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January 30, 2020

HONORABLE CITY COUNCIL

RE: Zoning Ordinance Text Amendment (Chapter 50 of the 2019 Detroit City Code)—Van Dyke/Traditional Main Street Overlay (TMSO) Ordinance (RECOMMEND APPROVAL)

On Thursday, January 9, 2020, the City Planning Commission (CPC) voted to recommend approval of the attached draft Zoning Ordinance text amendment to Your Honorable Body relative to a proposed Van Dyke Avenue Traditional Main Street Overlay (TMSO) area.

This CPC report and recommendation is being submitted in advance of the final ordinance, which is under review by the Law Department for approval as to form. By providing the document in advance Your Honorable Body will be able to act, whenever the signed copy is available.

Background

Traditional Main Street Overlay Areas were established in 2005 following the recent adoption of the major rewrite of the Detroit Zoning Ordinance. The Planning and Development Department (P&DD) had submitted a series of design-related provisions that would apply to a number of pedestrian retail oriented business strips where there was the desire for more sensitive design. These business strips were identified in the First General Text Amendment to the Zoning Ordinance as “Traditional Main Street Overlay Areas” (Ord. No. 20-05). Subsequent to 2005, the TMSO provisions were adjusted in 2013 (Ord. No. 23-13) and, most recently, the CPC approved a text amendment to establish new TMSO areas and to modify various TMSO design standards. That text amendment came up for a public hearing before the Planning and Economic Development standing committee on January 9, 2020 and received support of the committee with one substantive modification.

Currently, there are nine TMSO areas; if the TMSO amendment heard by City Council on January 9, 2020 is approved, one of the original TMSOs will be expanded and two new TMSOs will be added:

- (1) *West Seven Mile*. All zoning lots abutting West Seven Mile Road between the zoning lots at the four (4) corners of John R Avenue and the center line of Woodward Avenue.

- (2) *Grand River*. All zoning lots abutting Grand River Avenue between the center line of Woodmont Avenue and the zoning lots at the four (4) corners of Evergreen Road. If approved by Council, this TMSO will be extend from Greenfield Road to Lahser Road and a segment of Lahser Road, north of Grand River will be added.
- (3) *Bagley/Vernor*. All zoning lots abutting Bagley Avenue between the center line of 16th Street and the center line of 24th Street; and all zoning lots abutting West Vernor Highway between the center line of Newark Avenue and the center line of Clark Street.
- (4) *Livernois/West McNichols*. All zoning lots abutting Livernois Avenue between the center line of the John C. Lodge Freeway and the center line of West Eight Mile Road; and all zoning lots abutting West McNichols Road between the center line of Lawton Avenue and the zoning lots at the four (4) corners of Wyoming Avenue.
- (5) *East Jefferson*. All zoning lots abutting East Jefferson Avenue between the center lines of Dickerson Avenue/Gray Avenue and the city limits of Grosse Pointe Park.
- (6) *Woodward*. All zoning lots abutting Woodward Avenue between the center line of Temple Avenue/Alfred Street and the city limits of Highland Park.
- (7) *Grand Boulevard*. All zoning lots abutting West Grand Boulevard/East Grand Boulevard between the John C. Lodge freeway (M-10) and the eastern edge of Cameron Street (extended).
- (8) *Michigan Avenue*. All zoning lots abutting Michigan Avenue between the John C. Lodge freeway (M-10) and the zoning lots at the four (4) corners of Vinewood Avenue.
- (9) *Vernor/Springwells*. All zoning lots abutting West Vernor Highway between the center line of Clark Street and the zoning lots at the four (4) corners of Woodmere Avenue; and all zoning lots abutting Springwells Avenue between the four (4) corners of West Vernor Highway and the four (4) corners of the Fisher Freeway (I-75) service drives.
- (10) *East Warren Avenue (Per 1/9/2020 Council hearing)*: All zoning lots abutting East Warren Avenue between Audubon Avenue and the four corners of Radnor Street.
- (11) *West Warren Avenue (Per 1/9/2020 Council hearing)*: All zoning lots abutting West Warren Avenue between the Southfield Freeway and Greenfield Road.

Zoning lots abutting these TMSO street segments are subject to additional design standards intended to improve the curb appearance of the business strip and to enhance a pedestrian-friendly environment. Those standards relate to a variety of factors:

- Building site relationship; placement and orientation.
- Site design standards: Fencing.
- Building design: Style.
- Building design standards:

- Massing, scale, and form.
 - Façade and architectural details.
 - Drive-up and drive-through facilities.
 - Corner lot buildings.
 - Entryways.
 - Materials.
 - Color and finish.
 - Awnings, canopies and marquees.
 - Lighting.
 - Blank walls.
 - Security roll-down doors and grilles.
 - Utilities, Service Areas, and Rooftop mechanical equipment.
 - Architecturally and historically significant buildings; renovation, addition and maintenance of existing buildings.
 - Vacant structures.
- Parking design standards: parking areas.
 - Signage and communication elements design standards.

The proposed addition of Van Dyke to the list of TMSOs is requested by the Planning & Development Department per the request of Council Member Scott Benson.

Scope of the proposed “Van Dyke/TMSO Ordinance”

The proposed ordinance would provide the following:

- Establish the Van Dyke Street Traditional Main Street Overlay Area (TMSO) between East Seven Mile and East Eight Mile Roads;
- Allow outdoor eating areas in a TMSO as a matter of right where located in front of a building in the B2, B3, and B4 zoning classifications;
- To establish the conditions under which parking waivers can be approved in the Van Dyke TMSO; and
- To specify which design standards in Traditional Main Street Overlay Areas apply to the proposed Van Dyke TMSO.

