

## BRUSH PARK FORM-BASED CODE

### SEC. 1 INTENT.

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

### SEC. 2 PURPOSE.

The purpose of this Form-Based Code is:

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

### SEC. 3 APPLICABILITY.

- (a) This Form-Based Code is applicable to all zoning lots that are both located within the area depicted in the regulating maps set forth in Section 7 of this Form-Based Code and shown on Zoning Map No. 4, set forth in Section 50-17-5 of this Code, as having a PD Planned Development zoning classification.
- (b) If any provision of this Form-Based Code conflicts with any other provision set forth elsewhere in this chapter, his Form-Based Code controls.

## Definitions

**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.   |

| Term                              | Definition   |
|-----------------------------------|--|
| 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 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.  |

## Development Review

**SEC. 5 DEVELOPMENT REVIEW.****(a) Development review.**

1. All development to which this Form-Based Code applies is subject to development review in accordance with Article XI, Division 2 of this chapter and this section.
2. Applications for development review must be made on a form acceptable to the City Planning Commission staff and must contain a complete site plan, prepared in accordance with Article III, Division 5 of this chapter, as well as construction drawings, building elevations, lighting, landscaping, signage plans, proposed uses, and any additional information reasonably identified by the City Planning Commission staff as necessary to adequately depict the proposed development.
3. Applications for development review must be submitted to the City Planning Commission staff.
4. The City Planning Commission staff, upon receipt of a complete application for development review, shall review such application and determine if the development proposed in such application is in accordance with the applicable standards and requirements of this Form-Based Code. If the City Planning Commission staff determines that the proposed development accords with the applicable standards and requirements of this Form-Based Code, it shall issue preliminary approval of the application.
5. Upon receipt of preliminary approval, an applicant may apply for any other regulatory approvals that may be necessary for the proposed development, including but not limited to a certificate of appropriateness or other approval by the City of Detroit Historic District Commission.
6. Upon issuance of all other necessary approvals, the applicant shall resubmit the site plan, all construction drawings, building elevations, lighting, landscaping, signage plans, proposed uses, and other information necessary to adequately depict the proposed development, whether or not any such information has been revised subsequent to preliminary approval, to the City Planning Commission staff for final review. The applicant shall also submit a community impact plan to minimize disruption to the surrounding neighborhood during construction and address any negative impacts that may arise. A community impact plan must provide for the following:
  - i. A construction schedule to describe the start and end dates and other anticipated milestones of the development.
  - ii. A strategy to mitigate fugitive dust, noise pollution, and pest infestation that may arise from ground disturbance and other construction activities.
  - iii. A strategy for temporary site screening, construction staging, and construction-related vehicle parking.
  - iv. A vibration analysis or other impact analysis, if determined to be necessary by the City Planning Commission.
7. The City Planning Commission staff shall perform final development review to confirm that the proposed development remains in accordance with this Form-Based Code. If the proposed development remains in accordance, the City Planning Commission staff shall issue final approval of the application.
8. Upon receipt of final approval, the applicant may apply for building permits from the Buildings, Safety Engineering, and Environmental Department and any other permits or approvals from the City that may be necessary for construction of the proposed development.
9. In performing each preliminary and final review of an application, the City Planning Commission staff may consult with and solicit advice from the Planning and Development Department as to the proposed development's compliance with this Form-Based Code, the Detroit Water and Sewerage Department as to the proposed development's post-construction stormwater management plans, and any other City department whose expertise may apply to the proposed development.

**(b) Historic review.**

1. Any development located within a historic district, as established in Chapter 21 of this Code, is subject to review and approval by the City of Detroit Historic District Commission in accordance with the procedures set forth therein.
2. The boundaries of all historic districts located within the area to which this Form-Based Code applies, existing as of the date of enactment of this Form-Based Code, are shown on Map 7(a) in Section 7 of this Form-Based Code.

**(c) Administrative adjustments.**

The City Planning Commission staff may authorize the following types of administrative adjustments:

1. The modification of any numeric standard that is set forth in this Form-Based Code by a factor not to exceed fifteen 15 percent of such numeric standard.
2. The reduction or waiver of any ground floor elevation requirement.
3. The reduction or waiver of any rear building rear setback, upon the City Planning Commission staff's

determination that such a reduction or waiver will not interfere with electrical, cable, telephone, water, sewer, or other utilities.

**(d) Waivers and Variances.**

Any waiver or variance of any requirement, prohibition, or numeric standard beyond the extent permissible as an administrative adjustment is prohibited, except as expressly authorized in this Form-Based Code.

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



## Nonconformities and savings provision

**SEC. 6 NONCONFORMITIES AND SAVINGS PROVISION.****(a) In General.**

The regulations set forth in this section govern all nonconformities that are located within the area to which this Form-Based Code applies, notwithstanding any conflicting provision set forth in Article XV of this chapter.

**(b) Authority to continue.**

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

**(c) Determination of nonconforming status.**

1. A nonconformity may exist if:
  - i. A use, structure, or lot legally existed as of the effective date of this Form-Based Code but is not currently in compliance with all applicable provisions of this Form-Based Code, or
  - ii. A use, structure, or lot has been legally constructed or established in accordance with this Form-Based Code but is not currently in compliance with all applicable provisions of this Form-Based Code solely as a result of an amendment thereof.
2. The burden of establishing that any instance of noncompliance with any provision of this Form-Based Code applicable to an existing use, structure, or lot constitutes a nonconformity rests upon the owner or operator of such use, structure, or lot.
3. The City Planning Commission staff may require an applicant for development review under this Form-Based Code to submit evidence, in the form of a prior permit or other supporting documentation, showing that a use, structure, or lot that is not currently in compliance with all applicable provisions of this Form-Based Code was legally constructed or established and constitutes a nonconformity.
4. The City Planning Commission staff, with advice from the Planning and Development Department as it may request, shall determine whether the evidence submitted by the applicant adequately establishes that a nonconformity exists. Upon determining that a nonconformity exists, the City Planning Commission staff shall allow such nonconformity to continue in accordance with this section.

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

1. For a nonconforming use, the extent of the nonconformity is the area, measured in square feet, of the building or structure, or portion thereof, in which the nonconforming use operates.
2. For a nonconforming structure or lot, the extent of the nonconformity is the magnitude of the difference between the actual dimension of any specific feature of the structure or lot and the permissible dimension of such feature as currently set forth in this Form-Based Code.

**(e) Nonconforming uses.**

1. Any change of a nonconforming use to another use that is permissible according to Table 13 in Section 13 of this Form-Based Code is permissible.
2. Any change of a nonconforming use to another use that is not permissible according to Table 13 in Section 13 of this Form-Based Code is prohibited.
3. Any change to a nonconforming use or to the building or structure in which a nonconforming use operates that would increase the extent of the nonconformity is prohibited. Any change to a nonconforming use or to the building or structure in which a nonconforming use operates that would decrease the extent of the nonconformity is permissible.

**(f) Nonconforming structures.**

1. Any ordinary repair and maintenance of a nonconforming structure, including but not limited to painting, roof replacement, re-siding, window replacement, and other improvements that are reasonably determined by the City Planning Commission staff to be cosmetic or de minimis in nature is permissible.
2. Any modification to a nonconforming structure that would cause the structure to conform to applicable standards currently set forth in this Form-Based Code or that would otherwise reduce the extent of the nonconformity is permissible.
3. Any modification to a nonconforming structure that would cause any feature of the nonconforming structure to become newly noncompliant with the applicable standards currently set forth in this Form-Based Code or that would otherwise increase the extent of the nonconformity is prohibited.
4. Nothing in this section that provides for the modification of a nonconforming structure may be construed as limiting the authority of the City of Detroit Historic District Commission to review and approve or deny such modification.

**(g) Nonconforming lots.**

1. Any modification of the dimensions of a nonconforming lot or any combination of a nonconforming lot with another lot that would reduce the extent of the nonconformity or that would cause the nonconforming lot to conform with applicable provisions currently set forth in this Form-Based Code is permissible.
2. Any modification to the dimensions of a nonconforming lot that would increase the extent of the nonconformity is prohibited.
3. For any nonconforming lot, the City Planning Commission staff is authorized to waive or vary any development standard, building type standard, or other numerical standard set forth in this Form-Based Code solely, and only to the extent necessary, to enable the development of a principal building type that is permissible for the nonconforming lot according to Table 7(a) in Section 7 of this Form-Based Code.

**(h) Site characteristics not compliant with applicable standards.**

All zoning lots subject to this Form-Based Code shall comply with all applicable parking, landscaping, and screening provisions currently set forth in this Form-Based Code. Any zoning lot that is not in compliance with all such current parking, landscaping, and screening standards is in noncompliance with this Form-Based Code and must not be considered nonconforming.

**(i) Casualty.**

For any building or structure containing a nonconforming use or for any nonconforming structure that is damaged or destroyed:

1. If the extent of the damage or destruction is equal to or greater than 60 percent of the assessed valuation of the building or structure at the time the damage or destruction occurred, the nonconformity must not be re-established and any new or restored structure must comply with all applicable provisions currently set forth in this Form-Based Code.
2. If the extent of the damage or destruction is less than 60 percent of the assessed valuation of the building or structure at the time the damage occurred, the nonconformity may be re-established only if all of the following conditions are satisfied:
  - i. The cause of the damage or destruction was not the deliberate action of a person or entity with legal interest in the property or its agent.
  - ii. Reconstruction or restoration of the building or structure would not increase the extent of the nonconformity as it existed prior to the damage or destruction of the building or structure.
  - iii. Reconstruction or restoration of the building or structure is started within a period of two years following the date that the damage or destruction of the structure met or exceeded the 60 percent threshold. The City Planning Commission staff may, upon written request, extend this two-year period for not more than two additional years.
  - iv. Plans for reconstruction or restoration of the building or structure undergo development review in accordance with the procedures set forth in Section 5 of this Form-Based Code and is issued final approval as a result of such review prior to application for a building permit for such reconstruction or restoration.

