

ORDINANCE NO. 2020-04

AN ORDINANCE TO AMEND CHAPTER 51 OF TITLE V OF THE CODE OF THE CITY OF FRANKENMUTH BY AMENDING SECTIONS 5.5, 5.6, 5.7, 5.155 & ARTICLE 30

THE CITY OF FRANKENMUTH ORDAINS: The following ordinance amendments pertain to an amendment to Sections 5.5, 5.6, 5.7, 5.155 & Article 30 "Residential-Commercial: Mixed Use Planned Unit Development District (MU-PUD)" of Chapter 51 of Title V of the Code of the City of Frankenmuth: (Underlines indicate additions; strikethroughs indicate deletions; double underlines indicate relocation; double strikethroughs indicate deletion & relocation).

ARTICLE 2. DEFINITIONS

5.4 Definitions (D-F)

(2.1) Drive-Through. An accessory use to a service or restaurant business where a paved drive area is specifically designated to serve customers in motor vehicles from a permanent building. The customer does not leave the motor vehicles, is served from a window and customarily leaves the premises shortly after being served. Such uses may include, but are not limited to, the following: financial institutions, fast food establishments, dry cleaners and convenience stores.

5.5. Definitions (G-K).

(2.2) Generally Recognized Retail Business. Any generally recognized retail business which supplies commodities on the premises, such as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions, hardware, furniture and clothing.

5.6. Definitions (L-N).

(1.1) Living Space Ratio. The square footage of open space, less the space used for vehicular movement, that exists for each square foot of building floor area.

(1.2) Live/Work Units. A live/work unit is a single unit (e.g. studio, loft, or one bedroom) consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.

The commercial component of live/work units are intended for use by the following occupations: accountants; architects; artists and artisans; attorneys, computer software and multimedia related professionals; consultants; engineers; fashion, graphic, interior and other designers; hair stylists; home-based office workers, insurance, real estate and travel agents; one-on-one instructors; photographers, and similar occupations.

5.7. Definitions (O-S).

(5.1) Personal Service Establishment – General. Any personal service establishment which performs services on the premises, such as shoe repair, tailor shops, beauty parlors or barber

shops, or any service establishments of an office showroom or workshop nature of an electrician, decorator, dressmaker, shoemaker, baker, printer, upholsterer, or establishments doing radio, television, or home appliance repair, photographic reproduction, and similar establishments that require a retail adjunct and of no more objectionable character than the aforementioned.

(5.2) Personal Service Establishment – Restricted. Any personal service establishment which performs services on the premises that are not appropriate for all ages such as smoke shops, adult stores, drug/liquor stores, tattoo parlors, check cashing and similar establishments.

5.155. Retail Development Design Standards.

(1) All Retail Developments shall be designed in order, as near as practicable, to emulate small town centers, such that retail buildings will be located around a central public area, with landscaping, open space and other features encouraging walking rather than auto traffic.

(2) All Retail Developments shall, at a minimum, include the following:

(a) The buildings shall be designed in a way that will reduce the massive scale, uniformity and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale.

(b) If a building facade exceeds sixty (60) feet in length, it shall be broken down into smaller elements by jogging the wall in or out a minimum of four (4) feet for at least ten (10) feet in length, or by adding an element such as a porch, recessed entry, bay window, projecting trellis or similar substantial architectural feature at intervals so that no continuous wall plane is more than sixty (60) feet in length.

(c) The portion of the building within public view shall incorporate human scale elements such as windows, arcades, lower roof overhangs, awnings or architectural features.

(d) The roof design shall provide variations in roof lines and heights to add interest to each building. Parapet walls shall be architecturally treated to avoid a plain monotonous style.

(e) Entryways shall be designed to orient customers and add aesthetically pleasing character to buildings by providing inviting customer entrances that are protected from the weather. Each entrance shall be clearly defined and highly visible.

(f) Special design features such as towers, arcades, porticos, accent lighting, planter walls, seating areas, fountains and other architectural features that define circulation paths and outdoor spaces shall anchor pedestrian ways. Examples are outdoor plazas, patios, courtyards and window shopping areas.

