the north, Beaubien Street,
7 Wilkins Street, and the Chrysler Freeway Service Drive on the east, the Fisher Freeway Service
8 Drive on the south, and Woodward Avenue, Erskine Street, and John R Street on the west, but
9 excluding certain properties abutting Woodward Avenue, as follows:

- 10 • **Administrative Adjustments:** To authorize the City Planning Commission staff to reduce
11 or waive ground floor elevation requirements and rear building rear setbacks.
- 12 • **Building Standards:** To reduce the percentage of principal entrances to a building or
13 structure that must be located on the front facade from 100 percent to 50 percent.
- 14 • **Development Standards-Blank Wall Area:** To limit the applicability of blank wall area
15 standards to street-facing facades.
- 16 • **Access/Parking:** To repeal general maximum off-street parking limits, establish specific
17 maximum off-street parking limits for the single-family house, multiplex, and townhouse
18 building typologies, and repeal the minimum off-street parking requirement for the historic
19 house building typology.
- 20 • **Mews Building Facade Build-Out:** To reduce the minimum required façade build-out
21 requirements for the mews building typology from 80 percent to 60 percent.
- 22 • **Townhouse Unit Width:** To increase the maximum unit width for the townhouse building
23 typology from 19 to 25 feet.

- 1 • **Rear Building Setbacks:** To revise the rear parking setback requirements for the carriage
2 house and mews building typologies.
- 3 • **Savings Provision:** To save from repeal the development regulations established by
4 Ordinance No. 2020-8, effective November 14, 2020, and Ordinance No. 2020-40, effective
5 December 10, 2020, by incorporating such regulations into the Form Based Code.
- 6 • **Technical Corrections:** To make various technical corrections to the existing text of the
7 Form Based Code.

8 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**

9 **THAT:**

10 **Section 1.** Chapter 50 of the 2019 Detroit City Code is amended by amending Article XVII,
11 Section 50-17-5 as follows:

12 **CHAPTER 50. ZONING**

13 **ARTICLE XVII. ZONING DISTRICT MAPS**

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

15 For the land generally bounded by Mack Avenue on the north, Beaubien Street, Wilkins
16 Street, and the Chrysler Freeway Service Drive on the east, the Fisher Freeway Service Drive on
17 the south, and Woodward Avenue, Erskine Street, and John R Street on the west, but excluding
18 certain properties abutting Woodward Avenue, more specifically described as:

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

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

1 ERSKINE 6 E 31 FT 7 SUB OF PARK LOTS 16 & 17 & THE E 1/2 OF LOT 5 OF
2 BRUSHS SUB L8 P33 PLATS, W C R 1/46 80 IRREG" thence northerly along above said
3 parcel lines and their extensions to the centerline of Erskine Street, thence easterly on
4 Erskine Street to the centerline of John R. Street, thence northerly on John R Street to Mack
5 Avenue, thence easterly along Mack Avenue to Beaubien Street, thence southerly along
6 Beaubien Street to Wilkins Street, thence easterly along Wilkins Street to the Chrysler
7 Freeway, thence southerly and southwesterly along the westerly and northwesterly line of
8 I-75 freeway (Chrysler and Fisher Freeways) to the westerly line of Brush Street, thence
9 westerly along the northerly line of the Fisher Freeway southbound Service Drive to the
10 point of beginning;

11 the development regulations for the PD Planned Development District zoning district established
12 by Ordinance No. 2020-33, commonly known as the Brush Park Form-Based Code, are modified
13 as follows:

14 **BRUSH PARK FORM-BASED CODE**

15 **Sec. 1. Intent.**

16 This Brush Park Form-Based Code (“Form-Based Code”) is intended to provide the public with
17 a predictable vision of the built environment in the Brush Park neighborhood. This Form-Based
18 Code regulates land development using form as the primary basis to define the developing character
19 of the neighborhood. This Form-Based Code creates opportunities for medium-density mixed-use
20 development while incorporating elements from the Brush Park Rehabilitation Project Fourth
21 Modified Development Plan, the City of Detroit Master Plan of Policies for the Brush Park
22 neighborhood, and the design guidelines for the Brush Park and Brewster-Wheeler Recreation
23 Center Historic Districts. This Form-Based Code designates civic space for community recreational

1 use, encourages pedestrian-friendly streets and the advancement of a walkable urban
2 neighborhood. The organizing principle for this Form-Based Code is a hierarchy of street types
3 that determine the placement of specific building types and by-right uses based on intensity.

4 **Sec. 2. Purpose.**

5 The purpose of this Form-Based Code is:

- 6 (1) To implement the goals and objectives of the Brush Park Rehabilitation Project
7 Fourth Modified Development Plan, the City of Detroit Master Plan of Policies for
8 the Brush Park neighborhood, and the design guidelines for the Brush Park and
9 Brewster-Wheeler Recreation Center Historic Districts.
- 10 (2) To provide the Brush Park community predictability in the outcome of development
11 and redevelopment through an efficient administrative permitting process.
- 12 (3) To provide a diversity of urban housing choices appropriate to Brush Park.
- 13 (4) To place commercial uses within a safe, comfortable walking distance of residential
14 units.
- 15 (5) To prevent the establishment of incompatible developments in Brush Park.
- 16 (6) To encourage mixed-use development in order to reinforce Brush Park as a
17 walkable urban neighborhood.
- 18 (7) To permit the development of attached medium to high-density residential buildings
19 and multi-story, multi-unit, mixed-use buildings that relate to the size and scale of
20 the existing historic district context.

21 **Sec. 3. Applicability.**

- 22 (a) This Form-Based Code is applicable to all zoning lots that are both located within
23 the area depicted in the regulating maps set forth in Section 7 of this Form-Based Code and shown

1 on Zoning Map No. 4, set forth in Section 50-17-5 of this Code, as having a PD Planned
 2 Development zoning classification.

3 (b) If any provision of this Form-Based Code conflicts with any other provision set
 4 forth elsewhere in this ~~Chapter~~ chapter, ~~the provisions of this Form-Based Code controls.~~

5 **Sec. 4. Definitions.**

Term	Definition
Basement	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.
Blank Wall Area	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 architectural features that either recess or project from the plane of the facade by at least four inches
Building Coverage	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.
Building Height	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.

Civic Space	An open space or park, either publicly or privately owned and operated, that is open to and maintained for public recreational purposes.
Dooryard	A fenced or elevated garden or patio that buffers dwellings from the adjacent public sidewalk.
Façade, Front	All exterior walls of a building or structure that are oriented in whole or in part toward a front lot line.
Façade Build Out	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.
Historic House	A principal building type built as a residential dwelling prior to 1940 and located within the Brush Park Historic District.
Lobby Entrance	An at-grade principal entrance providing access to a portion of a building.
Lot, Flag	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.
Lot, Key	A zoning lot for which a side lot line abuts the rear lot line of another zoning lot.
Lot Line, Party	A side lot line shared between two adjacent zoning lots.
Nonconformity	A nonconforming use, nonconforming structure, or nonconforming lot, as each is defined in this Form-Based Code.

Nonconforming Lot	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.
Nonconforming Structure	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.
Nonconforming Use	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.
Porch	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.
Portico	A roofed landing leading to an at-grade entrance of a building.
Principal Building	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.
Principal Entrance	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 <u>principal</u> entrance.
Rear Building	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.
Stoop	An unroofed landing, with a set of stairs, leading to an entrance of a building.
Storefront	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.
Story, Ground	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.
Story, Upper	Any story of a building or structure above its ground story.
Structured Parking	Motor vehicle parking spaces located within a building or structure, whether aboveground or underground.
Visible Light Reflectance (VLR)	The portion of total visible light that is reflected by a glazing system, expressed as a percentage.
Visible Light Transmittance (VLT)	The portion of total visible light that is transmitted through a glazing system, expressed as a percentage.

1 **Sec. 5. Development review.**

2 (a) *Development review.*

3 (1) All development to which this Form-Based Code applies is subject to development
4 review in accordance with Article XI, Division 2 of this ~~Chapter~~ chapter and this
5 ~~Section~~ 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~~ chapter, as well as
9 construction drawings, building elevations, lighting, landscaping, signage plans,
10 proposed uses, and any additional information reasonably identified by the City
11 Planning Commission staff as necessary to adequately depict the proposed
12 development.

