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TO: COUNCIL MEMBERS

FROM: David Whitaker, Director
Legislative Policy Division Staff 

DATE: August 23, 2019

RE: **Creating a “Kiosk Free Zone” Prohibiting Installation on Specific Thoroughfares**

Councilmember Roy McCalister, in a memo, requested that the Legislative Policy Division provide answers to the City Council for several issues questions related to Creating “Kiosk Free Zones,” and prohibiting their installation.

In regard to the questions posed by Council member McCalister, we have the following responses:

1. How can the City Council create a “Kiosk Free Zone” on Livernois Avenue between Eight Mile Road to the north and the Lodge Freeway to the south, on both sides of the street?

LPD: On Tuesday July 28, 2016, City Council voted to revise Detroit’s parking ordinance that established parking zones throughout the city. The changes were tied to the installation of a new \$3.5 million high-tech parking system that features approximately 500 “pay-by-plate” kiosks, rather than individual spaces. Unfortunately however, the creation of any “kiosk free zone,” would fall under the jurisdiction of the executive branch as an administrative function, which is beyond the scope of Council’s power, despite the fact that City Council must approve the installation or removal of any kiosk. Council does not have the authority to arbitrarily remove or create a “Kiosk Free” zone, pursuant to Chapter 55, Article IV of the Detroit City Code.

2. Will such action require the creation of an ordinance to provide for a “Kiosk Free Zone?”

LPD: Unfortunately, Council does not have the authority to initiate this action, this is also an administrative function.

3. Is the City Council currently authorized to vote on requests or petitions for “Kiosk Free Zones?”

LPD: No. The determination of whether and or to where to place parking kiosk, or to the establishment of a kiosk free zone is made by the administration.

4. If there is a current method to prevent kiosks from being installed in certain areas, please advise Council of those methods.

LPD: Pursuant to Chapter 55, Article 4 of the Detroit City Code, the City Council must approve the installation or removal of any kiosk zone, thereby providing a method of controlling the installation of any new kiosk zone.

Attachment: Mayor’s Press release dated August 21, 2019 Regarding Livernois Streetscape Parking

Attachment: Chapter 55, article IV Local Regulations of Parking Meters and Parking Zones¹

¹ Approved by Council on 3/1/16



PRESS RELEASE

MAYOR'S OFFICE • Mike Duggan, Mayor

FOR RELEASE: Wednesday, August 21, 2019
MEDIA CONTACT: John Roach, 313-244-7857
RoachJ@detroitmi.gov

With Livernois streetscape parking and access issues greatly improved, businesses say, “Check us out!”

- **More frequent crossovers, 150 free off-street parking spaces and free shuttle service make access to Livernois the easiest since before construction started**
- **Impacted businesses can apply starting next week for forgivable loans of up to \$20K**
- **Marketing & cash grant events kick off Thursday at Table No. 2**
- **Excitement builds for new streetscape as multiple new businesses have recently located, including Shears & Shaves, Three Thirteen Shoe Doctor, The Broadway Men's Clothes & more**

Businesses along a 1.2-mile stretch of Livernois that is undergoing a \$17 million reconstruction and streetscape redesign have a message for their customers: “Forget what you’ve heard about construction challenges; we are open for business and getting to us is easier than you think!”

After a period of intensive construction and limited access due to the removal of the controversial median and the roadway itself, Livernois is now populated with free and convenient off-street parking lots offering a total of 150 spaces with ample signage to direct motorists. There also is a free shuttle between noon and 6 p.m. Monday through Friday stopping at each of these free parking locations. The shuttle stops every 15 minutes, helping customers get to their destinations, where and when they want.

This all means that access to Livernois businesses is the easiest it has been since the start of construction.

“It’s getting easier and easier to get around Livernois as construction continues, and with the shuttle, free parking and now the forgivable loan program, we are feeling good about access to our businesses,” said Hugh Smith, owner of **Baker’s Keyboard Lounge**. “Now we need more people to come down, check us out and patronize the Avenue of Fashion. The construction hasn’t stopped us and it shouldn’t stop anybody from seeing everything Livernois has to offer.”

Between now and the end of November, Livernois between Margareta and Eight Mile is being transformed into a walkable, attractive streetscape with a dedicated left-turn lane, wider sidewalks for café seating, protected bike lanes and new landscaping and lighting. By the end of this construction season, all of the roadway and on-street parking will be completed and open to traffic.

The only construction that will carry over into Spring 2020 will be the installation of a portion of sidewalk on the west side of Livernois north of Pembroke, as well as cosmetic work, such as

landscaping and the installation of benches and decorative lighting.

In addition to the efforts to make business access easier, the City also has been working closely with businesses to provide a range of financial support, ranging from grants to forgivable loans to property tax reductions based on lower sales during construction.

