# **CHARTER TOWNSHIP OF YPSILANTI**

# **PROPOSED ORDINANCE 2019-487**

## Amending the Zoning Ordinance of the Charter Township of Ypsilanti to add Article XI–A – Ecorse Road Form Based District to enact form-based zoning and updated uses and to rezone Ecorse Road to be consistent with the Article XI-A Zoning Ordinance language.

<u>SECTION 1</u>. AMENDMENT TO TOWNSHIP ZONING ORDINANCE TO ADD ARTICLE XI-A:

#### ARTICLE XI – A ECORSE ROAD FORM BASED DISTRICT (ERFB)

#### SECTION 1140 - GENERAL INTENT AND PURPOSE

A. Intent. The ECORSE ROAD FORM BASED DISTRICT (ERFB) is intended to implement the vision established by the Township Master Plan and the E. Michigan Avenue and Ecorse Road Placemaking Plan, to transform the Ecorse Road corridor into a vibrant, dynamic area through placemaking and the attraction of new investment. The Ecorse Road Form Based District allows for the consolidation and creative redevelopment of parcels.

Development of buildings and sites, including retrofitting and redevelopment of existing sites and buildings, can include residential, retail, office, and service uses. Uses designed to support the residents and local workers are also encouraged, such as mixed-use developments with small scale retail or restaurant uses incorporated with housing units. The redeveloped corridor will help diversify the Township housing and commercial stock and incorporate architecturally interesting buildings.

Consolidation of parcels in the District is encouraged in order to provide for a quality and consistent development pattern. Incentives include additional building forms and more permitted uses.

- **B. Purpose.** The general purpose of these regulations is as follows:
  - a. Promote new investment opportunities by allowing a wide range of potential uses and techniques to expand the employment and economic base.
  - b. Ensure that development is of human scale, primarily pedestrian-oriented, and designed to create attractive streetscapes and pedestrian spaces.
  - c. Ensure that development is designed for all modes of transportation.
  - d. Promote mixed-use development.
  - e. Ensure reasonable transition between higher intensity development and adjacent neighborhoods.
  - f. Improve mobility options and reduce the need for on-site parking by encouraging all modes of transportation, through shared parking, and through on-street parking.
  - g. Provide predictable development approval process.
  - h. Encourage lot consolidation to provide for larger consistent developable sites.
- **C. Factors for Regulation.** These regulations are based on two (2) significant factors: site context and building features.
  - 1. Site context is derived from existing and desired characteristics of an area and recognizes the inherent conditions of the areas where these regulations are applied. Regulated sites types are organized by shape, size, orientation and location.
  - 2. Building feature addresses the manner in which buildings and structures relate to their lots, surrounding buildings, and street frontage. The shape of the building, the land area to volume ratio, and the orientation of the building has a significant impact upon the character of an area. Building

form standards control height, placement, building configuration, parking location, and building transparency applicable to the site context.

## SECTION 1141 - APPLICABILITY AND ORGANIZATION

## A. Applicability.

- 1. Any new use or expansion of existing use that requires site plan review shall comply with the requirements of this Article and other applicable requirements of this Ordinance.
- 2. The requirements of this Article shall not apply to:
  - a. Continuation of a permitted use within an existing structure.
  - b. Changes of use within existing structures that do not require increased parking.
  - c. Normal repair and maintenance of existing structures that do not increase its size or parking demand.
- **B. Regulating Plan**. The Ecorse Road Form Based District shall be governed by a Regulating Plan that is specific to the area.
  - 1. The Regulating Plan based on the site type determines building form and allowable use for each property within a form-based district
  - 2. The Regulating Plan is based on three (3) factors: Site Type; Building Form; and Use Group.
    - a. **Site Types.** Site Types, as set forth in Section 1142.A, are determined by street orientation, lot size, lot configuration, location, and relationship to neighboring sites. Site type provides the basis for building forms and authorized use groups.
    - b. Building Form Standards and Types. Building form standards and types, set forth in Section 1142.B + C, establish the parameters for building form, height, and placement, and are specifically applied to each district based upon the regulating plan.
    - c. **Authorized Use Groups**. Authorized land uses are organized by use groups. Authorized use groups, as set forth in Section 1142.D, are specifically applied to each District based upon the regulating plan.
  - 3. The steps to determine the regulations that apply to a specific property within a form-based district are as follows:
    - a. Find the site in question on the regulating plan map
    - b. Identify the site type for the site in question. Sites will be classified Site Type A, B, or C.
    - c. Consult the Use Groups and Building Forms Permitted table in which the site is located. The table will identify if a use group or building form is permitted, permitted with conditions, or not permitted for the site type and street type combination of the site in question.
    - d. Follow the regulations for the chosen building form when designing the development application. Building form regulations are established in Section 1142.B and 1142.C.
    - e. Follow the design standards as listed in Section 1142.G.
    - f. Obtain site plan approval or special use approval for the chosen building form and use, as appropriate.





