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.gov

August 29, 2025

HONORABLE CITY COUNCIL

RE: Sixth General Text Amendment to the Zoning Ordinance, Chapter 50 of the 2019 Detroit City Code proposing a range of both substantive and non-substantive changes to policy and practice concerning, but not limited to, the permissibility of uses, dimensional requirements, definitions and procedures as well as needed corrections and clarifications **(RECOMMEND APPROVAL - ORDINANCE INCLUDED TO SET A PUBLIC HEARING)**

At its meeting on October 3, 2024, the City Planning Commission (CPC) voted to recommend approval of the proposal to amend Chapter 50 of the 2019 Detroit City Code, Zoning, with regard to a range of both substantive and non-substantive changes referred to as the Sixth General Text Amendment to the Zoning Ordinance. This proposed text amendment to the Detroit Zoning Ordinance was prepared by the CPC staff.

BACKGROUND

Most text amendments to the Zoning Ordinance are limited in scope, each dealing with one use or subject such as childcare or screening and buffering. However, since the last major rewrite of the Detroit Zoning Ordinance was codified in 2005, CPC staff has prepared five general text amendments which were more broad-scope to help the Zoning Ordinance catch up with development trends and changing society and to fix shortcomings or oversights that have been identified in the administration of the ordinance. The last such amendment was codified in early 2018.

CPC staff maintains an ongoing list of potential changes to the Zoning Ordinance which come from a variety of sources such as specific proposed developments, inconsistencies requiring correction, and requests from other city departments. This proposed amendment represents a selection from that list of potential changes that staff and the City Planning Commissioners believe are generally not controversial and not major enough to warrant their own text amendment.

This report will describe each of the proposed changes, the reason for its inclusion, and the source of the request (where known). The proposed changes are divided into two categories:

- substantive – policy changes such as the allowability of a use or change to regulations
- non-substantive – no policy change, generally correcting inconsistencies in the text

The order of the substantive changes is consistent with the order in which each appears in the Zoning Ordinance and the non-substantive changes later in the report .

A. Planned Developments Approval Lapse – Section 50-3-98

Currently, if a project with a newly approved Planned Development (PD) zoning classification is not completed within three years, its approval lapses. Although extensions of time are allowed, if an extension is not requested prior to the expiration, a lengthy administrative process is required. This amendment proposes to eliminate the lapse of PD districts as the CPC always has the option to initiate a rezoning of property at any time and doesn't need the authority granted by this section.

B. Allow Lofts Conditionally in R1 and R2 Districts – Sections 50-8-20, 50-8-50, 50-12-22, 50-12-159

Lofts are currently defined as, "A dwelling unit in a building originally constructed for other than primarily residential use containing one or more rooms or enclosed floor space arranged for living, eating, sleeping and/or home occupations; such units shall include bathroom and kitchen facilities as required by applicable codes." Lofts are currently not allowed in the R1 and R2 districts. As a result of this prohibition, when non-residential buildings are located in R1 and R2 districts, the buildingsare difficult to repurpose and often require a rezoning. Allowing lofts conditionally would encourage the reuse of existing buildings without expanding permissible non-residential uses in residential areas.

C. Allow Lofts and Mixed-Use Developments By-Right in B2, B3, and B4 Districts – Sections 50-9-44, 50-9-50, 50-9-74, 50-9-80, 50-9-104, 50-9-110, 50-12-22

Currently, lofts and mixed residential-commercial developments are permitted conditionally in B2, B3, and B4 districts unless they are located in Traditional Main Street Overlay areas where they are by-right. The Buildings, Safety Engineering, and Environmental Department (BSEED) has communicated that this use is seldom, if ever, denied as a result of the conditional use process. This is usually a sign that a use should be by-right. Also, there is a large amount of vacant commercial land that is not optimal for commercial development due to lot size or configuration and allowing residential development more easily would increase the chance that it could be developed.

An additional proposed change is allowing lofts by-right in Traditional Main Street Overlay areas even when they are not combined with a commercial use.

