

David Whitaker, Esq.
Director
Irvin Corley, Jr.
Executive Policy Manager
Marcell R. Todd, Jr.
Senior City Planner
Janese Chapman
Deputy Director

LaKisha Barclift, Esq.
M. Rory Bolger, Ph.D., AICP
Elizabeth Cabot, Esq.
Tasha Cowen
Richard Drumb
George Etheridge
Deborah Goldstein

City of Detroit
CITY COUNCIL
LEGISLATIVE POLICY DIVISION
208 Coleman A. Young Municipal Center
Detroit, Michigan 48226
Phone: (313) 224-4946 Fax: (313) 224-4336

Christopher Gulock, AICP
Derrick Headd
Marcel Hurt, Esq.
Kimani Jeffrey
Anne Marie Langan
Jamie Murphy
Kim Newby
Analine Powers, Ph.D.
Jennifer Reinhardt
Sabrina Shockley
Thomas Stephens, Esq.
David Teeter
Theresa Thomas
Kathryn Lynch Underwood

TO: Detroit City Council

FROM: David D. Whitaker, Director 
Legislative Policy Division Staff

DATE: November 7, 2018

RE: **Analysis on Spacing Requirements for Auto-Related Businesses**

This report is in response to Councilmember Castañeda-López's October 22, 2018 memorandum requesting the Legislative Policy Division (LPD) to provide an analysis on existing City Code regulations pertaining to spacing requirements between multiple automotive related businesses, including used motor vehicle storage or sales lots, motor vehicle services, major and minor; and motor vehicle washing auto shops.

Storage Lot

As it relates to used motor vehicle storage or sales lots, they are two distinctly identified uses within the Detroit Zoning Ordinance. A "motor vehicle storage lot" is defined as:

"Storage of new or used motor vehicles, accessory to a salesroom or sales lot for operable new or used motor vehicles, but excluding towing service storage yards. For zoning purposes, such storage lots are not considered parking lots."

Sec. 61-12-211. Motor vehicles, new or used: storage lot accessory to a salesroom or sales lot for new or used motor vehicles requires the following regulations:

"Storage lots accessory to a salesroom or sales lot for new or used motor vehicles shall be subject to the following provisions:

(1) Such storage lots for motor vehicle salesrooms or sales lots exclude use as "towing service storage yards," as defined in Sec. 61-16-182 of this Code; and

(2) Any portion of such storage lots designed or used for the storage of commercial vehicles or semi-trucks shall be located a minimum of twenty-five (25) feet from properties adjacent or across an alley and used for residential purposes.”

There are currently no spacing requirements for motor vehicle storage lots as a stand-alone land use, as they are typically accessory to new or used motor vehicle salesrooms or sales lots.

Salesroom or Sales Lot

“Motor Vehicles, new or used, salesroom or sales lot” are not explicitly defined in the Detroit Zoning Ordinance, however, in 2012 the Detroit City Council adopted a number of revisions to Sec. 61-12-213. Motor vehicles, used, salesroom or sales lot, which among other regulations implemented a 1,000 radial foot spacing requirement between any new or newly established used motor vehicle salesroom or sales lot, from any existing used motor vehicle salesroom or sales lot, located within or outside of the City of Detroit’s boundaries.

While the regulations do not place a cap on the number of salesrooms or sales lot within the City of Detroit, the spacing requirements seek to limit the over concentration of automotive related uses. This section also restrict used automotive sales to major or secondary thoroughfares within the City of Detroit which limits the impacts such uses might have on residential neighborhoods.

Motor vehicle washing and steam cleaning

Motor vehicle washing and steam cleaning operations are regulated by Sec. 61-12-216 of the Detroit Zoning Ordinance. There are fourteen regulations associated with such uses ranging from the proximity to residentially zoned land, to design and dimensional standards, however, limitations on the number of such uses is not among them.