**(j) Abandonment.**

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

**(k) Savings provision.**

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

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

## Regulating Maps

**SEC. 7 REGULATING MAPS.****(a) District boundaries.**

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

**(b) Street types map.**

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

**(c) Civic spaces map.**

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

**(d) Permissible building types.**

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

1. Where any zoning lot fronts a B or C Street and includes a side lot line that abuts a zoning lot that contains a Historic House, the only principal building types that are permissible for the zoning lot is the Single-Family House, Multiplex, and Townhouse.
2. A rear building is permissible on a zoning lot only if the lot also contains a principal building.

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

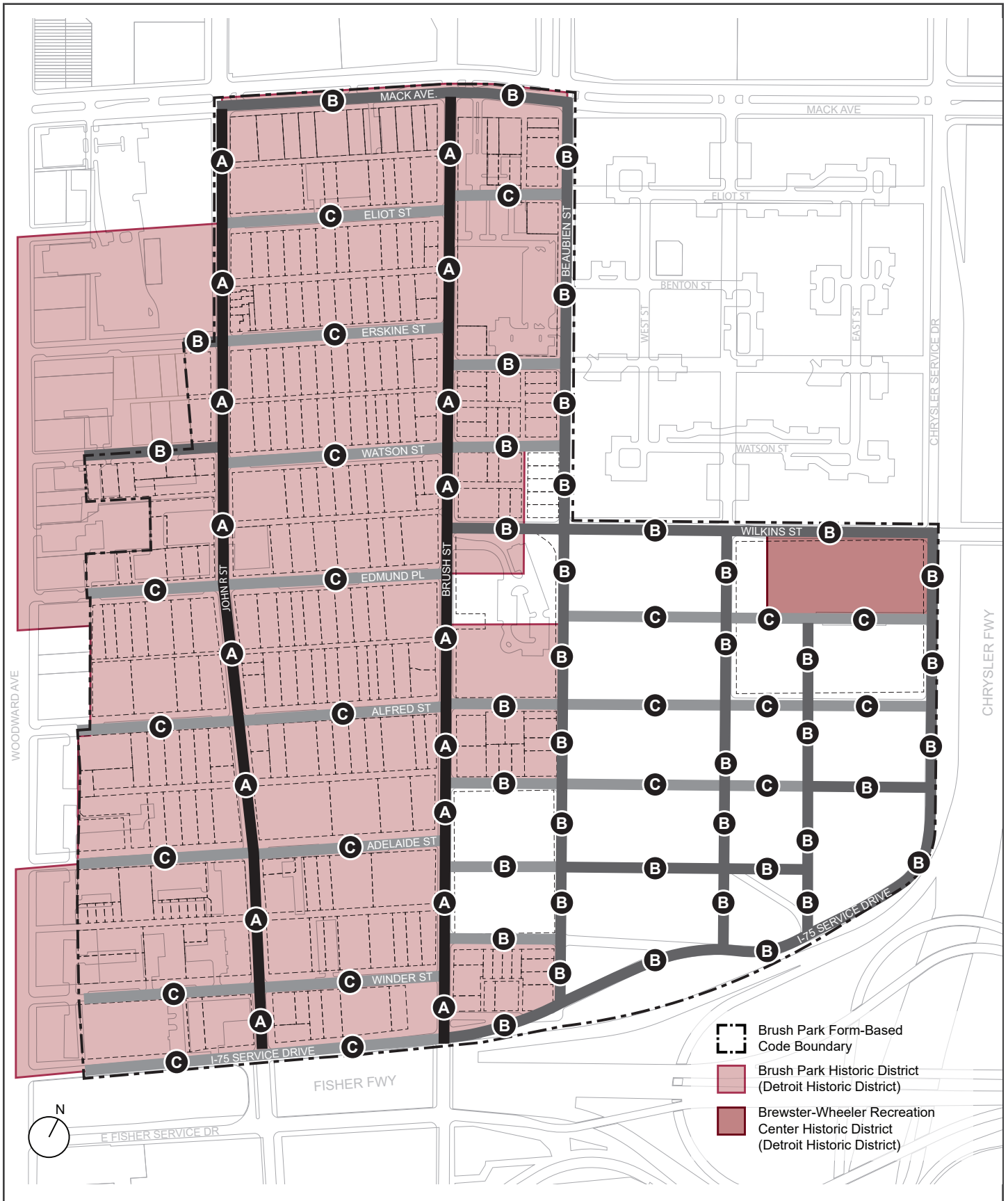
|                            | A Street | B Street | C Street | Type Specific Standards |
|----------------------------|----------|----------|----------|-------------------------|
| <b>Principal Buildings</b> |          |          |          |                         |
| Historic House             | 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)             |
| <b>Rear Buildings</b>      |          |          |          |                         |
| Carriage House             | P        | P        | P        | Sec. 12 (h)             |
| Mews Building              | P        | P        | P        | Sec. 12 (i)             |

P - Permissible

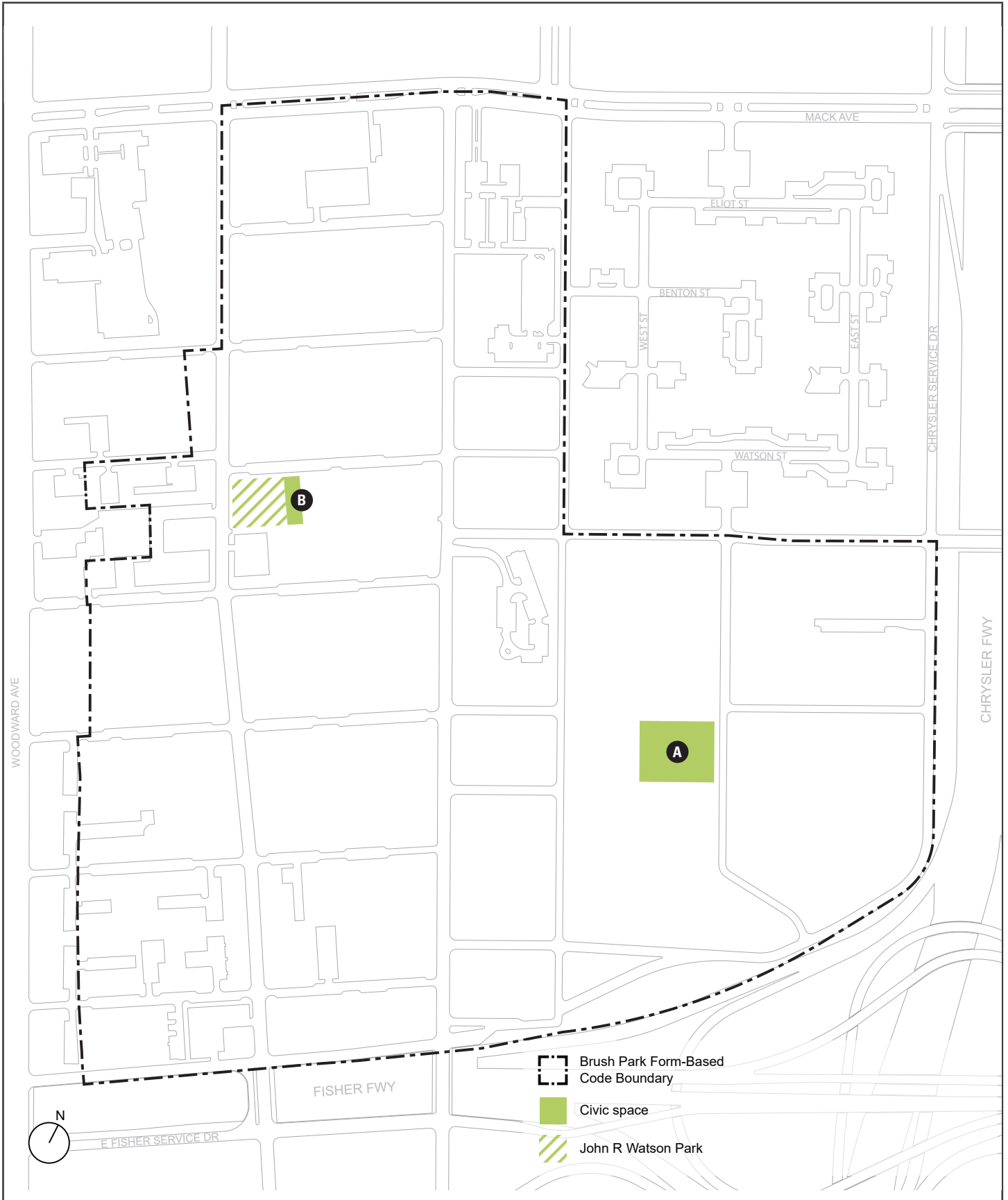
N - Not Permissible



MAP 7 (a): Street Type Map.



MAP 7 (b): Civic Spaces Map.



## SEC. 8 CIVIC SPACES STANDARDS.

- The area of any zoning lot located within the area identified as “Civic Space A” on Map 7(b) in Section 7 of this Form-Based Code must be not less than 44,000 square feet.
- The area of any zoning lot located within the area identified as “Civic Space B” on Map 7(b) in Section 7 of this Form-Based Code must be not less than 7,500 square feet.

## SEC. 9 DEVELOPMENT STANDARDS.

### (a) In General.

This section establishes the standards for all development located within the area to which this Form-Based Code applies.

### (b) Zoning lot standards.

- Permissible zoning lot types.* Any newly established zoning lot must be configured as a corner, interior, or key lot. The establishment of a new flag lot or through lot is prohibited.
- Front lot lines.* Every zoning lot must have not more than one primary front lot line. For any zoning lot that abuts a single street, such as an interior lot, flag lot, or key lot, the lot line that abuts such street is the primary front lot line for the zoning lot. For any zoning that abuts more than one street, such as a through lot or corner lot, the primary front lot line must be determined as follows, and all other lot lines abutting a street are secondary front lot lines:
  - For an existing through lot, the primary front lot line is as designated by the City Planning Commission staff.
  - For a corner lot that abuts an A Street the primary front lot line is the lot line that abuts such A Street.
  - For all other zoning lots that abut more than one street, the primary front lot line may be determined by the property owner and so designated in the development review application for the proposed development.
- Lot dimensions, including lot width and depth, for each building type are required as set forth in Section 12 of this Form-Based Code.
- Lot width must be measured as the horizontal distance between two points along the lot lines on either side of the primary front lot line, each 20 feet from the primary front lot line.
- Lot depth must be measured as the horizontal distance between the midpoint of the primary front lot line and the midpoint of the rear lot line or, if there is no rear lot line, to the most distant point on any other lot line.

