

# City of Detroit

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October 14, 2022

## HONORABLE CITY COUNCIL

**RE:** A text amendment to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by amending Article XIII, *Intensity and Dimensional Standards*, Division 1, *Tables of Intensity and Dimensional Standards*, Subdivision E, *Industrial Districts*, Section 50-13-83, *M2 District*, to increase the maximum height limitations for “all other uses” from 40 feet to 55 feet.  
**(RECOMMEND APPROVAL)**

The City Planning Commission (CPC) has completed its review and deliberations on the proposed text amendment related to the maximum height limitation in the M2 (Restricted Industrial) zoning district. Please see the attached copy of the public hearing notice and the approved-as-to-form ordinance.

## **BACKGROUND**

This proposed ordinance amends Chapter 50 of the 2019 Detroit City Code, *Zoning*, by amending Article XIII, *Intensity and Dimensional Standards*, Division 1, *Tables of Intensity and Dimensional Standards*, Subdivision E, *Industrial Districts*, Sec. 50-13-83, *M2 District*, to increase maximum height limitations for “all other uses” from 40 feet to 55 feet.

Increasing the maximum height allowed in the M2 district is being proposed to increase the viability of the district for light industrial and warehousing facilities. Many of these facilities now require taller buildings to accommodate their operations and they often locate in more intensive industrial districts in the city that have a maximum height restriction of 80ft. For example, the former Cadillac Stamping Plant, south of the intersection of Conner and Gratiot, has been razed for the construction of a new light industrial automotive facility. The M4 (Intensive Industrial District) zoning of the site afforded the available height to build a 50 to 55 feet tall structure. An increase of the maximum height allowed in the M2 district from 40 feet to 55 feet would make the district more viable for such facilities.

Increasing the height in M2 can avoid the adverse effects of more intense industrial districts and spark investment in light industrially zoned facilities. Additionally, the increase in viability of M2 (Restricted Industrial) districts can support the downzoning of the more intensive M3 and M4 industrial districts throughout the City of Detroit.

## **PROPOSED ZONING PROVISIONS**

### **Article XIII, Intensity and Dimensional Standards**

The proposed ordinance amends Article XIII, Division 1, *Tables of Intensity and Dimensional Standards*, Subdivision E, *Industrial District*, Sec. 50-13-83, *M2 District*, by increasing the maximum height limitation in the district for “all other uses” from 40 feet to 55 feet.

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage (%)	Max FAR	Add'l. Regs.
	Area (sq. ft.)	Width (feet)	Front	Side*	Rear				
Sec. Reference	<a href="#">Section 50-13-222</a>		<a href="#">Section 50-16-382</a>	<a href="#">Section 50-16-382</a>	<a href="#">Section 50-13-231</a>	<a href="#">Section 50-13-232</a>	<a href="#">Section 50-13-236</a> <a href="#">Section 50-13-237</a>		
*Formula A = Length (feet) + 2 (height) / 15    *Formula B = Length (feet) + 2 (height) / 6									
Motor vehicle filling stations	See <a href="#">Section 50-13-173</a>		See Sections <a href="#">50-13-178</a> and <a href="#">50-13-179</a>			35	See <a href="#">Section 50-13-177</a>		
Motor vehicles, used, salesroom or sales lot	4,000	40				35			
All other uses				No minimum requirements		40 <del>55</del>			

**PUBLIC HEARING RESULTS**

On May 19, 2022, the City Planning Commission held a public hearing on the subject text amendment request. At the hearing, no members of the public spoke, however Commissioners provided feedback on the proposed increase in M2 district maximum height. City Planning Commissioners’ questions included:

- What effect would the increase of max height allowed in the district have on truck traffic?
- Can Staff provide a table with the by-right and conditional uses of each industrial district?
- Can Staff provide graphic to show M2 districts located next to residential zoned districts?
- Can Staff provide an example of a solar study to show how setbacks would affect the access to sun for a facility near a residential building?
- Does an increase in height affect the type of truck that is used in these facilities?
- Can Staff provide a map of the M2 Industrial zoning districts throughout the city?

**STAFF ANALYSIS**

CPC staff is of the belief that the increase of max height within the district would not significantly increase truck traffic or alter the type of trucks that operate in a 55ft tall facility compared to a 40ft high facility. The type of truck is generally dependent upon the product being transported. The amount of truck traffic generated by industrial facilities is due to type of use or facility that is operating and the businesses it is supporting. This proposed text amendment does not make any

changes to the by-right or conditional uses allowed in the M2 (Restricted Industrial) district and therefore there is no expected increase in size of trucks operating in higher bay facilities. Some increase in truck traffic may result due to greater storage capacity in these facilities but generally traffic will be dependent upon the operation of the facility.