(g) All site lighting shall be full cut-off fixtures and downward facing and no direct light shall bleed onto adjacent properties. The applicant must provide a lighting report which provides information on how site lighting will be accomplished to minimize impacts on adjacent properties and roadways.

(h) Mechanical equipment shall be screened to mitigate noise and views in all directions. If roof mounted, the screen shall be designed to conform architecturally to the design of the building either with varying roof planes or with parapet walls. A wood fence or similar treatment is not acceptable.

ARTICLE 30. RESIDENTIAL-COMMERCIAL: MIXED USE PLANNED UNIT DEVELOPMENT DISTRICT (MU-PUD)

5.250.1. Purpose.

The purpose of Residential-Commercial Mixed Use Planned Unit Development District (MU-PUD) is to provide specific regulations to achieve the following: ~~designed to carry out the intent of the Frankenmuth City and Township Joint Growth Management Plan as it pertains to Mixed Use Areas. The purpose of these districts is to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities, and encourage the use, reuse and improvement of existing sites and buildings. The primary goal is to create an area where small businesses and moderately priced residential units can co-exist in the same general area, while maintaining compatibility with surrounding neighborhoods. Non-motorized transportation should be given significant consideration in this District. Flexibility in the regulation of land development for a variety of residential uses and commercial uses will be encouraged.~~

1. Facilitate redevelopment of the district as a fully integrated, mixed-use, pedestrian-oriented environment with mixed-use buildings and/or neighborhoods that contain commercial, residential and office uses.
2. Provide an environment that allows for a clear transition from rural development at the outskirts of town to more dense commercial development.
3. Encourage a variety of housing types that include a more-urban alternative to single family detached, including townhouses, apartments above commercial uses and live-work units.
4. Calm traffic traveling through the City to create a more pedestrian-friendly environment and improve pedestrian connectivity from the city limits to and throughout the city.
5. Regulate building height, bulk and placement to achieve appropriate scale along streetscapes and to ensure proper transition to the downtown and core commercial areas and surrounding neighborhoods.
6. 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.
7. Create a more pedestrian-oriented development pattern by placing storefronts near the sidewalk, locating parking in the side, or rear yard and limiting auto-oriented uses such as drive-throughs.

5.250.2. Principal Uses Permitted.

(A) The following uses of land and structures may be permitted within the MU-PUD District as long as the first-floor footprint is 7,500 square feet or less and there is a not a drive-thru use or accessory drive thru use:

- (1) Single-family dwellings Row housing of three or more units.
- (2) Two-family dwellings Multi-family housing.
- (3) Apartment buildings with three or more dwelling units including row housing Live/Work Units.