Results of Public Hearing

On December 5, 2019, the CPC held a statutory public hearing regarding the proposed text amendment. Five members of the public spoke at the hearing.

One business owner challenged the appropriateness of applying standards to Van Dyke that might be suitable for Livernois given the differences between the two areas and spoke in detail about parking problems for businesses on Van Dyke.

A second business owner voiced support for the proposed ordinance but expressed concern for the impact new business would have on available parking.

The director of the area's community development corporation indicated her support of the proposed ordinance and commended P&DD for its involvement.

A spokesperson for the Livernois/6 Mile organization indicated his area's support for the TMSO provision facilitating outdoor eating areas.

A third business owner from the area raised questions concerning the difficulty of obtaining approval for a used car lot and spoke to the safety-related concerns on the business strip.

Commissioners acknowledged the concerns of businesses on parking and traffic and security matters and noted that further engagement with the residential and business community was warranted to ensure a deeper understanding of the scope of the proposed ordinance. P&DD staff and CPC staff agreed to work with the community development corporation and business association to schedule additional meetings on the ordinance.

Additional Community Engagement

On Wednesday, January 8, 2020, staff from P&DD and the CPC met for a luncheon gathering of the Northeast Detroit Business Association in the SAY Place Center at Lipke Park—a meeting attended by 26 people. P&DD presented a Power Point detailing the nature of the Traditional Main Street Overlay and the four specific provisions that would apply to Van Dyke Avenue between East Seven Mile and East Eight Mile Roads.

The discussion that ensued in the course of the two hour meeting was most positive and amicable. Concerns and misunderstandings over the possible impact of the ordinance were addressed to the satisfaction of those gathered. General support of the TMSO provisions was evident.

On the same day, a second meeting was convened at 7:00 PM at the offices of the Nortown Community Development Corporation on the same day related to the Van Dyke/TMSO ordinance. This meeting was geared primarily to residents and block clubs and involved 13 people, seven of whom were area residents and/or business operators/owners. More spirited discussion arose on parking-related matters as well as concerns over area security. It was explained that with or without the proposed Van Dyke TMSO these matters needed to be addressed through enforcement efforts and concerted community involvement. With a fuller understanding of the proposed ordinance's scope, no specific opposition to the ordinance was raised.

Findings and Recommendation

The CPC finds that the one-mile stretch of Van Dyke between Seven and Eight Mile Roads to be a good candidate for the proposed design standards that come with TMSO designation (for new businesses and existing businesses that are significantly altered architecturally). Only four of the 19 standards would apply to Van Dyke, similar to the applicability of standards to recently proposed TMSOs on East Warren, West Warren, and portions of Grand River/Lahser. Support

for these standards seems to be broad and the mood in the community is optimistic over the area's current improvement and future development.

The CPC further finds that the proposed ordinance satisfies the text amendment approval criteria specified in Sections 50-3-13 through 50-3-15. Accordingly, the City Planning Commission voted at its meeting of January 9, 2020 to recommend approval of the attached Van Dyke/TMSO ordinance, as drafted.

ALTON JAMES, Chairperson

Respectfully submitted,

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

Marcell R. Todd, Jr., Director
M. Rory Bolger, Staff

Attachment

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1 BY COUNCIL MEMBER _____ :

2 AN ORDINANCE to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by
3 amending Article IX, Division 4, *B3 Shopping District*, Section 50-9-82, *Conditional retail,*
4 *service, and commercial uses*; Article XI, *Special Purpose Zoning Districts and Overlay Areas*
5 Division 14, *Overlay areas*, Subdivision B, *Traditional Main Street Overlay Areas*, Sec. 50-11-
6 382, *Designated Traditional Main Street Overlay Areas*; Article XII, *Use Regulations*, Division 1,
7 *Use Table*; Subdivision D, *Retail, Service and Commercial Uses*, Section 50-12-62, *Food and*
8 *beverage service*; Division 3, *Specific Use Standards*, Subdivision C, *Retail, Service and*
9 *Commercial Uses; Generally*, Section 50-12-217, *Brewpub and microbrewery and small distillery*
10 *and small winery*; Subdivision E, *Retail, Service and Commercial Uses; Generally*, Sec. 50-12-
11 311, *Restaurants, standard*; Article XIV, *Development Standards*, Division 1, *Off-Street Parking,*
12 *Loading, and Access*, Subdivision F, *Waivers and Alternative Parking Plans*, Sec. 50-14-153,
13 *Waiver of off-street parking requirements for uses or buildings minimally deficient*, Division 3,
14 *Architectural and Site Design Standards*, Subdivision C, *Traditional Main Street Overlay Areas,*
15 Sec. 50-14-436, *Building design standards—Façade and architectural details*, Sec. 50-14-437,
16 *Building design standards - Drive-up and drive-through facilities*, Sec. 50-14-440, *Building*
17 *design standards—Materials*, Sec. 50-14-441, *Building design standards—Color and finish*, Sec.
18 50-14-444, *Building design standards—Blank walls*, Sec. 50-14-445, *Building design standards—*
19 *Security roll-down doors and grilles*, Sec. 50-14-448, *Building design standards—Vacant*
20 *structures*, and Sec. 50-14-45, *Signage and communication elements design standards,*
21 collectively in order to establish the Van Dyke Street Traditional Main Street Overlay Area; allow
22 outdoor eating areas as a matter of right when in specified locations in the B2, B3, and B4 zoning
23 classifications when located in a Traditional Main Street Overlay Area; to permit brewpubs as a

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1 conditional use in the B3 zoning district where located in a Traditional Main Street Overlay Area,
2 to provide parking waivers in Traditional Main Street Overlay Areas; and to revise certain design
3 standards in Traditional Main Street Overlay Areas.