- **C. Design Standards**. General design standards, set forth in Section 11.42.G, are supplementary to other requirements of the Ordinance. Generally, the design standards regulate building placement, parking orientation, landscaping, and other site design requirements.
- **D. Modification of District Boundaries**. Any modification to the boundaries of any form-based district shall require rezoning, in accordance with the provisions of Article XXVII, Changes and Amendments.
- E. Modification of Regulating Plan. Specific building form, use group, and design standards applied within each Regulating Plan are based upon the designation of site type. Any modification of site type may be determined by the Planning Commission, notice and after conducting a public hearing in accordance with Sec. 2703.

The Planning Commission shall consider the following in making a determination to modify a site type or street type designation:

- 1. The applicant's property cannot be used for the purpose permitted in the formbased district.
- 2. Area has been added to or deleted from the subject property in question, requiring the modification.
- 3. The proposed modification and resulting development will not alter the essential character of the area.
- 4. The proposed modification meets the intent of the district.
- 5. Existing streets have been improved and/or new streets constructed that may result in the modification of a specific site type.
- 6. Modification to the Regulating Plan is in conformance to the Master Plan and Placemaking Plan.
- **F. Nonconformities**. Nonconformities shall be regulated in accordance with Article XXII of the Zoning Ordinance.

#### SECTION 1142 - STANDARDS

## A. Site Types

1. **Site Type A** (neighborhood residential or mixed-use sites)

Site Type A is composed of lots one-half (0.5) acre or smaller and is reserved primarily for residential use and for smaller non-residential use which is compatible with a residential setting. Site Type A is generally located in areas which serve as a transition between the Ecorse Road and neighboring residential areas. The building form selected for these sites must consider both the front elevation that fronts on the street but also the rear/side elevation that is adjacent to residential in order to maintain compatibility with adjacent uses.

2. Site Type B (neighborhood commercial/office or mixed-use sites)

Made up mostly of lots between one-half (0.5) and one (1) acre in area, the Site Type B category may include free standing single-use sites developed for commercial and office uses serving the surrounding neighborhood or mixed-use developments. Size and character may vary based on the unique characteristic of each parcel. Small retail and food-service uses would often be found in this category, as well as small single or multi-tenant commercial or office buildings.

3. Site Type C (Community commercial/office and mixed-use sites)

The sites in Site Type C are mostly larger than one (1) acres in area. Site Type C size and character may vary based on the unique characteristic of each parcel. This category can include free standing single-use or mixed-use developments that are designed to serve a broader community-wide market.

## B. Building Form Standards.

- 1. The ERFC district permit a series of building forms, dependent on the site context. The building forms, set forth in 1142.C, are designated within the district location based on the regulating plan. Building forms are classified in the following manner:
  - a. Permitted Building Forms. These building forms are permitted as of right in the locations specified.
  - b. Prohibited Building Forms. Building forms that are not identified as permitted in the locations specified are prohibited.
  - c. Exceptions: For all building forms in all locations, awnings, signs, other projections (architectural projections, bay windows, etc.) may project beyond the required building line by up to 5 feet. Projections will be reviewed by the Township to ensure public safety.
- 2. The regulating plan dictates the site type for each individual property in the district. Building forms are identified within each district as permitted or not permitted based upon the site type.
- 3. Non-Residential Development Height, Setback, and Greenbelt Provisions when adjacent to any Residentially Zoned or Used Property.
  - a. Setback and Greenbelt:
    - i. Site Type A and B. The following setback and greenbelt shall be provided for any parcel zoned Site Type A or B that is adjacent to a residentially zoned or used parcel.
      - a. When a parcel is abutting or adjacent to a residentially zoned or used parcel without an intervening constructed alley or street, the building setback from the property line of the residentially zoned or used parcel shall be no less than the height of the building on the parcel zoned ERFB.
      - b. When a parcel is abutting or adjacent to a residentially zoned or used parcel without an intervening alley or street, a minimum 10-foot landscaped greenbelt shall be maintained from the property line of the residentially zoned or used parcel. The greenbelt shall be

landscaped and screened with a solid fence or decorative wall up to six feet in height erected parallel to any common lot line, with a ten-foot wide planting strip along the base of the wall or fence that consists of one evergreen tree and one canopy tree per 30 lineal feet along the property line.