- (4) ~~Rental offices as accessory to multiple dwelling unit projects~~ Residential use located above a commercial space.
- (5) Accessory buildings and uses.
- (6) Home occupations provided they comply with Section 5.22 (2).
- (7) Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths and similar allied professions. ~~Housing for the elderly, not to exceed a height of thirty five (35) feet when the following conditions are met:~~
- ~~–(a) Single family, two family and multiple family dwelling units may be used in a variety of combinations for the development, provided that each unit contains at least four hundred (400) square feet. Multi-family buildings containing congregate dining areas for ten (10) or more people must have dwelling units containing at least three hundred fifteen (315) square feet in size.~~
 - ~~–(b) The maximum coverage of the combined square footage of the first floor of all buildings in an elderly housing development shall not exceed thirty five (35) percent of the land in the development.~~
- (8) Medical offices, clinics, veterinary clinics and similar uses. ~~Convalescent homes, not to exceed a height of thirty five (35) feet. The maximum coverage of the combined square footage of the first floor of all buildings in an elderly housing development shall not exceed thirty five (35) percent of the land in the development.~~
- (9) Any generally recognized retail business ~~Funeral homes.~~
- (10) Any personal service establishment – general and restricted ~~Office buildings and similar uses.~~
- (11) Restaurants ~~Medical offices, clinics, veterinary clinics and similar uses.~~
- (12) Hotels ~~Any generally recognized retail business which supplies commodities on the premises, such as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions, hardware, furniture and clothing. The square footage of the first floor of each building in the development shall not exceed five thousand (5,000) square feet if the property does not have frontage on Main Street.~~
- (13) Places of Worship ~~Any generally recognized retail business which supplies commodities on the premises, such as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions, hardware, furniture and clothing. The square footage of the first floor of each building in the development shall not exceed ten thousand (10,000) square feet if the property has frontage on Main Street.~~
- (14) Single family dwellings in existence as of 7/31/2020.
- (15) Senior housing, assisted living and nursing facilities as of 7/31/2020.
- (16) Craft production establishments provided they comply with sections 5.93 (5). ~~Any personal service establishment which performs services on the premises, such as shoe repair, tailor shops, beauty parlors and barber shops, or any service establishment of an office showroom or workshop nature of an electrician, decorator, dressmaker, shoemaker, baker, printer, upholsterer, or establishments doing radio, television or home appliance repair, photographic reproduction and similar establishments that require a small adjunct and of no more objectionable character than the aforementioned. The square footage of the first floor of each building in the development shall not exceed five thousand (5,000) square feet if the property does not have frontage on Main Street.~~
- (17) Outdoor sales as listed in Section 5.92 (7) (b) (1) ~~Any personal service establishment which performs services on the premises, such as shoe repair, tailor shops, beauty parlors and barber shops, or any service establishment of an office showroom or workshop nature of an electrician, decorator, dressmaker, shoemaker, baker, printer, upholsterer, or establishments doing radio, television or home appliance repair, photographic reproduction and similar establishments that require a small adjunct and of no more objectionable character than the aforementioned. The~~

square footage of the first floor of each building in the development shall not exceed ten thousand (10,000) square feet if the property has frontage on Main Street.

~~(16) Hotels with frontage on Main Street, provided the square footage of the first floor of each building in the development shall not exceed ten thousand (10,000) square feet.~~

~~(17) Restaurants with frontage on Main Street, provided the square footage of the first floor of each building in the development shall not exceed ten thousand (10,000) square feet.~~

~~(18) Outdoor sales as listed in Section 5.92 (7) (b) (1).~~

~~(19) Nursery schools, day nurseries and child care centers.~~

~~(20) Publicly owned and operated libraries, parks, recreational facilities and municipal buildings.~~

~~(21) Public utility buildings, offices, telephone exchange buildings, electric transformer stations and sub-stations, and gas regulator stations when operation requirements necessitate the locating within the district in order to serve the immediate vicinity. Such facilities shall be of a non-objectionable character and shall have appropriate landscaping to screen them from neighboring properties.~~

5.250.3. Uses Permissible on Special Approval.

Under such conditions as the Planning Commission, after public hearing, finds the use as not being injurious to the MU-PUD District and environs and not contrary to the spirit and purpose of this Chapter, the following uses may be permitted:

~~(1) Churches and other facilities normally incidental thereto provided they comply with the provisions of Section 5.32 (6) All uses permitted by right but with a first-floor square footage greater than 7,500 square feet but less than 11,000 square feet.~~

~~(2) Commercial and non-commercial recreation areas, institutional and community recreation centers, clubs and swimming pools which are open to the public, all of which are subject to reasonable hour restrictions for outside activities. Uses larger than 11,000 square feet may be permitted subject to the following additional regulations:~~