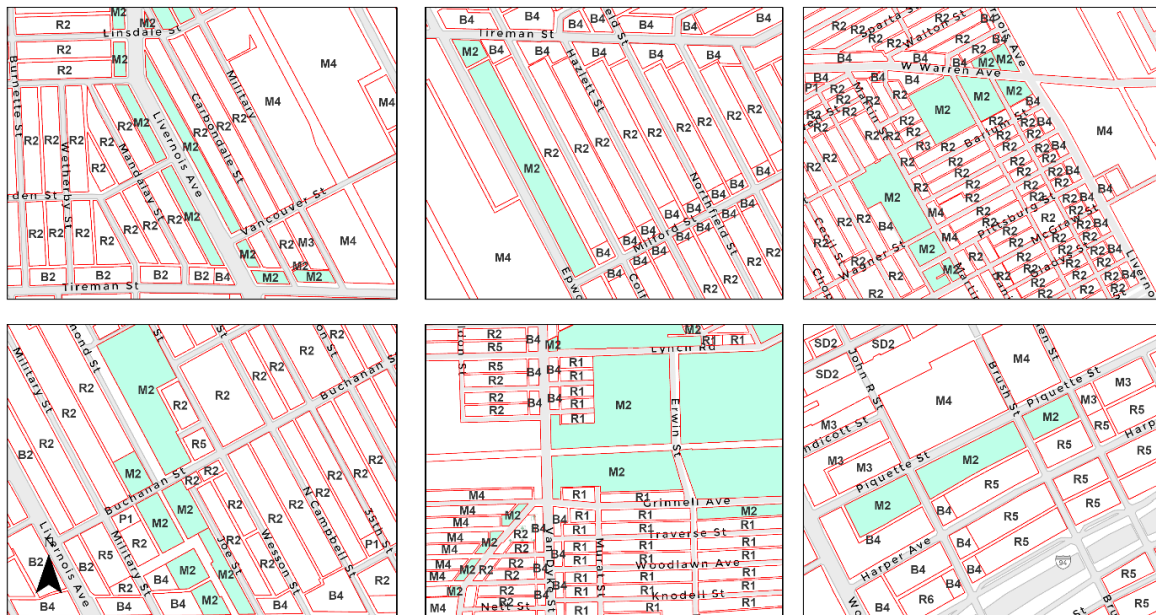
Sec. 50-10-43 through Sec. 50-10-54 of the Zoning Ordinance lists all the by-right and conditional uses of the M2 (Restricted Industrial) District and Sec. 50-10-13 through Sec. 50-10-145 contains all the by-right and conditional uses of the industrial districts in the city. The table below displays the amount of by-right and conditional uses allowed in the M2 district.

Use Category	by-right	conditional
Residential	0	2
Public, civic, and institutional	17	0
Retail, service, and commercial	57	16
Manufacturing and industrial	29	8
Other uses	11	9
<b>Total</b>	<b>114</b>	<b>35</b>

*Uses allowed in the M2 Restricted Industrial District*

A review of the City of Detroit zoning maps shows that there are numerous examples of M2 districts located adjacent to, across a street, and across an alley from residential zoned districts. Sec. 50-10-41 states that the M2 Residential District provides a buffer between residential and intensive industrial districts and therefore they are often located near residentially zoned districts.

### M2 Restricted Industrial Locations in City of Detroit



Sec. 50-13-103 *Setback requirements for boundary lot lines* states that setbacks are required when industrial districts are abutting or across a street or alley from land zoned R1, R2, R3, R4, R5, R6, TM or residential PD Districts. Industrial districts separated from front yard residential districts by a public street require a 20ft setback. Industrial districts separated from side setback residential districts by a public street require a 10ft setback. Industrial districts abutting or across from an alley from residential districts require a 20ft setback.

Commissioners also requested that CPC staff study how a taller building may cast a shadow on other adjacent structures. In response, staff reviewed solar studies to determine the possible implications and determined that due to the current and additional setback requirements that may be added as part of ZoneDetroit any additional impact would be negligible.

### **RECOMMENDATION**

On Thursday, June 16, 2022, the City Planning Commission voted 9-0 to recommend approval of the proposed text amendment related to the maximum height limitation in the M2 Restricted Industrial District; specifically to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by amending Article XIII, *Intensity and Dimensional Standards*, Division 1, *Tables of Intensity and Dimensional Standards*, Subdivision E, *Industrial Districts*, Section 50-13-83, *M2 District*, to increase the maximum height limitations for “all other uses” from 40 feet to 55 feet.

Respectfully submitted,

Lauren Hood, CHAIRPERSON



Marcell R. Todd, Jr., Director  
Roland Amarteifio, City Planner

Attachment: Ordinance  
Public Hearing Notice

cc: Antoine Bryant, Director, PDD  
Greg Moots, PDD  
David Bell, Director, BSEED  
Conrad Mallett, Corporation Counsel  
Daniel Arking, Law Department

## S U M M A R Y

This ordinance amends Chapter 50 of the 2019 Detroit City Code, *Zoning*, by amending Article XIII, *Intensity and Dimensional Standards*, Division 1, *Tables of Intensity and Dimensional Standards*, Subdivision E, *Industrial Districts*, Section 50-13-83, *M2 District* to increase the maximum height limitation for “all other uses” from 40 feet to 55 feet.