- c. The Planning Commission may deviate from these setback and greenbelt provisions in the course of its site plan review process; however, the Planning Commission shall not permit a setback or greenbelt that is less than required in the building form. In the review of the deviation, the Planning Commission shall consider the standards as set forth in Section 1142.B..3.b.
- ii. Site Type C. The following setback and greenbelt shall be provided for any parcel zoned Site Type C that is adjacent to a residentially zoned or used parcel.
  - a. When a property is abutting or adjacent to a residentially zoned or used parcel without an intervening alley or street, the setback from the property line of the residentially zoned or used parcel shall be no less than 1.5 times the height of the building on the non-residential parcel.
  - b. When a property is abutting or adjacent to a residentially zoned or used parcel without an intervening alley or street, a minimum 20-foot landscaped greenbelt shall be maintained from the property line of the residentially zoned or used parcel. The greenbelt shall be landscaped in accordance with Section 2108.C.
  - c. The Planning Commission may deviate from these setbacks and greenbelt provisions in the course of its site plan review process; however, the Planning Commission shall not permit a setback or greenbelt that is less than required in the building form. In the review of the deviation, the Planning Commission shall consider the standards set forth in Section 1142.B.3.b.
- b. Deviation Standards:
  - i. Height, setback, and greenbelt deviations may be granted by the Planning Commission if the following is found:
    - a. The deviation shall not adversely impact public health, safety, and welfare.
    - b. The deviation shall maintain compatibility with adjacent uses.
    - c. The deviation shall be compatible with the Master Plan and in accordance with the goals and objectives of the Master Plan and any associated subarea and corridor plans.
    - d. The deviation shall not adversely impact essential public facilities and services, such as: streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water and sewage facilities, and schools.
    - e. The deviation shall be in compliance with all other zoning ordinance standards.
    - f. The deviation shall not adversely impact any on-site or off-site natural features.
- C. Building Form Types









## **D.** Authorized Use Groups.

- 1. Authorized uses are categorized by use groups as set forth in Table 1142.D. Use groups generally contain similar types of uses in terms of function, character, and intensity.
- 2. Use groups are designated in locations within each district based on the regulating plan. Use groups are classified in the following manner:
  - a. Permitted Use Groups. These use groups are permitted as of right in the locations specified.
  - b. Special Use Groups. These use groups are permitted after review and approval by the Planning Commission, in accordance with the procedures set forth in Section 2119 and the standards in this Ordinance.
  - c. Prohibited Use Groups. These use groups not indicated as permitted are prohibited in the locations specified.

- d. Uses permitted in all locations within the District. Public parks and essential public services are permitted by right in all locations.
- e. Similar Uses. If a use is not listed but is similar to other uses within a use group, the Zoning Administrator may make the interpretation that the use is similar to other uses within a use group.

The Zoning Administrator may also make the determination whether the use is permitted as of right, permitted in upper stories only, or permitted as a special use. The Zoning Administrator may obtain a recommendation from the Planning Commission as to whether or not the proposed use is similar to a use permitted as of right, permitted in upper stories only, or permitted as a special use.

# Table 1142.DUse Groups by Category

Use Group 1 Residential Uses:					
One-Family detached and attached dwellings, subject to regulations in Section 1801					
Two-Family dwellings					
Use Group 2					
Misc. Residential / Related Uses:					
Multiple-Family dwellings					
Live/Work units					
Child care centers, subject to regulations in Section 1861					
Bed and Breakfast, subject to regulations in Section 1808					

Use Group 3 Office / Institutional:					
Civic Buildings					
General office					
Professional and medical office					
Primary/secondary schools (private)					
Publicly owned/operated office and service facilities					
Veterinary clinics or veterinary hospitals, subject to regulations in					
Section 1820 and Section 1821, respectively					
Use Group 4					
Retail, Entertainment, and Service Uses:					
Financial institutions					
General retail					
Food use without a drive-through					
Personal services					
Business services					
Use Group 5					
Misc. Uses:					
Commercial kennels / pet day care					
Medical Clinics and Hospitals					
Technology centers / office research / data center					
Funeral homes					
Senior assisted/independent living					
Group day care homes, subject to regulations in Section 1861					
Lodging					
Places of Worship					
Fitness, gymnastics, and exercise centers					
Theatres and places of assembly					
Indoor commercial recreation establishments					
Use Group 6					
▲					
Automotive Uses:					
▲					

