

City of Detroit

Donovan Smith
Chairperson
Melanie Markowicz
Vice Chair/Secretary

Marcell R. Todd, Jr.
Director
Christopher Gulock
Deputy Director

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

Adrian-Keith Bennett
Kenneth R. Daniels
David Esparza, AIA, LEED
Ritchie Harrison
Gwen Lewis
Frederick E. Russell, Jr.
Rachel M. Udabe

TO: City Planning Commission

FROM: Jamie Murphy, Staff

RE: Sixth General Text Amendment to the Zoning Ordinance – revised since the May 2024 public hearing (**STATUS REPORT**)

DATE: September 17, 2024

On October 3, 2024, the City Planning Commission (CPC) will hold a second public hearing at 6:00 pm on the revised version of the subject text amendment. Please see the attached copy of the public hearing notice showing the summary of the ordinance.

BACKGROUND

A public hearing regarding this text amendment was held on May 16, 2024. As a result of feedback received, review by the Law Department, and several new issues requiring action, the amendment has been revised and is scheduled for a new public hearing at the CPC's next meeting. In preparation, this memo will cover the updates to the ordinance.

- **Approval Lapse for Planned Developments – Sec. 50-3-98**

The original amendment proposed revising the conditions under which a Planned Development (PD) district would lapse including lengthening the time period before lapse and making the lapse optional instead of mandatory. The revised amendment proposes to eliminate the lapse of PD districts entirely. The Law Department advised that making the lapse optional isn't appropriate in an ordinance as it is not binding and eliminating the provision would make more sense. The CPC always has the option to initiate a rezoning of property at any time and doesn't need the authority granted by this section.

- **Revise definition of Loft to exclude accessory structures – Sec. 50-16-284**

The original amendment proposed to allow lofts conditionally in the R1 and R2 districts to encourage the reuse of existing non-residential buildings in these areas without requiring a rezoning. Concerns were raised that this would allow residential garages and other accessory structures to be converted to dwelling units. As this was not the intention, the revised amendment proposes to amend the definition of Loft to exclude accessory buildings built as part of a residential use.

- **Revise the allowability of Body Art Facilities – Sec. 50-9-52, 50-9-82, 50-9-106, 50-9-112, 50-11-242, 50-11-266, 50-11-272, 50-11-292, 50-12-70**

The original amendment proposed to allow body art facilities (a.k.a. tattoo parlors) conditionally in the B2 and B3 districts in response to a specific request. Shortly after the original public hearing, a second request came in to allow body art facilities in the SD4 district. In response, staff discussed the changing public opinion of this use and now propose revising its allowability across the B- and SD-districts as shown below:

Specific Land Use	Residential						Business						Industrial					Special and Overlay																	
	R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	T	P	W	M	S	S	S	S					
Bank, with drive-up or drive-through facilities							C	C	C	C		R	C	R	R	R		L						C	R							R	C		
Barber or beauty shop					C		R	R	R	R	R	R	R	R	R	R		L						R	R			C/R	R	R	R				
Body art facility					C	C	C	C	C	R	R	R	R	R	R	R		L									R		R	C	R	C	R		
Business college or commercial trade school					R	C							C	R	R	R		R	R	R	R			L				R	R			C			R

Note: Although the use appears to be newly allowed in the R5 and R6 districts, it has appeared in the use lists for several years and will now appear in the use table for consistency.

- **Provision regarding the accommodation of overnight guests as a home occupation – Sec. 50-12-492**

The original amendment proposed to eliminate the prohibition of accommodating overnight guests as a home occupation in the R1 and R2 districts as it had been determined to be too vague to be enforced. Also, a separate ordinance to regulate short-term rentals was under development and seemed to be proceeding toward adoption. That effort has since stalled and feedback to the proposal was negative, therefore the revised amendment will not alter the provision. This section can be re-visited in the future as part of a comprehensive regulation of the short-term rental use.

- **Expand the distance allowed for uses to claim credit for public parking – Sec. 50-14-163**

Where city-owned public parking lots abut or are within 100 feet of a site, the parking can be credited to a proposed use to satisfy off-street parking requirements. For properties zoned SD1 or SD2, the distance increases to 1,320 feet between the parking lot and the site. A request was received to extend the increased distance provision to Traditional Main Street Overlay (TMSO) Areas. This seems to be consistent with the spirit of the provision and the objectives of the TMSO, therefore it has been added to the proposed amendment.

- **Change “Kennel, Commercial” to “Animal Care Facility”**

The Buildings, Safety Engineering, and Environmental Department (BSEED) received a request to establish an animal shelter which does not appear in the zoning ordinance. It was ultimately determined to be most similar to a commercial kennel, but expanding the use to eliminate future confusion seems wise. As part of the Zone Detroit work, several uses were proposed to be combined under the title “animal care facility”. This appears to be a workable solution so it has been added to the proposed amendment.

- **Changes to various Architectural and Site Design Standards – 50-14-398, 50-14-414, 50-14-440**

The original amendment included several minor changes to the architectural and site design standards as requested by the Planning & Development Department (PDD). They have since requested to withdraw the proposed prohibition on corrugated metal siding and panels in residential developments. Additionally, the proposed amendment requires rooftop equipment to be screened in residential developments. A phrase exempting solar panels and wind turbines from this requirement has been added to the revised amendment.

- **Revise definition of “Family” – Sec. 50-16-201**

The current definition of family includes two unrelated individuals living together as a single housekeeping unit. The proposed amendment increases the number of unrelated individuals considered to be a family to four people. This is a step that many cities are taking to better accommodate current household trends and remove barriers for non-traditional households. Grand Rapids recently increased their definition of family from four to six unrelated people.

- **Add “Clean-up Text Amendment” previously approved by CPC in 2022**

The CPC voted to recommend approval of a text amendment on May 19, 2022, but it never proceeded to City Council for consideration. It has been added to this proposed amendment as many of the sections were already included and combining the amendments would reduce confusion.

A thorough report and presentation covering the entire proposed amendment will be prepared for the October 3 public hearing.

Attachments: Public Hearing Notice
Draft Ordinance

cc: Antoine Bryant, Director, PDD
Karen Gage, PDD
Greg Moots, PDD
David Bell, Director, BSEED
James Foster, BSEED
Conrad Mallett, Corporation Counsel
Bruce Goldman, Chief Assistant Corp. Counsel
Daniel Arking, Law Department