1 **BY COUNCIL MEMBER \_\_\_\_\_ :**

2 **AN ORDINANCE** to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by  
3 amending Article XIII, *Intensity and Dimensional Standards*, Division 1, *Tables of Intensity and*  
4 *Dimensional Standards*, Subdivision E, *Industrial Districts*, Section 50-13-83 *M2 District*, to  
5 increase the maximum height limitation for “all other uses” from 40 feet to 55 feet.

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

8 **Section 1.** Chapter 50 of the 2019 Detroit City Code, *Zoning*, Article XIII, *Intensity and*  
9 *Dimensional Standards*, Division 1, *Tables of Intensity and Dimensional Standards*, Subdivision  
10 E, *Industrial Districts*, Section 50-13-83, *M2 District* be amended to read as follows:

11 **CHAPTER 50. ZONING.**

12 **ARTICLE XIII. INTENSITY AND DIMENSIONAL STANDARDS**

13 **DIVISION 1. TABLES OF INTENSITY AND DIMENSIONAL STANDARDS**

14 **Subdivision E. Industrial Districts**

15 **Sec. 50-13-83. M2 District.**

16 Intensity and dimensional standards in the M2 Restricted Industrial District are as follows:

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage (%)	Max FAR	Add'l. Regs.	
	Area (sq. ft.)	Width (feet)	Front	Side*	Rear					
Sec. Reference	Section 50-13-222		Section 50-16-382	Section 50-16-382	Section 50-13-231	Section 50-13-232	Section 50-13-236 Section 50-13-237			
*Formula A = Length (feet) + 2 (height) / 15 *Formula B = Length (feet) + 2 (height) / 6										
Motor vehicle filling stations	See Section 50-13-173		See Sections 50-13-178 and 50-13-179			35	See Section 50-13-177			

Motor vehicles, used, salesroom or sales lot	4,000	40				35			
All other uses				No minimum requirements		40 <u>55</u>			

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

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

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**Section 4.** This ordinance shall become effective on the eighth (8th) day after publication in accordance with Section 401(6) of Public Act 110 of 2006, as amended, MCL 125.3401(6), and

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Section 4-118, paragraph 3 of the 2012 Detroit City Charter.

Approved as to form:

\_\_\_\_\_  
 Conrad L. Mallett, Jr.  
 Corporation Counsel

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## NOTICE OF PUBLIC HEARING

The Detroit City Planning Commission will conduct a public hearing on a proposed amendment to the Detroit Zoning Ordinance:

**THURSDAY, MAY 19, 2022, AT 5:10 PM**

To consider a text amendment that would amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by amending Article XIII, *Intensity and Dimensional Standards*, Division 1, *Tables of Intensity and Dimensional Standards*, Subdivision E, *Industrial Districts*, Sec. 50-13-83, *M2 District*, to increase Max. Height (Feet) for *All other uses* from 40 feet to 55 feet.

This text amendment is being considered by the City Planning Commission in accordance with the provisions of Article III Division 2 of the Detroit Zoning Ordinance. Zoning Ordinance text amendments require the approval of the City Council after a public hearing and after receipt of a report and recommendations by the City Planning Commission.

All interested persons are invited to be present and be heard as to their views. Persons making oral presentations are encouraged to submit written copies, for the record, to the City Planning Commission via U.S. Mail at the above address or email at [cpc@detroitmi.gov](mailto:cpc@detroitmi.gov). Public comment/testimony may be given at the appropriate times when called for during the meeting. If you desire to speak and are attending the meeting online, press the “raise your hand” icon at the bottom of the screen or press ALT-Y for a PC or OPT-Y for a MAC to raise your hand virtually. If attending by phone press \*-9 to raise your hand.

If interpretation or translation services are needed, including for the hearing impaired, call the Department of Civil Rights, Inclusion & Opportunity at 313-224-4950. For further information on this proposal or the public hearing, please call (313) 224-6225.

To participate virtually in the CPC meeting, please use the following options.

Online:

<https://cityofdetroit.zoom.us/j/96355593579?pwd=TTloMzN5M3pmU1RKNXp1MjJlczN3UT09>

Or iPhone one-tap:

US: +12678310333,96355593579# or +13017158592,,96355593579#

Or by Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 267 831 0333 or +1 301 715 8592 or +1 312 626 6799 or +1 213 338 8477 or +1 253 215 8782 or +1 346 248 7799 Webinar ID: 963 5559 3579

CPC Webpage: <https://detroitmi.gov/government/commissions/city-planning-commission>