Purpose:
The purpose of this memorandum is to consider the adoption of a Form-Based Code (FBC) applied to the West Downtown District. The FBC is proposed to be added in the Zoning Ordinance as a new Article 27 in conjunction with amendments to Article 17, B-D, Downtown Business District.

A two part process if required in order to fully implement the FBC.
- The first process is to adopt the FBC language as part of the Zoning Ordinance.
- The second process is to rezone properties within the FBC limits to be consistent with the Regulation Plan.

Recent planning and development efforts have identified the need to update the City’s zoning ordinance to make redevelopment more straightforward and reduce barriers in regulations to achieve the type of development in West Downtown identified in the City’s Master Plan. The proposed West Downtown District is form-based to better facilitate mixed-use design compatible with the fabric of a downtown. Currently, design in both downtowns is regulated by the B-D, Downtown Business District Overlay, underlying zoning districts, and subject to a Downtown Design Review by the Design Review Committee. This proposed amendment eliminates these three levels of regulation and replaces the B-D, Overlay with the new FBC that integrates the unique characteristics of Downtown and sets the stage for future form-based amendments for the East Downtown and other corridors in Dearborn.

This memorandum describes and provides:
- Background;
- General Education & Public Engagement Process;
- Amendments to Article 17.00, B-D, Downtown Business District;
- Overview & Staff Analysis of the FBC;
- Recommendation from the Planning Commission.
Attachments:
- Attachment A – FBC
- Attachment B – Amendments to Article 17

Background:
C.R. 10-529-14 authorized the City of Dearborn to enter into the Redevelopment Readiness Certification (RRC) program through the State of Michigan via the Michigan Economic Development Corporation (MEDC) during 2015. That program is aimed at assisting cities in creating a development-friendly environment through good planning, ordinances and codes that provide predictability for investors. During 2016, our staff met many of the requirements of the RRC program. One of the remaining RRC requirements was an ongoing effort to update our 1998 Zoning Ordinance and to provide appropriate locations for concentrated development. On January 19, 2018, the City became one of 29 RRC Certified Communities in Michigan.

Because the City is a participant in the RRC program, the MEDC offered to assist the City with exploring a Form-Based Code (FBC) for our West Downtown District, which is identified as a high priority task in the Master Plan. The MEDC provided technical experts and funding to assist with FBC exploration and development. In this case, they paid two-thirds of the cost for developing and implementing the FBC. The same approach can be subsequently tailored to fit the East Downtown District, the two corridor authorities on Warren Ave. and Dix-Vernor and potentially the auto-centric Telegraph corridor.
- MEDC match (two-thirds of total cost) – $32,440
- City match required – $17,000
- Total cost – $49,440

The Team:
- MEDC – matched two-thirds of the budget and requested a $17,000 match from the City of Dearborn. Also, through a competitive procurement process selected LSL Planning as the project manager;
- Ferrell Madden Associates – provided a FBC 101 training for the City Council and Planning Commission on February 1, 2017;
- MKSK Studios – addressed street design components and tying this effort into the RTA Michigan Avenue Master Plan and the City’s Multimodal Transportation Plan;
- SmithGroupJJR – assisted with visioning and design of public space components as they relate to the various community efforts and planning documents including the National Resource Network and HR&A plans;
- LSL Planning – managed the project, a community planning and zoning firm based in Royal Oak that provides assistance to communities across Michigan and the country. The staff is Form-Based Code Institute certified and have prepared and administered zoning ordinances for dozens of communities;
- City Departments – Planning (Moe, Form-Based Code Institute certified), ECD, Legal, PMADS, City Council, Planning Commission, DDA.
General Education & Public Engagement:
A. FBC 101 joint training with City Council and Planning Commission: February 1, 2017
B. Public Open House & Design Workshop: May 16, 2017 @ Transit Station
   - Over 55 community members dropped in to work with City staff and consultants to re-examine the downtown and their neighborhood for the FBC update and illustrated their vision for their neighborhoods' future.
C. Stakeholder Meetings & Interviews: October 6, 2017 @ the DAC

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doug Van Noord</td>
<td>Ford Land</td>
</tr>
<tr>
<td>Chris Small</td>
<td>Ford Land</td>
</tr>
<tr>
<td>Billy Downs</td>
<td>Owner Ford's Garage</td>
</tr>
<tr>
<td>Marty Heger</td>
<td>DFSB</td>
</tr>
<tr>
<td>Cristina Sheppard-Decius</td>
<td>DDA Director</td>
</tr>
<tr>
<td>Joe Guido</td>
<td>Guido Architects</td>
</tr>
<tr>
<td>Ted Easterly</td>
<td>Real Estate Agent</td>
</tr>
<tr>
<td>Sam Baydoun</td>
<td>Real Estate Agent</td>
</tr>
<tr>
<td>Mike Kirk</td>
<td>Neumann Smith</td>
</tr>
<tr>
<td>Nancy Harmon</td>
<td>Resident/MARA President</td>
</tr>
<tr>
<td>Robert Mehregan</td>
<td>Resident/Planning Commissioner</td>
</tr>
<tr>
<td>Audrey Ralko</td>
<td>Resident/WDDDA Board Member</td>
</tr>
<tr>
<td>Maureen Stanton</td>
<td>Mara Resident</td>
</tr>
</tbody>
</table>

D. MARA Neighborhood: Several Meetings with the Neighborhood Association
   - Received a lot of support and interest during the development process. Neighborhood members assisted in several components of the FBC that help protect the residential nature of their neighborhood. The board did make a motion that was supported to approve the FBC at their November 14, 2017 meeting.
E. DDA Executive Board & Director involved and continuously briefed.

Amendments to Article 17.00:
The following amendments to the existing B-D, Downtown Business District are being proposed in conjunction with the FBC. The modifications remove all regulations and mention of the WDDDA in the B-D district. The removal of this language is required for the FBC to function as intended.
   - Section 17.04, removal of the West Dearborn Downtown Business District boundary;
   - Section 17.10, eliminate Design Review Committee (DRC) approval for projects within the West Dearborn Downtown;
   - Section 17.10, modifies the membership makeup of the DRC to eliminate the requirement of two persons appointed by the Mayor from the WDDDA and two persons appointed from the EDDDA. Adds the DDA Director to the membership makeup. Reduces the total number of regular members from eight to five.
Overview of WDDDA FBC:
A form-based code (FBC) is a newer zoning approach that focuses more on a building’s form, appearance, and relationship to the street and nearby properties. FBCs emphasize the look and feel of development, to be sensitive to the surrounding context, rather than focusing heavily on allowed uses. FBCs allow for a greater diversity and mixing of land uses, while maintaining a desired character and feel.

Transitioning to a form-based code will accomplish the following:
- Realize the vision of the Dearborn Master Plan and pursue placemaking;
- Support mixed-use development patterns that encourage private development, investment, and economic diversity;
- Create more accessible, pedestrian-oriented, and transit-supportive development practices that provide greater choices in housing and mobility options;
- Protect neighborhoods by better managing transitions between zones while strengthening community character and its unique sense of place;
- Simplify the review process and reduce the need for variances to achieve the desired downtown development.

The West Downtown district is the only district being amended as a form-based district at this time. The plan is to look at the East Downtown and additional corridors in the future for similar amendments.

Staff Analysis of the FBC:
The West Downtown District is organized by frontage types as identified on the Regulating Plan. Frontage types define the transition and interaction of the building face with the street and function similarly like zoning districts in a traditional zoning code.
To determine district-specific standards that apply to a property:

1. On the regulating plan, determine the frontage type in which the property is located. Applicable building form regulations accompany each frontage type.

2. Refer to the use table for permitted uses.

3. Utilize the General Provisions and Definitions sections to clarify terms, measurements, and regulations identified in the frontage type standards.

Generalized Use Table:

<table>
<thead>
<tr>
<th></th>
<th>Urban General</th>
<th>Storefront Designation (required)</th>
<th>Urban Mixed-Use</th>
<th>Mixed Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Active Ground Floor</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Retail/Restaurants</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Office (ground floor)</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Office (upper floors)</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Attached residential</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Detached residential</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>
Frontage Types:

*Urban General*

The Urban General frontage type is intended for the densest, walkable, mixed-use buildings, typical of downtown and traditional “Main Streets”. This frontage type establishes a continuous building facade at the street that maximizes ground floor fenestration to encourage an active interface between the public street and the ground floor. An increase in height is permitted with the inclusion of design incentives (designated in grey shading on the Regulating Plan). Additional *Storefront* regulations apply to the core of downtown to promote retail shopfronts.

The intent of the Urban General frontage type is to create a pedestrian-friendly, compact, mixed-use district. This frontage type is intended for the most density in Dearborn, in the East and West Downtowns and along primary corridors.

Standards:
- Standard mixed-use urban character
  - Mixture of retail, office, residential
- Historic, walkable “main street” character
- 10’ “door yard” build-to (recapture front
- 10’ for additional public ped space)
- Additional Storefront designation:
  - Active retail ground floor
  - Greater window (fenestration) requirements
- Bonus Height
  - By right: 6 stories/80’
  - Ultimate Building Height: 10 stories/125’
    - If incentives are provided
Urban Mixed-Use

The Urban Mixed-Use Frontage Type is located along the edges of the Downtown District and serves as a transition to the adjacent zone districts and urban patterns. This frontage type is characterized by a mix of uses, which include retail, offices, and residential in variable scales. A flexible build-to allows development to vary based on the context.

The intent of the Urban Mixed-Use frontage type is to accommodate a flexible variety of uses and scales; preserve historic detached houses; integrate context-sensitive mixed-uses; and serve as a transition from the denser Urban General frontage types to surrounding residential neighborhoods.

Standards:

- Lower intensity than the Urban General
  - Mixture of office, residential (retail less emphasized, market will dictate where it makes sense closest to core)
    - Strong opportunity for “missing middle” housing
    - Greater open space (sideyards, some surface parking)
- 10’ “door yard” build-to (recapture front 10’ for additional public ped or stoop space) up to 20’ max. setback
- 5 story max/2 story min
- Likely adapt this frontage to other parts of city
**Mixed Residential**

The mixed Residential frontage applies to historically single-family neighborhoods that have transitioned over time to accommodate other attached housing types. The intent of this frontage type is to preserve the historic character of the neighborhood while integrating more housing types that fit the context of the remaining historic homes.

The Mixed residential frontage type is intended to accommodate a mixture of housing types. Historically, these areas were single-family neighborhoods that have transitioned over time to include a mixture of housing types. Historic single-family houses should be retained where possible for their character and infill housing should respect the established scale and massing.

Standards:
- Variety of attached housing types
- Preserve existing residential scale
  - Maximum building footprint per unit
  - Maximum width per unit
  - Maximum façade width
Planning Commission Recommendation:

Planning Commission unanimously approved (5-0) the FBC at its August 13, 2018 public hearing.

After due consideration, the following recommendation was made by the Planning Commission:

A motion was made by Commissioner Easterly, supported by Vice-Chairperson Zalewski, to recommend approval of amending the Zoning Ordinance of the City of Dearborn, by creating Article 27.00, “West Downtown District Form-based Code.” Upon roll call, the following vote was taken: Ayes: (5) (Commissioners, Easterly, Green, Sickle, Siwik and Zalewski). Nays: (0). Absent (2) (Commissioners, Mahdi and Watts). The motion was adopted.