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

15 (4) The City Planning Commission staff, upon receipt of a complete application for
16 development review, shall review such application and determine if the
17 development proposed in such application is in accordance with the applicable
18 standards and requirements of this Form-Based Code. If the City Planning
19 Commission staff determines that the proposed development accords with the
20 applicable standards and requirements of this Form-Based Code, it shall issue
21 preliminary approval of the application.

22 (5) Upon receipt of preliminary approval, an applicant may apply for any other
23 regulatory approvals that may be necessary for the proposed development,

1 including but not limited to a certificate of appropriateness or other approval by the
2 City of Detroit Historic District Commission.

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

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

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

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

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

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

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

9 (9) In performing each preliminary and final review of an application, the City
10 Planning Commission staff may consult with and solicit advice from the Planning
11 and Development Department as to the proposed development's compliance with
12 this Form-Based Code, the Detroit Water and Sewerage Department as to the
13 proposed development's post-construction stormwater management plans, and any
14 other City department whose expertise may apply to the proposed development.

15 (b) *Historic Review.*

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

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

22 (c) *Administrative Adjustments.* The City Planning Commission staff may authorize
23 the following types of administrative adjustments:

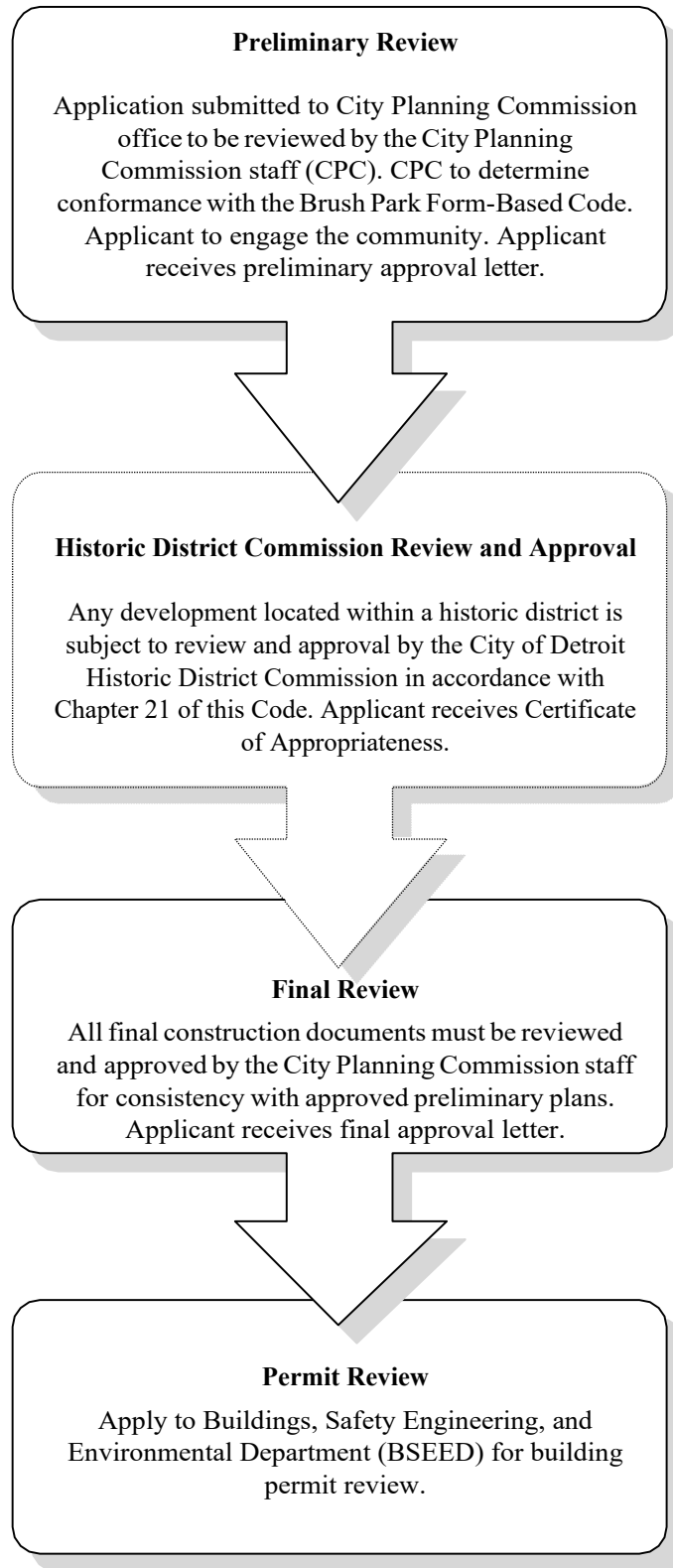
1 (1) The modification of any numeric standard that is set forth in this Form-Based Code
2 by a factor not to exceed ~~fifteen~~ 15 percent of such numeric standard.

3 (2) The reduction or waiver of any ground floor elevation requirement.

4 (3) The reduction or waiver of any rear building rear setback, upon the City Planning
5 Commission staff's determination that such a reduction or waiver will not interfere
6 with electrical, cable, telephone, water, sewer, or other utilities.

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

FIGURE 5: Brush Park Development Review Process Diagram.



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

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

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

9 (c) *Determination of Nonconforming Status.*

10 (1) A nonconformity may exist if:

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

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

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

21 (3) The City Planning Commission staff may require an applicant for development
22 review under this Form-Based Code to submit evidence, in the form of a prior
23 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~~ 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~~ section that provides for the modification of a
16 nonconforming structure may be construed as limiting the authority of the City of
17 Detroit Historic District Commission to review and approve or deny such
18 modification.

19 (g) *Nonconforming lots.*

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

1 (2) Any modification to the dimensions of a nonconforming lot that would increase the
2 extent of the nonconformity is prohibited.

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

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

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

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

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

1 satisfied:

2 (i) The cause of the damage or destruction was not the deliberate action of a
3 person or entity with legal interest in the property or its agent.

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

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

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

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

21 (k) *Savings provision.* Notwithstanding any provision in this Form-Based Code to the
22 contrary, all terms, conditions, and other regulations for development set forth in any of the
23 following ordinances, each having been duly enacted, are incorporated into this Form-Based Code

1 by reference, such that no building, structure or development in compliance with such development
2 regulations constitute a nonconformity:

- 3 (1) Ordinance No. 07-16, effective April 23, 2016,
- 4 (2) Ordinance No. 24-17, effective September 9, 2017,
- 5 (3) Ordinance No. 27-17, effective October 28, 2017,
- 6 (4) Ordinance No. No. 14-19, effective August 24, 2019, ~~and~~
- 7 (5) Ordinance No. ~~35-19~~2019-35, effective December 4, 2019, ~~;~~
- 8 (6) Ordinance No. 2020-8, effective November 14, 2020, and
- 9 (7) Ordinance No. 2020-40, effective December 10, 2020.

10 **Sec. 7. Regulating maps.**

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

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

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

19 (d) *Permissible building types.* Principal and rear building types are permissible for a
20 zoning lot based on the type of the street that abuts the primary front lot line of the zoning lot. The
21 permissibility of each building type is set forth in Table 7(a) in this ~~Section~~ section, subject to the
22 following:

- 23 (1) Where a zoning lot fronts a B or C Street and includes a side lot line that abuts a

1 zoning lot that contains a Historic House, the only principal building types that are
 2 permissible for the zoning lot are Single-Family House, Multiplex, and Townhouse.