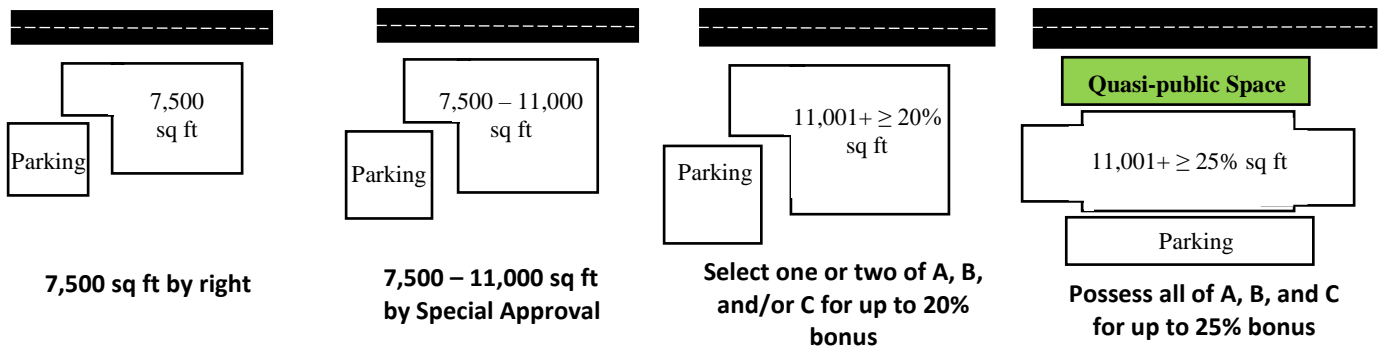
The Planning Commission acknowledges that there may be appropriately designed and well thought out developments that may exceed the square footage limitations contained in the ordinance. In order to provide some flexibility but still maintain the districts intent and purpose of ensuring pedestrian scale design, an applicant may seek to exceed the square footage when the following additional measures are in place:

a. The maximum square footage may be increased by up to 10% if the applicant uses at least 50% natural stone or brick for the building.

b. The maximum square footage may be increased by up to 10% if the applicant includes a quasi-public space located at the street frontage, that is at least 200 square feet and installation of additional site amenities such as public art, a pergola, or bench on with associated landscaping, as approved by the City but maintained in perpetuity by the property owner.

c. The maximum square footage may be increased by up to 10% if the applicant adopts an architectural style that is Bavarian/Franconian in nature, with consultation and approval from the City.

The maximum percent square footage, if the applicant were to pursue all three measures would be 25% increase above the maximum permitted square footage of 11,000 square feet (resulting in a footprint of no more than 13,750).



(3) Hotels, if the property does not have frontage on Main Street, provided the square footage of the first floor of each building in the development shall not exceed five thousand (5,000) square feet.

(4) Restaurants, if the property does not have frontage on Main Street, provided the square footage of the first floor of each building in the development shall not exceed five thousand (5,000) square feet.

(5) Craft production establishments provided they comply with Section 5.93 (5).

(6) Animal hospitals.

(7) Public and private educational institutions.

5.250.4. Prohibited Uses Lot Regulations.

The following uses are prohibited from the MU-PUD District:

(1) Sexually oriented businesses as described in Section 5.103 (9) of this Chapter.

(2) Motor fuel (gasoline) stations and motor vehicle repair facilities.

(3) Drive in fast food restaurants.

(4) Taverns and bars. (This category includes facilities in which 50% or more of the revenue from sales is derived from the retail sale of alcoholic beverages.)

(5) Electronic message board signs and light emitting diode signs.

(6) Crematoriums.

(7) Hospitals.

(8) Boarding facilities for animals.

(9) Tattoo parlors.

(10) Carnivals, amusement parks, auto & go kart tracks.

(11) Sales or storage of hazardous materials. Storage of such materials in household quantities is acceptable.

(12) Communication towers.

(13) Commercial storage lots and structures.

(14) Commercial and industrial uses described in Article 12 (B-3 Highway Commercial), Article 13 (I Industrial) and Article 27 (SU Special Use) unless the use is otherwise allowed in Sections 5.250.2 or 5.250.3.

Minimum lot width: 100 feet

Setbacks: Front: 10 feet; Side: 5 feet; Total of Two Sides: 12 feet; Rear: 25 feet.

Building height: 3 stories or 35 feet if the building has a flat roof; 45 feet if the building has a pitched roof and incorporates dormer windows or other significant architectural features, as approved by the Planning Commission.

Minimum dwelling unit size: Multi-family residential use shall meet the regulations applicable to minimum dwelling size in the RCM district

5.250.5. ~~Applicable Regulations~~ Mixed Use Design Guidelines.