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

5 **Section 1.** Chapter 50 of the 2019 Detroit City Code, *Zoning*, is amended by amending
6 Article IX, Division 4, B3 Shopping District, Section 50-9-82, Conditional retail, service, and
7 commercial uses; Article XI, Special Purpose Zoning Districts and Overlay Areas Division 14,
8 Overlay areas, Subdivision B. Traditional Main Street Overlay Areas, Sec. 50-11-382, Designated
9 Traditional Main Street Overlay Areas; Article XII, Use Regulations, Division 1, Use Table;
10 Subdivision D, Retail, Service and Commercial Uses, Section 50-12-62, Food and beverage
11 service; Division 3, Specific Use Standards, Subdivision C. Retail, Service and Commercial Uses;
12 Generally, Section 50-12-217, Brewpub and microbrewery and small distillery and small winery;
13 Subdivision E. - Retail, Service and Commercial Uses; Generally, Sec. 50-12-311, Restaurants,
14 standard; Article XIV, Development Standards, Division 1, Off-Street Parking, Loading, and
15 Access, Subdivision F, Waivers and Alternative Parking Plans, Sec. 50-14-153. Waiver of off-
16 street parking requirements for uses or buildings minimally deficient, Division 3, Architectural
17 and Site Design Standards, Subdivision C. Traditional Main Street Overlay Areas, Sec. 50-14-436,
18 Building design standards—Façade and architectural details, Sec. 50-14-437, Building design
19 standards - Drive-up and drive—through facilities, Sec. 50-14-440, Building design standards—
20 Materials, Sec. 50-14-441, Building design standards - Color and finish, Sec. 50-14-444, Building
21 design standards—Blank walls, Sec. 50-14-445, Building design standards—Security roll-down
22 doors and grilles, Sec. 50-14-448, Building design standards—Vacant structures, and Sec. 50-14-
23 45, Signage and communication elements design standards, collectively in order to establish the

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1 Van Dyke Street Traditional Main Street Overlay Area; allow outdoor eating areas as a matter of
2 right when in specified locations in the B2, B3, and B4 zoning classifications when located in a
3 Traditional Main Street Overlay Area; to permit brewpubs as a conditional use in the B3 zoning
4 district where located in a Traditional Main Street Overlay Area, to provide parking waivers in
5 Traditional Main Street Overlay Areas; and to revise certain design standards in Traditional Main
6 Street Overlay Areas. , as follows:

7 **ARTICLE IX. BUSINESS ZONING DISTRICTS**

8 **DIVISION 4. B3 SHOPPING DISTRICT**

9 **Sec. 50-9-82. - Conditional retail, service, and commercial uses.**

10 Conditional retail, service, and commercial uses in the B3 Shopping District are as follows:

11 (1) Arcade.

12 (2) Automated teller machine not accessory to another use on the same zoning lot,
13 which is stand- alone, with drive-up or drive-through facilities.

14 (3) Bank with drive-up or drive-through facilities.

15 (4) Business college or commercial trade school.

16 (5) Brewpub or microbrewery or small distillery or small winery, subject to Section
17 50-12-217 of this Code.

18 (56) Cabaret.

19 (67) Customer service center with drive-up or drive-through facilities.

20 (78) Dance hall, public.

21 (89) Establishment for the sale of beer or alcoholic liquor for consumption on the
22 premises.

23 (910) Financial services center.

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- 3 ~~(413) Food stamp distribution center.~~ Formatted: Strikethrough
- 4 ~~(414) Hotel.~~ Formatted: Strikethrough
- 5 ~~(415) Mortuary or funeral home, including those containing a crematory.~~ Formatted: Strikethrough
- 6 ~~(416) Motel.~~ Formatted: Strikethrough
- 7 ~~(417) Motor vehicle filling station.~~ Formatted: Strikethrough
- 8 ~~(418) Motor vehicles, new or used, salesroom or sales lot.~~ Formatted: Strikethrough
- 9 ~~(419) Plasma donation center.~~ Formatted: Strikethrough
- 10 ~~(420) Pool hall.~~ Formatted: Strikethrough
- 11 ~~(2421) Private club, lodge, or similar use.~~ Formatted: Strikethrough
- 12 ~~(2422) Restaurant, carry-out with drive-up or drive-through facilities.~~ Formatted: Underline
- 13 ~~(2223) Restaurant, fast-food with or without drive-up or drive-through facilities.~~ Formatted: Strikethrough
- 14 ~~(2224) Restaurant, standard with drive-up or drive-through facilities.~~ Formatted: Underline
- 15 ~~(2425) Specially designated distributor's (SDD) or specially designated merchant's (SDM)~~ Formatted: Strikethrough
- 16 establishment. Formatted: Underline
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18 **ARTICLE XI. SPECIAL PURPOSE ZONING DISTRICTS AND OVERLAY AREAS**