### (c) Building placement.

- Not more than one principal building and one rear building type may be located on any zoning lot. A rear building may be located on a zoning lot only if a principal building is also located on the same lot. A principle building may be located on a zoning lot regardless of whether or not a rear building is also located on the same lot.

FIGURE 9 (a): Lot Dimensions.

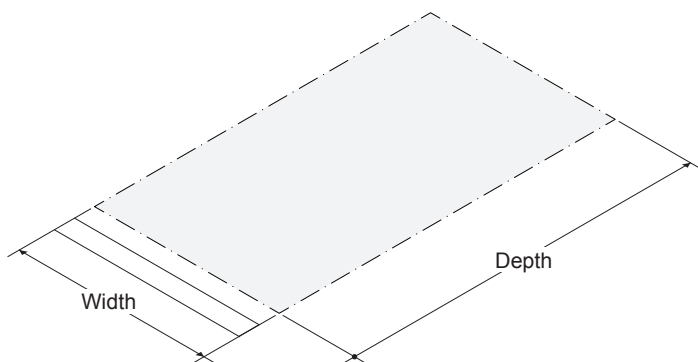
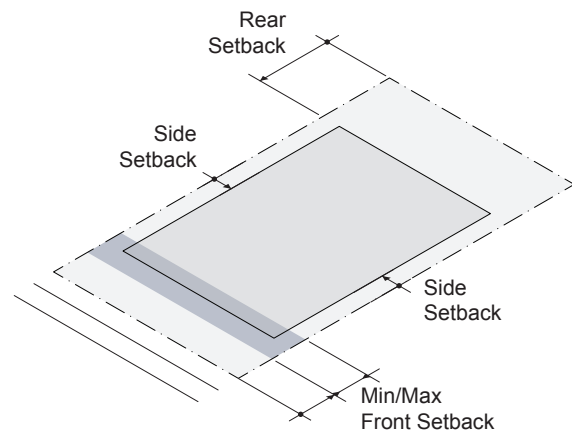


FIGURE 9 (b): Setbacks.



## Development Standards

2. Building placement standards for each principal and rear building type, including building setback standards, are required as set forth in Section 12 of this Form-Based Code.
3. Unless otherwise specified in this section, all buildings and structures must be located at or behind any required minimum front, side, or rear setback.
4. Unless otherwise specified in this section, the front facade of each story of a principal building must be located at or in front of any maximum front setback for the building.
5. Notwithstanding the front setbacks for each principal building type, as set forth in Section 12 of this Form-Based Code, any new development located on a zoning lot that is on the same block face as a Historic House must have a contextual front setback as follows, provided that the maximum front set back must not exceed the distance set forth in Section 12 of this Form-Based Code for the applicable building type:
  - i. If the zoning lot is an interior lot or key lot, the minimum and maximum front setbacks must be equal to the actual setbacks for the Historic House that is located on the same block face.
  - ii. If the zoning lot is a corner lot, the minimum primary front setback must be the actual front setback of any Historic House located on the same block face as its primary front lot line and the minimum secondary front setback must be the actual front setback of any Historic House located within 50 feet of the zoning lot on the same block face as its secondary front lot line.
6. Stoops, porticos, porches, awnings, and entry canopies may encroach any distance into any front setback. Cornices, belt courses, sills, buttresses and other architectural features may encroach up to two (2) feet into any required setback.
7. Cornices, belt courses, sills, buttresses and other architectural features not otherwise specified in this Subsection may encroach not more than two feet into any setback.
8. Chimneys may encroach up to four feet into any setback, provided that any chimney must be located not less than two feet from any lot line.
9. Balconies may encroach not more than four feet into any front or rear setback and not more than three feet into any side setback, provided that any such balcony must be located not less than two feet from any side lot line.
10. Building eaves and roof overhangs may encroach not more than three feet into any setback, provided that any such eave or overhang must be located not less than two feet from any side lot line.
11. Unenclosed fire escapes and emergency egress stairways may encroach up to four feet into any side or rear setback, provided that any such fire escape or stairway must be located not less than two feet from any side or rear lot line.
12. Mechanical equipment associated with residential uses, such as HVAC units and security lighting, may encroach any distance into a side or rear setback, provided that such equipment must be located not less than two feet from any side or rear lot line.
13. Terraces, uncovered and unenclosed patios, and structures below and covered by the ground may encroach any distance into a setback.

FIGURE 9 (c): Facade Build-Out.

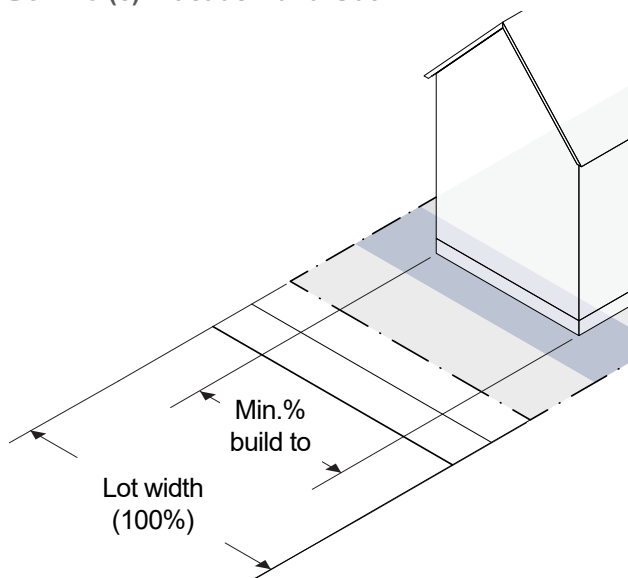
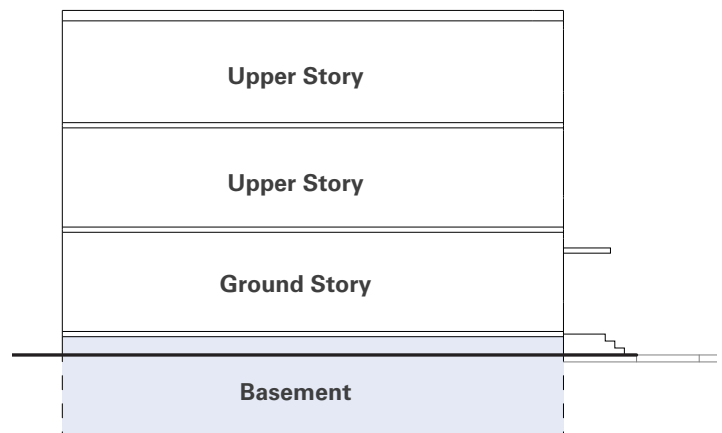


FIGURE 9 (d): Building Stories.

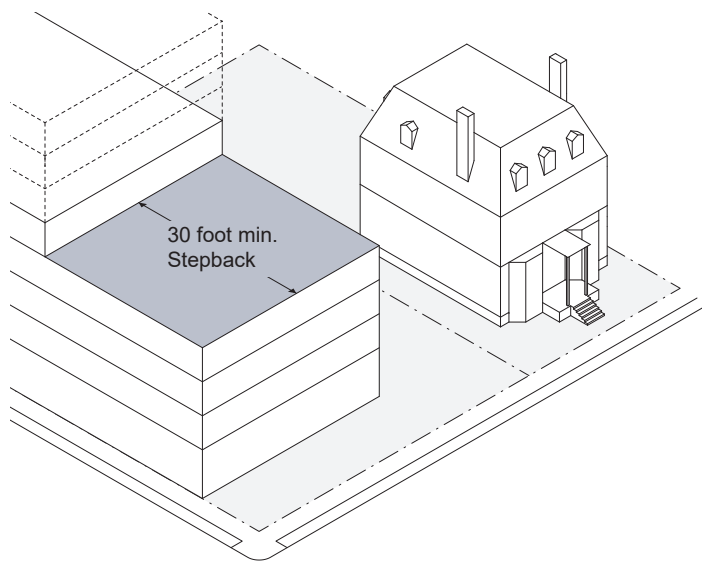


14. Minor structures accessory to utilities, such as hydrants, manholes, transformers, and other cabinet structures, may encroach any distance into a setback.