LPD staff is available to work with the office of Council Member Castañeda-López to review and possibly amend the existing regulations associated with the aforementioned land uses. However, any recommended changes to the text of Chapter 61 Zoning, will be subject to the public hearing requirement of the City of Detroit Zoning Ordinance and the Michigan Zoning Enabling Act. The complete sections which regulate the above listed uses in the Detroit Zoning Ordinance are attached for your review.

Attachments

Sec. 61-12-211 | Motor vehicles, new or used: storage lot accessory to a salesroom or sales lot for new or used motor vehicles.

**Subdivision E. Retail, Service and Commercial Uses; Generally,
continued**

Sec. 61-12-211. Motor vehicles, new or used: storage lot accessory to a salesroom or sales lot for new or used motor vehicles.

Storage lots accessory to a salesroom or sales lot for new or used motor vehicles shall be subject to the following provisions:

- (1) Such storage lots for motor vehicle salesrooms or sales lots exclude use as “towing service storage yards,” as defined in Sec. 61-16-182 of this Code; and
- (2) Any portion of such storage lots designed or used for the storage of commercial vehicles or semi-trucks shall be located a minimum of twenty-five (25) feet from properties adjacent or across an alley and used for residential purposes.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 04-12, §1, 3-30-12)

Sec. 61-12-212. Motor vehicles, new, salesroom or sales lot.

Salesrooms or sales lots for new motor vehicles shall be subject to the following provisions:

- (1) The premises shall be located on a major or secondary thoroughfare as indicated in the Master Plan;
- (2) The premises shall be screened by six (6) foot high opaque walls where adjacent to, or across and alley from, land zoned R1, R2, R3, R4, R5, R6, or residential PD, in accordance with the provisions of Sec. 61-14-237 of this Code;
- (3) All lighting shall be directed so as not to shine upon land zoned R1, R2, R3, R4, R5, R6, or residential PD;
- (4) All outdoor areas shall be either landscaped, in accordance with the provisions of ARTICLE XIV, DIVISION 2, Subdivision B of this Chapter, or paved;
- (5) The premises shall have proper curb cuts for entrances and exits; and
- (6) Accessory service facilities and the sale of used motor vehicles shall be permitted as an accessory use. However, in the event of cessation of new motor vehicle sales, said accessory uses may not continue, except upon issuance of a permit for said uses as the principal use of the land, which is subject to a Conditional Use public hearing where such is specified in the zoning districts use lists.

(See Sec. 61-12-407 for additional regulations of accessory uses.)

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-12-213. Motor vehicles, used, salesroom or sales lot.

Salesrooms or sales lots for used motor vehicles shall be subject to the following provisions:

Sec. 61-12-211 | Motor vehicles, new or used: storage lot accessory to a salesroom or sales lot for new or used motor vehicles.

Subdivision E. Retail, Service and Commercial Uses; Generally, continued

Sec. 61-12-211. Motor vehicles, new or used: storage lot accessory to a salesroom or sales lot for new or used motor vehicles.

Storage lots accessory to a salesroom or sales lot for new or used motor vehicles shall be subject to the following provisions:

- (1) Such storage lots for motor vehicle salesrooms or sales lots exclude use as “towing service storage yards,” as defined in Sec. 61-16-182 of this Code; and
- (2) Any portion of such storage lots designed or used for the storage of commercial vehicles or semi-trucks shall be located a minimum of twenty-five (25) feet from properties adjacent or across an alley and used for residential purposes.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 04-12, §1, 3-30-12)

Sec. 61-12-212. Motor vehicles, new, salesroom or sales lot.