~~A mixed use planned unit development (MU PUD) application shall be subject to the requirements of Section 5.240.2 with the following exceptions:~~

- ~~(1) For MU PUD applications pertaining to property already located inside the City limits, the review and approval will be carried out by the City Planning Commission and City Council.~~
- ~~(2) A mixed use planned unit development site plan may be approved subject to review and approval by the City of Frankenmuth Planning Commission as provided for in Article 20 for any and all of the listed uses, excluding any prohibited uses.~~
- ~~(3) In those cases where the MU PUD application and the site plan for a specific project are both ready for consideration at the same time, the two requirements stated in the two immediately preceding sub-sections may be considered for approval by the Planning Commission at the same time.~~
- ~~(4) There is no minimum size requirement for these development projects other than the requirements in Section 5.250.6; however, developers are strongly encouraged to adequately plan for uses that can harmoniously co-exist with regard to the potential for other future development opportunities.~~
- ~~(5) Driveway access to Main Street (State Trunkline M83) for such uses shall be jointly planned in accordance with Michigan Department of Transportation access management regulations. Access points to other City streets shall be reviewed and comply with all regulations required by the Subdivision Ordinance (Chapter 53 of the City Code) and as approved by the City of Frankenmuth Planning Commission.~~
- ~~(6) Development shall have utility capacities to meet total planning needs.~~
- ~~(7) The application/applicant for an MU PUD development must demonstrate that the following requirements will be met in order to be entitled to approval:
 - ~~–(a) The grant of a mixed use planned unit development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.~~
 - ~~–(b) The proposed type and density shall not result in an unreasonable increase in the use of public services, facilities and utilities, and shall not place an unreasonable burden upon the subject and/or surrounding land, and/or property owners and occupants, and/or the natural environment.~~
 - ~~–(c) The proposed development shall not have a materially adverse impact upon the Frankenmuth City and Township Joint Growth Management Plan, and shall be consistent with the intent and spirit of this Article.~~
 - ~~–(d) The proposed development shall not result in an unreasonable negative economic impact on the surrounding properties.~~
 - ~~–(e) Required improvements and/or modifications to such infrastructure as approved by the Planning Commission shall be solely completed by the developer at his/her cost upon administrative approval by the applicable City staff.~~~~

~~(8) The mixed use planned unit development shall adequately provide and the Planning Commission shall take into account the following as the same may be relevant to a particular development and insure compliance with all related applicable regulations and ordinances: perimeter, setback and berming; thoroughfare, drainage and utility design; underground installation of utilities; insulating the pedestrian circulation system from vehicular thoroughfares and ways; achievement of an integrated development with respect to lighting, landscaping mechanisms, particularly in cases where nonresidential uses adjoin residentially zoned property; off street parking and off street loading space.~~

~~(9) Subject to Section 5.250.6 below, all regulations applicable to lot size, lot width, lot coverage, parking and loading, signage, general provisions and to other requirements and facilities (except setback requirements) shall be as follows:~~

~~–(a) Single family detached residential use shall meet the regulations applicable to the RA-3 District, as defined in this chapter.~~

~~–(b) Two family residential use shall meet the regulations applicable in the RCD District, as defined in this chapter.~~

~~–(c) Multi family residential use shall meet the regulations applicable in the RCM District, as defined in this Chapter.~~

~~–(d) Office use shall meet the regulations applicable in the O District, as defined in this Chapter.~~

~~–(e) Local business use shall meet the regulations applicable in the B-2 District, as defined in this Chapter.~~

~~(10) Minimum yard setbacks for structures in mixed use planned unit developments shall be as follows: Front: 10 feet; Side: 5 feet; Total of Two Sides: 12 feet; Rear: 25 feet.~~

~~(11) Vehicular parking lots shall be prohibited within the setback fronting on South Main Street. A landscaping plan shall be submitted for approval for all parking lots. Such plans must provide significant screening from adjacent residential uses.~~

In addition to the City’s General Design Guidelines (reference section), the following pedestrian-oriented guidelines are required of any development within this district:

A. Site Design

(1) Vehicular parking lots shall be prohibited within the setback fronting on M-83/Main Street. A landscaping plan shall be submitted for approval for all parking lots. Such plans must provide significant screening from adjacent residential uses.

B. Building Design for non-residential uses

(1) Building entries. Entrances provide a key visual connection between the public streetscape and the private development.