D. Revise the Allowability of Body Art Facilities – Sections 50-9-52, 50-9-82, 50-9-106, 50-9-112, 50-11-242, 50-11-266, 50-11-272, 50-11-292, 50-12-70

Body art facilities (a.k.a. tattoo parlors) are currently prohibited in the B2, B3, SD1, and SD4 districts. Although at one time these businesses may have been considered an undesirable use

or contributed to a blighting effect, tattoos have become more popular and socially acceptable in recent years. Ordinance 37-17 eliminated the prohibition of this use on Gateway Radial Thoroughfares reflecting greater acceptance of this use. This amendment proposes to allow them more liberally as shown below:

Specific Land Use	Residential						Business						Industrial					Special and Overlay										
	R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	PD	P1	PC	PCA	TM	PR	W1	MKT	SD1	SD2	SD4	SD5
Bank, with drive-up or drive-through facilities							C	C	C	C		R	C	R	R	R		L			C	R					~~R~~	C	
Barber or beauty shop					C		R	R	R	R	R	R	R	R	R	R		L			R	R			C/R	R	R	R	
Body art facility					C	C		C	C	~~C~~ R	R	R	R	R	R	R		L				R			R	C	~~C~~ R	R	
Business college or commercial trade school					R	C			C	R	R	R	R	R	R	R		L			R	R			C			R	

Note: Although the use appears to be newly allowed in the R5 and R6 districts, it has appeared in the use lists for several years and will now appear in the use table for consistency.

E. Various Changes to the Permissibility of Brewpubs, Microbreweries, Small Distilleries, Small Wineries – Sections 50-9-52, 50-9-76, 50-9-82, 50-9-106, 50-9-112, 50-9-136, 50-9-142, 50-9-166, 50-9-172, 50-10-16, 50-10-22, 50-10-46, 50-10-52, 50-10-76, 50-10-82, 50-10-106, 50-10-112, 50-12-62, 50-12-217

- Allow brewpubs, microbreweries, small distilleries, and small wineries conditionally in B2 districts where they are currently prohibited.
- Allow brewpubs, microbreweries, small distilleries, and small wineries by-right in B3 districts where they are currently allowed only in Traditional Main Street Overlay areas conditionally.
- Allow brewpubs, microbreweries, small distilleries, and small wineries by-right in B4, B5, and B6 districts where they are currently conditional except for within the Central Business District where they are allowed by-right.
- Allow brewpubs, microbreweries, small distilleries, and small wineries by-right in M1, M2, M3, and M4 districts where they are currently conditional except for when they are not considered a regulated or controlled use, then they are allowed by-right.

Brewpubs, microbreweries, small distilleries, and small wineries have been regulated somewhat strictly, similar to other alcohol sales uses. However, these uses have not been shown to have the same negative effects as bars and stores that sell alcohol for off-premises consumption a.k.a party stores. BSEED has noted that these uses are rarely denied or draw complaints as a result of the conditional use process.

When these uses sell alcohol for off-premises consumption, they are treated by the Zoning Ordinance as a "controlled use" (which require a spacing requirement from other similar uses) similar to a party store or liquor store that sells alcohol to-go. However, brewpubs, microbreweries, small distilleries, and small wineries selling to-go alcohol do not generally

create the same effects that are common at general party stores. As a result, this ordinance proposes to strike the provisions for treating brewpubs, microbreweries, small distilleries, and small wineries as "controlled uses".

F. Change "Kennel, Commercial" to "Animal Care Facility" – Sections 50-9-112, 50-9-166, 50-10-16, 50-10-46, 50-10-76, 50-10-106, 50-11-116, 50-11-242, 50-11-272, 50-12-70, 50-12-212, 50-12-229, 50-16-113, 50-16-281

BSEED received a recent request to establish an animal shelter which does not appear in the Zoning Ordinance. It was ultimately determined to be most similar to a commercial kennel, thus expanding the use to eliminate future confusion seems beneficial . As part of the Zone Detroit work, several uses were proposed to be combined under the title "animal care facility". The CPC supports this idea as a workable solution so it has been added to the proposed amendment.

G. Allow Miniature Golf Courses Conditionally in SD1 and SD2 Districts – Sections 50-11-242, 50-11-272, 50-12-67, 50-12-125, 50-12-131, 50-12-227, 50-14-56

Miniature golf courses are currently prohibited in the SD1 and SD2 districts. Generally, outdoor entertainment uses are not permitted in the mixed-use districts as the uses under outdoor entertainment tend to be low density and the SD1 and SD2 districts were envisioned as denser areas. However, there may be some mixed-use districts that are appropriate for small-scale outdoor entertainment, and may be desirable to offer outdoor entertainment options within these neighborhood areas. This proposed change is the result of a specific request near the intersection of Atkinson Street and Rosa Parks Boulevard which is zoned SD1.