19 **DIVISION 14. OVERLAY AREAS**

20 **Subdivision B. Traditional Main Street Overlay Areas.**

21 **Sec. 50-11-382. Designated Traditional Main Street Overlay Areas.**

22 The following areas are designated as Traditional Main Street Overlay Areas:

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- 1 (1) *West Seven Mile.* All zoning lots abutting West Seven Mile Road between the
2 zoning lots at the four corners of John R Avenue and the center line of Woodward
3 Avenue.
- 4 (2) *Grand River.* All zoning lots abutting Grand River Avenue between the center line
5 of Woodmont Avenue and the zoning lots at the four corners of Evergreen Road.
- 6 (3) *Bagley/Vernor.* All zoning lots abutting Bagley Avenue between the center line of
7 16th Street and the center line of 24th Street; and all zoning lots abutting West
8 Vernor Highway between the center line of Newark Avenue and the center line of
9 Clark Street.
- 10 (4) *Livernois/West McNichols.* All zoning lots abutting Livernois Avenue between the
11 center line of the John C. Lodge Freeway and the center line of West Eight Mile
12 Road; and all zoning lots abutting West McNichols Road between the center line
13 of Lawton Avenue and the zoning lots at the four corners of Wyoming Avenue.
- 14 (5) *East Jefferson.* All zoning lots abutting East Jefferson Avenue between the center
15 lines of Dickerson Avenue/Gray Avenue and the city limits of Grosse Pointe Park.
- 16 (6) *Woodward.* All zoning lots abutting Woodward Avenue between the center line of
17 Temple Avenue/Alfred Street and the city limits of Highland Park.
- 18 (7) *Grand Boulevard.* All zoning lots abutting West Grand Boulevard/East Grand
19 Boulevard between the John C. Lodge freeway (M-10) and the eastern edge of
20 Cameron Street (extended). Standards for West Grand Boulevard between John C.
21 Lodge freeway (M-10) and West Grand River in the Grand Boulevard Overlay
22 Area, are available in Subdivision D of this division.

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- 1 (8) *Michigan Avenue.* All zoning lots abutting Michigan Avenue between the John C.
2 Lodge freeway (M-10) and the zoning lots at the four corners of Vinewood Avenue.
3 (9) *Vernor/Springwells.* All zoning lots abutting West Vernor Highway between the
4 center line of Clark Street and the zoning lots at the four corners of Woodmere
5 Avenue; and all zoning lots abutting Springwells Avenue between the four corners
6 of West Vernor Highway and the four corners of the Fisher Freeway (I-75) service
7 drives.

8 (10) All zoning lots abutting Van Dyke Street between East 7 Mile and East 8 Mile Roads

9 ARTICLE XII – USE REGULATIONS

10 DIVISION 3 - SPECIFIC USE STANDARDS

11 Subdivision E. - Retail, Service and Commercial Uses; Generally

12 Sec. 50-12-311. - Restaurants, standard.

13 Standard restaurants shall be subject to the spacing provisions of Section 50-12-131 of this
14 Code and to the following requirements:

- 15 (1) Such uses may include the sale of beer or alcoholic liquor for consumption on the
16 premises and shall not constitute a regulated use;
- 17 (2) Points of vehicular ingress and egress shall be determined by the Department of
18 Public Works, Traffic Engineering Division;
- 19 (3) Except as provided in Subsection (5) of this section, food consumption upon the
20 premises outside the restaurant shall be prohibited, and, where deemed advisable
21 by the enforcing official to assure compliance with this prohibition, the premises
22 shall be properly posted with signs stating that the consumption of foods, frozen
23 desserts, or beverages within vehicles parked upon the premises is unlawful and

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1 that violators are subject to fines as prescribed by law. A minimum of two such
2 signs shall be posted within the building near the checkout counter of the
3 restaurant, and a minimum of four such signs shall be posted within the parking
4 area so as to be clearly visible from all vehicles on the premises;

5 (4) Drive-up, drive-through facilities may be provided in the B3 and B4 Districts only
6 where approved as conditional uses and subject to the provisions for vehicle
7 stacking in Article XIV, Division I, Subdivision H, of this chapter. Where
8 practicable, there shall be at least one temporary vehicle stopping space after the
9 delivery window so motorists may prepare themselves for a safe exit onto the
10 public roadway. In accordance with Article IX and Article XI of this chapter, in
11 the B2, PCA, SD1, SD2, and SD4 Districts, such drive-through facilities are
12 prohibited; this regulation may not be waived by the Board of Zoning Appeals.
13 In the M2, M3, M4, and TM Districts, such drive-through facilities are permitted
14 by right, subject to the provisions of Article XIV, Division I, Subdivision H, of
15 this chapter. Standard restaurants with drive-up or drive-through facilities are
16 prohibited on any zoning lot abutting a Gateway Radial Thoroughfare; this
17 regulation may not be waived by the Board of Zoning Appeals;

18 (5) Designated outdoor eating areas, such as in a courtyard or on a roof or deck, may
19 be provided in the B2, B3, or B4 District only where approved as conditional
20 uses, except in a Traditional Main Street Overlay Area, where outdoor eating
21 areas that are on the front or in front of the building shall be permitted on a matter
22 of right basis. Such feature may be provided on a by-right basis in those other
23 zoning districts where standard restaurants are permitted by right. Designated

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1 outdoor eating areas shall be added to the gross floor area of the building for
2 purposes of computing off-street parking requirements. Outdoor eating areas
3 shall not be designated in required parking areas; and

4 (6) Any standard restaurant operating as a coffee house is subject to the licensing
5 provisions of Chapter 5, Article V, of this Code, Amusements and
6 Entertainments.

7 **ARTICLE XII. USE REGULATIONS**

8 **DIVISION 1. USE TABLE**

9 **Subdivision A. In General.**

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Use Category	Specific Land Use						Standards																				
	Residential		Business		Industrial		Special and Overlay						General (Art. XII, Div. 2)		Specific (Art. XII, Div. 3)												
	1	2	3	4	5	6	1	2	3	4	5	6	P	T	P	W	D	D	D	D	1	2	3	4	5	SPC;	Sections
Restaurant, carry-out, with drive-up or drive-through facilities	R	R	R	R	R	R																					
							C																				
Restaurant, carry-out, without drive-up or drive-through facilities	R	R	R	R	R	R																					
							C	C	R	R	R	R	L														
Restaurant, carry-out, without drive-up or drive-through facilities	R	R	R	R	R	R																					
							R	R																			