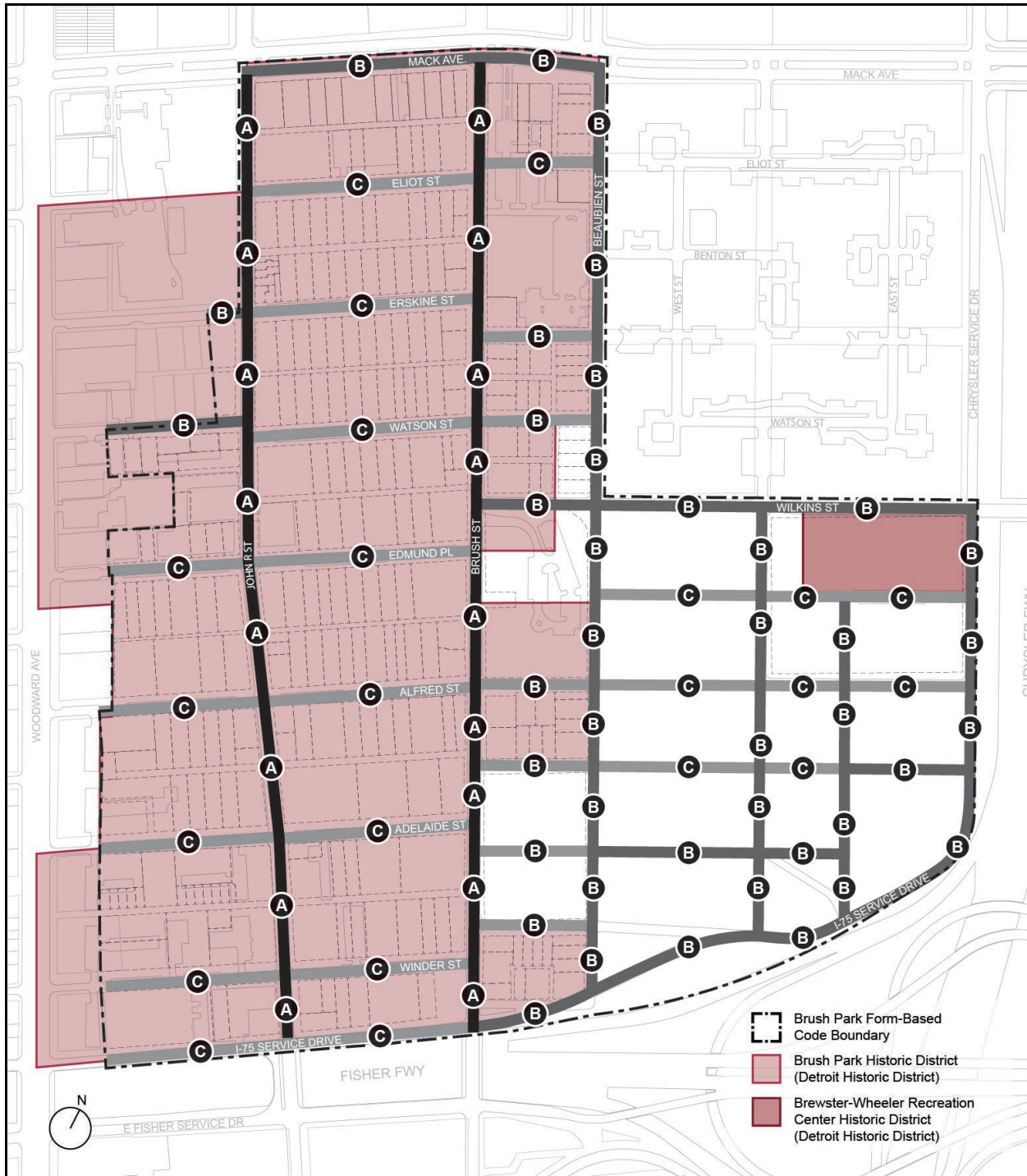
3 (2) A rear building is permissible on a zoning lot only if the lot also contains a principal
 4 building.

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

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

6 P - Permissible N - Not Permissible

1 MAP 7(a): Street Type Map.



2

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~~ section establishes the standards for all development
8 located 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~~ principal building may be
15 located on a zoning lot regardless of whether or not a rear building is also located
16 on the same 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~~ section, all buildings and structures must
21 be located at or behind any required minimum front, side, or rear setback.

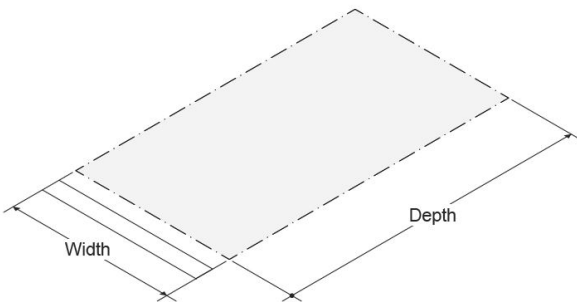
22 (4) Unless otherwise specified in this ~~Section~~ section, the front facade of each story of
23 a principal building must be located at or in front of any maximum front setback for

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:

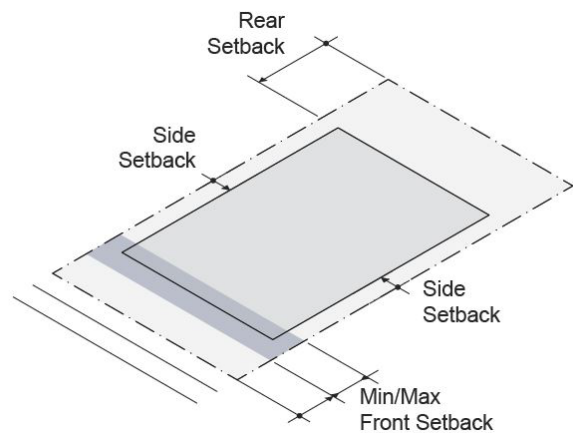
8 (i) If the zoning lot is an interior lot or key lot, the minimum and maximum
9 front setbacks must be equal to the actual setbacks for the Historic House
10 that is located on the same block face.

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.

16 **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 side setback, 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.**

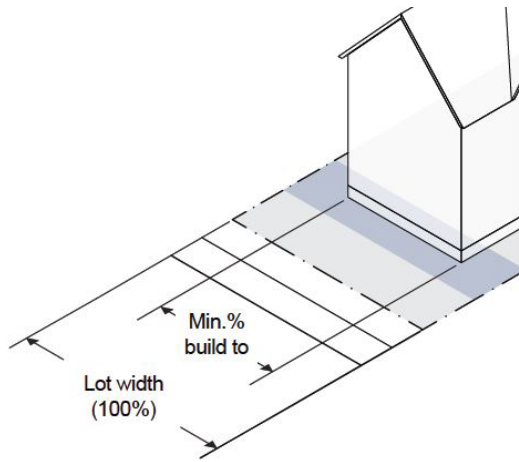
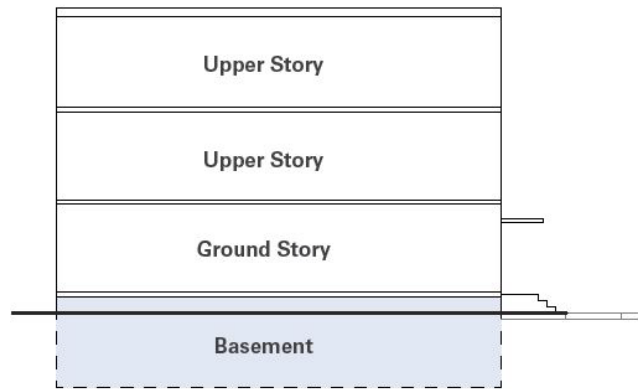
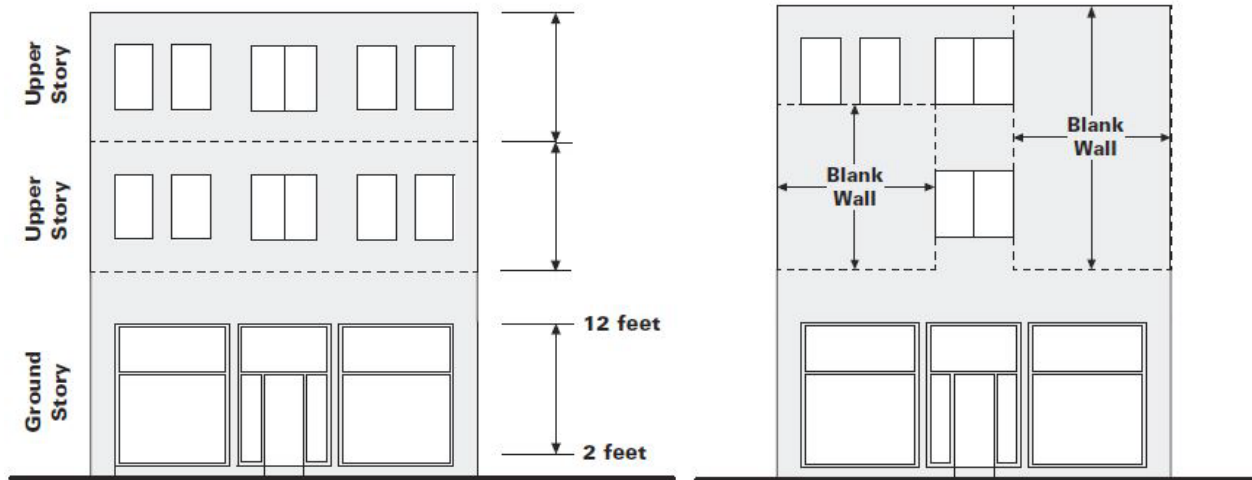


