

**CITY OF SALINE
WASHTENAW COUNTY, MICHIGAN
ORDINANCE NO. 736**

ORDINANCE TO AMEND THE CITY OF SALINE ZONING ORDINANCE TO PROVIDE FOR AND REGULATE DOWNTOWN FORM-BASED CODE DISTRICTS (DFBC) WITH DOWNTOWN CORE (D-1) AND DOWNTOWN EDGE (D-2) DISTRICTS.

THE CITY OF SALINE ORDAINS:

SECTION 1. That Article 4. Zoning District Regulations of the City of Saline Zoning Ordinance, is hereby amended by adding at the end thereof, Section 4a, which shall read as follows:

Section 4a.01. Intent.

The Zoning Ordinance regulates the intensity and use of development, which is appropriate in most parts of the City. There are also areas within the City in which the Master Plan places greater emphasis on regulating form and character of development as well as use and intensity of use. The Downtown Form-Based Code (DFBC) Districts use form-based provisions to accomplish this, with a special sensitivity to the contextual relevance of two unique downtown subdistricts within the overall DFBC. This unique zoning district allows the City to regulate land use in a more flexible format for this specific area to encourage a viable, dynamic mix of uses.

Physically, the DFBC is intended to promote a unified vision for supporting the historic commercial core of the City of Saline focused on increased and maintained land use intensity and improved public amenities that are oriented as much to the needs of the pedestrian as to those of the automobile. The flexibility in use regulation inherent in the overall DFBC regulations, paired with the prescriptive physical development regulations in the Section will result in a compact, walkable environment that creates new opportunities for investment while protecting quality attributes of the existing area.

Specifically, the DFBC will do the following:

- A. Ensure that development is of human scale, primarily pedestrian-oriented and designed to create attractive streetscapes and pedestrian spaces.
- B. Promote mixed-use development in both a horizontal and vertical form.
- C. Ensure reasonable transition between higher intensity development and adjacent neighborhoods.
- D. Provide economic development opportunities by allowing a wider range of potential uses and creative redevelopment techniques that will expand the employment base and value of land.

- E. Provide a simple, predictable, efficient way to allow complex, innovative development that would otherwise require special planning procedures.
- F. Encourage the incubation of a residential element within the traditional Downtown to foster a 24-hour community.
- G. Establish a development pattern in which new buildings and building modifications enhance the character of the existing built environment.
- H. Orient building entrances and storefronts to the street to add visual interest, put “eyes on the street” for enhanced crime surveillance, increase pedestrian traffic, and create memorable outdoor spaces.
- I. Limit the impact of off-street parking areas which interrupt the flow and consistency of the “street wall.”
- J. Enhance a sense of place and contribute to the sustainability of the City.
- K. Allow a pattern of development which will encourage transportation alternatives (walking, biking, and transit).
- L. Visually distinguish the Downtown from the rest of Saline by encouraging full use of property, consistency, and density while respecting adjacent residential areas.

Section 4a.02. Applicability and Organization.

Any new use, structure, or expansion of an existing use or structure, unless otherwise noted herein, shall comply with the requirements of this Article and other applicable requirements of this Ordinance. Uses, buildings and structures that are nonconforming to the requirements of this Article are subject to the regulations of Article 15, Non-Conforming Uses, Structures, and Lots.

- A. The standards of Section 4a.03.2, Landscape and Streetscape Elements, and Section 4a.05, Design Standards, shall not apply to:
 - 1. Continuation of an existing permitted use within an existing structure provided the new use is permitted in the subdistrict of the DFBC where the site is located.
 - 2. Reoccupation of an existing building with a permitted use provided the new use is permitted in the subdistrict of the DFBC where the site is located.
 - 3. The expansion of an existing structure, whether conforming or legal nonconforming, by less than 500 square feet or 5 percent, whichever is less, when the building will be occupied or reoccupied by a permitted use, provided the new use is permitted in the subdistrict of the DFBC where the site is located.
 - 4. Changes of use within existing structures provided the new use is permitted in the subdistrict of the DFBC where the site is located.