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Use Category	Specific Land Use	Residential						Business						Industrial						Special and Overlay						Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)												
		1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6		1	2	3	4	5	6						
	Restaurant, fast-food, with drive-up or drive-through facilities	R	R	R	R	R	R	B	B	B	B	B	B	M	M	M	M	M	M	P	P	P	P	P	P	T	P	M	R	R	R	S	S	S	S	S	S	SPC; Sections 50-12-310 and 50-12-511
	Restaurant, fast-food, without drive-up or drive-through facilities	R	R	R	R	R	R	C	C	C	C	C	C	R	R	R	R	R	R	L	L	L	L	L	L	R	R	R	R	R	R	R	R	R	R	R	R	SPC; Sections 50-12-310 and 50-12-511

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Use Category	Specific Land Use						Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)
	Residential	Business	Industrial	Special and Overlay	Special and Overlay	Special and Overlay	
	1 2 3 4 5 6	1 2 3 4 5 6	1 2 3 4 5 6	1 2 3 4 5 6	1 2 3 4 5 6	1 2 3 4 5	
Restaurant, standard, with drive-up or drive-through facilities	R R R R R R	B B B B B B	M M M M M M	P P P P P P	C A M R P T W D	S S S S S S	SPC; Sections 50-12-311 and 50-12- 511
Restaurant, standard, without drive-up or drive-through facilities	R R R R R R	C C C C C C	R R R R R R	L	R	R R R R R R	SPC; Sections 50-12-311 and 50-12- 511
All other	R R R R R R	C C C C C C	C C C C C C	L	C	R R R R R R	511

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DIVISION 3. SPECIFIC USE STANDARDS

Subdivision C. Retail, Service, and Commercial Uses; Generally

Sec. 50-12-217. Brewpub and microbrewery and small distillery and small winery.

Brewpubs and microbreweries and small distilleries and small wineries are subject to the following provisions:

- (1) Regulated Use provisions of Article III, Division 8, of this chapter where there is consumption of beer or alcoholic liquor on the premises, located outside of the Central Business District and outside the SD2 District; however, a brewpub, microbrewery, small distillery, or small winery operating in conjunction with and located on the same zoning lot as a standard restaurant, as defined in Section 50-16-362 of this Code, shall not be considered a Regulated Use, as provided in Section 50-3-323(1) of this Code;
- (2) Controlled use provisions of Article III, Division 9, of this chapter where beer or wine or alcoholic liquor are sold to the general public for consumption off the premises at a brewpub or small distillery or small winery;
- (3) In the M1, M2, M3, and M4 Districts, where a brewpub, microbrewery, small distillery, or small winery is classified as a regulated use or a controlled use, the use may be permitted on a conditional basis; where a brewpub, microbrewery, small distillery, or small winery in an M1, M2, M3, or M4 District is not classified as either a regulated use or controlled use, the use may be permitted on a by-right basis;

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1 (4) In the SDI District, a brewpub or microbrewery or small distillery or small winery
2 may be permitted on a by-right basis where not exceeding 3,000 square feet and are
3 not located adjacent to or across an alley from a lot containing a single- or two-
4 family dwelling that is located on a street other than a major thoroughfare, as
5 ~~provided in Section 50-11-206(7) of this Code~~ and on a conditional basis where
6 such uses exceed 3,000 square feet or across an alley from a lot containing a single-
7 or two-family dwelling that is located on a street other than a major thoroughfare,
8 ~~as provided in Section 50-11-212(2) of this Code.~~

9 (5) In the B3 District, a brewpub or microbrewery or small distillery or small winery
10 is permissible is permissible conditionally where located within a Traditional Main
11 Street Overlay Area.

12
13 **ARTICLE XIV. DEVELOPMENT STANDARDS**

14 **DIVISION 1. OFF-STREET PARKING, LOADING, AND ACCESS**

15 **Subdivision F. Waivers and Alternative Parking Plans**

16 **Sec. 50-14-153. Waiver of off-street parking requirements for uses or buildings minimally**
17 **deficient.**

18 (a) *In general.* Where the Buildings, Safety Engineering, and Environmental
19 Department determines that:

- 20 (1) A building or use requires no variance or other action under the jurisdiction of the
21 Board of Zoning Appeals, other than the parking deficiency; and
22 (2) The building or use can provide at least 80 percent of the required off-street parking
23 spaces; then, upon request of the petitioner and in conjunction with the Municipal

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1 Parking Department and the Department of Public Works Traffic Engineering
2 Division, the department may grant a waiver of the off-street parking requirements,
3 not exceeding ten parking spaces or 20 percent of the required off-street parking
4 requirement, whichever is less. Such waiver shall not be granted unless, in the
5 judgment of the Buildings, Safety Engineering, and Environmental Department,
6 with the sign-off of the Municipal Parking Department and the Department of
7 Public Works Traffic Engineering Division, the waiver of the parking requirement
8 for the building or use involved is not injurious to the adjacent or surrounding areas
9 by creating or increasing traffic congestion or by disrupting traffic circulation,
10 provided that, in those instances where a building or use is subject to Site Plan
11 Review, the Planning and Development Department has sole authority to consider
12 such waiver.

13 (b) *Traditional Main Street Overlay Areas.*

14 (i) *Applicability.* In addition to the parking waiver granted for buildings not exceeding
15 3,000 square feet per Section 50-14-7(3) of this Code, in a Traditional Main Street
16 overlay area, as provided in Section 50-11-382 of this Code, the Planning and
17 Development Department may grant a waiver of the off-street parking requirements
18 for the first 3,000 square feet of pedestrian-oriented retail, service, or commercial
19 uses. The Planning and Development Department shall have authority to consider
20 such waiver, ensuring that the waiver will not be injurious to the adjacent or
21 surrounding areas by creating or increasing traffic congestion or by disrupting
22 traffic circulation.