FIGURE 9(d): Building Stories



1

FIGURE 9(e): Fenestration.



2

3

(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 façade of the adjacent Historic House by not less than 30 feet, as shown in Figure 9(f) of this Form-Based Code.

4

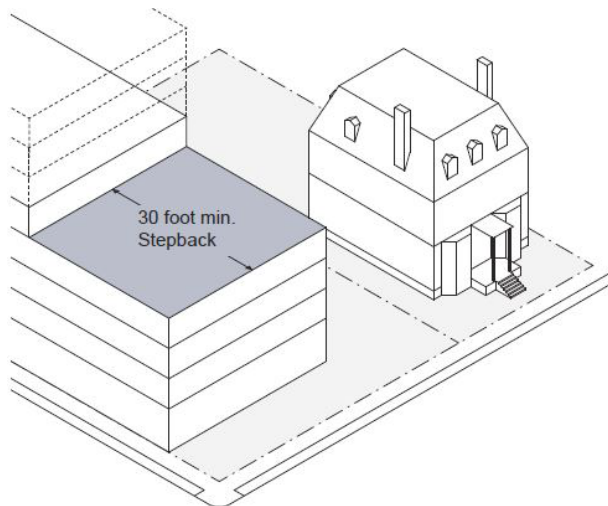
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8

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



9

- 1 (10) For any Mid-Rise Building that is located in the area bounded by Wilkins Street on
2 the north, I-75 Service Drive on the east and south, and Beaubien Street on the west,
3 the maximum number of stories is 15 and the maximum height is 180 feet.
- 4 (11) For any Mid-Rise Building that is located in the area bounded by Mack Avenue on
5 the north, Beaubien Street on the east, I-75 Service Drive on the south, and Brush
6 Street on the west, the maximum number of stories is nine and the maximum height
7 is 110 feet.
- 8 (12) Story height must be measured vertically from the surface of the finished floor of
9 the story to the surface of the finished floor of the above story. If there is no story
10 above, story height must be measured from the surface of the finished floor to the
11 top of the structural beam or joists above or the top of the wall plate, whichever is
12 higher. Minimum story height requirements are not applicable for half-stories.
- 13 (13) Ground story elevation must be measured from the grade plane to the top of the
14 finished floor of the ground story of a building.
- 15 (14) Roof decks; mechanical and stairwell penthouses; roof mounted cellular, radio, and
16 internet transmission equipment; vents or exhausts; solar panels or skylights;
17 flagpoles; belfries, chimneys, cupolas, monuments, parapets, spires, steeples; and
18 other non-habitable architectural features are permissible and are not subject to
19 applicable building height limitations.
- 20 (15) At least fifty percent of the ~~All~~ principal entrances to a building or structure must
21 be located in the front facade of the building or structure.
- 22 (16) Access to any principal entrance for a residential use must be provided by way of a
23 stoop, portico, porch, dooryard, or lobby entrance.

- 1 (17) Any principal entrance to a building must include an awning or entry canopy, except
2 if the principal entrance is recessed into the facade of the building. Any such awning
3 or entry canopy must be constructed with a width of not less than the width of the
4 doorway surround, trim, or exterior casing above which it is mounted; a depth of
5 not less than three feet; and a clearance of not less than eight feet.
- 6 (18) Fenestration must be provided for each building type as set forth in Section 12 of
7 this Form-Based Code, expressed as a percentage of the total area of each facade as
8 follows:
- 9 (i) Ground story fenestration must be determined as a percentage of the area
10 located between the heights of two feet and 12 feet above the grade plane.
- 11 (ii) Upper story fenestration must be determined as a percentage of the area
12 located between the top of a finished floor and the top of the finished floor
13 above.
- 14 (19) Glazing must meet the following criteria:
- 15 (i) For ground story fenestration, glazing must have a minimum of 60 percent
16 Visible Light Transmittance and no more than 15 percent Visible Light
17 Reflectance. Not less than 75 percent of all ground floor commercial
18 storefront glazing must be unobstructed to a depth of not less than five feet.
- 19 (ii) For upper story fenestration, glazing ~~must have~~ must have a minimum of 40
20 percent Visible Light Transmittance and no more than 15 percent Visible
21 Light Reflectance.
- 22 (20) Blank wall area limitations ~~for any facade~~ apply only to street-facing facades;
23 ~~applies and must be measured~~ and must be measured 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~~ section establishes the parking requirements for all
13 building types, as well as the standards for access to such parking. Use of any parking facility must
14 be limited to 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~~ principal and rear
22 building 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~~ principal and rear building type,
7 including fencing and hedge height standards, are required as set forth in Section 12 of this Form-
8 Based Code.

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

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

15 (1) Chain link fences are prohibited along primary and secondary front lot lines.
16 (2) Fence posts and supporting rails must face inward toward the zoning lot being
17 fenced and the finished face must be oriented towards the adjacent zoning lot or
18 street, as applicable.

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

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

23 (e) *Landscaping.* Landscaping for any zoning lot to which this Form-Based Code

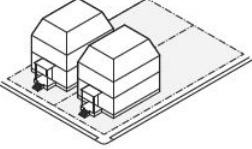
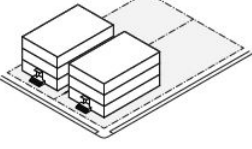
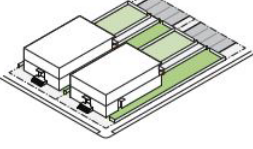
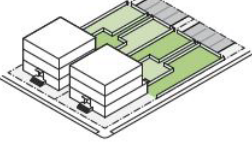
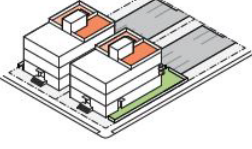
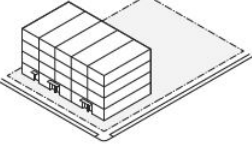
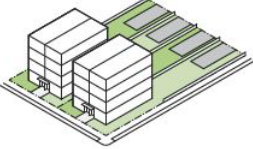
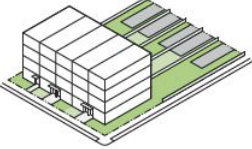
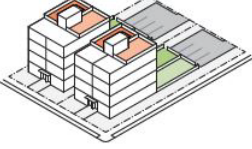
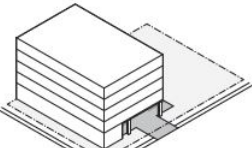
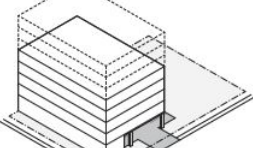
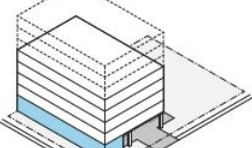
1 applies must be in accordance with the provisions of Article XIV, Division 2 of this ~~Chapter~~
2 chapter.

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

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

9 (a) Permissible ~~principle~~ principal building types are Single-Family House, Multiplex,
10 Townhouse, and Mid-Rise Building, each of which is depicted in Table 12(a) in this ~~Section~~
11 section.