5. Normal repair and maintenance of existing structures that do not increase its size.
 6. Continuation of a legal non-conforming use, building, and/or structure.
- B. The DFBC is divided into two subdistricts. These two subdistricts are identified as the Downtown Core (D-1) and Downtown Edge (D-2). These subdistricts are identified on the Zoning Map as separate and distinct subdistricts within the overall DFBC zoning classification.
- C. This Article contains a set of regulations unique to the DFBC. Specifically, these include:
1. General standards that apply to all DFBC properties in both subdistricts. These include special provisions for parking and landscape and streetscape elements.
 2. Permitted uses table that provides for a dynamic mix of uses throughout both subdistricts.
 3. Design standards applicable to all DFBC properties.
 4. Form-based dimensional requirements for the D-1 and D-2 subdistricts. These include special provisions not found in other zoning districts, including:
 - a. Minimum and maximum height
 - b. Required building lines and setback lines
 - c. Exemptions and modifications from form-based provisions for streetscape elements
 - d. Parking location
 - e. Lot coverage and open space

Section 4a.03. Standards Applicable to D-1 and D-2 Subdistricts.

1. Parking shall not be required in the D-1 subdistrict. Parking shall be provided for D-2 subdistrict sites in accordance with the provisions of Article 13. When provided on-site, whether required or not required, parking must comply with the following:
 - A. When parking is located in a side yard (behind the front building line) but fronts on a 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 greater, shall be occupied by parking.

- B. For a corner lot or lot with multiple frontages, 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 greater, shall be occupied by parking on both frontages.
2. Landscape and streetscape elements shall be required in accordance with Section 7.02 and the following. Whenever provisions of Section 7.02 may conflict with provisions of Article 4a, the provision of Article 4a shall prevail:
- A. Street furniture shall be provided at a ratio of one element for every 30 linear feet of frontage along a right-of-way. Street furniture may be located in the right-of-way or on private property, provided they are located between the front building line and the back-of-curb. Permitted street furniture features include:
 - 1) A permanently mounted seating fixture constructed of decorative metal.
 - 2) A permanently reserved planting bed with defined, durable edges. Such beds must be a minimum of twenty (20) square feet in area and should be raised or protected from the surrounding paved areas by a durable curb, edge, or other designed feature. Planting beds must be planted with hardy plants and general areas within planting beds must be planted with groundcover to reduce soil loss.
 - 3) Waste receptacle constricted of decorative metal.
 - B. Parking areas which front on a right-of-way shall be screened from the public right-of-way by a 30-inch decorative masonry wall. Such wall may be located directly along the front property line or may be recessed and buffered by a landscape bed 3 feet in depth.

Section 4a.04. Uses Permitted.

Authorized uses are identified in Table 4a.04.1.

If a use is not listed but is similar to other uses within a category, the zoning official may make the interpretation that the use is similar to other uses and is permitted to the same extent and under the same conditions as the similar use.

Table 4a.04.1 Permitted Uses

Uses are permitted by right (P), as a use subject to special land use (S), not permitted (NP), OR permitted on upper floors only (UP).

	D-1	D-2
Single-family detached dwellings	NP	P
Public parks and playgrounds	P	P
Home occupations, subject to the requirements set forth in Section 5.08	UP	UP
Accessory uses, buildings, and structures, subject to the requirements set forth in Section 5.03	P	P
Churches and other institutions for religious worship	S	S
Police and fire stations, public safety buildings, public utility buildings, telephone exchange buildings, electric transformer stations, and gas regulator stations, but not including service or storage yards	P	P
Bed and breakfasts, subject to the requirements set forth in Section 6.10	S	S
Day care homes, subject to the requirements set forth in Section 6.03	P	P
Adult foster care large group homes, subject to the requirements set forth in Section 6.04	P	P
Hospitals	S	S
Elderly housing, subject to the requirements set forth in Section 6.05	S	S
Two-family dwellings	UP	UP
Child day care centers, subject to the requirements set forth in Section 6.03	P	P
Multiple-family dwellings	UP	P
Adult foster care congregate facilities, subject to the requirements set forth in Section 6.04	P	P
Convalescent centers or nursing homes, subject to the requirements set forth in Section 6.05	P	P
Office buildings occupied by the practice of any one or more of the following professions: physician, dentist, attorney, chiropractor, accountant, engineer, or architect	P	P
Offices for one or more than one of the following professional or business services: insurance, real estate, secretarial, manufacturers' representatives, sales representatives, or financial management and tax preparation, <u>and advanced research and development centers where said centers are intended for the development of pilot or experimental products</u>	P	P
Office buildings occupied by professionals which are similar to those set forth above	P	P
Office buildings for the use of any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and sales	P	P
Medical and dental offices, including clinics and medical laboratories	P	P
Banks, credit unions, savings and loan associations	P	P