Salesrooms or sales lots for new motor vehicles shall be subject to the following provisions:

- (1) The premises shall be located on a major or secondary thoroughfare as indicated in the Master Plan;
- (2) The premises shall be screened by six (6) foot high opaque walls where adjacent to, or across and alley from, land zoned R1, R2, R3, R4, R5, R6, or residential PD, in accordance with the provisions of Sec. 61-14-237 of this Code;
- (3) All lighting shall be directed so as not to shine upon land zoned R1, R2, R3, R4, R5, R6, or residential PD;
- (4) All outdoor areas shall be either landscaped, in accordance with the provisions of ARTICLE XIV, DIVISION 2, Subdivision B of this Chapter, or paved;
- (5) The premises shall have proper curb cuts for entrances and exits; and
- (6) Accessory service facilities and the sale of used motor vehicles shall be permitted as an accessory use. However, in the event of cessation of new motor vehicle sales, said accessory uses may not continue, except upon issuance of a permit for said uses as the principal use of the land, which is subject to a Conditional Use public hearing where such is specified in the zoning districts use lists.

(See Sec. 61-12-407 for additional regulations of accessory uses.)

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-12-213. Motor vehicles, used, salesroom or sales lot.

Salesrooms or sales lots for used motor vehicles shall be subject to the following provisions:

Sec. 61-12-213 | Motor vehicles, used, salesroom or sales lot.

- (1) The facility shall be adequate in size for the display and sale of not fewer than twelve (12) used motor vehicles; all display spaces shall measure not less than nine (9) feet by twenty (20) feet, exclusive of unusable space and drives or aisles which give access to the space; aisle ways that adjoin display spaces shall comply with the dimensional standards for width as specified in Sec. 61-14-152 of this Code.
- (2) All used motor vehicles for sale shall be in operable condition.
- (3) All outdoor areas shall be either landscaped, in accordance with the provisions of ARTICLE XIV, DIVISION 2, Subdivision B of this Chapter, or paved.
- (4) All lighting shall be directed so as not to shine upon land zoned R1, R2, R3, R4, R5, R6, or residential PD.
- (5) The premises shall have proper curb cuts for entrances and exits.
- (6) The premises shall be screened by six (6) foot high opaque walls where adjacent to, or across an alley from, land zoned R1, R2, R3, R4, R5, R6, or residential PD, in accordance with the provisions of Sec. 61-14-237 of this Code.
- (7) A suitable building of a permanent nature shall be erected that has at least two hundred (200) square feet of gross floor area, is constructed of wood, masonry, or other approved building material, and sits on a proper foundation, except that frame and all metal buildings less than two hundred (200) square feet of gross floor area may be erected as outlined in the Michigan Building Code. However, in the event of cessation of used motor vehicle sales, said accessory uses may not continue, except upon issuance of a permit for said uses as the principal use of the land, which is subject to a Conditional Use public hearing where such is specified in the zoning districts use lists.
- (8) Vehicle preparation shall be permitted as an accessory use at the time of establishment of the used motor vehicle salesroom or sales lot. However, major motor vehicle services or minor motor vehicles services on the premises of the used motor vehicle salesroom or sales lot shall only be permitted upon issuance of a permit for the service facilities as a principal land use in conjunction with the salesroom or sales lot, which is subject to a Conditional Use public hearing where such is specified in the zoning districts use lists for said service facilities.
- (9) All used motor vehicle salesrooms or sales lots shall be licensed in accordance with Chapter 49 of this Code.
- (10) In the SD4 District, used motor vehicle sales are prohibited, except where incidental and accessory to a new car dealership.
- (11) Where used motor vehicles are sold on the same zoning lot upon which used tire sales are conducted, a separate principal land use permit is required for used tire sales; the outdoor storage of used tires is prohibited.
- (12) All used motor vehicle salesrooms or sales lots shall be established and located along a major thoroughfare only, as identified in the Master Plan.
- (13) All used motor vehicle salesrooms or sales lots shall be subject to site plan review as specified in Sec. 61-3-113 of this Code.

Sec. 61-12-214 | Motor vehicle services, major.