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

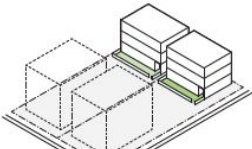
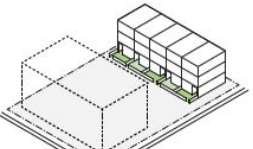
Principal Building Types	Example Variations		
Single-Family House			
			
Multiplex	Duplex	Triplex	Sixplex
			
Townhouses	Side by Side Townhouses	Attached Townhouses	Stacked Townhouses
			
Mid-Rise Building	Apartment Building	Mixed-use Building	
			

1

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

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

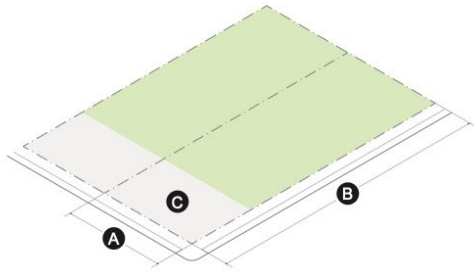
5

Rear Building Types			
Carriage House	Mews Building		
			

(c) HISTORIC HOUSE

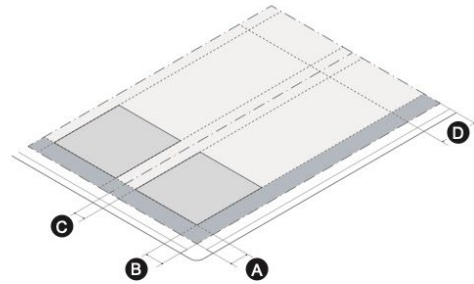
1. Zoning Lot Standards

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



2. Building Placement

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



Frontage	
Permissible Street Frontage ¹	C

Lot Dimensions	
A Width	40' min
B Depth	135' min

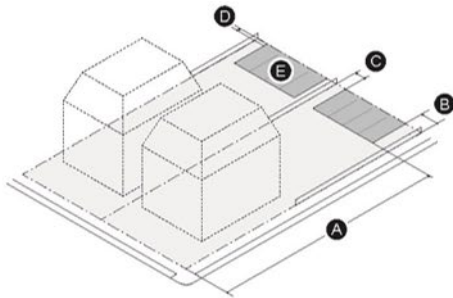
Lot Development	
C Building Coverage	40% max

Building Setbacks		
A Primary Front Setback ²	10' min	20' max
B Secondary Front Setback ²	6' min	10' max
C Side Setback	5' min	
D Rear Setback	20' min	

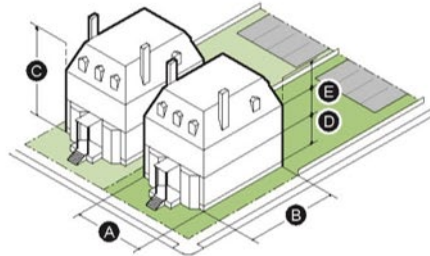
² Additional standards found in Sec. 9 (c) 5

¹ 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

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

Parking Ratio

E 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
A Width	25' min 30' max
B Depth	40' min 55' max
C Number of Stories	2.5 max
Story Height	10' min
Ground Floor Elevation	2' min
Building Height, Feet	30' max

Fenestration

D Ground Story Fenestration	20% min 50% max
E Upper Story Fenestration	20% min 50% max

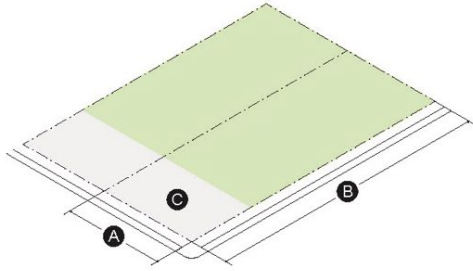
Use & Occupancy

Outdoor Amenity Space	1/DU min
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(d) SINGLE-FAMILY HOUSE

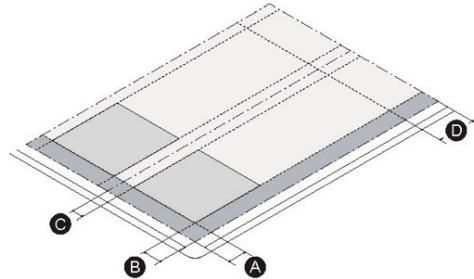
1. Zoning Lot Standards

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



2. Building Placement

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



Frontage

Permissible Street Frontage ¹	C
--	---

Lot Dimensions

A Width	40' min
B Depth	135' min

Lot Development

C Building Coverage	40% max
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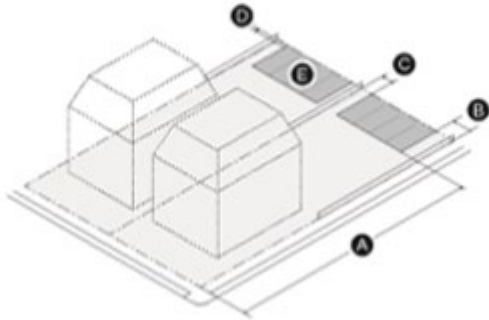
¹ Additional standards found in Sec. 7

Building Setbacks

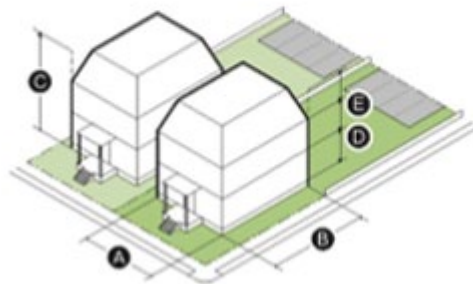
A Primary Front Setback ²	10' min	20' max
B Secondary Front Setback ²	6' min	10' max
C Side Setback	5' min	
D Rear Setback	20' min	

² 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

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

Parking Ratio

E Parking Spaces	0.5/DU min 2/DU max
-------------------------	-------------------------------

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
A Width	25' min 30' max
B Depth	40' min 55' max
C Number of Stories	2.5 max
Story Height	10' min
Ground Floor Elevation	2' min
Building Height, Feet	30' max

Fenestration

D Ground Story Fenestration	20% min 50% max
E Upper Story Fenestration	20% min 50% max

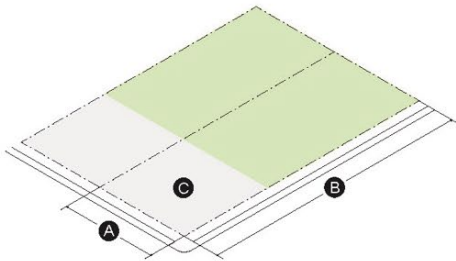
Use & Occupancy

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

(e) MULTIPLEX

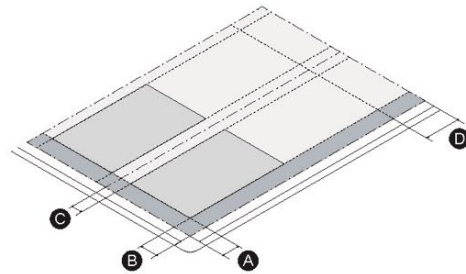
1. Zoning Lot Standards

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



2. Building Placement

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



Frontage

Permissible Street Frontage ¹	B or C Street
--	---------------

Lot Dimensions

A Width	50' min
B Depth	100' min

Lot Development

C Building Coverage	40% max
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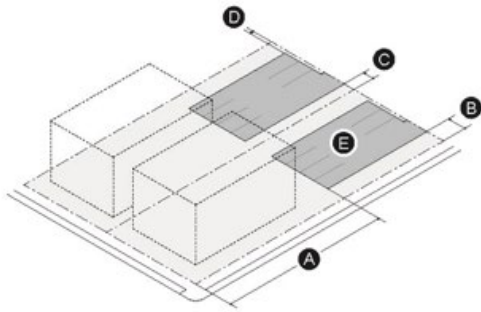
Building Setbacks

A Primary Front Setback ²	8' min	20' max
B Secondary Front Setback ²	8' min	20' max
C Side Setback	5' min	
D Rear Setback	20' min	