23 (2) *Eligibility.* In order to qualify for the waiver, the following criteria shall be met:

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- a. The pedestrian-oriented use shall fall into one of the following use categories:
 - 1. Section 50-12-62 of this Code, *Food and beverage service*;
 - 2. Section 50-12-69 of this Code, *Retail sales and service, sales-oriented*, and
 - 3. Section 50-12-70 of this Code, *Retail sales and service, service-oriented*, except motor vehicle sales, motorcycle sales, and any use with drive-up or drive-through facilities.

- b. New buildings must comply with all of the requirements in the Traditional Main Street Overlay standards, as specified in Section 50-14-432 through Section 50-14-450 of this Code, except that only the provisions of Section 50-14-153(b)(2)(c)(1) and Section 50-14-153(b)(2)(c)(2) and Section 50-14-153(b)(2)(c)(3) shall apply to the Van Dyke Street Traditional Main Street Overlay Area.

- c. Except for within the Van Dyke Street Traditional Main Street Overlay Area, New-new uses in existing buildings shall be eligible for this waiver only if, at a minimum, the building complies with the following standards from Division 3, Subdivision C, of this article:
 - 1. The front façade of the building is located on the lot line facing the Traditional Main Street, in accordance with the standards in Section 50-14-432 of this Code;
 - 2. The street level façade of the building has a minimum of 60 percent transparency according to Section 50-14-436 of this Code;

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1 3. The building has an active entryway located on the façade facing the
2 Traditional Main Street, according to Section 50-14-439 of this
3 Code.

4 d. In the case where one building or development contains multiple retail,
5 service, or commercial uses, the total number of spaces that may be waived
6 for a building or development using this waiver shall not exceed 45 spaces.

7 (c) *SD1/SD2 Areas.* In addition to the parking waiver granted for buildings under 3,000
8 square feet per Section 50-14-7(3) of this Code, on properties zoned SD1 or SD2, the Planning
9 and Development Department may grant a waiver of the off-street parking requirements, for the
10 first 3,000 square feet of pedestrian-oriented retail, service, or commercial uses. The Planning and
11 Development Department shall have authority to consider such waiver, ensuring that the waiver
12 will not be injurious to the adjacent or surrounding areas by creating or increasing traffic
13 congestion or by disrupting traffic circulation. In the case where one building or development
14 contains multiple retail, service, or commercial uses, the total number of spaces that may be waived
15 for a building or development using this waiver shall not exceed 45 spaces.

16 **DIVISION 3. ARCHITECTURAL AND SITE DESIGN STANDARDS**

17 **Subdivision C. Traditional Main Street Overlay Areas**

18 **Sec. 50-14-436. Building design standards—Façade and architectural details.**

19 (a) For purposes of this subdivision, the term “street level façade” means the first story
20 of a multi-story building or the first 13 feet of the façade above grade plane;

21 (b) The objectives of this section are:

22 (1) To provide street level façades on Traditional Main Streets with maximum visibility
23 and transparency between active interior uses and the outside;

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1 (2) To create façades with ratios of solids (wall surfaces) to voids (openings for
2 windows and doors) that express traditional fenestration patterns; and

3 (3) To require fenestration patterns, surface delineations, textures, material expressions
4 and architectural details that relate to the human scale.

5 (c) To achieve the objectives of this section, the following standards shall apply:

6 (1) For all buildings located on lots abutting a Traditional Main Street that contain a
7 commercial use and all other buildings located on the front property line, a minimum of 60
8 percent of the street level façade along Traditional Main Streets, major thoroughfares, or
9 secondary thoroughfares between two and eight feet above the grade plane shall consist of
10 transparent windows and doors; all other façades of buildings on lots abutting a Traditional Main
11 Street that face a public street (other than a major or secondary thoroughfare) shall consist of
12 transparent windows or doors covering at least 40 percent of the façade between four and eight
13 feet above the grade plane. On the Van Dyke Street Traditional Main Street Overlay Area, a
14 minimum of 50 percent of the street level façade along the Traditional Main Street, major
15 thoroughfares, or secondary thoroughfares between two and eight feet above the grade plane
16 shall consist of transparent windows and doors;

17 **Sec. 50-14-437. Building design standards - Drive-up and drive—through facilities.**

18 Drive-up and drive-through facilities (including, but not limited to, restaurants and banks)
19 are prohibited on zoning lots abutting a Traditional Main Street except where the Planning and
20 Development Department determines that the proposed development complies with all of the
21 other requirements of the Traditional Main Street standards and is allowed by the underlying
22 zoning designation or where located on the Van Dyke Street Traditional Main Street Overlay
23 Area. Driveways or vehicle stacking areas shall not be located between the building and the

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1 Traditional Main Street. No more than one driveway/curb cut shall be allowed on the Traditional
2 Main Street.

3 **Sec. 50-14-440. Building design standards—Materials.**

4 (a) The objectives of this section are:

5 (1) To reinforce durable and traditional building materials consistent with urban
6 context; and

7 (2) To encourage the use of durable construction materials.

8 (b) The standards of Subsection (c) of this Section do not apply to the Van Dyke
9 Street Traditional Main Street Overlay Area.