Prepared & Submitted By:  
[Signature]
Mohamed Ayoub, Senior Planner

Corporation Counsel Approval:  
[Signature]
Debra A. Walling, Corporation Counsel
ATTACHMENT A

FBC
THE CITY OF DEARBORN ORDAINS TO:

Amend the Zoning Ordinance of the City of Dearborn by Adding Article 27.00 to read as follows:

ARTICLE 27.00, West Downtown District

Section 27.01 – West Downtown District, In General

A. Purpose
The purpose of the West Downtown District form-based code is to implement the Master Plan Vision:

1. Set the stage for the long-term redevelopment of the District in a walkable, traditional pattern and form.
2. Provide community stakeholders a reasonable expectation of how the District will look and function in the future.
3. Create a District that respects the character of Dearborn’s historic downtown while providing a transition to the more automobile-oriented parts of the community.
4. Develop a setting for a true mixture of uses that recognize the West Downtown District as an urban town center of retail, office, residential, entertainment and dining for the City of Dearborn.

B. Goals
The West Downtown Form-Based District provides specific standards to achieve the following:

1. Develop a fully integrated, mixed-use, pedestrian-oriented environment with buildings that contain retail, residential, and office uses.
2. Create a synergy of uses within the West Downtown District to support economic development and redevelopment in accordance with the recommendations of the Master Plan.
3. Minimize traffic congestion, inefficient surface parking lots, infrastructure costs and environmental impacts by promoting a compact, mixed-use, pedestrian-friendly district.
4. Regulate building height and placement to achieve appropriate scale along streetscapes and ensure proper transition to nearby residential neighborhoods.
5. Establish clear controls on building form and placement to frame a well-defined public realm comprised of human-scale streets, neighborhoods and public spaces, all of which contribute to creating a safe, comfortable and livable environment.

C. Applicability
1. The West Downtown District is hereby established on the Official Zoning Map, as amended.
2. All provisions of the Zoning Ordinance not addressed by the provisions of the West Downtown District shall be applicable.
3. The provisions of the West Downtown District, when in conflict with the other articles of the Zoning Ordinance, shall take precedence.

D. Triggers for Compliance
For properties located in the West Downtown District, as designated on the Zoning Map, compliance with each component of the district shall apply based on the following table:
<table>
<thead>
<tr>
<th>Applicability Levels</th>
<th>Height</th>
<th>Siting</th>
<th>Architectural Elements - Fenestration</th>
<th>Architectural Elements - Dooryard and Private Open Space</th>
<th>Architectural Elements - Materials</th>
<th>Uses</th>
<th>Parking - Design</th>
<th>Parking - Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Construction</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Expansion of Building Area:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor: 0%–38% of building area</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major: 39% or more of building area</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Changes in Use:</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does not require additional parking or building additions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Requires additional parking or expand the parking lot by more than 10% from the approved site plan (^1)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Expansion of Parking Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surface Parking</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Parking Structure</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Façade Changes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

Footnotes:
1. Not applicable to Public Parking Sector.

Improvements to nonconforming sites, structures and uses are also subject to review according to Article 3 of the Dearborn Zoning Ordinance entitled Nonconformities.

E. Regulating map in relation to zoning map
1. The intent of the regulating plan is to identify the desired physical character by sub-district in the downtown through the use of frontage types.
2. The West Downtown District Regulating Map, which is hereby adopted, and related regulations of this sections shall control land development within the West Downtown District.
3. The Regulating Map divides the West Downtown District into the following Frontage Types:
   (a) Urban General
   (b) Urban Mixed-Use
   (c) Mixed Residential
F. Code Components

1. For the frontage types designated on the Regulating Map:
   (a) building and site development shall comply with the General Provisions of Section 27.03 and Frontage Type standards of Section 27.04;
   (b) uses shall comply with the use standards of Section 27.05;
   (c) signs shall comply with the standards of Section 27.06; and
   (d) parking shall comply with the standards of Section 27.07.

Section 27.02 – Administration

G. Plan Review

1. Site plan and concept plan reviews and approvals shall be required for the activities or uses listed in Table 27.01.
2. Development requiring Site Plan Review shall follow the Site Plan Review process set forth in Article 32.
3. Approvals are obtained from the Planning Commission, City Council, or Administrative (City Planner, or his or her designee), depending upon the nature of the proposed construction or use. Where the Ordinance allows the City to grant modifications to a specific requirement, the approval authority shall be the body with the authority to grant the associated modification or waiver, based upon the standards provided in that section. Variances may only be granted by the Zoning Board of Appeals (ZBA) per Article 32.
4. A site plan shall be submitted for the following activities:
Table 27.01: Review Process Approvals

<table>
<thead>
<tr>
<th>Administrative</th>
<th>Concept Plan</th>
<th>Full Site Plan</th>
<th>Planning Commission</th>
<th>City Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Plan Review</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New development</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major Expansion</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Minor Expansion</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory structures</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Change in use that requires additional parking or expand the parking lot by more than 10% from the approved site plan</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Provide more parking spaces than permitted (must meet special land use criteria)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

5. The City Planner may require additional site plan information related to the proposed project area and existing site areas that do not meet current standards. The City Planner, or his or her designee, retains the option to require a complete site plan for review by the Planning Commission, particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting residential districts or sites experiencing problems with drainage, traffic, noise, aesthetics or other general health and safety issues. If a full site plan is required, the reasons shall be provided in writing to the applicant and the Planning Commission, and the City Planner shall inform the applicant to submit a set of plans in accordance with Article 32 within fourteen (14) days of receipt of the application.

6. Concept Plan Review:

   Minor Expansions, accessory structures, or changes in use to existing sites are permitted to provide less detailed information than a full-scale site plan review. The level of information is intended to be proportionate to the extent of the change and yet ensure adequate review for compliance with applicable standards.

   (a) Application form;
   (b) Conceptual review fee;
   (c) The name and address of the owner and any designated representative of the owner;
   (d) Written description of the proposed use;
   (e) Conceptual site plan, illustrating existing site features such as lot dimensions, general footprints of buildings and parking, and provides more detail on the areas of the site proposed to be changed. The level of information required shall be established by the Director of Economic and Community Development Department to be sufficient to ensure the modification complies with this and other applicable City codes.
   (f) A location map.

H. Deviations from Approved Site Plan

   (a) Minor changes to the approved final site plan may be approved by the City Planner, or his or her designee, without requiring a resubmittal to the Planning Commission or City Council, as applicable, provided that the applicant or property owner notifies the City Planner of any proposed amendment to such approved site plan prior to making said change on the site and the City Planner determines the proposed revision does not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan. Where the modifications are not determined to be minor, then the site plan shall require resubmittal to the Planning Commission, as applicable, for approval as a site plan amendment. For purposes of interpretation, the following shall be considered minor changes only if the changes continue to comply with the design requirements:
(1) Height:
   (i) Minimum and maximum height - up to five percent for any cumulative increase or decrease in building height.
   (ii) Finished floor elevation – up to five percent.

(2) Siting:
   (i) Build-to line – up to 5 feet forward or backward.
   (ii) Minimum percentage built-to – reduction of up to five percent of required length.
   (iii) Parking setback line – move forward up to 5 feet.

(3) Architectural Elements:
   (i) Entrances (maximum average spacing) – up to ten percent increase in spacing.
   (ii) Fenestration (minimum and maximum percent) – up to five percent.
   (iii) Projections – up to five percent.

(4) Storefront – up to ten percent.
Section 27.03 – General Provisions

I. Height

1. Measuring Height:
   (a) The minimum and maximum building heights are measured from the average fronting sidewalk to the halfway point of a pitched roof or to the top of a wall plate for flat roofs.
   (b) The minimum height shall be satisfied from the build-to line back to a depth of at least 30 feet.
   (c) A building height maximum of a half story, labeled as “.5”, indicates an attic story with dormers in a pitched roof. Dormers in a half story shall be less than 15 feet wide and their collective width may not be more than 60 percent of the building elevation length.
   (d) Second floor finished elevation shall be measured from the average fronting sidewalk grade to the second story finished floor elevation.
   (e) Upper floor clear height is measured from finished floor elevation to finished ceiling elevation.

2. Permitted Roof Types:
   (a) Pitched: between 4:12 and 12:12 slope.
   (b) Flat roof: with cornice and parapet.

3. Height exceptions:
   (a) The following structures may be erected above the height limits of this chapter, subject to additional requirements below: screened mechanical equipment; roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building; skylights; towers; steeples; stage lofts and screens; flagpoles; chimneys; water tanks; solar or wind energy devices; or similar structures.
   (b) None of the structures described above may be erected to exceed the building height by more than 15 feet. The aggregate area of all such structures, including parapet walls, shall not be greater than ten percent of the roof area of the building and shall be setback 6 feet along the perimeter of the roof, except that skylights may occupy 25 percent of the gross roof area and solar panels may occupy 85 percent of the gross roof area.
   (c) None of the structures described above shall be used for any residential, commercial or industrial purpose other than a use incidental to the principal use of the building.

4. Bonus Height: Development in the area designated as “Bonus Height Area” on the Regulating plan is eligible for additional height beyond the listed maximum height. Developments shall incorporate the following elements to earn points as indicated in the table below.
   (a) Compliance with the standards and value of points will be determined by the City Planner, or his or her designee.
   (b) Elements and points can be combined for a sum of points that relates to the number of additional stories permitted as defined below.
      (1) 1 point is equal to one half story. The half story shall be 50 percent of the buildable square footage of the top story.
      (2) 2 points is equal to one story.
   (c) The number of additional stories shall not exceed the Ultimate Building Height as indicated in the frontage standards.
<table>
<thead>
<tr>
<th>Element</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transit and Pedestrian Amenities</strong></td>
<td>2</td>
</tr>
<tr>
<td>On-site, off-site, or pay-in-lieu of the provision of public transit and pedestrian amenities, including sheltered seating or substantial rehabilitation or improvement of the streetscape.</td>
<td></td>
</tr>
<tr>
<td><strong>Rehabilitation of Historic Structure</strong></td>
<td>2</td>
</tr>
<tr>
<td>Significant rehabilitation of on-site historic structure(s) at least 50 years old, including the maintenance of a historic façade.</td>
<td></td>
</tr>
<tr>
<td><strong>Outdoor Public Art</strong></td>
<td>1</td>
</tr>
<tr>
<td>Incorporation of substantial public art on-site.</td>
<td></td>
</tr>
<tr>
<td><strong>Sustainable Design</strong></td>
<td>1-4</td>
</tr>
<tr>
<td>On-site provision of sustainable design elements that incorporate energy-efficiency and/or green design into construction practices, building design and/or site design.</td>
<td></td>
</tr>
<tr>
<td>LEED Certified</td>
<td>1</td>
</tr>
<tr>
<td>LEED Silver</td>
<td>2</td>
</tr>
<tr>
<td>LEED Gold</td>
<td>3</td>
</tr>
<tr>
<td>LEED Platinum</td>
<td>4</td>
</tr>
</tbody>
</table>
J. Siting

1. Build-To and Dooryard:
   (a) The required build-to line is 10 feet from the right-of-way line, unless otherwise specified in the district regulations.
   (b) The area between the right-of-way and the build-to line is the dooryard and is intended as a transitional area between the public and private realms for pedestrian-oriented amenities.
   (c) The dooryard shall accommodate entrances, outdoor seating, and projections such as awnings, balconies, bay windows, stoops and porches.
   (d) The dooryard may contain urban-style landscape (concrete pavement, planters, street furniture) including bicycle parking. Lawns are only permitted in the dooryard of residential buildings and are not permitted in the Urban General district.
   (e) The frontage build-to is the percentage of the front build-to line occupied with a building.