(2) Design the primary entrance to a building to be clearly identifiable. Use an architectural element to highlight an entrance. Potential treatments including:

a. canopy

b. arcade

c. portico

d. stoop

e. awning

f. moldings

(3) Use an authentic, functional entry on a street-facing façade.(image 1)

- (4) Blank walls (without windows) longer than 20 feet shall not face a street.
- (5) Garage doors shall not be permitted on a front or street front façade.
- (6) At least 50% of the ground floor façade facing a street shall be clear windows and doorways. The Planning Commission may reduce this to 30% if the applicant can provide other architectural elements and/or landscaping to ensure the façade is otherwise active.
- (7) Buildings with a flat roof appearance from the street shall have a decorative cornice. Flat roofs shall be enclosed by parapets (see image 2).
- (8) Buildings with a pitched roof shall be permitted where the eaves are at least 20 feet from the ground the roof pitch is a minimum of 4:12.
- (9) There shall be a minimum of one usable pedestrian entrance along the front public sidewalk. Main pedestrian entrance shall have design details that easily identify its prominence.

C. Windows. Windows are a key design element for the Mixed Use District. Their design and arrangement should express a human scale, create visual continuity and provide visual interest to the public streetscape.

- (1) Locate and space windows to express a traditional rhythm and create visual continuity. Provides consistent horizontal spacing between windows on a floor. Provide a common head height for windows on a single floor (see image 3).

D. Materials. A wide variety of materials are used within the traditional downtown area of the City. Materials and their composition strongly impact the perception of a building or site. They should be used to convey human scale and provide visual interest to the public realm.

- (1) Add visual interest through texture, finish and detailing.
- (2) Use changes in material to add visual interest and express a human scale.
- (3) Use an accent material to highlight an important feature like an entry or window.
- (4) Visually flat materials such as EIFS that are not otherwise complemented with a rich material, texture or dynamic finish should be avoided.

E. Building height. For buildings that exceed 25 feet, additional architectural elements, design and materials to minimize the perceived height of the building.



Image 1



Image 2



Image 3

F. Building Design for Residential Uses

(1) Apartments and townhomes, live/work units

- a. The front façade shall have a minimum of 25% and a maximum of 50% windows.
- b. There shall be a minimum of one pedestrian entryway facing the street or opening onto a courtyard facing a street.
- c. There should be a clear front stoop or porch that is at least twenty inches above the average grade.
- d. Buildings with a flat roof appearance from the street shall have a decorative cornice and a height of at least 20 feet. Flat roofs shall be enclosed by parapets.
- e. Buildings with a pitched roof shall be permitted where the eaves are at least 20 feet from the ground the roof pitch is a minimum of 4:12.
- f. Parking lots and accessory structures including carports and garages shall be located in the side or rear yard. (see image 4)
- g. Accessory structures should be designed to be subordinate to a primary structure. If an accessory structure is partially or fully visible from the street it should be designed to be compatible with the primary structure. (see image 4)



Image 4

~~5.250.6. Departures from Compliance. Consistent with the mixed use planned unit development concept, and toward the end of encouraging flexibility and creativity in development, departures from compliance with the regulations provided for in Sections 5.250.2, 5.250.3 and 5.250.5, inclusive, may be granted at the discretion of the City of Frankenmuth Planning Commission as part of the approval of a planned unit development. Such departures may be authorized on the condition that there are features or planning mechanisms deemed adequate by the Planning Commission designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a departure is sought.~~

~~5.250.7. Conflicting Regulations. Any conflicting regulations contained herein will be subject to approval by the City Planning Commission.~~

This ordinance shall take effect twenty (20) days after its adoption, as provided in the City Charter.

We, the undersigned, Mayor and Clerk of the City of Frankenmuth, Michigan do hereby certify that the above Ordinance No. 2020-04 of the City of Frankenmuth was introduced at a regular meeting of the City Council held on Tuesday, August 11, 2020, and was thereafter approved at a regular session of the City Council held on the 1st day of September, 2020.

Dated this 1st day of September, 2020.

MARY ANNE ACKERMAN, MAYOR

PHILLIP W. KERNS, CLERK