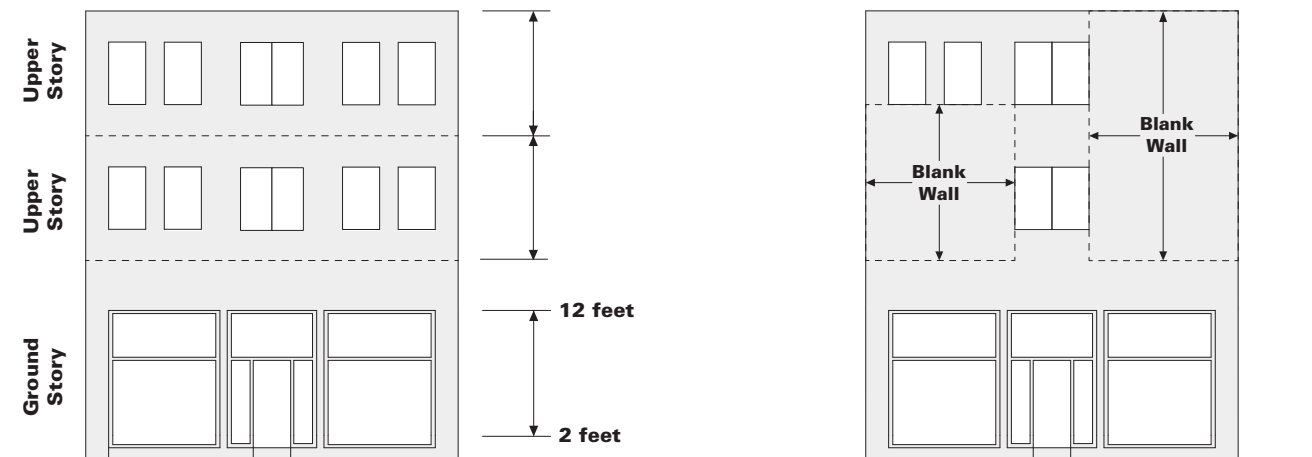
**(d) Building standards.**

1. Building standards for each principal and rear building type, including building coverage, massing, fenestration standards, and outdoor amenity space standards, are required as set forth in Section 12 of this Form-Based Code.
2. Any rear building located on a zoning lot may be oriented either toward a front lot line of the zoning lot or toward an alley abutting the zoning lot.
3. The front facade of a principal building must be oriented toward and constructed parallel to the primary front lot line of the zoning lot.
4. The front façade of a building must be constructed in accordance with the façade build-out ratio for the applicable building type, as set forth in Section 12 of this Form-Based Code.
5. Front façades of principal and rear buildings that are wider than 60 feet must vary in vertical plane, so as to create rhythm and articulation in the building massing.
6. Building width must be measured as the distance between the exterior of the side walls of the building, parallel to the front facade of the building.
7. Building depth must be measured as the maximum length of any exterior side wall of the building, perpendicular to the front facade of the building.
8. The total number of stories of a building must be calculated as follows:
  - i. The ground story counts as one story, except that a ground story that is 25 feet or more in height counts as two stories.
  - ii. Each upper story counts as one story, except that any upper story with a mezzanine or loft counts as two stories.
  - iii. Interstitial space between stories counts as a story if the space has a walking surface, permanent lighting, a ceiling height of seven feet six inches (7'6") or more, and is accessible via a stairwell or elevator door.
  - iv. A basement counts as one story only if the finished floor of the ground story is five feet or more above the established grade at the center of the front of the building, and otherwise does not count as a story.
9. The maximum number of stories for any new structure located immediately adjacent to a Historic House is eight stories, provided that the front façade of any fifth through eighth story must be stepped back from the front facade of the adjacent Historic House by not less than 30 feet, as shown in Figure 9(f) of this Form-Based Code.
10. For any Mid-Rise Building that is located in the area bounded by Wilkins Street on the north, I-75 Service Drive on the east and south, and Beaubien Street on the west, the maximum number of stories is 15 and the maximum height is 180 feet.
11. For any Mid-Rise Building that is located in the area bounded by Mack Avenue on the north, Beaubien Street on the east, I-75 Service Drive on the south, and Brush Street on the west, the maximum number of stories is nine and the maximum height is 110 feet.
12. Story height must be measured vertically from the surface of the finished floor of the story to the surface of the finished floor of the above story. If there is no story above, story height must be measured from the surface of the finished floor to the top of the structural beam or joists above or the top of the wall plate, whichever is higher. Minimum story height requirements are not applicable for half-stories.
13. Ground story elevation must be measured from the grade plane to the top of the finished floor of the ground story of a building.
14. Roof decks; mechanical and stairwell penthouses; roof mounted cellular, radio, and internet transmission equipment; vents or exhausts; solar panels or skylights; flagpoles; belfries, chimneys, cupolas, monuments, parapets, spires, steeples; and other non-habitable architectural features are

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



## Access and Parking

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

permissible and are not subject to applicable building height limitations.

15. At least fifty percent of the principal entrances to a building or structure must be located in the front facade of the building or structure.
16. Access to any principal entrance for a residential use must be provided by way of a stoop, portico, porch, dooryard, or lobby entrance.
17. Any principal entrance to a building must include an awning or entry canopy, except if the principal entrance is recessed into the facade of the building. Any such awning or entry canopy must be constructed with a width of not less than the width of the doorway surround, trim, or exterior casing above which it is mounted; a depth of not less than three feet; and a clearance of not less than eight feet.
18. Fenestration must be provided for each building type as set forth in Section 12 of this Form-Based Code, expressed as a percentage of the total area of each facade as follows:
  - i. Ground story fenestration must be determined as a percentage of the area located between the heights of two feet and 12 feet above the grade plane.
  - ii. Upper story fenestration must be determined as a percentage of the area located between the top of a finished floor and the top of the finished floor above.
19. Glazing must meet the following criteria:
  - i. For ground story fenestration, glazing must have a minimum of 60 percent Visible Light Transmittance and no more than 15 percent Visible Light Reflectance. Not less than 75 percent of all ground floor commercial storefront glazing must be unobstructed to a depth of not less than five feet.
  - ii. For upper story fenestration, glazing must have a minimum of 40 percent Visible Light Transmittance and no more than 15 percent Visible Light Reflectance.
20. Blank wall area limitations apply only to street-facing facades, and must be measured both vertically and horizontally.
21. If outdoor amenity space is required, as set forth in Section 12 of this Form-Based Code, it must be provided for as a balcony, deck, patio, porch, roof deck, roof terrace, or yard.
22. The minimum area of any outdoor amenity space must be not less than 36 square feet, without obstruction and with no dimension less than four feet.
23. For all building types, outdoor amenity space may be shared by multiple dwelling units, provided that the area of such shared space must be not less than the sum of the areas of the outdoor amenity spaces required for all dwelling units that the shared space is intended to serve.
24. Ground story dwelling units must be not less than 20 feet in depth.

## SEC. 10 ACCESS AND PARKING.

### (a) In General.

This section establishes the parking requirements for all building types, as well as the standards for access to such

parking. Use of any parking facility must be limited to the temporary storage of operable private passenger vehicles.

**(b) Construction.**

Parking may be provided as surface off-street parking, surface on-street parking, aboveground structured parking, and underground structured parking.

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

1. The minimum number of parking spaces required for each principal and rear building type is as set forth in Section 12 of this Form-Based Code.
2. Any nonresidential use located in a building or structure that does not exceed 3,000 square feet of gross floor area is exempt from applicable minimum parking requirements.
3. For any building or structure over 3,000 square feet of gross floor area, the City Planning Commission staff may grant a waiver of applicable parking requirements for the first 3,000 square feet of retail, service, or commercial use of such building or structure, if both of the following criteria can be satisfied:
  - i. The area subject to the waiver contains a use that is pedestrian-oriented, and
  - ii. The waiver will not be injurious to the surrounding areas by creating or increasing traffic congestion or by disrupting traffic circulation.

**(d) Parking setbacks.**

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

**(e) Parking access.**

Parking must be directly accessible to a street via a driveway, alley, or vehicular entrance into a building or structure, subject to the following:

1. The permissible means of access to parking for each principal and rear building type are as set forth in Section 12 of this Form-Based Code.
2. Parking, as well as loading docks and associated service areas, must be accessible from an alley or across a secondary front lot line. Access across a primary front lot line is prohibited.
3. Parking for multiple adjacent zoning lots may be accessible by means of a shared driveway, provided that the owners of all zoning lots with the benefit or burden of such shared driveway maintain an access easement for its use.

**(f) Satellite parking.**

Parking associated with a zoning lot, excluding any required handicapped parking, may be constructed at an off-site satellite location within 1,320 feet of the zoning lot. Such distance between a zoning lot and its satellite parking must be measured radially between the nearest points of the lot lines of the zoning lot and the satellite parking, respectively. Satellite parking is further subject to the following requirements:

1. Pedestrian access to any satellite parking facility must be via a paved sidewalk or walkway.
2. The owner of the zoning lot that is served by the satellite parking must have an ownership or leasehold interest in the property on which the satellite parking is located. The City Planning Commission staff may require evidence of such ownership or leasehold interest in the form of a lease, recorded covenant, or other comparable legal instrument as part of the development review process set forth in Section 5 of this Form-Based Code.

**(g) Shared parking facilities.**

If a zoning lot cannot feasibly contain onsite the minimum number of required parking spaces, the City Planning Commission staff may authorize the use of a shared parking facility if such facility satisfies the following standards:

1. *Capacity.* The shared parking facility must have sufficient parking capacity to accommodate the minimum number of required parking spaces for each zoning lot that shares in its use. A single parking space in a shared parking facility may be counted against the minimum parking requirements of multiple zoning lots only if such zoning lots are reasonably anticipated to have distinct timeframes for peak parking demand.
2. *Location.* The shared parking facility must be located not more than 1,320 feet from the zoning lot, measured radially in accordance with the method set forth in Subsection (f) of this section.
3. *Required study and analysis.* The applicant for development of the zoning lot shall submit a shared parking analysis to the City Planning Commission staff as part of the development review process that demonstrates the feasibility of use of the shared parking facility. The study must identify the size and type of the proposed development, the minimum number of required parking spaces, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses to be located on the zoning lot, and the distance between

## Perimeter definition, landscaping, fencing, and signage

- the shared parking facility and the zoning lot; and
4. *Shared parking agreement.* The owner of the zoning lot must have all necessary rights, in the form of an ownership or leasehold interest in the property on which the shared parking facility is located or a shared parking agreement or other contractual agreement, for use of the requisite number of parking spaces in the shared parking facility. The applicant for development of the zoning lot shall submit evidence of such rights to the City Planning Commission staff as part of the development review process.
- (h) All street frontage of any zoning lot along which on-street parking is permissible may be utilized to satisfy a portion of the applicable minimum parking requirement for the zoning lot. Every continuous length of street frontage along which on-street parking is permissible that is at least 23 feet long and abuts the zoning lot may be counted as one space for purposes of satisfying the minimum parking requirement for the zoning lot.