2. Permitted articulations of architectural features
   (a) Architectural features utilized for building wall articulation that are within 2 feet of the primary building wall may be utilized in the length of applicable building wall meeting the build-to.
   (b) Recessed entries at a maximum depth of 15 feet, measured perpendicular to the build-to, and a maximum width of 15 feet, measured parallel to the build-to may be utilized in the length of applicable building wall meeting the build-to.

3. Corner Lots
   For corner lots, the building must meet the build-to line of both frontages at the corner. A building form with a chamfered corner is permitted only on corner lots and only if a corner entry is provided. A 10' x 10' unobstructed sight triangle shall be provided to accommodate a chamfered corner with entry.

4. Front Yard Build-to Exception
   The Zoning Administrator or his/her designee may grant a build-to exception to allow a greater amount of the building to be setback when the dooryard is used for providing a public gathering area or plaza that offers seating, landscape enhancements, public information and displays, fountains, or other pedestrian amenities.
5. Parking Setback:
   (a) Where regulated in the Frontage Standards, vehicle parking shall be located behind the parking setback line that is 30 feet behind the build-to line and extends vertically as a plane from the first-floor level.
   (b) Surface parking is not allowed directly between a building façade and a street frontage.

![Parking Setback Diagram]

6. Adjacent to residential setback:
   For Urban General and Urban Mixed-Use districts that share a common lot line with a single-family detached lot:
   (a) There shall be a 20-foot setback from the common lot line. Parking and landscaping are permitted within this setback, but there shall be no structures within this area.
   (b) An upper floor step back for any story above the second story shall be set back an additional 10’.

![Adjacent to Residential Setback Diagram]

K. Architectural Elements
   1. Doors and Windows
      (a) Fenestration is defined as the openings in the building wall, including windows, doors and open areas. When measuring fenestration, framing elements (such as muntins) with a dimension less than 2 inches are considered part of the opening.
      (b) Fenestration shall be measured as a percentage of openings per total wall area.
      (c) Blank walls exceeding 25 linear feet are prohibited on all facades below their fourth story.
      (d) At least one functioning entrance shall be provided along each ground floor façade at intervals not greater than 50 feet, unless otherwise specified in this district.
      (e) Upper level windows shall be oriented vertically.
(f) Heavily-tinted (darker than 70% V.L.T.) and mirrored glass windows are prohibited.
2. Projections

(a) Balconies

(1) Balconies shall not be located within 5 feet of any common lot line and shall not encroach into the public right-of-way without prior approval from MDOT (Michigan Avenue) or the City of Dearborn.

(2) Balconies may be a single level or multiple balconies stacked vertically for multiple stories.

(3) Where balconies are used as a method for achieving the required private open area, the balcony shall be enclosed by balustrades, railings, or other means.

(4) Integrated Design. The balcony support structure shall be integrated with the building facade; separate columns or posts supporting any balcony from the ground are prohibited.

(5) False Balconies. False balconies are not permitted on any storefront frontage facade. False balconies consist of a rail and door, and any outdoor platform less than eighteen inches in depth and are sometimes referred to as Juliet balconies or balconets.

(b) Awnings

(1) Awnings may project over a sidewalk; however, there must be a minimum of 8 foot clearance provided from the sidewalk.

(2) Awnings shall be positioned immediately above ground floor windows and have a straight shed that projects from the building at a straight angle.

(3) Awnings shall be constructed of durable materials such as canvas or metal that will not fade or tear easily. Plasticized, rigid, cubed or curved awnings or mansard style canopies are prohibited.

(4) Awnings shall not be internally illuminated and any signs shall be illuminated by fixtures located above the awning and directed downward.

(5) Awnings shall not interfere with street trees.

(c) Stoop or Front Porch

(1) Each residential unit with a separate entrance shall include a stoop or porch

(2) A stoop shall have a maximum depth of 5 feet deep and maximum width of 6 feet (not including steps or ramp).

(3) A porch shall be between 7 feet and 9 feet deep that projects no more than 7 feet into the dooryard and with a width of not less than 65% of each unit with a separate entrance.

(4) Where the first floor is occupied by a lobby, office, or common space and no dwelling are located on the first floor along the front of the building, then a stoop or porch is not required.

(d) Signage

Projecting blade signs are permitted but must be a minimum of 8-foot clearance from the sidewalk. See Section X.06 for more on signs.

(e) Bay window

Bay windows shall project no more than 36 inches outside the building envelope but may not project into the right-of-way.

(f) ADA ramps

Ramps to improve accessibility to front porches and stoops are permitted to encroach into the dooryard and shall be built to ADA specifications.
3. Building Materials
   (a) All buildings shall contain quality building materials that are in keeping with the character of traditional downtown buildings in Dearborn. Permitted materials for exterior walls (exclusive of windows and doors) that are clearly visible from the street and public or private open space shall be limited to the following:

<table>
<thead>
<tr>
<th>Building material</th>
<th>Primary building material</th>
<th>Secondary building material</th>
<th>Trim material and Accents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brick or tile masonry (modular, include veneer)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Native stone (or synthetic equivalent)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Wood lap siding</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Fiber cement siding</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Stucco (cementitious finish) only above ground floor</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Split-faced block (only for piers, foundation walls and chimneys)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Metal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Molded polyurethane trim (such as Fypon)</td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>EIFS (above first floor only)</td>
<td></td>
<td></td>
<td>P</td>
</tr>
</tbody>
</table>

(b) Wall area calculations are exclusive of windows and doors.
(c) Wall materials including panel brick, tilt-up brick textured paneling, plain, smooth-face, or scored concrete masonry units, exterior insulation and finish system (EIFS), corrugated metal paneling and fiberglass sheeting are permitted for walls that are not visible from streets or public or private open space.
(d) Glass areas on front facades shall be clear or lightly tinted (lighter than 70% V.L.T.).

4. Private Open Area
Private open area is defined as an unenclosed occupiable area within the buildable area, which is accessible only to occupants of the particular development. A private or semi-private usable open area is required on every lot, defined as a percentage of the total buildable area. This requirement may be satisfied in a variety of configurations, at or above grade. A minimum private open area, within, and equal to a percentage of, the total buildable area, is prescribed in the districts. The parameters are as follows:
(a) Where located at grade, such private open area shall not include any required side or rear setbacks.
(b) At least 20% of the private open area shall be in no more than two contiguous areas.
(c) Up to 80% of the required private open area may be satisfied through the balconies of individual units.
(d) Any development on a lot that is exclusively reusing existing structures (without external expansion) is exempt from the private open area requirement.
L. Services
1. Services and utility hookups shall not be visible from the primary street frontage, and when possible located in the rear yard.
2. Dumpster enclosures, where not provided by the City and excluding residential zoned properties, shall comply with Section 2.14, entitled Trash Removal and Collection.
3. All roof-mounted equipment shall be screened by parapet walls or a pitched roof of sufficient height to screen rooftop equipment view from the ground, and the screening shall be integrated into the architectural design of the building.

M. Parking Structure Design
1. Intent. To minimize the visual impact of structured parking decks on the public realm, mitigate nuisances including noise and light, and design decks to be visually compatible with the surrounding character and development.
2. Design Standards.
   (a) Spandrel panels or opaque architectural wall systems, a minimum of 42" high, shall be required to screen the view of parking cars and car headlights from the opposite side of the street.
   (b) For all exposed, above-grade parking structures on Side Streets and alleys, at least 50 percent of the ground floor level must be covered by an architectural screen.
   (c) Parking decks exposed to view shall be subject to the same standards as buildings in terms of massing, form, and building character.
   (d) The 30-foot parking setback area shall apply in the Required Storefront frontages and is required to be lined by non-parking uses.
A. Urban General

Section 27.04 – Frontage Types

**Intent.** The intent of the Urban General frontage type is to create a pedestrian-friendly, compact, mixed-use district. This frontage type is intended for the most density in Dearborn, in the East and West Downtowns and along primary corridors.

**Height**

<table>
<thead>
<tr>
<th></th>
<th>Minimum</th>
<th>Maximum</th>
<th>Ultimate Building Height (with building height incentive)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stories</td>
<td>2</td>
<td>6</td>
<td>10</td>
</tr>
<tr>
<td>Height</td>
<td>32 ft.</td>
<td>92 ft.</td>
<td>125 ft.</td>
</tr>
</tbody>
</table>

**Siting**

<table>
<thead>
<tr>
<th></th>
<th>Build-To/Dooryard</th>
<th>Frontage Build-To (min.)</th>
<th>Parking Setback</th>
<th>Side Setbacks (min.)</th>
<th>Rear Setback (min.)</th>
<th>Adjacent single-family residential setback (side and rear)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Width</td>
<td>10 ft.</td>
<td>85%</td>
<td>30 ft.</td>
<td>0 ft.</td>
<td>3 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Distance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Architectural Elements**

<table>
<thead>
<tr>
<th></th>
<th>Ground Floor Fenestration</th>
<th>Upper Story Fenestration</th>
<th>Private Open Area (min.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent</td>
<td>40 to 90%</td>
<td>25 to 90%</td>
<td>15%</td>
</tr>
</tbody>
</table>
B. Storefront

**Intent.** This additional designation in Urban General District requires ground floor storefront uses and architectural requirements in order to preserve the walkable, active downtown interface with the public realm. Storefront buildings shall also meet the design specifications for the Urban General Frontage, except as provided herein:

3. **Fenestration**
   (a) Ground floor fenestration shall comprise between 70% and 90% of the ground story façade.
   (b) Ground floor windows may not be made opaque by window treatments (except operable sunscreen devices). A minimum of 80% of the window surface shall allow a view into the building interior for a depth of at least 12 feet.
   (c) The bottom of the window must be no more than 3 feet above the adjacent exterior grade.

4. **Horizontal Articulation**
   (a) Horizontal articulation is the arrangement and proportion of façade materials and elements (windows, doors, columns, pilasters, and bays) into discreet bays.
   (b) For each block frontage, facades shall be divided into discreet horizontally articulated bays at no greater than 60 feet each.
   (c) Adjacent façades shall contain different wall materials and rhythm of bays to distinguish each storefront in the horizontal plane.
   (d) There shall be a minimum of one functional entrance every full 25 feet of frontage.