	D-1	D-2
Publicly-owned buildings, public utility transformer stations and substations, telephone exchanges, and public utility offices	P	P
Retail sales of office supplies, computer and business machines, and personal communication equipment	P	P
Business service establishments such as printing and photocopying services, mail and packaging services, and typing and secretarial services	P	P
Studios for musical, dance, or artistic instruction	P	P
Private service clubs, fraternal organizations, and lodge halls	P	P
Data processing and computer centers, including the servicing and maintenance of electronic data processing equipment	P	P
Business and/or technical schools	P	P
Personal service establishments, such as photographic studios, barber and beauty shops, watch, clothing, and shoe repair, locksmith, and similar establishments	P	P
Florist shops	P	P
Veterinary offices and hospitals, including accessory boarding, provided no outdoor exercise runs or pens are permitted	NP	S
Laundry and dry cleaning customer outlets, provided dry cleaning or laundry plants serving more than one customer outlet shall be prohibited	NP	S
Food and beverage sales, including grocery, meat market, bakery, party store, delicatessen, and fruit market	P	P
Retail sales of gifts, antiques, and collectibles	P	P
Standard and carryout restaurants	P	P
Bars and lounges	P	P
Retail sales of drug and health care products	P	P
Retail sale clothing, shoes, jewelry, and accessories	P	P
Video rental and sales	P	P
Funeral homes	P	P
Any service establishment of an office, showroom, or workshop nature, of an electrician, plumber, decorator, carpenter, or upholsterer	P	P
Drive-in or drive-up facilities such as drive-up windows for banks, drive-in cleaners, and similar facilities, but not including drive-in restaurants	NP	S
Retail sales of musical instruments, hardware, paint and home decorating supplies, floor covering, sporting goods, furniture, home accessories, and appliances	P	P
Myotherapy establishments, subject to the requirements set forth in Section 6.12	P	P

	D-1	D-2
Sidewalk café service or outdoor dining, operated by a restaurant or other food establishment which sells food or drinks for immediate consumption, subject to the requirements set forth in Section 6.09	P	P
Lodging facilities	P	P
Recreation and amusement services, including theaters, bowling alleys, roller and ice skating rinks, billiard halls, and miniature golf	S	S
Health clubs or gymnasiums	P	P
Indoor sports facility	S	S

Section 4a.05. Design Standards.

In addition to standards set forth in this Article, all proposed development in the DFBC shall comply with the standards set forth herein.

1. Building Design and Materials.
 - A. Overall Design. It is the intent of this Article to improve the appearance of and add visual interest to the DFBC. Emphasis shall be placed upon methods that focus attention on attractive buildings that front on the adjacent right-of-way.
 - B. Materials. Durable building materials, simple configurations, and solid craftsmanship are required. Fifty (50) percent of walls visible from public streets, exclusive of wall areas devoted to meeting transparency and ground story activation requirements, shall be constructed of brick, glass, fiber cement siding, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Exterior Insulation Finishing Systems (E.I.F.S.) and vinyl or aluminum siding may not constitute more than ten (10) percent of the surface area of any façade’s overall surface area.
2. Modulation Required. Modulation is required to ensure that the building is not monotonous in appearance. Modulation is defined as a change in the vertical plane of the building façade. Building façades shall be modulated at least every thirty (30) feet horizontally and at least every twenty (20) feet vertically. Modulational shall measure at least three (3) inches perpendicular to the building face.
3. Ground Story Activation.
 - A. Transparency.
 - 1) 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 side street, side yard, or parking area shall be no less than thirty (30) percent of the façade.

- 2) Transparency requirements shall not apply to sides which abut an alley.
- 3) Windows for building sides shall be concentrated toward the front edge of the building, in locations most visible from an urban open space or public right-of-way.

B. Transparency Alternatives. The following alternatives may be used singularly or in combination. They may count toward no more than eighty (80) percent of the transparency requirement.

- 1) Wall Design. Wall designs that provide visual interest and pedestrian scale may count as a transparency alternative if they provide a minimum of three (3) of the following elements, occurring at intervals no greater than twenty-five (25) feet horizontally and ten (10) feet vertically:
 - (a) Expression of structural system and infill panels through change in plane not less than three (3) inches.
 - (b) System of horizontal and vertical scaling elements such as: belt course, string courses, cornice, pilasters.
 - (c) System of horizontal and vertical reveals not less than one (1) inch in width/depth.
 - (d) Variations in material module, pattern, and/or color.
 - (e) System of integrated architectural ornamentation.
 - (f) Green screen or planter walls.
 - (g) Translucent, fritted, patterned, or colored glazing.
- 2) Outdoor Dining/Seating. Outdoor dining/seating located between the building and the primary street zone lot line may count toward the transparency requirement. Such spaces must be permanently created by a wall or other permanent improvement defining the outdoor dining area.
- 3) Permanent Art. Non-commercial art or graphic design of sufficient scale and orientation to be perceived from the public right-of-way and rendered in materials or media appropriate to an exterior, urban environment and