**SEC. 11 PERIMETER DEFINITION, LANDSCAPING, FENCING, AND SIGNAGE.**

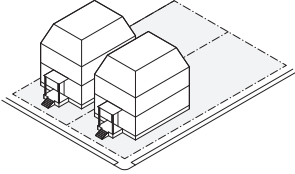
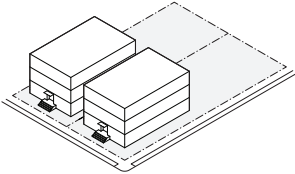
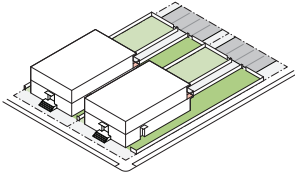
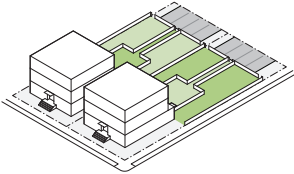
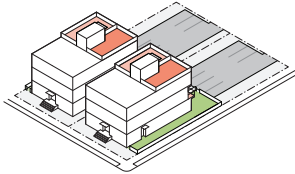
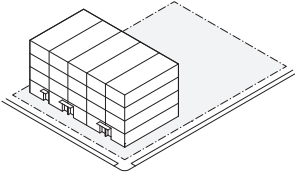
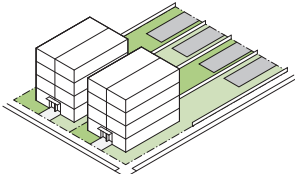
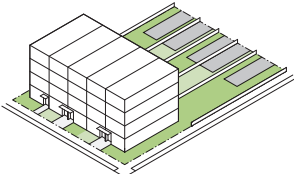
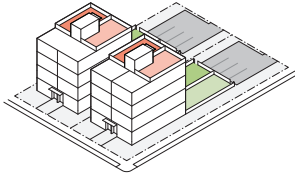
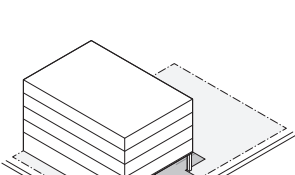
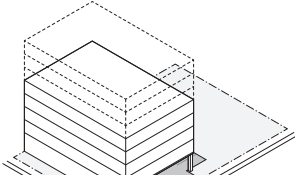
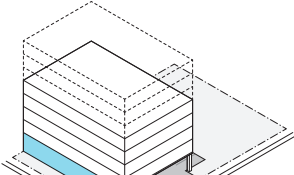
- (a) Lot perimeter standards for each principal and rear building type, including fencing and hedge height standards, are required as set forth in Section 12 of this Form-Based Code.
- (b) Any parking lot that is adjacent to a street or an abutting zoning lot must be effectively screened from such street or zoning lot by a perimeter wall or fence in accordance with Sections 50-14-341 and 50-14-342 of this Code.
- (c) A fence or hedge row may be placed along the lot lines of any zoning lot, so as to define the perimeter of such zoning lot. Permissible fencing and hedging for each building type is set forth in Section 12 of this Form-Based Code, subject to the following standards:
  1. Chain link fences are prohibited along primary and secondary front lot lines.
  2. Fence posts and supporting rails must face inward toward the zoning lot being fenced and the finished face must be oriented towards the adjacent zoning lot or street, as applicable.
  3. Fences located forward of any maximum primary or secondary front setback must not exceed four feet in height and must be no more than 50 percent opaque.
  4. Fences located behind any maximum front setback must be not exceed six feet in height and may be fully opaque.
- (d) **Landscaping.**  
Landscaping for any zoning lot to which this Form-Based Code applies must be in accordance with the provisions of Article XIV, Division 2 of this chapter.
- (e) **Signage.**  
Signage located on any zoning lot to which this Form-Based Code applies must be in accordance with applicable provisions of Chapter 4 and Chapter 50 of this Code. All signage must be tastefully designed to be visually appealing, in character with surrounding development and in accordance with the Brush Park Historic District Elements of Design and the Brewster-Wheeler Recreation Center Historic District Elements of Design, as applicable.



**SEC. 12 PRINCIPAL AND REAR BUILDING TYPES.**

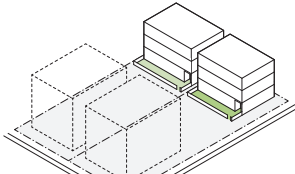
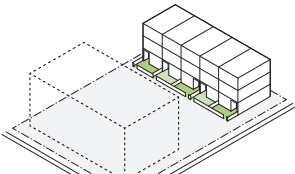
(a) Permissible principal building types are Single-Family House, Multiplex, Townhouse, and Mid-Rise Building, each of which is depicted in Table 12(a) in this section.

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

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

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

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

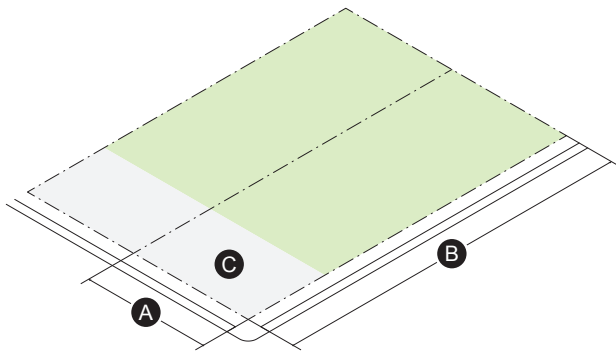
| Rear Building Types   |   |  |
|---|---|--|
| Carriage House  | Mews Building   |  |
|  |  |  |

Principal and Rear Building Types

(c) HISTORIC HOUSE

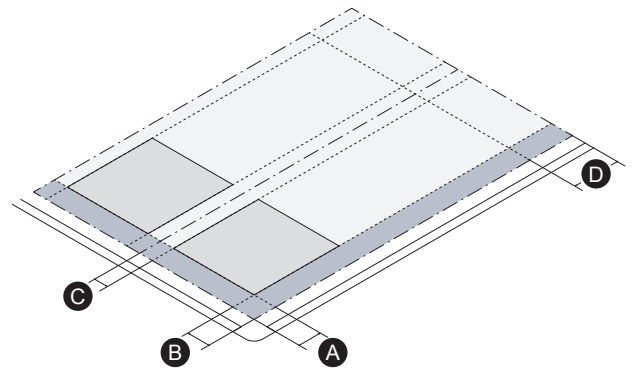
1. Zoning Lot Standards

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



2. Building Placement

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



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

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

| Lot Development     |         |
|---------------------|---------|
| C Building Coverage | 40% max |

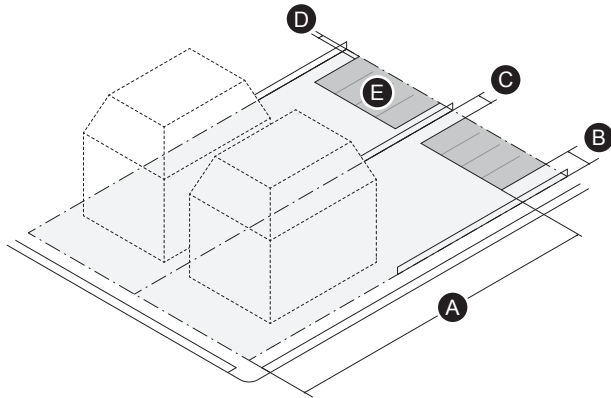
<sup>1</sup>Additional standards found in Sec. 7

| Building Setbacks                      |         |         |
|--|---------|---------|
| A Primary Front Setback <sup>2</sup>   | 10' min | 20' max |
| B Secondary Front Setback <sup>2</sup> | 6' min  | 10' max |
| C Side Setback                         | 5' min  |         |
| D Rear Setback                         | 20' min |         |

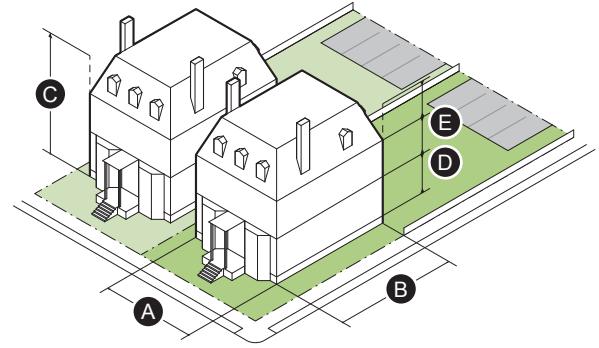
<sup>2</sup>Additional standards found in Sec. 9 (c) 5

**3. Access and Parking**

(Additional standards found in Sec. 10 )

**4. Building Standards**

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

**Parking Setbacks**

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

**Parking Ratio**

|                         |    |
|-------------------------|----|
| <b>E</b> Parking Spaces | -- |
|-------------------------|----|

**Parking Access**

|                   |                 |
|-------------------|-----------------|
| Abutting an Alley | Permissible     |
| Primary Frontage  | Not Permissible |
| Driveway Width    | 12' max         |

**Lot Perimeter Definition**

(Additional standards found in Sec. 11)

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

**Massing**

|                            |                 |
|----------------------------|-----------------|
| Facade Build Out           | 70% min         |
| <b>A</b> Width             | 25' min 30' max |
| <b>B</b> Depth             | 40' min 55' max |
| <b>C</b> Number of Stories | 2.5 max         |
| Story Height               | 10' min         |
| Ground Floor Elevation     | 2' min          |
| Building Height, Feet      | 30' max         |

**Fenestration**

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

**Use & Occupancy**

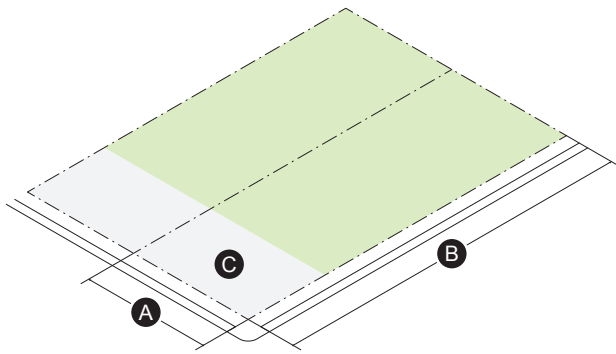
|                       |          |
|-----------------------|----------|
| Outdoor Amenity Space | 1/DU min |
|-----------------------|----------|