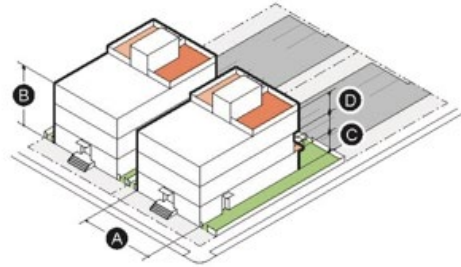
² Additional standards found in Sec. 9 (c) 5

¹ 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

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

Parking Ratio

E Parking Spaces	0.5/DU min 1.5/DU max
-------------------------	---------------------------------

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
A Width	35' min 38' max
B Number of Stories	2 min 3 max
Story Height	10' min
Ground Floor Elevation	2' min
Building Height, Feet	40' max

Fenestration

C Ground Story Fenestration	20% min 70% max
D Upper Story Fenestration	20% min 70% max
Blank Wall	20' max

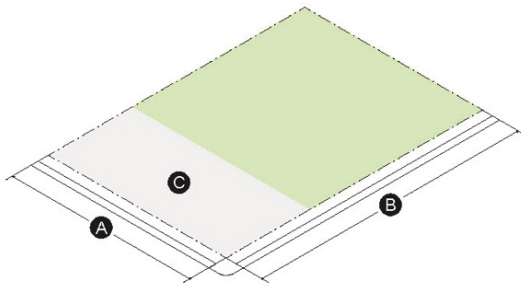
Use & Occupancy

Outdoor Amenity Space	1/DU min
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(f) TOWNHOUSES

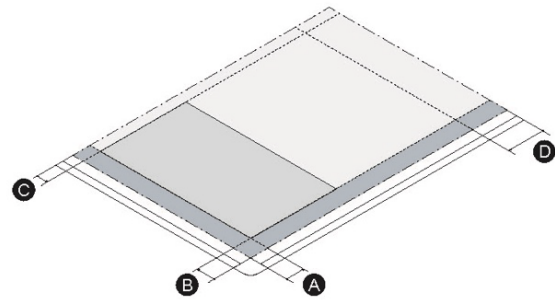
1. Zoning Lot Standards

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



2. Building Placement

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



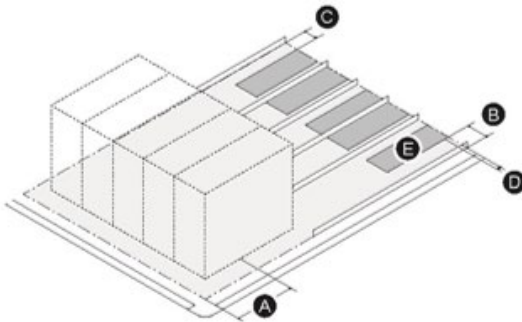
Frontage	
Permissible Street Frontage ¹	A, B, or C Street
Lot Dimensions	
A Width	50' min
B Depth	--
A Street Frontage	85' min
B or C Street Frontage	135' min
Lot Development	
C Building Coverage	40% max

¹ Additional standards found in Sec. 7

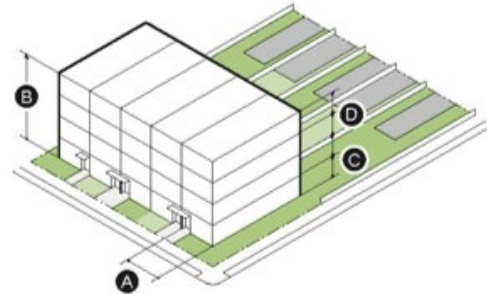
Building Setbacks		
A Primary Front Setback ²	--	--
A Street	0' min	3' max
I-75 Service Dr.	25' min	35' max
B & C Street	8' min	20' max
B Secondary Front Setback ²	--	--
B & C Street	8' min	20' max
C Side Setback	--	--
Party Lot Line	0' min	
Side Lot Line	6' min	
D Rear Setback	20' min	

² 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

A Primary Front Setback	15' min
B Secondary Front Setback	10' min
C Side Setback	5' min
D Rear Setback	0' min

Parking Ratio

E Parking Spaces	0.5/DU min 2/DU max
-------------------------	-------------------------------

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
A Width Per Unit	16' min 25' max
B Number of Stories	2 min 4 max
Story Height	10' min
Ground Floor Elevation	2' min
Building Height, Feet	50' max

Fenestration

C Ground Story Fenestration	20% min 70% max
D 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

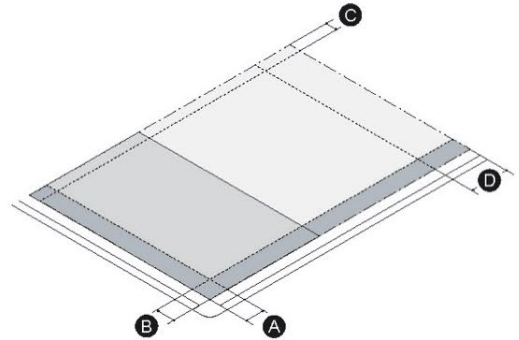
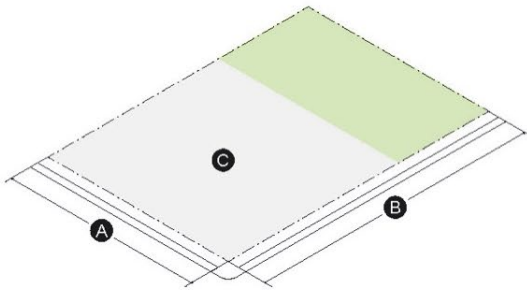
(g) MID-RISE BUILDING

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 ¹	A or B Street

Lot Dimensions	
A Width	50' min
B Depth	85' min

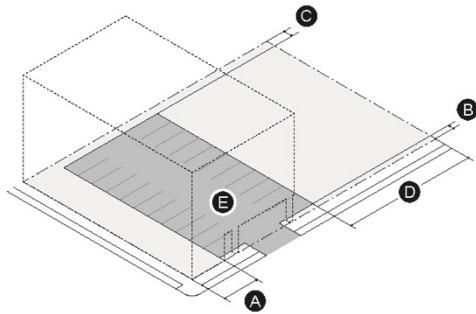
Lot Development	
C Building Coverage	No max

¹ Additional standards found in Sec. 7

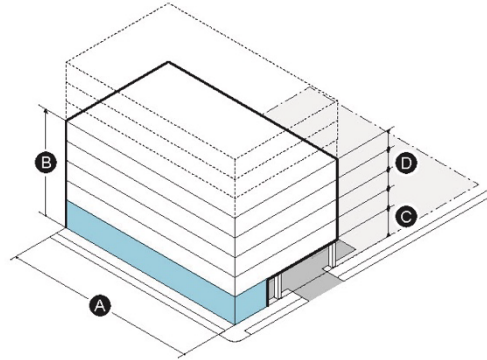
Building Setbacks		
A Primary Front Setback ²	0' min	10' max
I-75 Service Dr.	25' min	35' max
B Secondary Front Setback ²	0' min	10' max
C Side Setback	--	
A Street	0' min	
B or C Street	5' min	
D Rear Setback	20' min	

² 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

A Primary Front Setback	20' min
B Secondary Front Setback	20' min
C Side Setback	0' min
D Rear Setback	0' min

Parking Ratio

E 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
A Width	30' min 200' max
B Number of Stories ³	8 max
Ground Story Height	14' min
Upper Story Height	10' min
Building Height, Feet	90' max