permanently integrated into the building wall or immediately between the building wall and the right-of-way may count toward the transparency requirement. Public art alone shall not be an eligible feature to allow the relocation of the required building line identified in Table 4a.06.A.1, footnote 1, but may satisfy the ground story activation requirements of Section 4a.05.3 when located in an otherwise permitted setback area.

4. Pedestrian Access / Entrance.

- A. The primary entrance for a non-residential and/or mixed-use building shall be clearly identifiable and useable and located facing the right-of-way.
- B. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:
 - 1. Fully paved and maintained surface not less than five (5) feet in width.
 - 2. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
 - 3. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
- C. Additional Entrances. If a parking area is located in the rear or side yard, it must also have a direct pedestrian entrance to the building that is of a level of materials quality and design emphasis at least equal to that of the primary entrance.
- D. Direct vehicular access to a building within the DFBC from the right-of-way is prohibited.

Section 4a.06. Form-based Regulations.

- A. Downtown Core D-1 Subdistrict: Downtown core buildings and sites will be developed in a manner which contributes to the character of the area by maximizing the value of the property and continues the traditional “street wall” of adjacent historic buildings. D-1 sites must comply with the following regulations.

Table 4a.06.A.1

height	minimum	stories	1 story
		feet	12 feet
	maximum	stories	3 stories ¹
		feet	45 feet ¹
ground floor minimum	feet	12 feet	
placement	front	required building line ¹	0 feet. 75% of the building façade must meet the required building line, while up to 25% of the façade can be setback to allow for architectural consideration ²
		minimum setback	n/a
	side	minimum setback	n/a
	rear	minimum setback	n/a
lot	required open space		n/a
	lot coverage by all buildings		n/a
	access and circulation		Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way
	parking location		Parking shall be located in a side or rear yard.

¹ Buildings may exceed three (3) stories and/or forty-five (45) feet in height upon approval of the Planning Commission as a special land use, pursuant to Article 9 of this Ordinance.

² The Planning Commission may adjust the required building line to a maximum of 15 feet beyond the property line for projects incorporating a permanent space for an outdoor café, public space, or a cross access drive with an adjacent parcel. Outdoor cafes or public spaces must be developed as part of the primary building and must incorporate a permanent wall or landscaping area along the required building line.

B. Downtown Edge D-2 Subdistrict: Downtown edge buildings and sites will be developed in a manner which contributes to the character of the Downtown, as well as the adjacent residential areas. The D-2 area will provide a softer transition between the Downtown and the rest of Saline with more transitional use, dimensional and height regulations. D-2 sites must comply with the following regulations.

Table 4a.06.B.1

height	minimum	stories	1 stories
		feet	12 feet
	maximum	stories	2 stories
		feet	35 feet
ground floor minimum	feet	12 feet	
placement	front	maximum setback	15 feet.
		minimum setback	n/a
	side	minimum setback	n/a
	rear	minimum setback	n/a
Lot	required open space		30 percent
	lot coverage by all buildings		n/a
	access and circulation		Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way
	parking location		Parking shall be located in a side or rear yard.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. SEVERABILITY.

Should any section, subdivision, clause or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. SAVINGS.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. EFFECTIVE DATE.

This ordinance shall be published in the manner required by law and shall become effective 10 days after the date of its publication.

Moved by Councilmember _____ supported by Councilmember _____ that the foregoing Ordinance No. 736 be adopted.

AYES: _____

NAYS: _____

ABSENT: _____

Ordinance No. 736 declared adopted at a regular meeting of the Saline City Council held on _____, 2012.