Principal and Rear Building Types

(d) SINGLE-FAMILY HOUSE

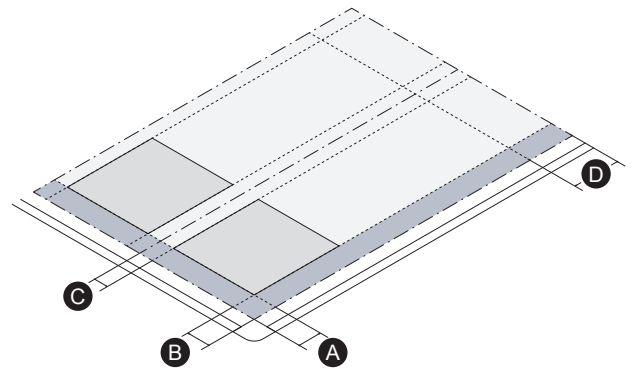
1. Zoning Lot Standards

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



2. Building Placement

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



**Frontage**

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

**Lot Dimensions**

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

**Lot Development**

|                            |         |
|----------------------------|---------|
| <b>C</b> Building Coverage | 40% max |
|----------------------------|---------|

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

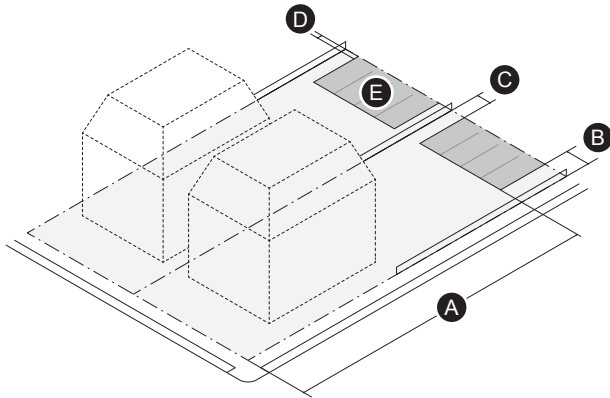
**Building Setbacks**

|   |         |         |
|---|---------|---------|
| <b>A</b> Primary Front Setback <sup>2</sup>   | 10' min | 20' max |
| <b>B</b> Secondary Front Setback <sup>2</sup> | 6' min  | 10' max |
| <b>C</b> Side Setback                         | 5' min  |         |
| <b>D</b> Rear Setback                         | 20' min |         |

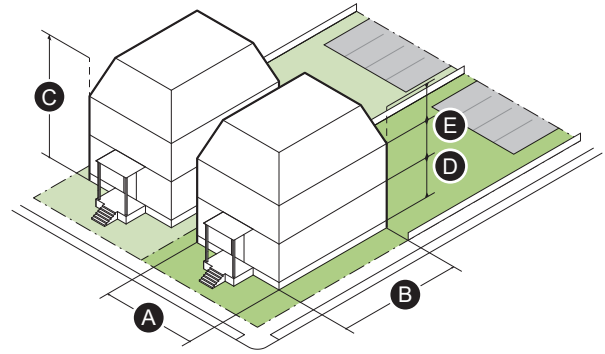
<sup>2</sup>Additional standards found in Sec. 9 (c) 5

**3. Access and Parking**

(Additional standards found in Sec. 10)

**4. Building Standards**

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

**Parking Setbacks**

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

**Parking Ratio**

|                         |                        |
|-------------------------|------------------------|
| <b>E</b> Parking Spaces | 0.5/DU min<br>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         |
| <b>A</b> Width             | 25' min 30' max |
| <b>B</b> Depth             | 40' min 55' max |
| <b>C</b> Number of Stories | 2.5 max         |
| Story Height               | 10' min         |
| Ground Floor Elevation     | 2' min          |
| Building Height, Feet      | 30' max         |

**Fenestration**

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

**Use & Occupancy**

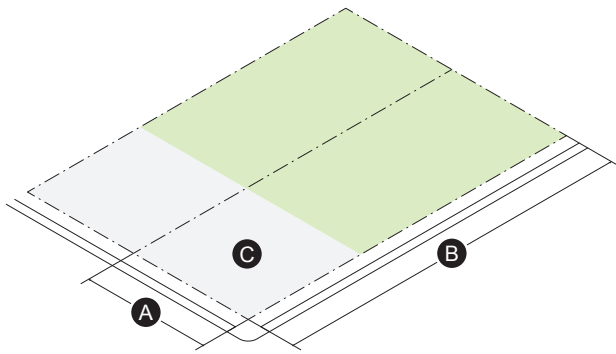
|                       |          |
|-----------------------|----------|
| Outdoor Amenity Space | 1/DU min |
|-----------------------|----------|

Principal and Rear Building Types

(e) MULTIPLEX

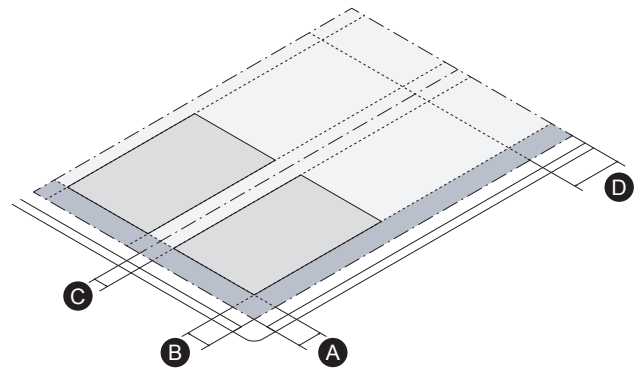
1. Zoning Lot Standards

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



2. Building Placement

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



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

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

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

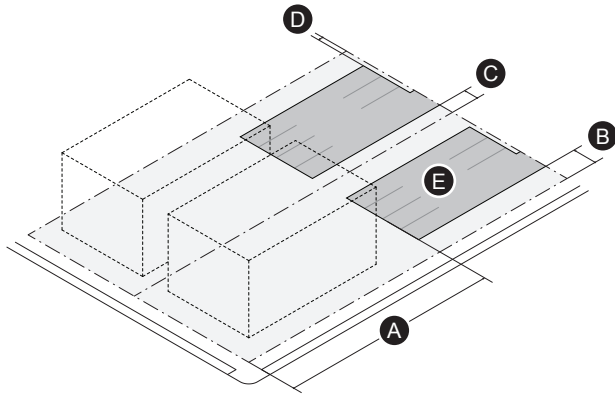
<sup>1</sup>Additional standards found in Sec. 7

| Building Setbacks                             |         |         |
|---|---------|---------|
| <b>A</b> Primary Front Setback <sup>2</sup>   | 8' min  | 20' max |
| <b>B</b> Secondary Front Setback <sup>2</sup> | 8' min  | 20' max |
| <b>C</b> Side Setback                         | 5' min  |         |
| <b>D</b> Rear Setback                         | 20' min |         |

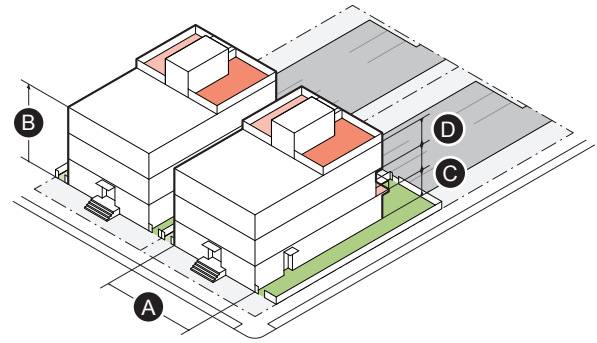
<sup>2</sup>Additional standards found in Sec. 9 (c) 5

**3. Access and Parking**

(Additional standards found in Sec. 10)

**4. Building Standards**

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

**Parking Setbacks**

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

**Parking Ratio**

|                         |                          |
|-------------------------|--------------------------|
| <b>E</b> Parking Spaces | 0.5/DU min<br>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         |
| <b>A</b> Width             | 35' min 38' max |
| <b>B</b> Number of Stories | 2 min 3 max     |
| Story Height               | 10' min         |
| Ground Floor Elevation     | 2' min          |
| Building Height, Feet      | 40' max         |

**Fenestration**

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

**Use & Occupancy**

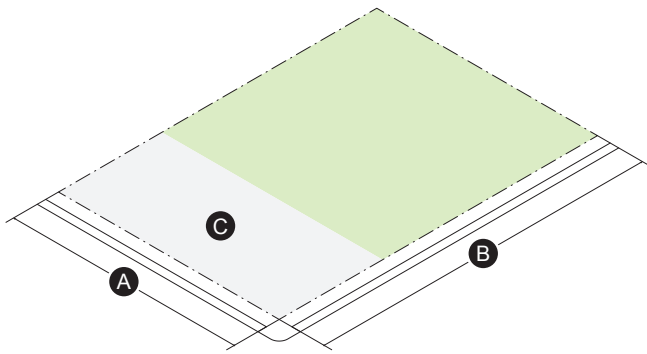
|                       |          |
|-----------------------|----------|
| Outdoor Amenity Space | 1/DU min |
|-----------------------|----------|