5. **Ground floor Articulation**
   (a) Storefront buildings shall be designed to create a distinct and separated ground floor area through the use of a horizontal expression line, such as a string course, change in material or textures, awnings or canopies, or sign band between the first and second stories.
**C. Urban Mixed-Use**

**Intent.** The intent of the Urban Mixed-Use frontage type is to accommodate a flexible variety of uses and scales; preserve historic detached houses; integrate context-sensitive mixed-uses; and serve as a transition from the denser Urban General frontage types to surrounding residential neighborhoods.

---

**Illustrative example of the intent of this district.**

---

<table>
<thead>
<tr>
<th><strong>Height</strong></th>
<th>Minimum</th>
<th>2 stories</th>
<th>32 ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum</td>
<td>3 stories</td>
<td>45 ft.</td>
<td></td>
</tr>
<tr>
<td>Ground Floor Elevation - Residential Units (min.)</td>
<td>3 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Second Floor Finished Elevation (min.)</td>
<td>12 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upper Stories Clear Height (min.)</td>
<td>8 ft.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Siting</strong></th>
<th>Build-To/Dooryard</th>
<th>0-20 ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frontage Build-To (min.)</td>
<td>75%</td>
<td></td>
</tr>
<tr>
<td>Parking Setback (ground floor)</td>
<td>30 ft.</td>
<td></td>
</tr>
<tr>
<td>Side Setbacks (min.)</td>
<td>0 ft.</td>
<td></td>
</tr>
<tr>
<td>Without firewall</td>
<td>5 ft.</td>
<td></td>
</tr>
<tr>
<td>Rear Setback With alley (min.)</td>
<td>3 ft.</td>
<td></td>
</tr>
<tr>
<td>Without alley</td>
<td>10 ft.</td>
<td></td>
</tr>
<tr>
<td>Adjacent single-family residential setback (side and rear)</td>
<td>20 ft.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Architectural Elements</strong></th>
<th>Ground Floor Fenestration</th>
<th>25 to 90%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upper Story Fenestration</td>
<td>25 to 70%</td>
<td></td>
</tr>
<tr>
<td>Private Open Area (min.)</td>
<td>10%</td>
<td></td>
</tr>
</tbody>
</table>
### D. Mixed Residential

**Intent.** The Mixed residential frontage type is intended to accommodate a mixture of housing types. Historically, these areas were single-family neighborhoods that have transitioned over time to include a mixture of housing types. Historic single-family houses should be retained where possible for their character and infill housing should respect the established scale and massing.

**Illustrative example of the intent of this district.**

<table>
<thead>
<tr>
<th>Height</th>
<th>Minimum</th>
<th>Maximum</th>
<th>Ground Floor Elevation (min.)</th>
<th>Upper Stories Clear Height (min.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum</td>
<td>2 stories</td>
<td>2.5 stories</td>
<td>24 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Ground Floor Elevation (min.)</td>
<td>3 ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upper Stories Clear Height (min.)</td>
<td>8 ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Siting</th>
<th>Build-To/Dooryard</th>
<th>Frontage Build-To (min.)</th>
<th>Parking Setback</th>
<th>Side Setback (min. with firewall)</th>
<th>Side Setback (min. without firewall)</th>
<th>Rear Setback (min.)</th>
<th>Building footprint per unit (max.)</th>
<th>Façade width per unit (max. per unit)</th>
<th>Façade width total (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Build-To/Dooryard</td>
<td>15-20 ft.</td>
<td>65%</td>
<td>30 ft.</td>
<td>0 ft.</td>
<td>5 ft.</td>
<td>20 ft.</td>
<td>1,500 sq. ft.</td>
<td>50 ft.</td>
<td>120 ft.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Architectural Elements</th>
<th>Ground Floor Fenestration</th>
<th>25 to 70%</th>
<th>Upper Story Fenestration</th>
<th>25 to 70%</th>
<th>Private Open Area (min.)</th>
<th>10%</th>
</tr>
</thead>
</table>
Uses are allowed in the West Downtown District in accordance with the following table:

<table>
<thead>
<tr>
<th>Residential</th>
<th>Ground Floor</th>
<th>Upper Story</th>
<th>Ground Floor</th>
<th>Upper Story</th>
<th>Ground Floor</th>
<th>Upper Story</th>
<th>All Stories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Multiple-family</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Group/Foster Homes</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Non-Residential</th>
<th>Ground Floor</th>
<th>Upper Story</th>
<th>Ground Floor</th>
<th>Upper Story</th>
<th>Ground Floor</th>
<th>Upper Story</th>
<th>All Stories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clinic</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Child Care Center</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Libraries/museums</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Lodging</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Office</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Parking Structure</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Places of Assembly</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Research and Development</td>
<td>S</td>
<td>P</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<tr>
<td>Restaurant</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Bar/Lounge/Smoke Lounge</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Retail sales and service</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Studio</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Veterinary Clinic</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Civic Uses</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

1. For storefront, only active ground floor uses are permitted for the first 30 feet of building depth. Past the first 30 feet of building depth, the Urban General permitted ground floor uses apply.

2. Only support functions such as lobbies, rental offices, and club rooms may be located on the first floor.

3. Parking Structure Design Standards See Section 27.03 (M).

4. Outdoor areas to accommodate waiting, dining, etc. in the rear yard are not permitted.
Section 27.06 – Signs

N. New and replacement signs
All new and replacement signs shall conform to the requirements of this ordinance. Plans, details, elevations and samples must be submitted for administrative review and approved by the following officials:

1. Plan Reviewer: reviews submittals for compliance with the Building Code and sign regulations in the Code of Ordinances, decisions of this official may be appealed to the Building Board of Appeals.
2. Zoning Administrator: reviews submittals for compliance with the specific requirements of the Zoning Ordinance, decisions of this official may be appealed to the Zoning Board of Appeals.
3. Director of Economic and Community Development or their designee: review of submittals for compatibility with the building and its surroundings per the standards of this article, decisions of this official may be appealed to the Zoning Board of Appeals.

O. Face changes or relocations
Face changes or relocations of existing signs on the same building or site are allowed subject to permitting and administrative approval by the Director of Economic and Community Development or their designee on the basis that the sign is in safe and serviceable condition and the new sign face is consistent with the intent and requirements of this Article to the extent feasible. A denial under this provision may be appealed to the Zoning Board of Appeals.

P. General requirements
1. All signs in the district shall also comply with the general sign requirements in the Code of Ordinances of the City of Dearborn (Chapter 5, Article XII - Signs).
2. All signs and sign-lighting fixtures shall exhibit ornamental features consistent with the examples shown in the design review manual.
3. Every sign shall be part of the architectural concept. Size, color, lettering, logo, graphics, location, materials, and arrangement shall be harmonious with the building design and its surroundings, and shall be compatible with signs of adjoining buildings.
4. All signs shall be constructed of durable materials capable of resisting the deleterious effects of weather exposure. Plywood, fiberboard, plastic sheeting, EFIS or similar materials are prohibited.
5. Colors shall be used harmoniously and with restraint. Fluorescent, brilliant, or optical colors are prohibited.
6. Address numbers shall be a maximum of eight (8) inches in vertical dimension and should be separate from the main signage. Phone numbers and other secondary text such as "dine-in or carry-out" are discouraged as they serve limited useful communication purposes and unnecessarily contribute to visual clutter in the district.
7. The vertical drip of an awning may be stenciled with signage a maximum of eight (8) inches in vertical dimension by any horizontal length. No signage shall be permitted on the shed portion.
8. Lighting: Signs may be internally or externally lit. Sign lighting shall be considered part of the design of the sign and evaluated per the standards in this Article. Sign lighting shall be decorative or hidden from view. Signs with exposed luminaries of any type (including neon, LEDs, and similar) are prohibited.
9. Businesses are permitted one (1) sign for each frontage facing a street or parking lot.
10. Businesses with service entrances may identify these with one (1) sign not exceeding two (2) square feet.
11. Permanent window or door signs/graphics (stenciled, etched, silk screened, hand painted, vinyl letters/images, or similar) are permitted provided the following standards are met:
   (a) Such signs shall comply with the seventy (70) percent transparency requirement in the architectural standards of this Article.
   (b) Approval by the ECD Director as permanent signage or façade treatment.
12. Temporary banners and window signs shall be regulated per the provisions of the sign requirements in the Code of Ordinances of the City of Dearborn (Chapter 5, Article XII - Signs).
13. Art installations: Installation of art pieces (sculpture, murals, posters, or paintings) on the exterior of a building or on the grounds of such a building may be allowed at the discretion of the ECD Director. Discretion is based on the goal of permitting...
such art installations to beautify the district and community with a wide variety of high-quality art projects. The presence of artwork in developments creates a competitive edge by attracting people who are curious about the artwork. Residents and visitors may pause to enjoy the artwork’s surprising and esthetic delights and may return to experience it again while shopping or conducting business. However, if such an installation is primarily for the purpose of advertising a particular brand or business and not in the common good and public interest, then it shall be treated as commercial signage and subject to the requirements of this section governing such.

Q. Wall signs

1. Prohibited wall signs. Box or cabinet signs and signs painted directly onto any exterior wall or surface are prohibited. The latter shall not include art installations permitted by Paragraph C(13) above.

2. Sign bands. A single external sign band or zone may be applied to the façade of a building between the first and second floors, provided that it shall be a maximum of two and one-half (2 ½) feet in vertical dimension by any horizontal dimension. The sign band or zone may contain multiple individual signs, but all must refer to a tenant of the building.

3. Board signs. Signs consisting of opaque letters permanently applied to an opaque background, anchored as a single unit to a building façade. Board signs shall meet the following requirements:
   (a) Text shall be raised or routed from the background by not less than three-quarter (¾) inch, nor more than two (2) inches.
   (b) Text shall be of a contrasting color from the background (painted on text is prohibited).
   (c) Text shall be six (6) inches minimum height, and twenty-four (24) inches maximum height.
   (d) The background shall be framed by a finished edge.
   (e) Logos, graphics, and features other than text are encouraged and may be painted directly on the background.

4. Halo illuminated letter signs. Signs consisting of individual, internally illuminated letters with opaque face and sides. Halo illuminated letters are characterized by indirect illumination, with all illumination projecting from the rear of each letter onto the background surrounding the letters. Halo illuminated letter signs shall meet the following requirements:
   (a) The face and sides of letters shall be opaque.
   (b) Sides of letters shall not be greater than three (3) inches.
   (c) Text shall be six (6) inches minimum height, and twenty-four (24) inches maximum height.
   (d) All lights, transformers, fasteners, spikes, zappers and connections shall be concealed from view.
   (e) Raceways shall have a maximum depth of four (4) inches.

5. Internally illuminated letter signs. Internally illuminated letter signs shall be defined as individual, internally illuminated letters with a translucent face and opaque sides. Internally illuminated letter signs shall meet the following requirements:
   (a) The face of the letters shall be translucent (transparent faces are prohibited and the light element shall not be visible).
   (b) The sides of the letters shall be opaque.
   (c) Sides of letters shall not be greater than three (3) inches.
   (d) Text shall be six (6) inches minimum height, and twenty-four (24) inches maximum height.
   (e) All lights, transformers, fasteners, spikes, zappers, connections or other similar devices shall be concealed from view.
   (f) Raceways shall have a maximum depth of four (4) inches.