- (14) It is unlawful for any used motor vehicle salesroom or sales lot to display motor vehicles on the berm, sidewalk, or elsewhere in the public right-of-way.
- (15) It is unlawful for any used motor vehicle salesroom or sales lot to display an A-frame or other portable sign in the public right-of-way.
- (16) As specified in Sec. 61-12-91 of this Code – “Spacing,” no new and/or newly established used motor vehicle salesroom or sales lot shall be located within one thousand (1,000) radial feet of any existing used motor vehicle salesroom or sales lot located within or outside of the City of Detroit’s boundaries

(See Sec. 61-13-24, Sec. 61-13-25, Sec. 61-13-27, Sec. 61-13-42, Sec. 61-13-43, Sec. 61-13-44, Sec. 61-13-45, Sec. 61-13-46, and Sec. 61-13-66 for dimensional requirements.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 26-12, §1, 11-21-12; Ord. No. 13-16, §1, 5-20-2016)

Sec. 61-12-214. Motor vehicle services, major.

Major motor vehicle services shall be subject to the following provisions:

- (1) All major motor vehicle services shall be conducted entirely within an enclosed building;
- (2) The premises shall be screened by six (6) foot high opaque wall(s) where adjacent to, or across an alley from, land zoned R1, R2, R3, R4, R5, R6, or residential PD, in accordance with the provisions of Sec. 61-14-237 of this Code. Said wall(s) shall have no openings, except for one secondary, pedestrian exit door of minimum requirements, where mandated by the Fire Marshall;
- (3) All open storage of vehicles awaiting repairs or service be enclosed by an opaque wall or fence of masonry construction, that is six (6) feet in height and maintained in a neat and orderly fashion at all times;
- (4) All lighting shall be directed so as not to shine upon land zoned R1, R2, R3, R4, R5, R6, or residential PD;
- (5) All outdoor areas shall be either landscaped, in accordance with the provisions of ARTICLE XIV, DIVISION 2, Subdivision B of this Chapter, or paved;
- (6) The sale or rental of used motor vehicles, and the storage of such vehicles incidental to their sale, is prohibited on the premises of a major motor vehicle services facility, except upon issuance of a permit for such sale, rental, or storage in conjunction with the major motor vehicle repair facility, which is subject to a Conditional Use public hearing, where such is specified in the zoning districts use lists for said sales, rental, or storage;
- (7) There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the interior of the service building;
- (8) Major motor vehicle services facilities shall neither be permitted in the B4 District on any zoning lot abutting a designated Gateway Radial Thoroughfare, nor anywhere within the Central business district.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-12-215. Motor vehicle services, minor.

Minor motor vehicle services shall be subject to the following provisions:

- (1) All minor motor vehicle services shall be conducted entirely within an enclosed building;
- (2) The premises shall be screened by six (6) foot high opaque wall(s) where adjacent to, or across an alley from, land zoned R1, R2, R3, R4, R5, R6, or residential PD, in accordance with the provisions of Sec. 61-14-237 of this Code. Said wall(s) shall have no openings, except for one secondary, pedestrian exit door of minimum requirements, where mandated by the Fire Marshall;
- (3) All lighting shall be directed so as not to shine upon land zoned R1, R2, R3, R4, R5, R6, or residential PD;
- (4) All outdoor areas shall be either landscaped, in accordance with the provisions of ARTICLE XIV, DIVISION 2, Subdivision B of this Chapter, or paved;
- (5) The sale or rental of used motor vehicles, and the storage of such vehicles incidental to their sale, is prohibited on the premises of a minor motor vehicle services facility, except upon issuance of a permit for such sale, rental, or storage in conjunction with the minor motor vehicle repair facility, which is subject to a Conditional Use public hearing, where such is specified in the zoning districts use lists for said sales, rental, or storage;
- (6) There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the interior of the service building; and
- (7) Minor motor vehicle services at which customers are not required to exit their vehicles, such as at quick oil change facilities, shall be subject to the vehicle stacking provisions of Sec. 61-14-132 and Sec. 61-14-133 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-12-216. Motor vehicle washing and steam cleaning.