Gretchen Driskell, Mayor

Dianne S. Hill, Clerk

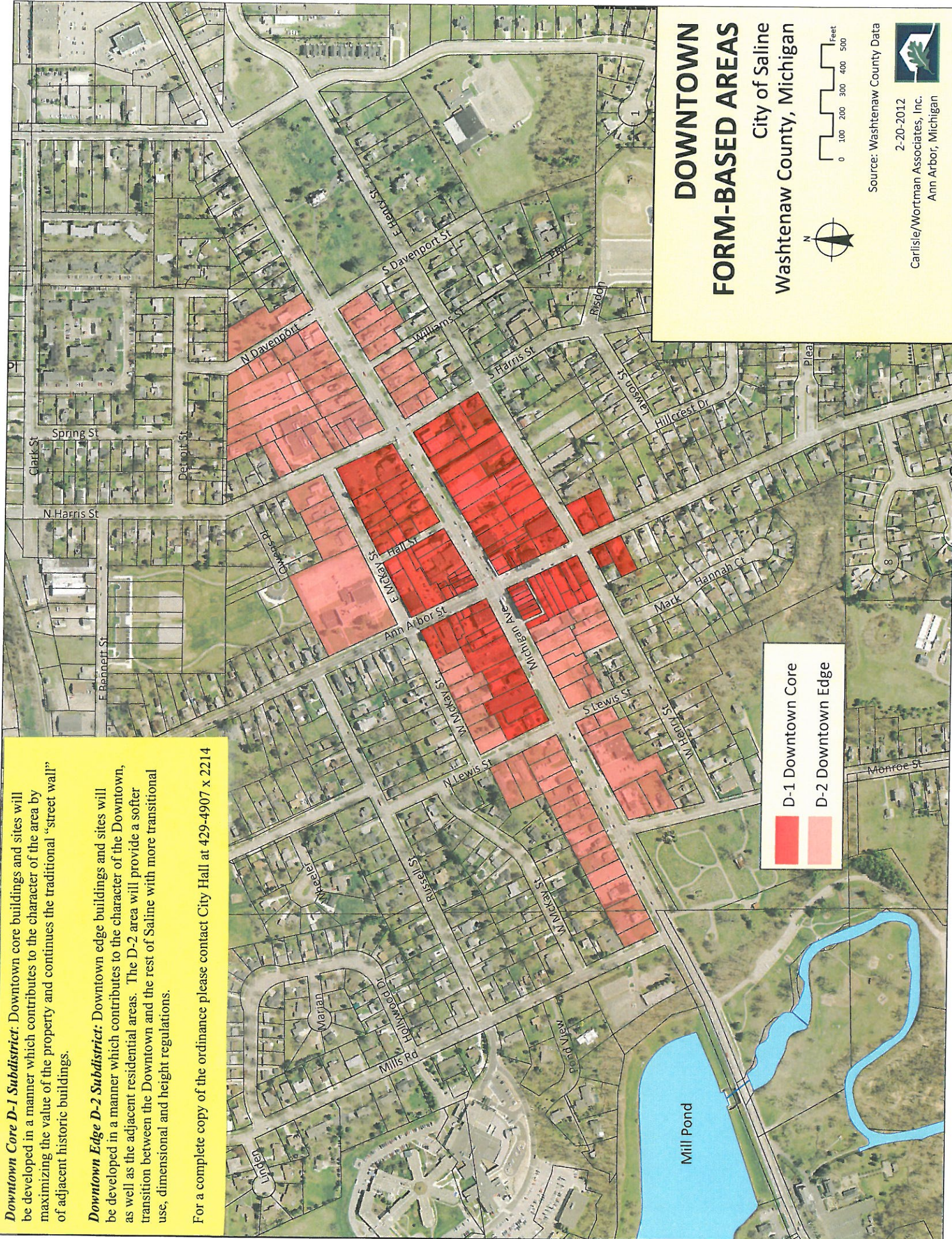
I hereby certify that the foregoing is a true and exact copy of the ordinance adopted by the Saline City Council at a regular meeting held on _____, 2012, and was published in The Saline Reporter on _____, 2012.



Dianne S. Hill
Saline City Clerk

Downtown Core D-1 Subdistrict: Downtown core buildings and sites will be developed in a manner which contributes to the character of the area by maximizing the value of the property and continues the traditional "street wall" of adjacent historic buildings.

Downtown Edge D-2 Subdistrict: Downtown edge buildings and sites will be developed in a manner which contributes to the character of the Downtown, as well as the adjacent residential areas. The D-2 area will provide a softer transition between the Downtown and the rest of Saline with more transitional use, dimensional and height regulations.

For a complete copy of the ordinance please contact City Hall at 429-4907 x 2214



	D-1 Downtown Core
	D-2 Downtown Edge

DOWNTOWN FORM-BASED AREAS

City of Saline
Washtenaw County, Michigan



Source: Washtenaw County Data



2-20-2012
Carlisle/Wortman Associates, Inc.
Ann Arbor, Michigan