Miniature golf courses are regulated fairly strictly by the Zoning Ordinance which seems inconsistent with the effects of the use (a conditional use in B4, and by-right in M1, M2, M3, M4, and TM). Currently, a neighborhood petition is required to establish a miniature golf course within 500 feet of residentially-zoned land; this regulation is proposed to be eliminated. Additionally, the parking requirement is proposed to be lowered from two off-street spaces per hole to one space per hole to align with similar recreation/entertainment uses.

The SD1 and SD2 districts have been more utilized since they were significantly updated in 2014, and both districts have been applied in areas or corridors which are desired to be developed with mixed-use. Adding miniature golf courses as a conditional use in the SD1 and SD2 districts would allow for miniature golf course development proposals to be considered by the city where a petitioner would currently be directed to apply for a rezoning to B4 or an industrial district. The CPC finds this to be overly restrictive and that requiring SD1 and SD2 district property to rezone may be counterproductive and undesirable given the growing popularity of mixed-use districts. The CPC is not concerned that SD1 or SD2 areas could be overrun with miniature golf courses as a result of this change as this is a less-popular modern recreation use compared to the recent growth in activities such as pickleball.

H. Gateway Radial Thoroughfare Overlay Areas – Sections 50-11-361, 50-12-123, 50-12-156, 50-12-163, 50-12-191, 50-12-226, 50-12-296, 50-12-299, 50-12-302, 50-12-304, 50-12-307, 50-12-316, 50-12-320, 50-12-351, 50-12-358, 50-16-221

The Gateway Radial Thoroughfare (GRT) overlay was originally applied to areas that the Master Plan had proposed to be rezoned from B4 to a Special Development district (SD1 or SD2). As a result, the restrictions only applied to land zoned B4. In recent years, prohibitions on marijuana and auto-related uses in any zoning district have been added to the GRT restrictions. As a result, the definition of GRT needs to be amended.

Additionally, because the GRT prohibitions are listed in Article XI of the Zoning Ordinance, they are not meant to be appealable to the Board of Zoning Appeals (BZA). However, as the GRT prohibitions are often repeated in the use regulations in Article XII (which is appealable to the BZA), those prohibitions become appealable unless specifically stated otherwise. This amendment proposes to add those statements (not appealable to the BZA) within Article XII for several uses including: emergency shelters, pre-release adjustment centers, substance abuse service facilities, go-cart tracks, car washes, commercial parking lots, pawnshops, precious metal and gem dealers, rebound tumbling centers, taxicab dispatch facilities, tool, die, and gauge manufacturing, used goods dealers, and wholesaling, warehousing, storage buildings, or public storage facilities.

I. Prohibit Use of Large Animals in Research and Testing Laboratories in B5 Districts – Section 50-12-348

Currently, research and testing laboratories are prohibited from utilizing large animals in B4 districts. This amendment proposes to expand that prohibition to the B5 district. Large animals would continue to be allowed in the B6, M1, M2, M3, M4, M5, and TM zoning districts.

J. Clarify Height Bonus – Section 50-13-63

The current Zoning Ordinance has a height bonus allowed for buildings in B3 and B4 districts located on streets wider than 80 feet. The amendment proposes to change the word "street" to "right-of-way" to clarify that the width of the right-of-way is the determining factor, not the curb-to-curb width of the street.

K. Allow Loading Space for Residential Use to be Located in an Adjacent Alley – Section 50-14-111

The Zoning Ordinance allows the required loading space for a retail, service, or commercial use to be located in an open, adjacent alley. This ordinance proposes to expand that allowance to residential uses as well.

L. Public Parking Credit Distance – Section 50-14-163

Where city-owned public parking lots abut or are within 100 feet of a site, the parking can be credited to a proposed use to satisfy off-street parking requirements. For properties zoned SD1 or SD2, the distance increases to 1,320 feet between the parking lot and the site. A request was received to extend the increased distance provision to Traditional Main Street Overlay (TMSO) Areas. This seems to be consistent with the spirit of the provision and the objectives of the TMSO, therefore it has been added to the proposed amendment.