10 (c) To achieve the objectives of this section, the following standards shall apply,
11 subject to Subsection (b) of this Section:

12 (1) Within the West Grand River, Livernois / West McNichols, East Jefferson,
13 Woodward, Grand Boulevard, Michigan Avenue, and Vernor/Springwells overlay
14 areas, a minimum of 80 percent of any building façade that faces a public street,
15 excluding window and door openings, shall consist of the following building
16 materials: masonry (preferably brick), stone, or porcelain;

17 (2) Within the West Seven Mile and the Bagley/Vernor overlay areas, a minimum of
18 30 percent of any building façade that faces a public street, excluding window and
19 door openings, shall consist of the following building materials: masonry
20 (preferably brick), stone, or porcelain;

21 (3) For buildings within the Traditional Main Street Overlay area, the following
22 materials are prohibited on any façade facing a Traditional Main Street, major
23 thoroughfare, or secondary thoroughfare: vinyl or plywood siding, corrugated

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1 fiberglass, non-corrugated and highly reflective sheet metal, painted or unfinished
2 concrete block, rough-textured concrete block, and split-face block;

3 (4) Exterior Insulation and Finish System (EIFS) and other similar troweled finishes
4 shall be trimmed in wood or masonry and shall not be located within the first two
5 feet of the grade plane;

6 (5) Building materials that are neither delineated in Subsection (b)(1) or (2) of this
7 section nor prohibited in Subsection (b)(3) or (4) of this section may only be used
8 upon consideration and recommendation of the Design Review Advisory
9 Committee; and

10 (6) Accent building materials that may be used include, but are not limited to:
11 architectural metals such as stainless steel, copper, clear or color anodized
12 aluminum; other pre-finished metal; finished or painted exterior-grade wood.

13 **Sec. 50-14-441. Building design standards—Color and finish.**

14 (a) The objective of this section is to reinforce traditional color palettes and
15 analogous colors of permanent building materials; and to establish positive district character by
16 achieving continuity and coordination in colors and finishes.

17 (b) The standards of Subsection (c) of this Section do not apply on the Van Dyke
18 Street Traditional Main Street Overlay Area.

19 (c) To achieve the objective of this section, the following standards shall apply,
20 subject to Subsection (b) of this Section:

21 (1) The following standards shall apply to the cleaning of all exterior masonry,
22 including brick, stone, stucco, terra cotta, ceramic tile and cement exterior finish
23 materials:

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- 1 a. The application, by use of a stream of pressurized water or air, of abrasive
2 substances such as sand, ground slag, volcanic ash, crushed walnut or
3 almond shells, rice husks, ground corncobs, ground coconut shells,
4 crushed eggshells, silica flour, synthetic particles, glass beads,
5 microballoons, or baking soda shall not be permitted;
- 6 b. The use of tools and equipment such as wire brushes, rotary wheels, power
7 sanding disks, rotary sanders, or belt sanders, shall not be permitted;
- 8 c. Chemical cleaning is permissible provided that the cleaning method
9 proposed is not one that is known to cause damage to the type of material
10 that is being cleaned; and
- 11 d. High pressure liquid cleaning will be permitted if it is shown (by means of
12 a test patch no greater than nine square feet and located in an
13 inconspicuous area) that the proposed amount of pressure will not cause
14 abrasive damage to the materials it is to clean.

15 (2) The exterior of every principal structure and accessory structure shall be
16 maintained in good repair. All surfaces, with the exception of masonry, porcelain,
17 architectural metals, brick or stone material, shall be kept painted or protected
18 with approved coating or material. Masonry, porcelain, brick, or stone buildings
19 that are not currently painted should be left natural and should not be painted.
20 Buildings with painted brick prior to May 29, 2005, may be repainted or may
21 have the paint removed as a means of maintaining the surface in good repair; and

22 (3) Applied finishes, such as concrete and stucco, shall be fine and smooth textured.

23 **Sec. 50-14-444. Building design standards—Blank walls.**

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1 (a) In general. For purposes of this subdivision, a blank wall is a portion of a ground
2 floor wall (including building façades 13 feet high from the grade plane) with a surface area of
3 300 square feet or greater that does not include a transparent window or transparent door. Blank
4 walls are only permitted where abutting an alley or along a side lot line that does not abut a right-
5 of-way or parking lot.

6 (b) The objective of this section is to enhance the pedestrian experience through
7 architecture by adding visual interest, character, and architectural details to otherwise blank
8 walls.

9 (c) The standards of Subsection (d) of this Section do not apply to the Van Dyke Street
10 Traditional Main Street Overlay Area.

11 (d) To achieve the objectives of this section, blank walls (treated or untreated) on any
12 building facing a Traditional Main Street are prohibited, subject to Subsection (c) of this Section.
13 All other blank walls adjacent to a public right-of-way or on a façade with a public entrance shall
14 be treated with one or more of the following methods, subject to Subsection (c) of this Section:

15 (1) Architectural details and structural bay expression that provide vertical relief,
16 such as a pier or pilaster spaced at a maximum of 20 feet; for large blank wall
17 areas over 400 square feet, the architectural details shall be accompanied with
18 landscape screening according to subsection (3) of this section;

19 (2) A horizontal band, 12 to 16 inches wide, such as a middle cornice or a reveal band
20 at the façade's mid-point of the same material as the façade; for large blank wall
21 areas over 400 square feet, the architectural details shall be accompanied with
22 landscape screening according to according to Subsection (c)(3) of this section;

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- 1 (3) Landscaping that will obscure or screen at least 50 percent of the blank wall's
2 surface within four years; landscaping shall include a combination of evergreen
3 and deciduous trees and shrubs; vines can also be used to contribute to the
4 landscape screening; turf or other groundcover are allowed, but will not contribute
5 to the screening requirement; or
6 (4) Artwork such as mosaic, mural, sculpture, or relief over at least 50 percent of the
7 blank wall surface; the artwork shall be subject to review by the Design Review
8 Committee.

9 **Sec. 50-14-445. Building design standards—Security roll-down doors and grilles.**

- 10 (a) The objectives of this section are:
11 (1) To promote the perception of main streets districts as safe commercial areas; and
12 (2) To deter crime, but foster pride and positive perception about main streets, by
13 relying on discrete security measures such as security glass, alarms, lighting, and
14 police notification system.