6. Dimensional letter signs. Dimensional letter signs shall be defined as individual letters with opaque face and sides, pin mounted to the building façade. Dimensional letter signs shall meet the following requirements:
   (a) The face and sides of letters shall be opaque.
   (b) Sides of letters shall not be greater than three (3) inches.
   (c) Text shall be six (6) inches minimum height, and twenty-four (24) inches maximum height.
   (d) Letters shall be fabricated of metal or acrylic (wood is prohibited) designed to resist the deleterious effects of weather exposure.
   (e) Letters shall be mounted to the building façade using stainless steel anchors to prevent staining.

7. Electronic signs. Electronic signs shall be permitted in the as secondary signage to serve a message board function; they are not to serve as the primary signage for a commercial or institutional use. Electronic signs shall be defined and regulated
per the requirements of Section 5-1342.1 of the Code of Ordinances, except that the following additional requirements shall apply:

(a) The electronic sign shall be part of or accessory to a primary permitted sign identifying the business or institution.
(b) Color: single color/monochrome only.
(c) Resolution (minimum pixel pitch/spacing): Seventeen (17) millimeters.
(d) Shall not exceed twelve (12) square feet in area.
(e) Prohibited electronic signs:
   (1) Projecting signs.
   (2) Wall signs mounted on the front of a building perpendicular to a public road, as these signs serve limited useful communication purposes and unnecessarily contribute to visual and lighting clutter in the district. This does not apply to signs mounted facing a street on the side of a building on a corner lot.

R. Ground signs
Ground signs shall be any freestanding sign supported by and anchored directly to the ground on privately owned property. Ground signs shall include pole and monument signs. Ground signs shall meet the following requirements:

1. Ground signs shall meet the requirements for one of the approved types of wall signs described above.
2. Cabinet style ground signs may be approved at the discretion of the ECD Director if they comply with the general sign ordinance, meet the general requirements for downtown signs and are designed to mimic one of the approved types of wall signs described above.
3. Kiosk signs. Kiosk signs shall be defined as ground signs (maximum twelve (12) square feet) placed on public or private property for the purposes of providing directions or other information regarding the location, nature, or schedule of activities conducted within a specific property or district. Kiosk signs may be approved by the ECD Director if they meet the requirements of the sign ordinance, general requirements for downtown signs and are determined to be necessary to aid the public in navigation and use of the property or district in question.

S. Projecting signs
Signs which project outward from the face of the building shall meet the following requirements:

1. Pedestrian level projecting signs.
   (a) Shall be mounted perpendicular (ninety (90) degrees) to the building façade.
   (b) Shall be located entirely between twelve (12) and eight (8) feet above the pedestrian walkway. Shall not project above the roof line.
   (c) Shall be securely mounted using ornamental brackets attached to either the building façade or from permanent overhanging canopies (chain or hinge mounting is prohibited). If wall mounted, the sign shall be located a maximum of six (6) inches from the wall.
   (d) Shall not exceed six (6) square feet per side not including the brackets.
   (e) Shall be double sided, having text or images on two (2) sides.
   (f) Text shall be raised or routed from the background by not less than three-quarter (¾) inch, nor more than two (2) inches.
   (g) Text shall be of a contrasting color from the background (painted on text is prohibited).
   (h) The background shall be framed by a finished edge.
   (i) Logos, graphics, and features other than text are encouraged and may be painted directly on the background. Icon-style signs are allowed.
   (j) Shall not be an electronic sign.

2. Upper level projecting signs.
   (a) Shall be mounted perpendicular (ninety (90) degrees) to the building façade.
   (b) Shall be located entirely between twelve (12) and the uppermost point of the building façade. Shall not project above the roof line.
   (c) Shall be securely mounted to the building façade.
(d) Shall be double sided, having text on two (2) sides.
(e) Shall be located a maximum of one (1) foot from the wall.
(f) Shall not exceed three (3) feet in width or four (4) feet in height.
(g) Shall not be an electronic sign.
Section 27.07 – Parking

T. Intent
Parking supply and demand in West Downtown Dearborn warrants standards that are tailored to the unique character and transportation choices in a downtown urban area. The convenience of multiple forms of alternate transportation, including the ability to traverse the area as a pedestrian, decrease the parking demand for many urban land uses.

U. Parking Requirements
1. The table below establishes the minimum parking requirements for specific uses within West Downtown:

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking spaces per 1,000 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>3.0</td>
</tr>
<tr>
<td>Retail</td>
<td>1.0</td>
</tr>
<tr>
<td>Restaurant</td>
<td>9.0</td>
</tr>
<tr>
<td>Medical</td>
<td>4.0</td>
</tr>
<tr>
<td>Community</td>
<td>.5</td>
</tr>
<tr>
<td>Fraternal Lodges</td>
<td>.5</td>
</tr>
<tr>
<td>Lodging</td>
<td>1.0</td>
</tr>
<tr>
<td>Residential</td>
<td>1.0</td>
</tr>
</tbody>
</table>

2. Parking Requirement Considerations:
   (a) Shared Parking: The parking requirement may be satisfied through shared parking with an adjacent owner who has excess parking. All uses must be located within 600 feet of the shared parking with a copy of an executed easement that provides for continued use and maintenance of the parking is filed with the Wayne County Register of Deeds and a copy is submitted to the City. Both the grantor and the grantee of the easement are required to comply with the parking requirements of this section.
   (b) Mixed-Use: In a mixed-use project, parking may be shared by the different uses therefore reduced as follows:
       - A mixed-use project composed of residential and retail uses may reduce the total vehicle parking up to 30 percent of the total required parking.
       - A mixed-use project composed of residential and office or institutional uses may reduce the total vehicle parking up to 40 percent of the total required parking.
       - A mixed-use project composed of office or institutional uses and retail uses may reduce the total vehicle parking up to 20 percent of the total required parking.
   The reduction in parking for mixed-use developments may be below the noted percentage but may not exceed. The Zoning Administrator or his/her designee, shall determine the reduction by taking into consideration the proposed land use, peak parking usage periods, and Institute of Transportation Engineers (ITE) parking generation rates manual.
   (c) On-street Parking: Public on-street parking that is located along the developments frontage shall be counted towards the number of spaces required for the commercial component, but not for the residential component, within the development.
   (d) Reductions: Through site plan review, the Planning Commission may reduce the parking requirement when the applicant can demonstrate, based on supporting documentation provided by the applicant, the parking need for that particular use is less than required by this Ordinance or valet service to a satellite parking lot will be provided.
V. Parking Exemption
The standards described above do not apply within the Public Parking Sector identified in blue in the map below. While no parking is specifically required for residential developments within the Public Parking Sector, new projects are encouraged to supply parking if feasible for their anticipated demand.

W. Parking Lot Screening
1. For parking lots along public rights-of-way, the following screening shall be:
   (a) Minimum 5-foot landscaped buffer zone
   (b) Plantings: 8 Shrubs and 1 tree per 25 linear feet;
   (c) Screen wall: Minimum 32” decorative screen wall, located behind the plantings, located 2 feet from rear edge of the buffer zone to protect from vehicle overhang.
1. **Awning.** A roof-like covering cantilevered, projected or suspended from a building, usually of canvas, metal, or similar material and often adjustable, placed over the sidewalk, windows, or doors to provide protection from sun and rain. It is distinguished from a canopy because it is not permanent, nor a structural portion or architectural feature of the building and does not support substantial weight.

2. **Balcony.** An exterior platform attached to the upper floors of a building elevation.

3. **Bay window.** A U-shaped (or similarly shaped) enclosure including a window, extending the interior space of the building outward from a building elevation.

4. **Build-to line.** The building line to which a building must be constructed. Similar to setback, a build-to line runs parallel to the right-of-way and is established to create a generally consistent building line along a street. The build-to line designates the specific location or range within which the front building line must be located.

5. **Building Envelope.** The buildable area defined by the build-to line and setbacks, setting the limits of the building footprint now and in the future.

6. **Canopy.** A bracketed or suspended cover projecting from the building over the sidewalk, or a roof-like covering placed over the sidewalk, windows, or doors, to provide protection from sun and rain and, unlike an awning, it is a permanent, durable, structural portion of the building as opposed to a light covering of canvas, metal or other similar material.

7. **Clear height.** Within a structure, the distance between the floor and ceiling. For entrances and other external building features, the unobstructed distance from the ground to the bottom of the lowest element above.

8. **Clinic.** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

9. **Common lot line.** Lot lines shared by adjacent private lots.

10. **Daycare/Childcare.**
    a. Child Care Facility: A facility for the care of children under 18 years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973 and the associated rules promulgated by the State Department of Human Services.
    b. Child Care Centers, Nursery Schools, and Day Nurseries: A facility, other than a private residence, receiving pre-school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. “Child care center” or “day care center” does not include a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
    c. Family day care home (six or fewer children less than 24 hours per day): A private home in which not more than six minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
    d. Group day care home (seven to 12 children less than 24 hours per day): A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

11. **Dooryard.** The area between the build-to line and the right-of-way.

12. **Dormer.** A projecting architectural feature with a vertical window built out from a pitched roof.

13. **Elevation.** The exterior face of a building.

14. **Expression line.** A line prescribed at a certain level of a building for the major part of the width of a facade, expressed by a variation in material or by a limited projection on such as a molding, balcony or canopy.

15. **Façade.** The building elevation built along the build-to line on the Primary Frontage.

16. **Fenestration.** Openings in the building wall, including windows, doors and open areas. When measuring fenestration, framing elements (such as muntins) with a
dimension less than 1 inch are considered part of the opening.

17. **Front porch.** A front porch is applicable to lower density residential buildings and designed to provide covered, outdoor seating space for residents. Porches can project beyond the setback line towards the right-of-way and/or can wrap around the side of the building.

18. **Grade.** The lowest point of elevation within the area between the exterior surface of the structure and the property line. If the property line is more than five feet from the exterior surface of the structure, “grade” means the lowest point of elevation between the exterior surface of the structure and a line five feet from the exterior surface of the structure.

19. **Ground Floor.** The first story of a building with an entrance at street level.

20. **Group/Foster Homes.**
   a. Foster Family Group Home: A private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
   b. Foster Family Home: A private home in which one but not more than six minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

21. **Lodging.** A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and/or in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service.

22. **Office.** A use where a person transacts his or her business or carries on his or her stated occupation, including but not limited to finance, real estate, insurance, travel agency, architecture, or similar professional occupations.

23. **Places of Assembly.** Any structure wherein persons regularly gather for religious activity, entertainment, or political purposes including, but not limited to, places of worship, theaters, fraternal organizations, and trade union halls. A place of worship is a structure used to conduct a religious service, including, but not limited to, the usual accessory structures and uses, such as convents, rectories, parsonages, monasteries, gymnasiums and church halls.

24. **Private open area.** An area within the buildable area of a lot, accessible only to occupants of the particular building, building and primarily open to the sky.

25. **Research and Development.** Research and development activities that lead to the development of a new product or a new manufacturing and assembly process. Products developed, manufactured or assembled here are not intended to be mass-produced for sale at this location.