³Additional standards found in Sec. 9 (d) 9 and Sec. 9 (d) 10

Fenestration

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

Use & Occupancy

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

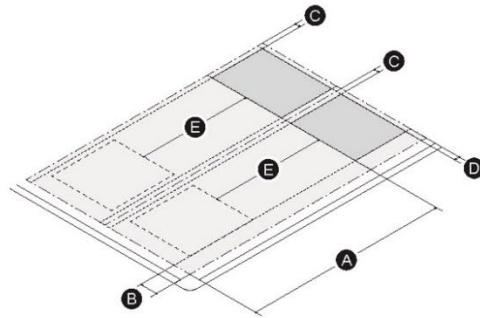
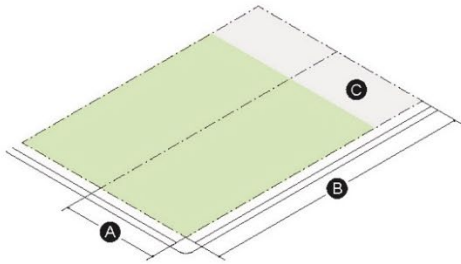
(h) CARRIAGE HOUSE

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 ¹	A, B, or C Street

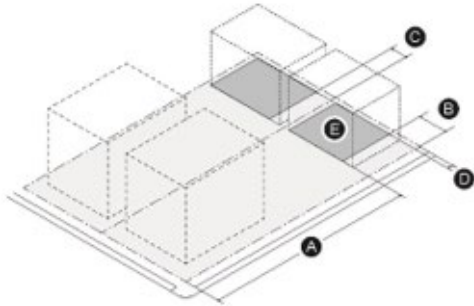
Lot Dimensions	
A Width	40' min
B Depth	135' min

Lot Development	
C Building Coverage	20% max

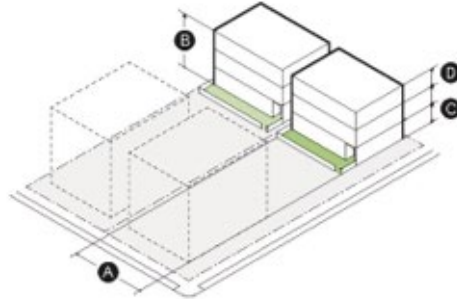
Building Setbacks	
A Primary Front Setback	60' min
B Secondary Front Setback	10' min
C Side Setback	3' min
D Rear Setback	0' min
E Separation from Principal Building	10' min

¹ 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

A Primary Front Setback	60' min
B Secondary Front Setback	10' min
C Side Setback	5' min
D Rear Setback	8' min 10' min

Parking Ratio

E 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
A Width	24' min 36' max
B Number of Stories	1 min 3 max
Story Height	10' min
Ground Floor Elevation	0' min
Building Height, Feet	35' max

Fenestration

C Ground Story Fenestration	15% min 50% max
D Upper Story Fenestration	15% min 50% max
Blank Wall	30' max

Use & Occupancy

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

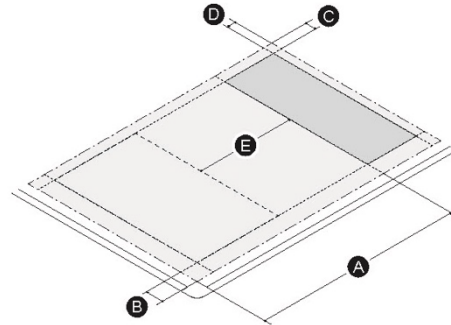
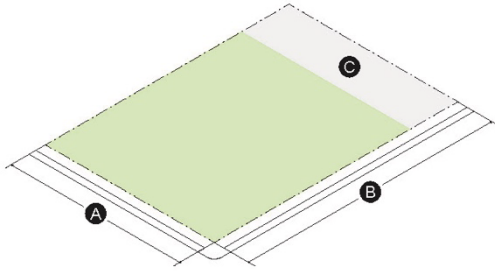
(i) MEWS BUILDING

1. Zoning Lot Standards

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

2. Building Placement

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



Frontage

Permissible Street Frontage¹ A, B, or C Street

Lot Dimensions

A Width	80' min
B Depth	135' min

Lot Development

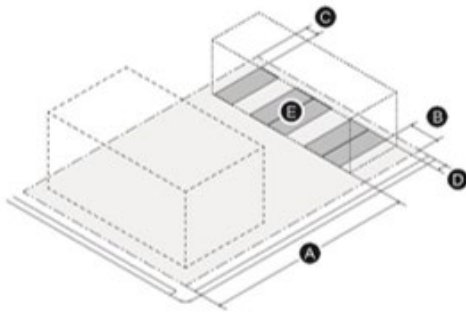
C Building Coverage	20% max
----------------------------	---------

Building Setbacks

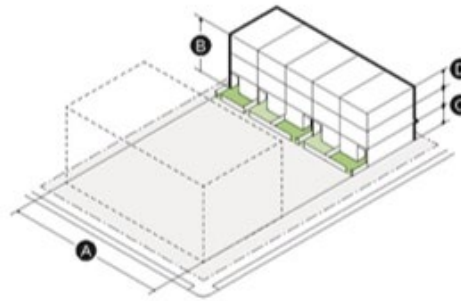
A Primary Front Setback	60' min
B Secondary Front Setback	10' min
C Side Setback	3' min
D Rear Setback	0' min
E Separation from Principal Building	10' min

¹ 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	
A Primary Front Setback	60' min
B Secondary Front Setback	10' min
C Side Setback	5' min
D Rear Setback	0' min 10' min

Parking Ratio	
E 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	60% min 80% min
A Width	35' min 200' max
B Number of Stories	2 min 3 max
Story Height	10' min
Ground Floor Elevation	0' min
Building Height, Feet	35' max

Fenestration	
C Ground Story Fenestration	15% min 50% max
D Upper Story Fenestration	15% min 50% max
Blank Wall	30' max

Use & Occupancy	
Outdoor Amenity Space	1/DU min

1 **Sec. 13. Use standards.**

2 (a) *In general.*

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

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

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

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

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

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

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

1 **TABLE 13: Permissible Uses.**

2

Use Category Specific Use Type	Street Designation		
	A-Street	B-Street	C-Street
Residential Uses			
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
Public, Civic, and Institutional Uses			
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
Park & Open Space			
Outdoor recreation facility	R	R	R
Religious Institution			
All	R	R	R
Schools			
Educational institution	R	R	R
School, elem, middle/junior high, or high	R	R	N
Retail, Service and Commercial Uses			
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
Food and Beverage Service			
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
Office			
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
Public Accommodation			
Bed and breakfast inn	R	R	R
Hotel	R	R	R
Youth hostel/hostel	R	R	R
Recreation/entertainment, indoor			
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
Manufacturing and Industrial Uses			
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
Agricultural Uses			
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 2019-35, effective December 4, 2019, Ordinance No. 2020-8, effective
5 November 14, 2020, and Ordinance No. 2020-40, effective December 10, 2020, including all
6 provisions set forth therein, are saved from repeal and remain valid.

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

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

Approved as to Form:



Conrad D. Mallett
Corporation Counsel



**PLANNING AND
DEVELOPMENT DEPARTMENT**

Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 808
Detroit, Michigan 48226

Phone 313•224•1339
www.detroitmi.gov

TO: Mr. Marcell Todd, Legislative Policy Division
FROM: Greg Moots, Planning and Development
RE: Master Plan Interpretation for **Rezoning**
DATE: September 21, 2022

RE: Master Plan of Policies review of the request to amend the Planned Development (PD) district governed by Brush Park Form-Based Code regulations in the area generally bounded by Mack Avenue, Woodward Avenue, the Chrysler and Fisher Freeway Service Drives, and John R Street

Dear Mr. Todd:

Pursuant to the City of Detroit's City Charter (Sections 6-202 and 6-204), the Planning and Development Department's (P&DD) Planning Division submits the following review of the proposed PD modification. The proposed map amendment is at the request of the City Planning Commission (CPC staff).

Location

The subject land is 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.

Existing Site Information

The subject area is zoned PD (Planned Development) and is developed with a mixture of commercial developments and residential developments of various types and densities.