“The entire reason for this \$17 million investment is to create a thriving commercial district to help take existing Livernois businesses to the next level and to attract new businesses to fill the empty storefronts,” said the City’s Group Executive for Planning, Housing and Development, Arthur Jemison. “We are making sure that the businesses who stayed have the support they need to realize the benefits of this revitalization once the streetscape is completed.”

Applications open for \$20K forgivable loans

The City is committed to helping neighborhood businesses thrive – both during and after the Livernois streetscape construction, which will make the commercial corridor even more attractive and walkable for residents and visitors.

The City, through its partners at the Detroit Economic Growth Corporation (DEGC) and the Invest Detroit Foundation, is expected to launch a pilot loan program to support small businesses along Livernois as streetscape improvements continue along the corridor. The loan program will be managed by the DEGC through the Economic Development Corporation, which will be asked to approve the loan program at its Aug. 27 board meeting. Once the program is approved, applications will be available at degc.org.

Under the proposed program, on the basis of their pre-streetscape revenues, eligible business owners will be able to borrow \$5,000 up to \$20,000 and will not have to make any payments for the first two years, after the streetscape construction is complete. After making 24 months of on-time payments, the remaining 36 months of the loan will be forgiven, meaning the business owners can have 60% of their loan forgiven.

Interested Livernois businesses can contact Pierre Batton, Vice President for Small Business Programs at the DEGC, at loans@degc.org or 1- 844-338-4626 for more information.

Marketing and cash grant events kickoff Tuesday

The first marketing and cash grant events, modeled after the successful Detroit Soup program, will take place at 6 p.m. Aug. 22 at Table No. 2. These events will award more than \$10,000 in prizes that will immediately help Livernois businesses. Attendees’ patronage will go directly to these small businesses.

This is just one of a series of marketing efforts underway by the City, Detroit Economic Growth Corporation and Invest Detroit.

- **Marketing and communications support:** The City has engaged an outside PR firm and media consultant to work exclusively with Livernois business owners during construction to promote their businesses through paid advertising, earned media opportunities and grassroots/social media marketing. This is being provided at no cost to Livernois businesses.
- **Open for business signage:** The City has produced and installed signs, flags and banners

to encourage people to shop on Livernois during construction, and highlight that Avenue of Fashion businesses are open and free parking is available.

“We have been working closely with the business community on Livernois to understand their concerns and make sure they have what they need to thrive during and after construction,” said Kim Tandy, District 2 manager. “We’ve been meeting weekly with business owners to make sure they know what to expect, and how the city can help. We’re going to stay in constant contact and continue to help these small businesses until the project is complete.”

Creating attractive, walkable commercial corridors

When completed in November, Livernois will be an attractive, business-friendly thoroughfare that will be safer for motorists, bicyclists and pedestrians alike. The beautiful streetscape design will encourage more shopping, dining and pedestrian use of the street. Among its key features will be:

- Travel lanes that will be reconfigured to have one lane for traffic in each direction to reduce speeds and the addition of a new dedicated center left-turn lane.
- Wider 24-foot sidewalks to allow for café seating for businesses, along with new lighting and landscaping.
- Dedicated bike lanes that will be at sidewalk level, as opposed to street level.
- The removal of the median will provide direct left turn access to all residential streets along the corridor, making it easier for drivers to get to the businesses. On-street parking on at least one side of the street will be available.

S U M M A R Y

AN ORDINANCE to amend Chapter 55 of the 1984 Detroit City Code, *Traffic and Vehicles*, by amending Article IV, *Local Regulations*, Division 4, *Parking Meters and Parking Zones*, by amending Section 55-4-62 to add subsection (f) to require City Council approval for establishment of a new parking meter zone, or in an existing parking zone or parking zone sector charging a rate other than Rate Level O (free or open parking), on all streets in or abutting areas of the city with zoning classifications R1 through R6 or PD residential, and on streets in other areas of the city that have not charged for street parking within the previous three years, and to add subsection (g) to require monthly reports to City Council of changes in designations of parking meter zones and parking zone sectors, and installations and removals of parking meters and pay stations.

1 BY COUNCIL MEMBER _____:

2 AN ORDINANCE to amend Chapter 55 of the 1984 Detroit City Code, *Traffic and Vehicles*,
3 by amending Article IV, *Local Regulations*, Division 4, *Parking Meters and Parking Zones*, by amending
4 Section 55-4-62 to add subsection (f) to require City Council approval for establishment of a new
5 parking meter zone, or in an existing parking zone or parking zone sector charging a rate other than
6 Rate Level O (free or open parking), on all streets in or abutting areas of the city with zoning
7 classifications R1 through R6 or PD residential, and on streets in other areas of the city that have not
8 charged for street parking within the previous three years, and to add subsection (g) to require monthly
9 reports to City Council of changes in designations of parking meter zones and parking zone sectors,
10 and installations and removals of parking meters and pay stations.