26. **Restaurant/Bar/Lounge.**
   a. Restaurants with Outdoor Seating. A use that involves the sale or delivery of any prepared food or beverage for consumption in a defined area on premises but outside of the building in which it is prepared. Examples of defined areas include an external deck, patio, mall, garden, balcony or sidewalk.
   b. Carry-Out Restaurant. A use that involves the sale of food, beverages, and/or desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption mainly off the premises. A carry out restaurant differs from a drive-through restaurant in that a customer must park and walk up to the restaurant or an employee must exit the restaurant and deliver the food to a customer in a parked car.
   c. Drive-In Restaurant. A use that involves delivery of prepared food so as to allow its consumption within a vehicle while parked on the premise.
   d. Drive-Through Restaurant. A use that involves the delivery of prepared food to the customer within a vehicle, typically passing through a pass-through window, for consumption off of the premises.
   e. Standard Restaurant. A standard restaurant is a use that involves either of the following:
      1) The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building.
      2) The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers within a completely enclosed building.
   f. Bar/Lounge/Tavern. A bar, lounge or tavern is a type of restaurant that is operated primarily for the dispensing of alcoholic beverages. The preparation and sale of food or snacks to customers may be permitted.

27. **Retail sales and service.** Establishments providing the sale of goods sold on the premises and services to the general public, including, but not limited to, drug store, hardware store, laundry or cleaners pick up, jewelry store, florist, gift
shop, book store, clothing store, photographer, bakery, shoe repair, tailoring, salons and barbershops

28. **Stoop.** A stoop is a small elevated landing space above the sidewalk level which provides entry into the building. Stoops may be covered or uncovered and may project beyond the building setback line towards the right-of-way.

29. **Storefront.** A frontage type appropriate for the ground floor of commercial / retail buildings. Storefronts provide large windows with transparent views into the building interior.

30. **Story.** That space within a building and above grade that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling above.

31. **Studio.** A place of instruction for dance, music, health, or art.

32. **Upper stories.** Any story above the ground floor.
ATTACHMENT B
Amendments to Article 17
ORDINANCE NO. 19-XX

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF DEARBORN BY AMENDING SECTIONS 17.04 AND 17.10 OF ARTICLE 17.00, ENTITLED “B-D, DOWNTOWN BUSINESS DISTRICT”

THE CITY OF DEARBORN ORDAINS TO:

Amend Sections 17.04 and 17.10 of Article 17.00 of the Zoning Ordinance of the City of Dearborn to include the following:

ARTICLE 17.00

B-D, DOWNTOWN BUSINESS DISTRICT

Sec. 17.01. - Statement of purpose.

The intent of creating the B-D, Downtown Business District in the City is to provide for a list of land uses and a set of standards to guide the future growth and development of these areas. It is not the intent of this Article to change the existing zoning of any property within the boundaries of the B-D, Downtown Business District. Each parcel of land within the B-D, Downtown Business District shall adhere to the land uses permitted within its existing zoning classification. This ordinance does not eliminate the need for other permits or approvals required by other applicable laws, ordinances, or code provisions. However, properties within the boundaries of the B-D, Downtown Business District shall be subject to an overlay of principles and standards that are set forth in this Article in order to promote and enhance economic development. The following set of principles would be applied to designated B-D, Downtown Business Districts:

1. Protect, enhance and reinforce the adjacent residential.
2. Support existing merchants, business owners and property owners.
3. Create a pedestrian-friendly downtown district, with unified landscaping, paving, lighting and signage, which connects to the adjacent residential neighborhoods.
4. Provide traffic calming on major avenues while retaining their arterial function.
5. Provide ample, visible and accessible parking.
6. Provide flexible sites for new mixed-use development including retail, entertainment, cultural, office and residential uses.
7. Preserve the historic heritage of downtown and Dearborn.
8. Connect downtown to nearby visitor attractions and employment centers.
9. Create landmark gateway entrances to downtown along major avenues and along other arterial streets.

Sec. 17.02. - Permitted uses and structures.

A. **Principal uses and structures.** In all areas designated as B-D, Downtown Business Districts, no building shall be erected, used, or structurally altered, nor shall land or premises be used in whole or in part, except for one (1) or more principal permitted uses in a B-A, Local Business District; B-B, Community Business District; and B-C, General Business District; O-S, Business Office District; and R-C, R-D, and R-E, Multiple Family Residential Districts.

B. **Special Land Uses.** In all areas designated as B-D, Downtown Business Districts, Special Land Uses may be permitted as specified in the B-A, Local Business District; B-B, Community Business District; B-C, General Business District and O-S, Business Office District, subject to the conditions specified for each use, review and approval of the site plan, any special conditions imposed during the course of review, and the provisions set forth in Article 7.00 and Article 32.00.

Sec. 17.03. - Development standards.

A. **Required conditions.** Unless otherwise noted, buildings and uses in the B-D, Downtown Business District shall comply with the following requirements:

1. All permitted retail or services establishments shall deal directly with customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.

2. All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.

3. There shall be no outside storage of any goods, inventory, or equipment. Any storage must be clearly accessory to the principal permitted use.

4. Commercially used or commercially licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.

5. Parking or storage of damaged or disabled vehicles shall be prohibited. Vehicles parked on a site shall not be used principally for storage, sales, or advertising.

6. All sites shall be maintained in compliance with the open space and landscaping requirements of Section 5.03.
B. **Site plan review.** Site plan review and approval by the city planner is required for all uses in the B-D, Downtown Business District in accordance with Article 32.00.

C. **Area, height, bulk, and placement requirements.** Buildings and uses in the B-D, Downtown Business District are subject to the area, height, bulk, and placement requirements in Article 29.00, Schedule of Regulations.

D. **Planned Unit Development Mixed Use.** Planned Unit Development Mixed Use may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 23.00.

E. **General development standards.** Buildings and uses in the B-A, Local Business District; B-B, Community Business District; and B-C, General Business District shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

<table>
<thead>
<tr>
<th>Article</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 1.00</td>
<td>Definitions</td>
</tr>
<tr>
<td>Article 2.00</td>
<td>General Provisions</td>
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<tr>
<td>Article 4.00</td>
<td>Off-Street Parking and Loading</td>
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<td>Article 6.00</td>
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<td>Article 7.00</td>
<td>Site Development Standards</td>
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<tr>
<td>Article 29.00</td>
<td>Schedule of Regulations</td>
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</table>
(F) **Off-street parking requirements.**

<table>
<thead>
<tr>
<th>Use</th>
<th>Requirement</th>
<th>Details</th>
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<tbody>
<tr>
<td>Office</td>
<td>3.0</td>
<td>Parking Spaces/1,000 square feet</td>
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<tr>
<td>Retail</td>
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<td>Parking Spaces/1,000 square feet</td>
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<td>Restaurant</td>
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<td>Community</td>
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<td>Parking Spaces/1,000 square feet</td>
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<tr>
<td>Fraternal Lodges</td>
<td>.5</td>
<td>Parking Spaces/1,000 square feet</td>
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<tr>
<td>Motel</td>
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<td>Parking Spaces/1,000 square feet</td>
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<tr>
<td>Residential Apts.</td>
<td>1.0</td>
<td>Parking Spaces/1,000 square feet</td>
</tr>
</tbody>
</table>

These requirements reflect amounts based on gross square footage. In this district, the gross square footage shall not be reduced to eighty percent (80%) for purposes of this calculation. If a building has multiple uses then the appropriate parking requirement would be applied to that square footage of the building.
Sec. 17.04. - B-D, Downtown Business District boundaries.

Boundaries of the West Dearborn
Downtown Business District

All of the frontage and public and private parking lots located:

- North of railroad from Elm to Outer Drive
- East of Outer Drive from railroad to flood plain
- South of flood plain from Outer Drive to Haigh Extended
- South of Garrison from Haigh to Mason
- South of Morley from Mason to Monroe
- North of Garrison from Monroe to Oakwood
- South of Garrison from Oakwood to Brady
- North of Michigan Avenue from Brady to Elm
Boundaries of the East Dearborn Downtown Business District

B. Boundaries of the East Dearborn Downtown Business District

All of the business frontage located north and south of Michigan Avenue from Jonathon westerly to Schlaff and all of the business frontage located east and west of Schaefer Road from Colson southerly to Osborn.

All of the public and private parking lots located north of alley north of Michigan Avenue from Jonathon to Schlaff.

All of the public and private parking lots located south of the alley south of Michigan Avenue from Schlaff to Jonathon including the City Hall site.

Also all of the public and private parking lots located east and west of Schaefer Road from Colson to Osborn.
Sec. 17.05. - Development standards for B-D, Downtown Business Districts.

A. **Construction of language and definitions.**

1. **Rules of construction.** The following rules of construction apply to the text of the Ordinance.

   (a) The provisions of this section shall have precedence over any conflicting section contained in any other code or ordinance. The particular shall control the general.

   (b) In the case of any difference of meaning or implication between the text of the ordinance and any caption, preamble or illustration, the text shall control.

   (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive and discretionary.

   (d) Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.

   (e) A "building" or "structure" includes any part thereof.

   (f) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."

   (g) The word "person" includes an individual, firm, a corporation, company, co-partnership, partnership, an incorporated association, club, joint venture, estate, trust, or any other similar entity, group, or combination acting as a unit.

   (h) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunctions "and," "or," "either ... or," the conjunction shall be interpreted as follows:

      (1) "And" indicates that all the connected items, conditions, or provisions, or events shall apply.

      (2) "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.

      (3) "Either ... or" indicates that the connected items, conditions, or provisions or events shall apply singly but not in combination.

   (i) Terms not herein defined shall have the meaning customarily assigned to them, unless defined in any City ordinance.

B. **Definitions.**

**Appearance.** The outward aspect visible to the public.

**Appropriate.** Sympathetic, or fitting, to the context of the site and the whole community.

**Appurtenances.** The visible, functional objects accessory to and part of buildings.
**Architectural concept.**  The basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development, which produces the architectural character.

**Architectural feature.**  A prominent or significant part or element of a building, structure, or site.

**Architectural style.**  The characteristic form and detail, as of buildings of a particular historic period.

**Attractive.**  Having qualities that are compatible and harmonious in design, construction, and color scheme with the surrounding buildings.

**Awning.**  A roof-like covering of canvas, or similar material, over a door or window to provide protection against the sun, wind or, rain.

**Berm.**  A raised form of earth to provide screening or to improve the aesthetic character.

**Character.**  The combination of traits which, when considered together, distinguish specified land and/or development from other specified land and/or development. In assessing character, the following may be considered, along with any other expressly identified factors:

1. Percentage of a lot(s) covered by structures and other impervious improvements.
2. Type of structure(s).
3. Type, extent, location and use of natural landscape.
4. Topography and soil.
5. Traffic flow and pattern, and the relationship of traffic to pedestrian and vehicular thoroughfares.
7. Intensity of uses.
8. Type and location of utilities and other infrastructure improvement.
9. Natural areas.
10. Natural features.
11. Architectural concepts, features, and/or style.

**Cohesiveness.**  Unity of composition between design elements of a building or a group of buildings, and the landscape development.

**Compatibility.**  Harmony in the appearance of two or more external design features in the same vicinity.

**Conservation.**  The protection and care, which prevent destruction or deterioration of significant structures, buildings, or natural resources.

