

**Lauren Hood, MCD**  
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**Marcell R. Todd, Jr.**  
Director

## City of Detroit

**CITY PLANNING COMMISSION**  
208 Coleman A. Young Municipal Center  
Detroit, Michigan 48226  
Phone: (313) 224-6225 Fax: (313) 224-4336  
e-mail: [cpc@detroitmi.gov](mailto:cpc@detroitmi.gov)

**Brenda Goss Andrews**  
**Kenneth R. Daniels**  
**David Esparza, AIA, LEED**  
**Ritchie Harrison**  
**Gwen Lewis**  
**Melanie Markowicz**  
**Frederick E. Russell, Jr.**

**TO:** City Planning Commission

**FROM:** Kimani Jeffrey, Staff

**RE:** The initiative of the City Planning Commission (staff) to amend Chapter 50, Zoning, of the 2019 Detroit City Code, by amending Article XVII, *Zoning District Maps*, Section 50-17-5, *District Map No. 4* by modifying the existing PD (Planned Development District) zoning classification, established by Ordinance 2020-33 also known as the Brush Park Form-Based Code, identified as land generally bounded by Mack Avenue, Beaubien Street, Wilkins Street, the Chrysler Freeway Service Drive, the Fisher Freeway Service Drive, Woodward Avenue, Erskine Street, and John R Street, but excluding certain properties abutting Woodward Avenue.  
**(RECOMMENDATION APPROVAL, SAME DAY ACTION REQUESTED)**

**DATE:** September 20, 2022

On September 22, 2022 the City Planning Commission (CPC) will hold a 5:10 p.m. public hearing on the subject rezoning. A map of the rezoning can be found below.

### **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:<sup>1</sup>“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.

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<sup>1</sup> Form-Based Codes Institute website

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

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

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### PROPOSAL

The CPC staff and Planning and Development Department have been administering the Brush Park Form Based Code for approximately two years now since its adoption in July of 2020. To-date approximately 10+ projects ranging from minor modifications, 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 for Brush Park residents. 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 there be a ground floor elevation.*

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 staff deems appropriate.

*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:** Blank wall area standards are proposed to be changed to apply only 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.

*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:** Lowering 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. ~~**Mid-Rise Building:** Changing the rear setback minimum from 20' to 12' for this typology.~~

~~*Explanation: This proposal was eliminated based on community feedback, but inadvertently included in the public hearing notice. City staff withdraws this proposal.*~~

10. **Rear Building Setbacks:**

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.

*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. The Future Land Use map for this area shows Mixed-Residential Commercial (MRC) and High-Density Residential (RH). The Planning & Development Department (P&DD) has been requested to provide a Master Plan Interpretation for this matter.

##### ***Community Input***

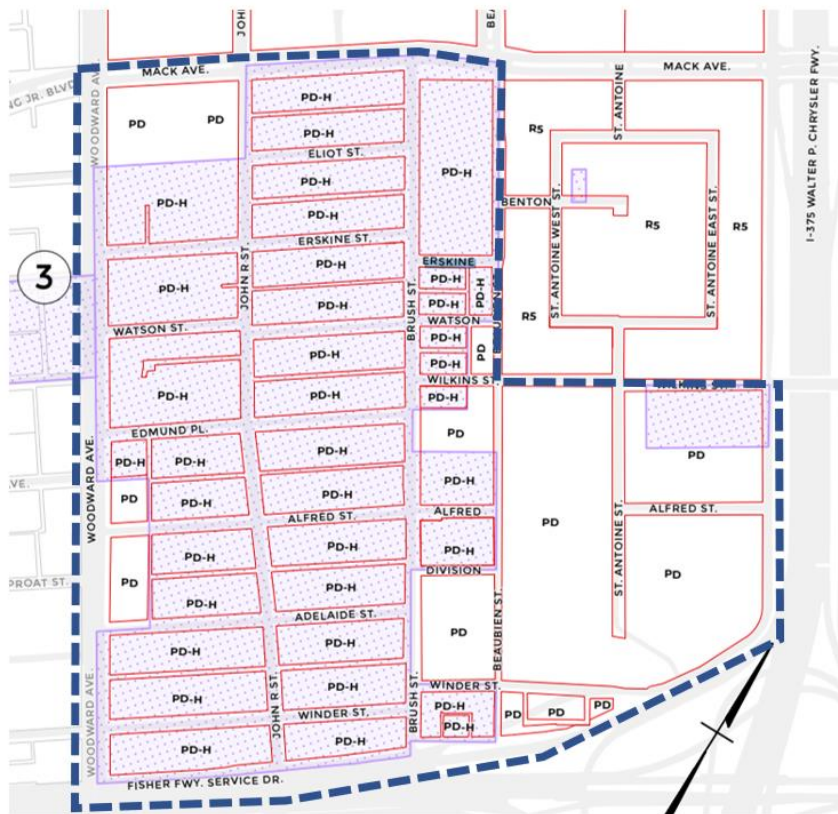
City staffs have met with the Brush Park CDC and larger community on two occasions. The subject PD modification proposals were presented at a CDC board meeting and an at-large community meeting. City staff made minor amendments to the original proposal based on the community input so that what is currently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

#### **CONCLUSION**

At the time of adoption of the FBC ordinance, staff anticipated that there would be the likely 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 nicely. 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.

- 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)**