Principal and Rear Building Types

(f) TOWNHOUSES

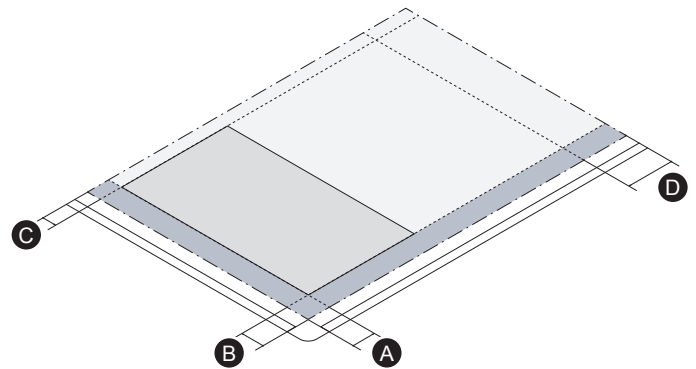
1. Zoning Lot Standards

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



2. Building Placement

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



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

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

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

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

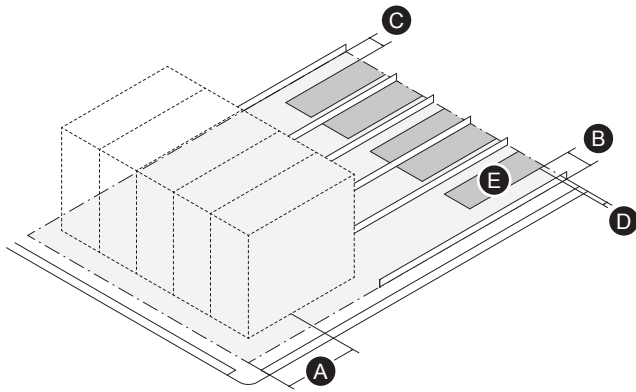
| Building Setbacks                             |         |         |
|---|---------|---------|
| <b>A</b> Primary Front Setback <sup>2</sup>   | --      | --      |
| A Street                                      | 0' min  | 3' max  |
| I-75 Service Dr.                              | 25' min | 35' max |
| B & C Street                                  | 8' min  | 20' max |
| <b>B</b> Secondary Front Setback <sup>2</sup> | --      | --      |
| B & C Street                                  | 8' min  | 20' max |
| <b>C</b> Side Setback                         | --      | --      |
| Party Lot Line                                | 0' min  |         |
| Side Lot Line                                 | 5' min  |         |
| <b>D</b> Rear Setback                         | 20' min |         |

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

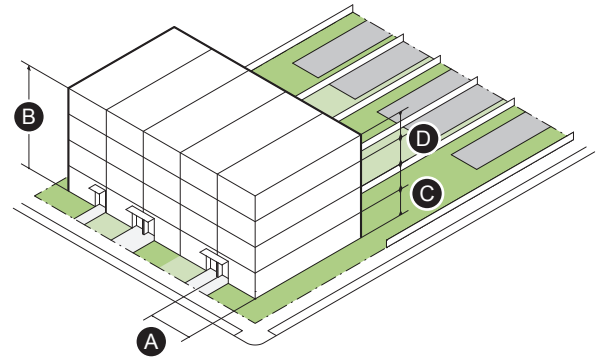


**3. Access and Parking**

(Additional standards found in Sec. 10)

**4. Building Standards**

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

**Parking Setbacks**

|                                  |         |
|----------------------------------|---------|
| <b>A</b> Primary Front Setback   | 15' min |
| <b>B</b> Secondary Front Setback | 10' min |
| <b>C</b> Side Setback            | 5' min  |
| <b>D</b> Rear Setback            | 0' min  |

**Parking Ratio**

|                         |                        |
|-------------------------|------------------------|
| <b>E</b> Parking Spaces | 0.5/DU min<br>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         |
| <b>A</b> Width Per Unit    | 16' min 25' max |
| <b>B</b> Number of Stories | 2 min 4 max     |
| Story Height               | 10' min         |
| Ground Floor Elevation     | 2' min          |
| Building Height, Feet      | 50' max         |

**Fenestration**

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

**Use & Occupancy**

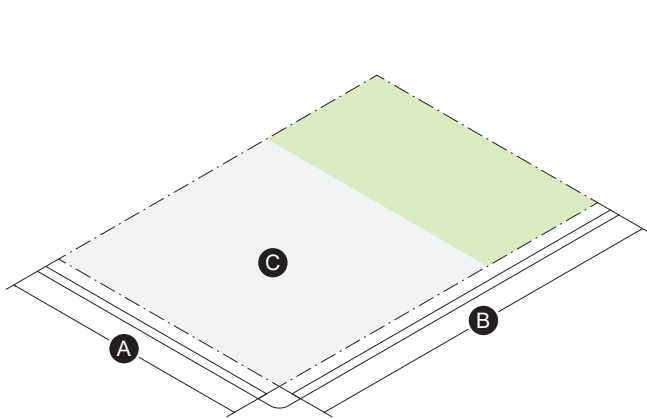
|                       |              |
|-----------------------|--------------|
| Total Attached Units  | 2 min 10 max |
| Outdoor Amenity Space | 1/DU min     |

Principal and Rear Building Types

(g) MID-RISE BUILDING

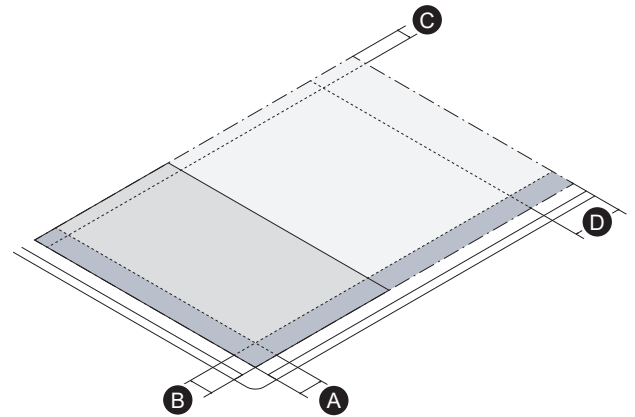
1. Zoning Lot Standards

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



2. Building Placement

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



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

| Lot Dimensions |         |
|----------------|---------|
| <b>A</b> Width | 50' min |
| <b>B</b> Depth | 85' min |

| Lot Development            |        |
|----------------------------|--------|
| <b>C</b> Building Coverage | No max |

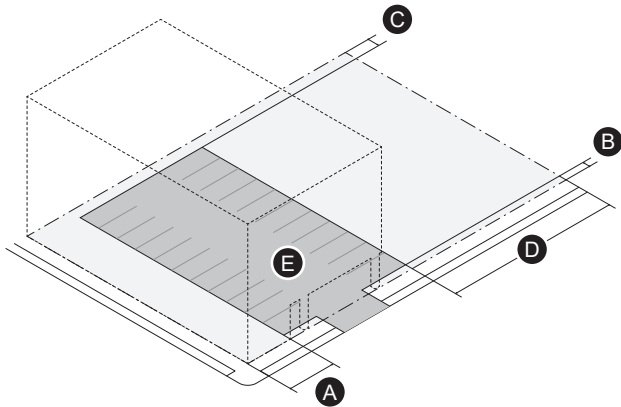
| Building Setbacks                             |         |         |
|---|---------|---------|
| <b>A</b> Primary Front Setback <sup>2</sup>   | 0' min  | 10' max |
| I-75 Service Dr.                              | 25' min | 35' max |
| <b>B</b> Secondary Front Setback <sup>2</sup> | 0' min  | 10' max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

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

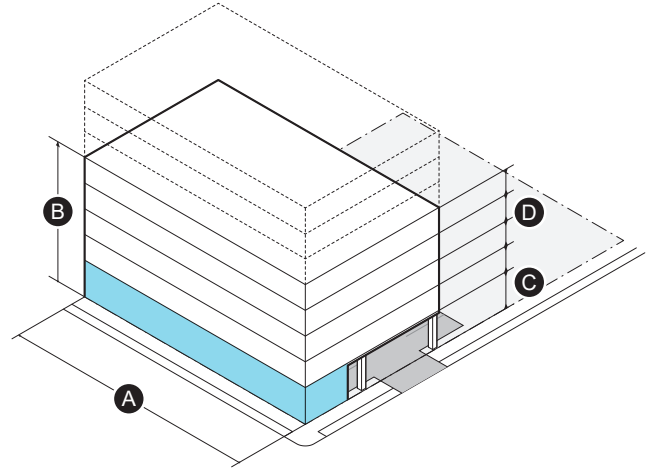
<sup>1</sup> Additional standards found in Sec. 7

**3. Access and Parking**

(Additional standards found in Sec. 10)

**4. Building Standards**

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

**Parking Setbacks**

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

**Parking Ratio**

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

**Parking Access**

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

**Lot Perimeter Definition**

(Additional standards found in Sec. 11)

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

**Massing**

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

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

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

**Use & Occupancy**

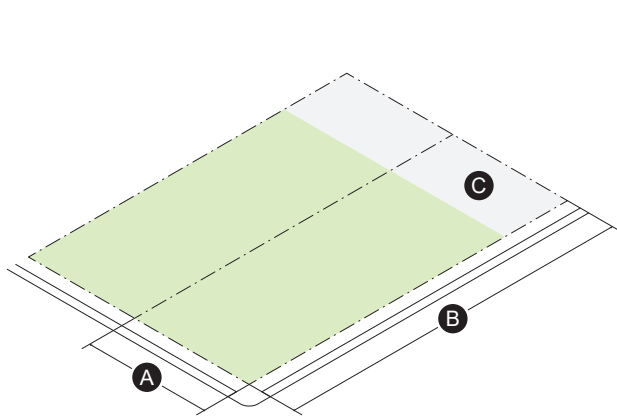
|                       |          |
|-----------------------|----------|
| Outdoor Amenity Space | 1/DU min |
|-----------------------|----------|