**Exterior building component.**  An essential and visible part of the exterior of a building.
**External design feature.**  The general arrangement of any portion of a building, sign, landscaping or structure and including the kind, color, and texture of the materials of such portion and types of roof, windows, doors, lights, attached or grounded signs or other fixtures appurtenant to such portions, as will be open to public view from any street, place or way.

**Graphic element.**  A letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.

**Harmony.**  A quality which represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.

**Landscape.**  Plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

**Light cutoff angle.**  An angle from vertical extending downward from a luminaire, which defines the maximum range of incident illumination outward at the ground plane.

**Logic of design.**  Accepted principles and criteria of validity in the solution of the problem of design.

**Mechanical equipment.**  Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

**Miscellaneous structures.**  Structures, other than buildings, visible from public ways. Examples are: memorials, stagings, antennas, water tanks and towers, sheds, shelters, fences and walls, transformers, drive-up facilities, benches, trash receptacles, fountains, etc.

**Mullion system.**  Decorative moldings/trim surrounding or separating (and often supporting) windows, doors, or panels set in a series, including but not limited to the mullion cover.

**Plant materials.**  Trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.

**Proportion.**  Balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.

**Scale.**  Proportional relationship of the size of parts to one another and to the human figure.

**Screening.**  Structure of planting which conceals from view from public ways the area behind such structure or planting.

**Shrub.**  A multistemmed woody plant other than a tree.

**Site break.**  A structural or landscape device to interrupt long vistas and create visual interest in a site development.

**Street hardware.**  Man-made objects other than buildings, which are part of the streetscape. Examples are: lamp posts, utility poles, traffic lights, traffic signs, benches, litter containers, planting containers, letter boxes, fire hydrants.
Streetscape. The scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, planting, street hardware, and miscellaneous structures.

Structure. Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground.

Utilitarian structure. A structure or enclosure relating to mechanical or electrical services to a building or development.

Utility hardware. Devices such as poles, cross arms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or project.

Utility service. Any device, including wire, pipe, and conduit which carries gas, water, electricity, oil, and communications into a building or development.

C. Area, height, bulk, placement standards, and landscaping.

1. Front yard setbacks. The regulations for each zoning district shall apply, except as follows: Front yard setback for commercial uses on Michigan Avenue shall be a minimum of ten (10) feet from the front lot line of the business.

2. Landscaping. From April 1 to October 31, an owner/occupant/tenant may install moveable container landscaping, which may encroach up to thirty (30) inches onto sidewalks provided a five (5) foot pedestrian walkway is maintained. Owner/occupant/tenant does so at his/her own risk and shall be liable for injuries and damages arising there from.

D. Architectural standards. All buildings shall be subject to the following physical requirements:

1. At least ninety percent (90%) of the exterior finish material on all facades that face a street shall be limited to the following: glass, brick, cut stone, cast stone, face brick, aluminum/vinyl trim. Coarsely textured stucco, wood, and E.F.I.S. (exterior finish insulation system) shall be allowed on the second floor or above.

2. The primary colors of building exteriors shall be compatible with the colors of adjacent buildings and in character with the surrounding area, although the trim may be of a contrasting color.

3. Blank walls shall not face a public street. Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or decorative finish materials.

4. All buildings fronting a public walkway shall be directly accessible and have an entrance for the public. Each storefront must have transparent areas, equal to seventy percent (70%) of its portion of the facade, between one (1) and eight (8) feet from the ground. Window coverings during business hours and visible storage are prohibited.
5. Storefronts shall have mullion systems, with doorways and signage integrally designed. Mullion systems shall be painted, powder-coated, or stained.

6. Glass shall be clear or lightly tinted only. Opaque applications shall not be applied to the glass surface.

7. Facade openings, including porches, windows, and colonnades, shall be vertical in proportion.

8. Sliding doors and sliding windows are prohibited along frontage lines.

9. Flat roofs shall be enclosed by parapets of sufficient height to conceal roof-mounted equipment and constructed with material compatible with the building exterior.

10. Roof-mounted fixture screening, roof-mounted appliances, including, but not limited to, air conditioners, heating apparatus, dust collectors, filters, transformers, and any other such appliance or apparatus, shall be enclosed on all sides by view obscuring screening so as not to be visible from off the site from any angle. If such appliances or equipment are placed on the ground, the above screening requirements shall still apply.

11. Cantilevered mansard roofs are prohibited.

12. Balconies, railings, and porch structures shall be brick, metal, wood, cast concrete, stone, or stone composite.

13. Facades may be supplemented by awnings, which shall be straight sheds with or without side flaps, not cubed or curved, or backlit. Awnings shall be between eight (8) and twelve (12) feet above sidewalk grade at the lower drip edge. Awnings must avoid street trees and be set back at least two (2) feet from the road curb.

14. Outside dining tables and chairs shall be primarily metal, wood, or similar material. Plastic outside dining tables and chairs shall be prohibited. Approval from the zoning board of appeals is also required.

15. All building corners and terminal ends shall provide distinct and prominent architectural features of enhanced character and visibility, which reflect the importance of the building's location and create a positive visual landmark.

16. All buildings that become vacant shall immediately remove all business signage and cover all windows during the vacancy with an approved opaque material.

17. External security gates and bars are prohibited.
Sec. 17.06. - Signs.

A. **New and replacement signs.** All new and replacement signs shall conform to the requirements of this ordinance. Plans, details, elevations and samples must be submitted for administrative review and approved by the following officials:

1. **Plan Reviewer:** reviews submittals for compliance with the Building Code and sign regulations in the Code of Ordinances, decisions of this official may be appealed to the Building Board of Appeals.

2. **Zoning Administrator:** reviews submittals for compliance with the specific requirements of the Zoning Ordinance, decisions of this official may be appealed to the Zoning Board of Appeals.

3. **Director of Economic and Community Development or their designee:** review of submittals for compatibility with the building and its surroundings per the standards of this article, decisions of this official may be appealed to the Design Review Committee.

B. **Face changes or relocations.** Face changes or relocations of existing signs on the same building or site are permitted subject to permitting and administrative approval by the Director of Economic and Community Development or their designee on the basis that the sign is in safe and serviceable condition and the new sign face is consistent with the intent and requirements of this Article to the extent feasible. A denial under this provision may be appealed to the Design Review Committee.

C. **General requirements.**

1. All signs in the B-D district shall also comply with the requirements of the general sign requirements in the Code of Ordinances of the City of Dearborn (Chapter 5, Article XII - Signs).

2. All signs and sign-lighting fixtures shall exhibit ornamental features consistent with the examples shown in the design review manual.

3. Every sign shall be part of the architectural concept. Size, color, lettering, location, materials, and arrangement shall be harmonious with the building design and its surroundings, and shall be compatible with signs of adjoining buildings.

4. All signs shall be constructed of durable material capable of resisting the deleterious effects of weather exposure. Plywood, fiberboard, plastic sheeting or similar materials are prohibited.

5. Colors shall be used harmoniously and with restraint. Fluorescent, brilliant, or optical colors are prohibited.

6. Address numbers shall be a maximum of eight (8) inches in vertical dimension and should be separate from the main signage. Phone numbers and other secondary text such as "dine-in or carry-out" are prohibited in most cases as they serve limited useful communication purposes and unnecessarily contribute to visual clutter in the district.
7. The vertical drip of an awning may be stenciled with signage a maximum of eight (8) inches in vertical dimension by any horizontal length.

8. Lighting: Signs may be internally or externally lit. Sign lighting shall be considered part of the design of the sign and evaluated per the standards in this Article. Sign lighting shall be decorative or hidden from view. Signs with exposed luminaries of any type (including neon, LEDs, and similar) are prohibited.

9. Businesses located in corner buildings are permitted one (1) sign for each street frontage.

10. Businesses with service entrances may identify these with one (1) sign not exceeding two (2) square feet.

11. Permanent window or door signs/graphics (stenciled, etched, silk screened, hand painted, vinyl letters/images, or similar) are permitted provided the following standards are met:
   (a) The seventy (70) percent transparency requirement in the architectural standards of this Article shall still be met; otherwise such signs shall not be permitted.
   (b) Approval by the Design Review Committee as permanent signage or façade treatment.

12. Temporary banners and window signs shall be regulated per the provisions of the sign requirements in the Code of Ordinances of the City of Dearborn (Chapter 5, Article XII - Signs) and shall not require approval by the Design Review Committee.

13. Art installations: Installation of art pieces (sculpture, murals, posters, or paintings) on the exterior of building or on the grounds of such a building may be allowed at the discretion of the Design Review Committee. If such an installation is primarily for the purpose of advertising a particular brand or business, then it shall be treated as commercial signage and subject to the requirements of this section governing such.

D. Wall signs.

1. **Prohibited wall signs.** Box or cabinet signs and signs painted directly onto any exterior wall or surface are prohibited.

2. **Sign bands.** A single external sign band or zone may be applied to the façade of a building between the first and second floors, provided that it shall be a maximum of one and one-half (1½) feet in vertical dimension by any horizontal dimension. The sign band or zone may contain multiple individual signs, but all must refer to a tenant of the building.

3. **Board signs.** Board-type signs shall be defined as signs consisting of opaque letters permanently applied to an opaque background, anchored as a single unit to a building façade. Board signs shall meet the following requirements:
(a) Text shall be raised or routed from the background by not less than three-quarter (¾) inch, nor more than two (2) inches.

(b) Text shall be of a contrasting color from the background (painted on text is prohibited).

(c) Text shall be three (3) inches minimum height, and thirty-six (36) inches maximum height.

(d) The background shall be framed by a finished edge.

(e) Logos, graphics, and features other than text are encouraged and may be painted directly on the background.

4. **Halo illuminated letter signs.** Halo illuminated letter signs shall be defined as individual, internally illuminated letters with opaque face and sides. Halo illuminated letters are characterized by indirect illumination, with all illumination projecting from the rear of each letter onto the background surrounding the letters. Halo illuminated letter signs shall meet the following requirements:

   (a) The face and sides of letters shall be opaque.

   (b) Sides of letters shall not be greater than three (3) inches.

   (c) Text shall be three (3) inches minimum height, and thirty-six (36) inches maximum height.

   (d) All lights, transformers, fasteners, and connections shall be concealed from view.

5. **Internally illuminated letter signs.** Internally illuminated letter signs shall be defined as individual, internally illuminated letters with a translucent face and opaque sides. Internally illuminated letter signs shall meet the following requirements:

   (a) The face of the letters shall be translucent, transparent faces are prohibited (the light element should not be visible).

   (b) The sides of the letters shall be opaque.

   (c) Sides of letters shall not be greater than three (3) inches.

   (d) Text shall be three (3) inches minimum height, and thirty-six (36) inches maximum height.

   (e) All lights, transformers, fasteners, and connections shall be concealed from view.

6. **Dimensional letter signs.** Dimensional letter signs shall be defined as individual letters with opaque face and sides, pin mounted to the building façade. Dimensional letter signs shall meet the following requirements:

   (a) The face and sides of letters shall be opaque.

   (b) Sides of letters shall not be greater than three (3) inches.