M. Architectural and Site Design Standards – Sections 50-14-398, 50-14-414, 50-14-440

The Planning & Development Department (PDD) requested several changes:

- Clarify that all roof-mounted equipment on residential buildings must be screened, and add exception for solar panels and wind turbines.
- Allow PDD to permit certain architectural metal panels on a case-by-case basis.
- Add that the Design Review Advisory Committee can approve the use of fiber cement and architectural metal panels in TMSO areas.
- Remove the prohibition on corrugated metal panels in TMSO areas.

N. Revise "Family" Definition – Section 50-16-201

In addition to an unlimited number of related individuals, the current definition of family includes two unrelated individuals living together as a single housekeeping unit. The proposed amendment increases the number of unrelated individuals considered to be a family to four people. This is a step that many cities are taking to better accommodate current household trends and remove barriers for non-traditional households. Grand Rapids recently increased their definition of family from four to six unrelated people.

The definition of family that is not proposed to be changed also includes "one person, or a group of two or more persons living together, and interrelated by bonds of consanguinity, marriage, legal adoption, or guardianship..."

O. Revise "Loft" Definition – Section 50-16-284

The proposal to allow lofts conditionally in the R1 and R2 districts (Change "B" above) raised concerns that this would allow residential garages and other accessory structures to be converted to dwelling units. As this was not the intention, the revised amendment proposes to amend the definition of Loft to exclude accessory buildings built as part of a residential use.

P. Revise "Truck Stop" Definition – Section 50-16-402

This proposed change was prompted by an existing business that is receiving violations. They are generally operating as a truck stop by providing parking for semi-trucks and services for drivers; however, they cannot legally change their use to truck stop because the current definition requires that diesel fuel be sold. The proposed amendment expands the definition to include any combination of these uses: dispensing of fuel, minor repair facilities, convenience store, motor vehicle wash, restaurants, overnight parking, overnight or rest-break accommodations, and commercial shower facilities.

Q. Add Clean-up Text Amendment Previously Approved by CPC

On May 19, 2022, the CPC voted to recommend approval of a zoning text amendment, but it never proceeded to City Council for consideration. This proposed amendment has been added to this proposed amendment as many of the sections were already included and combining the amendments would reduce confusion as it proceeds through the process. The specific changes in the amendment are as follows:

- Sec. 50-3-10 is being amended to clarify that notices for all public hearings must be published 15 days before the date of the hearing.
- Sec. 50-14-7 – clarify that all uses in the Central Business District are exempt from off-street parking requirements of Subdivision B and C.
- Sec. 50-14-58, 50-14-59, 50-16-362 – relocate kennels from the retail sales and service (sales-oriented) use category to the retail sales and service (service-oriented) use category.
- Sec. 50-16-284 – delete industrial laundry from the low/medium-impact manufacturing or processing definition as it is also listed as a stand-alone use.