Principal and Rear Building Types

(h) CARRIAGE HOUSE

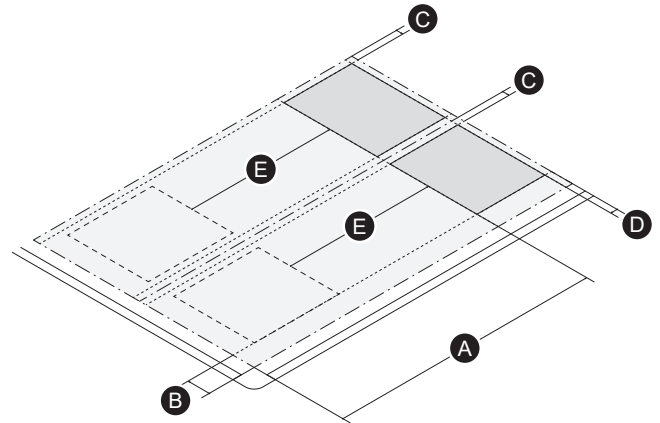
1. Zoning Lot Standards

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



2. Building Placement

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



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

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

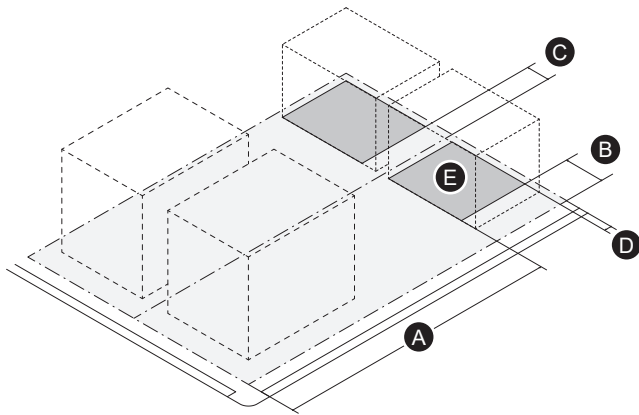
| Lot Development            |         |
|----------------------------|---------|
| <b>C</b> Building Coverage | 20% max |

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

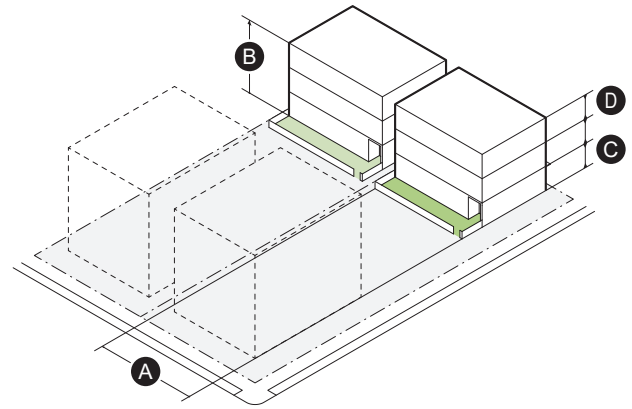
<sup>1</sup>Additional standards found in Sec. 7

**3. Access and Parking**

(Additional standards found in Sec. 10)

**4. Building Standards**

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

**Parking Setbacks**

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

**Parking Ratio**

|                         |            |
|-------------------------|------------|
| <b>E</b> Parking Spaces | 0.5/DU min |
|-------------------------|------------|

**Parking Access**

|                   |                 |
|-------------------|-----------------|
| Abutting an Alley | Permissible     |
| Primary Frontage  | Not Permissible |

**Lot Perimeter Definition**

(Additional standards found in Sec. 11)

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

**Massing**

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

**Fenestration**

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

**Use & Occupancy**

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

Principal and Rear Building Types

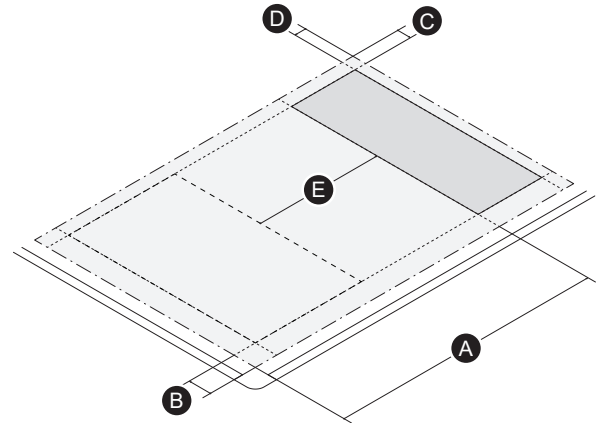
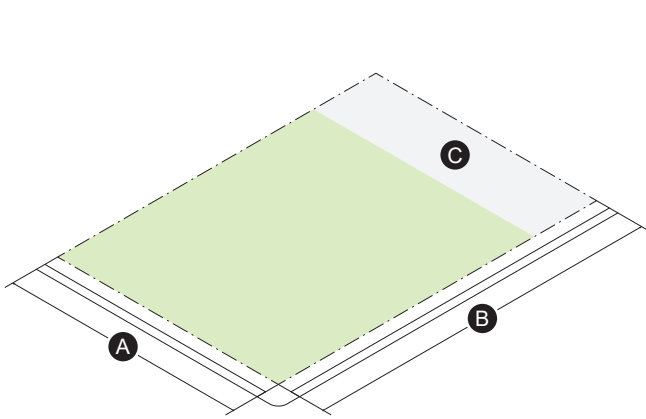
(i) MEWS BUILDING

1. Zoning Lot Standards

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

2. Building Placement

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



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

| Lot Dimensions |          |
|----------------|----------|
| <b>A</b> Width | 80' min  |
| <b>B</b> Depth | 135' min |

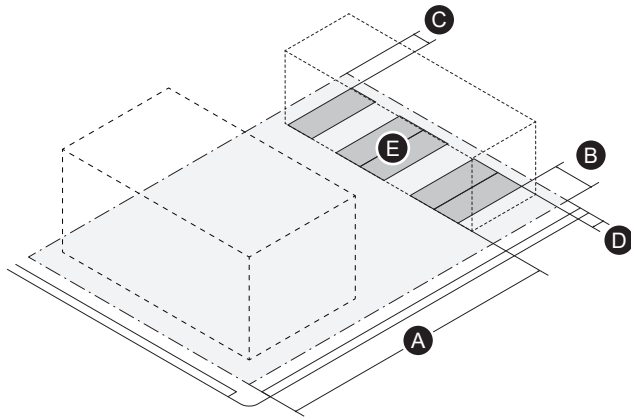
| Lot Development            |         |
|----------------------------|---------|
| <b>C</b> Building Coverage | 20% max |

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

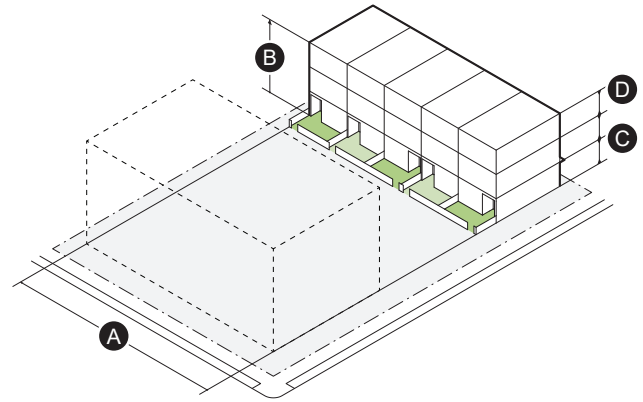
<sup>1</sup>Additional standards found in Sec. 7

**3. Access and Parking**

(Additional standards found in Sec. 10)

**4. Building Standards**

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

**Parking Setbacks**

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

**Parking Ratio**

|                         |            |
|-------------------------|------------|
| <b>E</b> Parking Spaces | 0.5/DU min |
|-------------------------|------------|

**Parking Access**

|                   |                 |
|-------------------|-----------------|
| Abutting an Alley | Permissible     |
| Primary Frontage  | Not Permissible |

**Lot Perimeter Definition**

(Additional standards found in Sec. 11)

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

**Massing**

|                            |                  |
|----------------------------|------------------|
| Facade Build Out           | 60% min          |
| <b>A</b> Width             | 35' min 200' max |
| <b>B</b> Number of Stories | 2 min 3 max      |
| Story Height               | 10' min          |
| Ground Floor Elevation     | 0' min           |
| Building Height, Feet      | 35' max          |

**Fenestration**

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

**Use & Occupancy**

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

Use Standards

**SEC. 13 USE STANDARDS.**

**(a) In General.**

1. The use of any zoning lot within the area to which this Form-Based Code applies is subject to the applicable provisions of Article XII, Divisions 2 and 3 of this chapter. If any provision in this section conflicts with the provisions of Article XII of this chapter, this section controls.
2. Uses are permissible on a zoning lot based on the type of the street that abuts the primary front lot line of the zoning lot, according to Table 13 in this section. Use categories and specific use types not expressly authorized for any particular street type are prohibited.

**(b) Use categories.**

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

**(c) Understanding the use table.**

Table 13 in this section is organized as follows:

1. Use categories and specific use types are identified in the first column of Table 13 in this section and are separated by headings for organizational purposes.
2. The permissibility of each specific use type on zoning lots that are adjacent to each street type are identified in the second, third, and fourth columns of Table 13 in this section.
3. *Uses permissible by-right.* An “R” in Table 13 in this section corresponding to a particular specific use type and street type indicates that the specific use type is permissible as a matter-of-right on any zoning lot for which the primary front lot line abuts a street of the specified street type, subject to compliance with all other applicable regulations of this chapter.
4. *Uses not permissible.* An “N” in Table 13 in this section corresponding to a particular specific use type and street type indicates that the specific use type is not permissible on any zoning lot for which the primary front lot line abuts a street of the specified street type.
5. *Uses for civic spaces.* Notwithstanding anything in this Form-Based Code to the contrary, the following specific use types are permissible as a matter of right on any zoning lot shown as civic space on Map 7(b) in Section 7 of this Form-Based Code, regardless of the street type that abuts the primary front lot line of the zoning lot. Specific use types that are not expressly authorized as a matter of right is prohibited.
  - i. Outdoor recreation facility.
  - ii. Outdoor art exhibition grounds; sculpture gardens.
  - iii. Urban garden.
  - iv. Retail sales incidental and accessory to permissible uses in the Civic Spaces, such as food service, concession stands and other activities deemed appropriate by the City Planning Commission staff.



**TABLE 13: Permissible Uses.**

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

R - By-Right    N - Not Permissible

Use Standards

**TABLE 13: Permissible Uses.**

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

R - By-Right    N - Not Permissible

**TABLE 13: Permissible Uses.**

| Use Category<br>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        |
| <b>Retail sales and service; sales oriented</b>   |                    |          |          |
| 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        |
| <b>Retail sales and service; service oriented</b>   |                    |          |          |
| 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

Use Standards

**TABLE 13: Permissible Uses.**

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

R - By-Right    N - Not Permissible