# E. Ecorse Road Form Based Code District Regulating Plan



F. Ecorse Road Form Based Code District Regulating Plan Table

Site Type	Building Form		Use Group	
Site Truce A	Downsitted Davilding	A 1 A 2	Permitted Use Group	1, 2, 3, 4
Site Type: A	Permitted Building Form	A1, A2	Special Use Group	
		A1 A2 D	Permitted Use Group	2, 3, 4
Site Type: B	Permitted Building Form	A1, A2, B	Special Use Group	6
	Denne: (4 - 1 Dec 111)	B, C	Permitted Use Group	2, 3, 4
Site Type: C	Permitted Building Form		Special Use Group	5, 6

**G. Design Standards.** In addition to standards set forth in this Ordinance, all proposed development shall comply with the standards set forth herein.

## 1. Pedestrian/Non-Motorized Access

a. **Intent.** To ensure that site layout and building design provides safe and convenient pedestrian and bicycle access both to and within a site and between adjacent sites.

## b. Standards

- i. A pedestrian connection shall provide a clear connection between the primary street upon which the building fronts and the building. Connection may include pavement striping.
- ii. Pedestrian access shall be clearly identified from parking areas and all entrances to a building.

- iii. Where appropriate, sidewalks fronting the public right-ofway should be designed to accommodate space for activities such as outdoor dining.
- iv. All sites shall provide a bike rack for at least two (2) bicycles within fifty (50) feet of the building entrance.

## 2. Building Placement and Orientation

a. **Intent.** To require building placement that provides a strong visual and functional relationship with its site, adjacent sites, and the primary street upon which the site is located. Ensure consistency within sites and to adjacent sites to provide distinct building groups which exhibit similar orientation, scale, and proportion.

## b. Standards

- i. Setbacks and building orientation shall reinforce a consistent pattern of siting.
- ii. Primary building entrances shall be located so that they are easily identifiable with convenient public access.
- iii. Buildings should enhance street corners through the use of prominent architectural or site features.

## 3. Parking Placement, Orientation, and Screening

a. **Intent.** To provide a circulation system that efficiently moves vehicles in a well-defined manner, while reducing the visual impact of parking areas and mitigating conflict between pedestrians, bicycles, and automobiles.

# b. Standards

i.

- Required Parking. Off-street parking shall be provided for a principal use erected, altered, or expanded after the effective date of this Ordinance in accordance with the standards set forth in Sec. 2104.
  - a. The Form Based districts are intended to encourage pedestrian and friendly design and compact mixed-use developments. Applicants are encouraged to consider the provisions for shared parking and flexibility in application set forth in Sec. 2104.
  - b. The placement and design of parking areas and structures shall foster safe pedestrian access and circulation and clearly identifiable public access and visitor parking. Pedestrian access shall be provided between all parking areas and public building entrances.

## ii. Location

- When parking is located in a side yard (behind the front building line) but fronts on the required building line, no more than twenty-five (25) percent of the total site's linear feet along the required building line or sixty (60) feet, whichever is less, shall be occupied by parking.
- b. For a corner lot, no more than twenty-five (25) percent of the site's cumulative linear feet along the required building lines or sixty (60) feet, whichever is less, shall be occupied by parking. The building shall be located in the corner of the lot adjacent to the intersection.

c. Where off-street parking is visible from a street, it should be screened in accordance with the standards set forth in 2108.

## 4. Architectural Design and Building Materials

a. **Intent.** To create a character for the form-based district that encourage the greatest amount of visual interest, architectural consistency, and high-quality material use. The standards are not intended to limit imagination, innovation, or variety.

## b. Architectural Design Standards

## i. Building Massing and Scale

- a. Rooflines and pitches shall be proportionate to nearby structures so as to provide transition or mitigation of significant changes to scale. Variety in massing can occur though step-backs as a building ascends upward
- b. Buildings shall maintain a consistent street wall with the longest edge of the buildings oriented parallel to the roadway, where possible.
- c. Buildings within the same development shall be designed to provide a unified and easily identifiable image. Methods to achieve this include using similar architectural styles and materials, complementary roof forms, signs, and colors.