   (c) Text shall be three (3) inches minimum height, and thirty-six (36) inches maximum height.
(d) Letters shall be fabricated of metal or acrylic (wood is prohibited) designed to resist the deleterious effects of weather exposure.

(e) Letters shall be mounted to the building façade using stainless steel anchors to prevent staining.

7. **Electronic signs.** Electronic signs shall be permitted in the B-D District as secondary signage to serve a message board function; they are not to serve as the primary signage for a commercial or institutional use. Electronic signs shall be defined and regulated per the requirements of Section 5-1342.1 of the Code of Ordinances, except that the following additional requirements shall apply:

(a) The electronic sign shall be part of or accessory to a primary permitted sign identifying the business or institution.

(b) Color: single color/monochrome only.

(c) Resolution (minimum pixel pitch/spacing): Seventeen (17) millimeters.

(d) Prohibited electronic signs:

   (1) Projecting signs.

   (2) Wall signs mounted on the front of a building perpendicular to a public road, as these signs serve limited useful communication purposes and unnecessarily contribute to visual and lighting clutter in the district. This does not apply to signs mounted facing a street on the side of a building on a corner lot.

E. **Ground signs.** Ground signs shall be any freestanding sign supported by and anchored directly to the ground on privately owned property. Ground signs shall include pole and monument signs. Ground signs shall meet the following requirements:

1. Ground signs shall meet the requirements for one of the approved types of wall signs described above.

2. Cabinet style ground signs may be approved at the discretion of the Design Review Committee if they comply with the general sign ordinance, meet the general requirements for downtown signs and are designed to mimic one of the approved types of wall signs described above. Simple geometric shape cabinet signs (squares, rectangles, circles, ovals, etc.) are prohibited.

3. Kiosk signs. Kiosk signs shall be defined as small ground signs placed on public or private property for the purposes of providing directions or other information regarding the location, nature, or schedule of activities conducted within a specific property or district. Kiosk signs may be approved by the Design Review Committee if they meet the requirements of the sign ordinance, general requirements for downtown signs and are determined to be necessary to aid the public in navigation and use of the property or district in question.

F. **Projecting signs.** Signs which project outward from the face of the building shall meet the following requirements:
1. **Pedestrian level projecting signs.**
   
   (a) Shall be mounted perpendicular (ninety (90) degrees) to the building façade.
   
   (b) Shall be located entirely between twelve (12) and eight (8) feet above the pedestrian walkway. Shall not project above the roof line.
   
   (c) Shall be securely mounted using ornamental brackets attached to either the building façade or from permanent overhanging canopies (chain or hinge mounting is prohibited). If wall mounted, the sign shall be located a maximum of six (6) inches from the wall.
   
   (d) Shall not exceed two (2) feet in width or two (2) feet in height.
   
   (e) Shall be double sided, having text on two (2) sides.
   
   (f) Text shall be raised or routed from the background by not less than three-quarter (¾) inch, nor more than two (2) inches.
   
   (g) Text shall be of a contrasting color from the background (painted on text is prohibited).
   
   (h) The background shall be framed by a finished edge.
   
   (i) Logos, graphics, and features other than text are encouraged and may be painted directly on the background. Icon-style signs are allowed.
   
   (j) Shall not be internally illuminated or electronic signs.

2. **Upper level projecting signs.**
   
   (a) Shall be mounted perpendicular (ninety (90) degrees) to the building façade.
   
   (b) Shall be located entirely between twelve (12) and the uppermost point of the building façade. Shall not project above the roof line.
   
   (c) Shall be securely mounted to the building façade.
   
   (d) Shall be double sided, having text on two (2) sides.
   
   (e) Shall be located a maximum of one (1) foot from the wall.
   
   (f) Shall not exceed three (3) feet in width or four (4) feet in height.
   
   (g) Shall not be internally illuminated or electronic signs.

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Sec. 17.07. - Miscellaneous structures and street hardware.

A. Miscellaneous structures include any structures, other than buildings, visible to view from any public way or ways. Street hardware includes all objects not commonly referred to as structures and located in streets and public ways and outside of buildings.

B. Miscellaneous structures and street hardware located on private property shall be designed to be part of the architectural concept of design and landscape. Materials shall be
compatible with buildings, scale shall be proportional, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.

C. Miscellaneous structures and street hardware located in public ways and other public property shall be harmonious with design of adjacent buildings and other structures and City landscape.

D. Lighting in connection with miscellaneous structures and street hardware shall meet the criteria applicable to size, landscaping, buildings, and signs.

E. The provisions of the City Zoning Ordinance regarding area and bulk regulations and standards, and of those portions of the Dearborn Building Code which directly affect appearance, incorporated in reference thereto.

Sec. 17.08. - Residential uses.

Residential uses are encouraged in the B-D, Downtown Business Districts.

Sec. 17.09. - Appeals.

All appeals under this section shall be to the design review committee and then to the zoning board of appeals.

Sec. 17.10. - Design Review Committee.

A. **Creation and purpose.** The design review committee (DRC) is hereby created and established for the City for the purpose of assisting the city plan department and the building and safety department to preserve, protect and enhance the aesthetic appeal of the City, protect property values through application of good design principles. The purpose of the DRC is to implement the B-D zoning development and design standards and, to promote revitalization and re-establishment of the character and identity of the Downtown Business Districts (B-D).

B. **Membership.** The DRC shall consist of eight (8) five (5) regular members, to include the city planner, director of economic and community development, director of property maintenance and development services, an architect appointed by the mayor, and two (2) persons appointed by the mayor from each of the West Dearborn Downtown Development Authority (WDDDA), and the East Dearborn Downtown Development Authority (EDDDA). Terms of office for the appointed architect shall be two (2) years. The DRC, as it determines necessary or appropriate, shall utilize the assistance of planning, architectural and other consultants. Four (4) Three (3) members shall constitute a quorum. A majority vote of those present shall be necessary for approval.
C. **Powers of the Committee.** Except for one-family detached dwellings, no permit required under the Ordinances of the City for a sign or for the erection, construction, alteration or repair of any building or structure which involves an exterior design feature shall be issued by the City in a B-D District, except upon granting of a Certificate of Recommended Design by the DRC as provided in this ordinance. The DRC may determine that no exterior design feature is involved in the work for which the permit is sought, in which case no Certificate of Recommended Design shall be required.

The DRC shall restrict its consideration to a reasonable and professional review of the proposal and plans. In its endeavor to improve quality of a design, the DRC shall consider costs. However, cost considerations shall not override the other objectives of this ordinance.

D. **Open meetings.** The business which the DRC may perform shall be conducted twice monthly at a public meeting of the DRC held in compliance with the State's Open Meetings Act (Act No. 267 of the Public Acts of 1976, as amended). Public notice of the time, date and place of the meetings shall be given in the manner required by the Open Meetings Act.

E. **Administration.**

**Application.** Application shall be made to the department of building and safety on a form prescribed for this purpose by the City and no less than fourteen (14) days prior to a DRC meeting in order to be considered at such meeting.

Drawings and plans shall be submitted at a scale of not smaller that one (1) inch equals twenty (20) feet and in sufficient detail to illustrate clearly the design for which a Certificate of Approved Design is sought. To avoid undue delay and cost, preliminary sketches of the design may be submitted for preliminary review. Such plans shall show the following:

(a) Existing conditions, topography, trees (both public and private) and natural features, all structures and uses, improvements, public streets, rights-of-way, sidewalks, zoning, public and private easements and restrictions, and the official grade of public rights-of-way, as established by the City civil engineer or the Wayne County Road Committee, for the subject site and all property within two hundred (200) feet of the site.

(b) Site plan in accordance with the requirements of the City Zoning Ordinance containing the identical information as prescribed by the rules of Article 32.00.

(c) Architectural elevations of all exterior building elevations, colors of exterior walls, trims, and roofs, lighting materials, ornamental, pictorial or decorative material to be used in on/about the exterior of the structure. Samples of building materials and colors shall be submitted.

(d) Such other information as may be required by the DRC to permit reasonable consideration of the application.

F. **Design review standards.** In carrying out its responsibilities and functions, the DRC shall consider the following principles:
1. Professional critique on the overall design;
2. The character of the proposed development in relation to its surroundings;
3. Siting of the building and total site development, including landscaping, parking, access, elevations, safety, and preservation of natural amenities;
4. Quality of building construction with regard to materials;
5. Building quality and design with reference to human needs, including entrances, size, location, corridors, stairs, view, privacy, security, and noise;
6. Outdoor lighting and signage;
7. Community plans, policies, and design guidelines;
8. The development standards, Section 7.06, for Article 17.00, B-D, Downtown Business District;
   Design review manual and pattern books for signage and/or exteriors.

G. **Committee action.**

1. No later than forty-five (45) days from the date of the meeting at which an application for design review first appeared on the DRC's agenda, the DRC shall approve, conditionally approve, or disapprove the application, unless an extension of time is not objected to by the applicant or it is found necessary by the DRC in order to receive reports from other agencies or departments. Upon its final determination, the DRC shall issue a Certificate of Approved Design showing the date such approval or denial was obtained and any other pertinent information. Such Certificate shall be issued on a standard form prepared for such purpose to be reviewed and approved by the director of building and safety or his designee.

2. If the activity permitted by DRC approval has not been commenced within one (1) year from the date of DRC approval, the approval shall be null and void unless extended by the DRC.

3. Any applicant who wishes to appeal the determination or recommendation of the DRC shall file an appeal to the zoning board of appeals. Upon a positive vote of the zoning board of appeals, a Certificate of Approved Design shall be granted and issued to a successful applicant. Such Certificate shall be issued on a standard form prepared for such purpose.

**Sec. 17.11. - Appeals.**

Appeals from determinations by the DRC shall be heard by the zoning board of appeals (ZBA), upon written request, made within twenty-eight (28) days of the DRC's determination, for a hearing before said board. In the absence of such request being filed within twenty-eight
(28) days after determination by the DRC, its recommendation shall be final. Failure to timely file an appeal with the ZBA shall prohibit an appeal to the circuit court.

Sec. 17.12. - Enforcement.

A. Upon the granting of a Certificate of Approved Design or amendments thereto, the exterior drawings, sketches, landscape and site plans, renderings and materials upon which Certificate or amendment was granted shall be turned over to the building and safety department, whose responsibility it shall be to determine, from time to time as the project is in progress and finally upon its completion, that there have been no substantial deviations there from.

B. It shall be the duty of the person, firm or corporation to whom a Certificate of Approved Design has been granted to comply with the requirements of the Certificate and to obtain such inspections as may be necessary in order to assure compliance. The building and safety director will notify such person of any deficiencies found to exist. Failure to correct any deficiencies within ten (10) days after notification of such deficiency will constitute a violation of this ordinance.

C. Before any use may be made of improvements constructed under the provisions of the Design Review Ordinance, a final inspection of the premises must be obtained from the building and safety director who will consider his or her findings in matters under the jurisdiction of the DRC together with other codes in the issuance of an occupancy permit. An occupancy permit will not be issued unless a DRC inspection has been made and the DRC has approved the completed work in writing and under which the Certificate of Approved Design was issued.