Surrounding Site Information

North: PD, R5, R6 – mix of institutional, vacant land, and commercial
East: B6 – Freeway
South: B4 – Freeway
West: SD2, B4 and PD – Commercial, Little Caesars Arena, and residential

Proposed amendments

The amendments pertain to:

- (1) **Administrative Adjustments:** Adding language to allow the ground floor elevation minimum to be waived if CPC staff authorizes.
- (2) **Administrative Adjustments:** Adding language to allow staff to authorize 50% of principal entrances to a building or structure to be located on a facade other than the front facade where CPC staff deems appropriate.
- (3) **Development Standards-Blank Wall Area:** Changing Blank Wall Area standards to apply only to building facades that are street facing.
- (4) **Access/Parking:** Eliminating the 150% parking maximum while maintaining maximums for each specific building typology

- (5) **Parking Standard Minimums:** The .5 parking space per dwelling unit minimum will be eliminated for certain housing types.
- (6) **Multiplex Typology:** A parking maximum of 1.5 will be added.
- (7) **Mews Typology:** Lowering the Façade Build-Out minimum percent from 80% to 60%.
- (8) **Townhouse:** Increasing townhouse maximum unit width to 25'.
- (9) **Mid-Rise Building:** Changing the rear setback minimum from 20' to 12' for this typology.
- (10) **Rear Building Setbacks:** To newly require setbacks for rear building topologies to ensure adequate space for electric and other utility infrastructure. Allows CPC staff to waive or administratively adjust where setbacks are not necessary.

Interpretation

Impact on Surrounding Land Use

Many of the changes are to design standards, and these will have no impact on the surroundings. The reduction in required parking and small increases in density should not impact the surroundings, as this is a fairly dense, urban area.

Impact on Transportation

There are bus routes on Woodward and Mack Avenues. The minimal increase in density that these amendments permits should not negatively impact the roads and public transportation.

Master Plan Interpretation

The Future General Land Use classification of the site is "Mixed Residential / Commercial". These "areas consist predominantly of medium-to-high density housing developed compatibly with commercial and/or institutional uses. This classification is well suited to areas proximal to existing centers of major commercial activity, major thoroughfares, transportation nodes, or gateways into the city."

The proposed changes are consistent with the City-wide Master Plan Policy of: Policy 1.1: Encourage development that is sensitive to the City's historical and architecturally significant buildings and districts. It is also consistent with the neighborhood policies of:

Policy 1.1: Target Brush Park for infill housing consistent with the remaining housing stock, including owner- and renter- occupied units with a mix of market rate and affordable housing

Policy 2.1: Develop Woodward and Cass as high-density mixed-use corridors with housing and ground-floor commercial.

Policy 5.2: Ensure aesthetic compatibility between new and existing structures and sites.

Given the consistency with the land use and policies, this proposal is therefore **consistent** with the Master Plan classification. As the Form Base Code has been implemented over the past several years,

the requested amendments have come to light as being necessary to allow help to facilitate more developable parcels, while maintaining the original intent, integrity, and protections for Brush Park residents.

Respectfully Submitted,



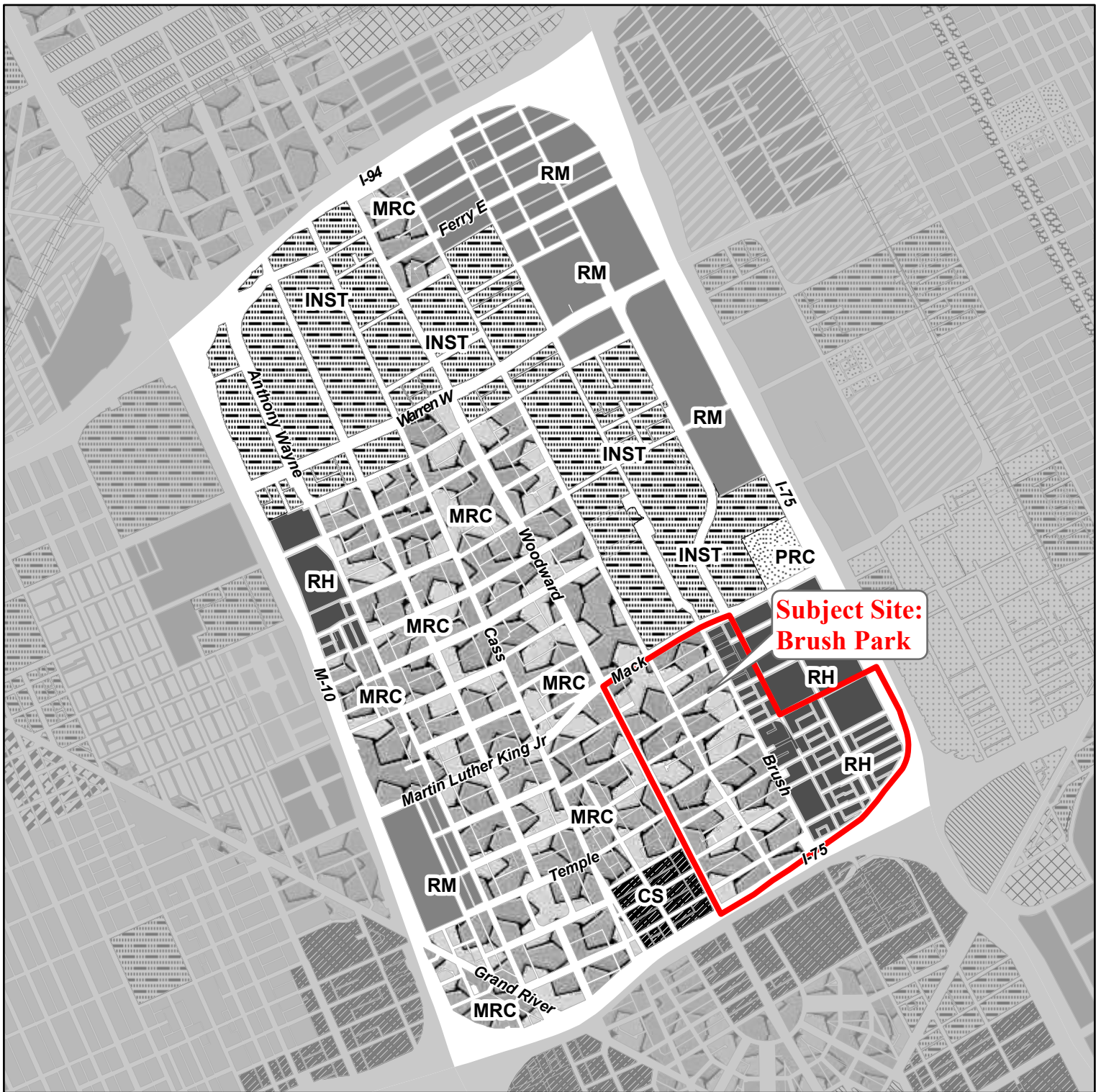
Gregory Moots

Planning and Development Department

Attachments

Future General Land Use Map: Map 4-5, Neighborhood Cluster 4, Lower Woodward

CC: Karen Gage
Antoine Bryant, Director



Map 4-5B
City of Detroit
Master Plan of
Policies

Neighborhood Cluster 4 Lower Woodward



Future Land Use

Low Density Residential (RL)	Thoroughfare Commercial (CT)	Mixed - Town Center (MTC)
Low / Medium Density Residential (RLM)	Special Commercial (CS)	Recreation (PRC)
Medium Density Residential (RM)	General Industrial (IG)	Regional Park (PR)
High Density Residential (RH)	Light Industrial (IL)	Private Marina (PRM)
Major Commercial (CM)	Distribution / Port Industrial (IDP)	Airport (AP)
Retail Center (CRC)	Mixed - Residential / Commercial (MRC)	Cemetery (CEM)
Neighborhood Commercial (CN)	Mixed - Residential / Industrial (MRI)	Institutional (INST)





234 Winder Street • Detroit, MI 48201 • www.BrushParkCDC.org • Hello@BrushParkCDC.org

City Planning Commission
Kimani Jeffrey, City Planner - Historic
jeffreyk@detroitmi.gov

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

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, September 23, 2022.

CPC staff has worked closely with the CDC to develop the FBC and we support this document as a framework for responsible development in our community. CPC also worked closely with the CDC to revise the proposed amendments to the FBC, as noted in the attached Exhibit A. CPC presented the amendments to the Brush Park community on March 8, 2022. By a majority vote, the CDC board has voted to support the FBC.

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 Wallace".

Karissa Wallace, VP & Secretary