## ii. Façade Variation.

- a. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance, using the following architectural techniques: Building wall offsets (projections and recesses); cornices, varying building materials or pilasters used to break up the mass of a single building; staggering of vertical walls; recessing of openings; providing upper-level roof overhangs; contrasting compatible building materials; use of variety and rhythm of window and door openings; use of horizontal and vertical architectural elements, use of horizontal bands of compatible colors; and providing changes in roof shape or roof-line.
- b. Materials shall be selected for suitability to the type of buildings and the architectural design in which they are used.
- c. Material selection shall be consistent with architectural style in terms of color, shades, and texture, however monotony shall be avoided.

## 5. Transparency

- a. **Intent.** The first floors of all buildings shall be designed to encourage and complement pedestrian-scale activity and crime prevention techniques. It is intended that this be accomplished principally by the use of windows and doors arranged so that active uses within the building are visible from or accessible to the street, and parking areas are visible to occupants of the building.
- b. **Transparency Standards.** These standards apply only to buildings with non-residential uses on the ground floor:
  - 1. Façade transparency shall be defined as the use of glass or transparent material that provides from the building exterior a view into the building of interior habitation and human scale.

Signs covering windows, and the use of tinted, reflective or opaque glass do not meet the definition of façade transparency.

- 2. The first floors of all buildings shall be designed to encourage and complement pedestrian-scale activity and crime prevention techniques. It is intended that this be accomplished principally by the use of windows and doors arranged so that active uses within the building are visible from or accessible to the street, and parking areas are visible to occupants of the building. The first floor of any front façade facing a right-of-way shall be no less than fifty (50) percent windows and doors, and the minimum transparency for facades facing a parking area shall be no less than thirty (30) percent of the façade.
- 3. First-floor transparency is measured between two and eight feet above the first-floor elevation.
- 4. Nothing shall be placed on or inside window to reduce transparency less than the 50% requirement.
- 5. For multiple tenant buildings, the minimum transparency requirement must be met by each suite or tenant.

# 6. Landscaping

a. **Intent.** To incorporate appropriate landscaping to enhance visual appearance, provide transitions between properties, and screen unsightly areas

#### b. Landscaping Standards.

- 1. In addition to the standards set forth in Sec. 2108, the following standards shall be met.
- 2. Landscaping shall conform and incorporate existing landscape and topographic features.
- 3. Landscaping within courtyards, patios, and pedestrian realm may include hardscape and softscape materials.
- 4. Landscaping shall maintain adequate sight lines for visual safety, visibility and efficient security.
- 5. Landscaped areas, including landscaped parking islands and medians, shall be separated from vehicular and pedestrian encroachment by curbs and raised planting areas.

#### 8. Loading and Storage Areas

a. **Intent.** To ensure that loading, storage, and other building utility features are designed to be a part of the overall building as so to reduce the visual impact

#### b. Standards

#### 1. Utilities and Mechanical Screening

- a. Utility structures located between the building and the public right-of-way shall be screened as set forth in Article XXI. Screening may include walls, fencing, or landscaping that is consistent with the character and materials of the development.
- b. Trash enclosures shall be placed adjacent to the rear wall of corresponding buildings or shall be located away from portions of the site which are highly visible from public roadways or private properties with dissimilar improvements. Trash

enclosures shall be screened as set forth in Article XXI with walls, fencing or landscaping that are consistent with the character and materials of the development.

# 2. Loading

- a. Service areas shall be designated by markings and/or signage to delineate them from pedestrian access and limit conflicts between service/delivery vehicles and patrons (e.g. pedestrians, bicyclists and transit users).
- b. Loading and service areas shall be located on the sides or rears of the buildings.
- c. Loading and service areas shall be screened from the public right-of-way with the use of fencing, landscaping, or walls.

**<u>SECTION 4</u>**. **PUBLICATION.** This ordinance shall be published in a newspaper of general circulation as required by law.

**<u>SECTION 5.</u> EFFECTIVE DATE:** This ordinance shall become effective upon publication in a newspaper of general circulation as required by law.

**<u>SECTION 6</u>**. **REPEAL:** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify approval of the first reading of Proposed Ordinance No. 2019-487 by the Charter Township of Ypsilanti Board of Trustees assembled at a regular meeting held on June 18, 2019. The second reading is scheduled to be heard on July 16, 2019.

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Karen Lovejoy Roe, Clerk Charter Township of Ypsilanti