

Alton James  
Chairperson  
Lauren Hood, MCD  
Vice Chair/Secretary

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

Brenda Goss Andrews  
Lisa Whitmore Davis  
David Esparza, AIA, LEED  
Gregory Pawlowski  
Frederick E. Russell, Jr.  
Angy Webb

April 26, 2019

HONORABLE CITY COUNCIL

**RE:                Recodification of Chapter 61 of the 1984 Detroit City Code, Zoning,  
                      to Chapter 50 of the 2018 Detroit City Code (REAFFIRMED  
                      RECOMMENDATION OF APPROVAL)**

#### **REAFFIRMED RECOMMENDATION**

Your Honorable Body has received numerous chapters of the Detroit City Code that have been updated for inclusion in the forthcoming City Code Recodification Ordinance. Because of the Michigan Zoning Enabling Act, the chapter of the proposed, recodified City Code dealing with Zoning was first considered by the City Planning Commission (CPC).

The CPC's November 15, 2018 report and recommendation of approval was forwarded to Council and appeared on the formal agenda of November 20, 2018 for referral to Committee. However, Sec. 61-3-79(d) of the Zoning Ordinance specifies that where Council has not voted on a CPC recommendation within 120 days it is deemed to have been denied. The 120<sup>th</sup> day passed on March 22, 2019 without an extension of the review period having been authorized.

At the April 25, 2019 special meeting of the CPC, the Commission reaffirmed its recommendation of approval of the recodified Zoning chapter being submitted by the City Clerk and the Law Department as part of the ordinance to effect the recodification of the 1984 Detroit City Code.

#### **BACKGROUND**

State law mandates the periodic updating of a municipality's city code. The current 1984 Detroit City Code consists of 61 chapters. The forthcoming 2018 Detroit City Code will have 50 chapters. Consistent with the Michigan Zoning Enabling Act, the CPC provided public notice in the *Detroit Legal News* of Wednesday, October 31, 2018 and convened a November 15, 2018 public hearing for the proposed changes to the Zoning chapter.

#### **SUMMARY OF CHANGES IN THE ZONING CHAPTER**

The recodified Zoning chapter does not address land use issues of substance but there are many "housekeeping" matters—principally the renumbering of the entire Zoning chapter—that are required by law. Several land use terms are being altered but the permissibility of those land uses remains unaltered.

The proposed, recodified Zoning Ordinance, Chapter 50 of the 2018 Detroit City Code, will differ from the current Zoning Ordinance, Chapter 61 of the 1984 Detroit City Code in a number of ways:

- Section numbers throughout the Zoning Ordinance are being adjusted.
- As state statutes and local ordinances have been amended, obsolete or inaccurate cross-references are deleted or corrected.
- Lists of land uses, conditions, or other items are routinely preceded by an explicit statement to indicate the topic of the section catch line.
- References to discontinued or renamed governmental departments, agencies, and offices are removed, updated or corrected.
- Appropriate reference to the City Charter is inserted where the Zoning Ordinance authorizes establishment of a fee.
- The vocabulary of certain land uses is changed without altering the permissibility of the given land use in a given zoning district, namely:
  - "Bathhouse" is renamed "Public bathhouse" for consistency with references elsewhere in the City Code.
  - "Fireworks sales" is renamed "Fireworks sales, consumer;" the terms, "Display fireworks," "Low-impact fireworks," "Articles pyrotechnic," and "Special effects" are added as new definitions in Article XVI for consistency with references elsewhere in the City Code.
  - "Home for the aged" is dissociated from the land use "Adult foster care" for consistency with State law and the term is newly defined in Article XVI and listed as a permissible land use in the same zoning districts as at present.
  - "Massage therapy clinic" is renamed "Massage facility."
  - "Tattoo parlor and or piercing parlor" is renamed "Body art facility" and is defined in Article XVI.
  - "Secondhand store" is renamed "Used goods dealer facility" for consistency with references elsewhere in the City Code and is defined in Article XVI.
  - "Secondhand jewelry store" is renamed "Precious metal and gem dealer facility;" the use is newly defined in Article XVI for consistency with references elsewhere in the City Code.
  - "Public storage house" is renamed "Public storage facility."
  - "Motorcycle club" is newly defined for consistency with references elsewhere in the City Code.
- Provisions regarding "Development plan areas" are repealed or revised consistent with Emergency Manager Order No. 36 and Ord. No. 34-14.

The recodified Zoning chapter is **not** a component of the ongoing two-year revision and update of the Zoning Ordinance now branded or referred to as "Zone Detroit."

## **CPC DELIBERATIONS AND RESULTS OF THE PUBLIC HEARING**

At the Planning Commission's meeting of November 15, 2018 Commissioners raised numerous questions of CPC staff and of the representatives of the City Clerk's office, Mr. Dennis Mazurek and Ms. Josephine Powell.

At the CPC meeting of November 15, 2018, a public hearing was held regarding the recodification of the Detroit City Code, one chapter of which is "Zoning," Chapter 50. Four members of the public offered testimony at the hearing: none was opposed to the recodification; two supported the proposed changes; two others offered comments and posed general questions.

## **CONCLUSION**

Consistent with its bylaws and after receiving testimony at its public hearing, the CPC voted on November 15, 2018 to recommend incorporation of the proposed Zoning chapter into the recodified Detroit City Code, as summarized in the CPC report of November 14, 2018. At its special meeting of April 25, 2019, the CPC reaffirmed its vote of November 15.

If this CPC report and recommendation appears on Your Honorable Body's agenda of April 30, 2019, a new 120-day review period will begin and run to August 28, 2019.

Respectfully submitted,

ALTON M. JAMES, Chairperson

A handwritten signature in black ink, appearing to read "Marcell R. Todd, Jr.", written in a cursive style.

Marcell R. Todd, Jr., Director

M. Rory Bolger, Staff