15 (b) The standards of Subsection (c) of this Section do not apply to the Van Dyke
16 Street Traditional Main Street Overlay Area.

17 (c) To achieve the objectives of this section, the following standards shall apply,
18 subject to Subsection (b) of this Section:

- 19 (1) For all projects that involve new construction, security roll-down grilles shall be
20 designed and recessed into the interior of the window system;
21 (2) For retrofit projects, when it is not feasible to install a security grille into the
22 interior of the window system, an exterior roll-down grille may be used. The roll-
23 down grille box shall be as inconspicuous as possible, as follows:

1 a. An encased-type roll-down grille box shall be located on the exterior
2 above the display windows and transom;

3 b. The exterior box shall be painted or finished a color to match the
4 building's color scheme. The exterior box shall be concealed by an
5 awning;

6 (3) At least 30 percent of the exterior roll-down grille area shall be decorative, open-
7 slat and transparent; and

8 (4) Permanent grilles over the exterior of windows or doors are prohibited.

9 **Sec. 50-14-448. Building design standards—Vacant structures.**

10 (a) The objectives of this section are:

11 (1) To translate vacant structures into an economic asset; and

12 (2) To improve the physical condition of vacant structures while unoccupied and
13 inactive.

14 (b) The standards of Subsection (c) of this Section do not apply to the Van Dyke
15 Street Traditional Main Street Overlay Area.

16 (c) To achieve the objectives of this section, and as provided in Section 50-11-385 of
17 this Code, the Buildings, Safety Engineering and Environmental Department shall refer
18 applications for demolition permits to the Planning and Development Department for review
19 consideration.

20 **Sec. 50-14-450. Signage and communication elements design standards.**

21 (a) The objective of this section is to reach a visual balance between the objective of
22 businesses to draw pedestrian attention and the goal of creating an attractive district free of
23 visual clutter by integrating signage into the overall design of the storefront.

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1 (b) To achieve the objective of this section, the following signage standards shall
2 apply for all buildings with a commercial use on a lot abutting a Traditional Main Street, except
3 for the Van Dyke Street Traditional Main Street Overlay Area:

- 4 (1) Signage shall comply with the provisions of Article VI of this Chapter and Chapter
5 4 of this Code, *Advertising*;
- 6 (2) Signage shall be designed to architecturally fit within the overall design of the
7 building and the site;
- 8 (3) Signage shall be located so that it does not conceal architectural details and
9 features;
- 10 (4) Signage material shall consist of, but is not limited to, painted metal, glass, finished
11 wood or other architectural metal such as copper, bronze, stainless steel or cast
12 aluminum. Unpainted, non-architectural metals or unfinished wood are prohibited;
- 13 (5) Signage, including design, material, painting and construction, shall be
14 professionally made;
- 15 (6) Signage material substrate shall consist of, but is not limited to, aluminum, painted
16 metal, weather resistant painted wood, or durable non-glare acrylic or composite
17 material; unpainted or unfinished metals or unpainted wood are prohibited as
18 signage material substrate;
- 19 (7) Dimensional letters shall be made of metal such as copper, bronze, stainless steel,
20 cast aluminum, or durable non-glare acrylic;
- 21 (8) New pylon signs are prohibited. New ground mounted monument signs shall be
22 limited to a maximum height of 12 feet.
- 23 (9) New roof signs are prohibited.

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- 1 (10) The bottom of projecting sign shall be a minimum of eight feet, six inches above
2 the sidewalk. The projecting sign shall not project more than one-half of the width
3 of the sidewalk, or more than four feet from the wall of the building on which the
4 sign is placed, whichever is less. Projecting signs shall be placed as close as
5 practicable to the center of the building facade, and in no case shall adjacent
6 projecting signs be closer than 15 feet.
- 7 (11) Each business shall be allowed one professionally-prepared window sign not
8 exceeding ten square feet or 20 percent of the area of a window, whichever is less,
9 for every 30 linear feet of transparent window or door area along the length of the
10 building. Any such sign shall not require a permit and shall not count toward the
11 maximum allowed sign area.
- 12 (12) Illumination of signage shall be provided by external lighting. Internal illumination
13 of signs is prohibited, with the following exceptions:
- 14 a. One neon window sign shall be allowed per business, but shall not exceed
15 the overall size allowed for window signs. The neon window sign shall
16 require a permit. Neon lights shall not flash on and off. Neon signs shall
17 not be used for the advertisement of products.
- 18 b. LED lighting shall only be allowed for gas station pricing signs.
- 19 c. Within the Grand River, Bagley/Vernor, and East Jefferson overlay areas,
20 signs with internally illuminated channel letters are allowed.
- 21 d. Within the Woodward Avenue overlay area, neon wall signs may be
22 allowed, subject to the review and approval of the Design Review
23 Committee.

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1 (13) Animated signs and signs that incorporate flashing or moving lights are
2 prohibited.

3 (c) In achieving the objective of this section, satellite dishes and antennas shall be
4 located in the rear roof space and away from public view, except where location is needed
5 elsewhere to avoid obstruction of the satellite signal.

6 **Section 2.** All ordinances or parts of ordinances in conflict with this ordinance are repealed.

7 **Section 3.** This ordinance is declared necessary for the preservation of the public peace,
8 health, safety, and welfare of the people of the City of Detroit.

9 **Section 4.** This ordinance shall become effective on the eighth (8th) day after publication in
10 accordance with Section 401(6) of Public Act 110 of 2006, as amended, MCL 125.3401(6), and
11 Section 4-118, paragraph 3 of the 2012 Detroit City Charter.

12 Approved as to Form:

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14 _____

15 Lawrence T. Garcia,

16 Corporation Counsel

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