R. Non-Substantive Changes

- Section 50-4-131 – a list is referenced as seven items although there are only five; propose to strike "seven" to eliminate the issue in the future if the number of items changes again.
- Section 50-8-142 – eliminate "business college and commercial trade school" from uses that are allowed conditionally as the use is allowed by-right. Also, reconfigure the way allowed uses are listed.
- Section 50-8-166 – update the use list to be consistent with Section 50-12-220 that allows "establishments for the sale of beer or alcoholic liquor for consumption on the premises" in certain circumstances.
- Section 50-8-172 – reconfigure the way allowed uses are listed.
- Section 50-9-46 – add a cross-reference clarifying when parking lots are allowed.
- Section 50-9-52 – add parking lots as a use permitted conditionally in B2 districts in certain circumstances which was erroneously omitted.
- Section 50-12-21 – update the use table to be consistent with the district use lists.
- Sections 50-12-61, 50-12-62, 50-12-63, 50-12-66, 50-12-69, 50-12-70 – add uses currently permitted in R5 and R6 districts to the use table (assembly hall, banquet facility, rental hall, restaurants, offices, art gallery, bake shop, animal-grooming shop, ATM, bank, body art facility, printing or engraving, radio, television, household appliance repair, school or studio of dance, gymnastics, music, art, or cooking, indoor recreation, cigar lounge; all subject to certain restrictions).
- Section 50-12-64 – add that parking lots are allowed conditionally in B2 districts in certain circumstances to be consistent with Section 50-12-299.
- Section 50-12-81 – add "crematory or pet crematory" as allowed in PD districts with legislative approval.
- Sections 50-12-212, 50-12-213.5, 50-12-214, 50-12-215, 50-12-215.5, 50-12-215.75, 50-12-217, 50-12-220, 50-12-221, 50-12-232, 50-12-235, 50-12-236, 50-12-298, 50-12-300, 50-12-303, 50-12-306.5, 50-12-307.5, 50-12-308, 50-12-309, 50-12-310, 50-12-311, 50-12-313, 50-12-318, 50-12-321, 50-12-323, 50-12-324, 50-12-326, 50-12-327 – relocate provisions previously listed in the use lists for each district to the use regulations.
- Sections 50-12-226, 50-12-227, 50-12-307 – strike provision requiring accessory parking for certain uses as all uses are required to provide accessory parking.
- Section 50-12-336 – clarify requirements for food catering establishments in SD2 districts (by-right, no larger than 5,000 square feet, have at least 10% of the floor area as a retail store for the sale of goods produced).
- Section 50-12-348 – eliminate the use regulation regarding research and testing laboratories in SD1 and SD2 districts as the use is not allowed in those districts.

- Section 50-14-49 – correct and simplify misleading title from “Retail, service, and commercial uses located on land zoned SD1 or SD2 or where the use is located within 0.50 miles of a high-frequency transit corridor” to “Retail, service, and commercial uses located in specific areas”.
- Sections 50-14-58, 50-14-60 – move the parking requirement for “new or used motor vehicle sales” from the “Retail sales and service” category to the “Vehicle sales, repair, and service" category. This change was made in the Auto Use ordinance for the use but the parking section was missed.
- Section 50-14-111 – update the terms for vehicle repair previously changed in the Auto Use ordinance but missed in this section.
- Section 50-16-402 – correct year in the definition of “tobacco retail store”, should be 2009 instead of 2099.
- Appendix Letters “G” and “S” – correct “victims” to “survivors” for shelters for survivors of domestic violence. This change was made several years ago in the rest of the Zoning Ordinance but these sections were overlooked.

CPC MEETINGS

Public Hearing – May 16, 2024

On May 16, 2024, the City Planning Commission held a public hearing on this proposed text amendment. The public hearing notice was mailed to the CPC’s city-wide mailing list of 1,500 people who have expressed an interest in zoning amendments. It was published in the Detroit Legal News and sent to the CPC’s email subscriber list of slightly over 6,000.

Five members of the public spoke—none were specifically in support or opposition but were concerned about the effect of proposed changes on R1 and R2 districts (which prompted changes to the proposed amendment and led to a second public hearing). No written correspondence was received in support or opposition.

Second Public Hearing – October 3, 2024

Due to changes to the proposed amendment prompted by feedback received at the first public hearing, a second public hearing was held by the CPC on October 3, 2024. Notices were mailed, published, and emailed as for the first hearing.

Ten members of the public spoke—eight were in support, one was in opposition, and one had general concerns. Three letters in support were also received.

CONCLUSION & RECOMMENDATION

Section 50-3-49 lists the approval criteria for text amendments summarized as follows:

1. Whether the proposed amendment is consistent with the stated purposes of this chapter;
2. Whether the proposed amendment will protect the health, safety, or general welfare of the public; and
3. Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend or fact.

On October 3, 2024, the City Planning Commission voted to recommend approval of the proposed text amendment based on compliance with the approval criteria listed in Section 50-3-49 of the Zoning Ordinance.

Respectfully submitted,

DONOVAN SMITH, CHAIRPERSON

Marcell R. Todd Jr.

Marcell R. Todd, Jr., Director
Jamie J. Murphy, City Planner

Attachments: Ordinance
CPC Public Hearing Notice

cc: Alexa Bush, Director, PDD
Karen Gage, PDD
Greg Moots, PDD
David Bell, Director, BSEED
James Foster, BSEED
Jayda Philson, BSEED
Conrad Mallett, Corporation Counsel
Daniel Arking, Law Department