11 IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

12 Section 1. Chapter 55 of the 1984 Detroit City Code, titled *Traffic and Vehicles*, Article IV, titled
13 *Local Regulations*, Division 4, *Parking Meters and Parking Zones*, is amended by amending Section 55-4-62
14 to read as follows:

15 CHAPTER 55. TRAFFIC AND VEHICLES

16 ARTICLE IV. LOCAL REGULATIONS

17 DIVISION 4. PARKING METERS AND PARKING ZONES

18 **Sec. 55-4-62. Parking meter zones, limitation on use of parking meters; parking rate**
19 **categories, parking zones, parking zone sectors, maximum time limits; City**
20 **Council approval required for certain new parking zones or charges.**

21 (a) The Department of Public Works is authorized and directed to establish, from time
22 to time, where, in its opinion, traffic conditions and use warrant the same, zones to be known as
23 parking meter zones, upon such streets of the City as are selected by the department for the location
24 of such zones, and shall cause parking meters to be installed and parking meter spaces to be

1 designated as provided in this article. Such parking meters may be used only to aid the enforcement
2 of the applicable regulations in this division.

3 (b) To improve traffic flow, increase availability of parking spaces, and provide
4 flexibility in the parking system, parking rates shall be designated as a "Normal Demand Parking
5 Meter Rate" or "Premium Demand Parking Meter Rate" or "Special Events Parking Meter Rate"
6 based on use and demand. The Municipal Parking Department shall promulgate rules to establish
7 the boundaries of parking zone sectors, set maximum time limits and apply the schedule of rates
8 set forth in Sec. 55-4-63 to each parking zone and each parking zone sector.

9 (c) Subject to paragraph (4), below, the parking zones are designated as follows:

10 (1) Parking Zone 1 is the area within and bounded by the Detroit River, Third
11 Street, as extended to the Detroit River, the John C. Lodge Freeway (M-10), the
12 Fisher Freeway (I-75), the extension of the Chrysler Freeway (I-375), Jefferson
13 Avenue, and Rivard Street, as extended to the Detroit River; and

14 (2) Parking Zone 2 is the area within and bounded by the Detroit River, the
15 Ambassador Bridge, the Fisher Freeway (I-75), the Jeffries Freeway (I-96), the
16 Edsel Ford Freeway (I-94), 12th Street/Rosa Parks Boulevard, Pallister Avenue,
17 Third Street, Pallister Avenue, Woodward Avenue, Chandler Street, John R. Street,
18 Smith Street, Oakland Avenue, Clay Street, the Chrysler Service Drive adjacent to
19 northbound Chrysler Freeway (I-75), Russell Street, the Edsel Ford Freeway (I-94),
20 Jos. Campau Avenue, Warren Avenue, McDougall Street, Vernor Highway, Chene
21 Street, Jefferson Avenue, Jos. Campau Street, as extended to the Detroit River, but
22 excluding any area within Parking Zone 1; and

23 (3) Parking Zone 3 includes any area within the City of Detroit that is outside
24 of Parking Zones 1 and 2.

1 (4) When a portion of a street or highway forms a boundary between two
2 parking zones, both sides of that boundary street or highway shall be deemed to be
3 within the parking zone with the lower number.

4 (d) The Municipal Parking Department may by promulgated rule further subdivide the
5 parking zones set forth in subsection (c) into parking zone sectors based on land use, proximity to
6 points of interest, and any other factors deemed relevant to improve traffic flow, increase
7 availability of parking spaces, and provide flexibility in the parking system.

8 (e) Information relative to the parking zones and parking zone sectors shall be set forth
9 on the City's website, on parking meters and in appropriate on-street signage.

10 (f) Unless approved by resolution of the City Council, which shall include findings
11 regarding the criteria used for approval, the Municipal Parking Department shall not do any of the
12 following:

13 1. establish a new parking meter zone or parking rate sector in any area of the city that
14 is within or abutting an area with a zoning classification R1 through R6 or PD
15 residential;

16 2. establish a new parking meter zone or parking rate sector in any other area of the
17 city that has not been subject to metered charges for street parking within the
18 previous three years;

19 3. in existing parking meter zones or parking rate sectors, charge or establish a Parking
20 Rate Level other than Parking Meter Rate Level O (free or open parking) in any
21 area of the city that is within or abutting an area with a zoning classification R1
22 through R6 or PD residential; or

23 4. in existing parking meter zones or parking rate sectors, charge or establish a Parking
24 Rate Level other than Parking Meter Rate Level O (free or open parking) in any