Motor vehicle washing and steam cleaning shall be subject to the following provisions:

- (1) The lot to be built upon shall be located on a street designated as a major or secondary thoroughfare and all means of vehicular ingress and egress shall be located on a major or secondary thoroughfare, and not from an adjoining residential street or alley. A residential street or alley shall not be used as a maneuvering or parking area for vehicles using the facility;
- (2) All portions of each area designed or used for the washing of motor vehicles shall be located a minimum of twenty-five (25) feet from the boundaries of residential zoning districts;
- (3) A hard surfaced driveway of one (1) or more lanes shall be constructed on the property in such manner as to provide for a continuous movement of vehicles into the wash-rack (See Figure 61-12-216 and Sec. 61-14-132):

Sec. 61-12-216 | Motor vehicle washing and steam cleaning.

- (a) The driveway so provided shall be not less than ten (10) feet wide for a single lane and not less than ten (10) additional feet in width for each additional lane;
 - (b) Where only a single lane is provided, the lane shall be used for no other purpose than to provide access to the wash-rack. All lanes provided shall be suitably protected from incursions of other traffic;
 - (c) The total length of the required stacking lane(s) so provided shall be determined by the overall length of the wash line, measured from the point that mechanical washing or cleaning begins, to the end of the mechanical washing or drying operation. In any development where the washing operation moves in other than a straight line, the length of the building or wash line for purposes of this section shall be the distance measured along the center-line of the conveyor or wash line. The greater of the above measurements shall be used in the determination of the length of the required lane or lanes. The overall length of the required lane or lanes, as measured along the center-line, shall be determined in accordance with the following formula: Where the building or total length of all wash lines is eighty (80) feet or less in overall length, the total required lane or lanes exclusive of the wash line shall be not less than two hundred (200) feet in length. Where the building or total length of all wash lines exceed eighty (80) feet in length, the length of the required lane or lanes exclusive of the wash line shall be increased twenty (20) feet for each ten (10) feet, or fraction thereof, by which the building or wash lines exceed eighty (80) feet in overall length;
 - (d) Not fewer than two (2) stacking spaces, which measure ten (10) feet by twenty (20) feet, shall be provided for each stall at a self-service/customer-operated car wash. In addition, one (1) stacking space shall be provided between the vehicle exit door and the point of vehicular egress to the right-of-way;
 - (e) Not fewer than two (2) stacking spaces, which measure ten (10) feet by twenty (20) feet, shall be provided for each designated wash area at a "hand car wash";
 - (f) The premises shall be screened by six (6) foot high opaque wall(s) where adjacent to land zoned R1, R2, R3, R4, R5, R6, or residential PD, in accordance with the provisions of Sec. 61-14-237 of this Code;
- (4) A barrier, that is a minimum of eighteen (18) inches in height, shall be constructed and maintained on all lot lines within nine (9) feet of a required stacking lane, except where the above required masonry wall is constructed on the lot line;
 - (5) The operating equipment shall be located or buffered so as to prevent unreasonably high noise levels at any point on the property boundary;

Sec. 61-12-216 | Motor vehicle washing and steam cleaning.

- (6) Permitted hours of operation shall be from 7:00 a.m. to 10:00 p.m.;
- (7) There shall be no above-ground outdoor storage/dispensing tanks on the site;
- (8) All washing activities shall be conducted within an enclosed structure, except for a designated wash area for not more than one (1) tall vehicle. Customer-operated “car washes” are exempt from this provision;
- (9) Vacuuming activities shall be at least twenty-five (25) feet from any lot line except where the property abuts a residential zoning district in which case a fifty (50) foot separation shall be maintained;
- (10) All drains shall be properly connected to a public sewer system;
- (11) Such uses shall be graded and drained in conformance with the requirements of the Michigan Plumbing Code so as to dispose of all surface water accumulation within the parking area;
- (12) Motor vehicle washing and steam cleaning facilities are also subject to the provisions of Chapter 10 of this Code, *Car Washes*;
- (13) In the B4 District, motor vehicle washing and steam cleaning establishments shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare; and
- (14) As may be required, landscaping shall be provided in accordance with ARTICLE XIV, DIVISION 2 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)