

*New Business Agenda*

*2-11-20*

*Referrals*

**PLANNING AND  
ECONOMIC  
DEVELOPMENT  
STANDING  
COMMITTEE**



**LAW DEPARTMENT**

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February 7, 2020

Detroit City Council  
1340 Coleman A. Young Municipal Center  
Detroit, Michigan 48226

**Re: Proposed Ordinance to amend Chapter 4 of the 2019 Detroit City Code**

Honorable City Council:

Pursuant to the request of Councilmember Benson, the above-referenced ordinance is being submitted to Your Honorable Body for consideration. The attached ordinance is being submitted as a replacement to the version filed with the City Clerk on January 24, 2020.

The proposed ordinance regarding business and advertising signs will amend Chapter 4 of the 2019 Detroit City Code, *Advertising* by renaming the chapter to *Advertising and Signs* and amending the chapter to consist of Article I, *Generally*, Article II, *Distribution of Handbills, Circulars, and Advertising Cards*, Article III, *Protection of Minors Against Advertisement and Promotion of Alcoholic Liquor and Tobacco Products*, Article IV, *Regulation of Business and Advertising Signs*, to consist of Division 1, *Generally*, Division 2, *General Sign Standards*, Division 3, *Regulation of Business Signs*, consisting of Subdivision A, *Generally*, and Subdivision B, *Entertainment District*, Division 4, *Regulation of Advertising Signs Located Outside of the Central Business District*, Division 5, *Regulation of Advertising Signs Located In the Central Business District*, Division 6, *Regulation of Signs in Right-of-Way*, and Division 7, *Temporary Signs*, to provide for regulation of business and advertising signs throughout the City of Detroit.

A copy ordinance which has been approved as to form is attached for your consideration.

Respectfully Submitted,

Tonja R. Long

Supervising Assistant Corporation Counsel

Enclosure

cc: Stephanie Washington, Mayor's Liaison

## S U M M A R Y

This proposed ordinance amends Chapter 4 of the 2019 Detroit City Code, *Advertising*, by renaming the chapter to *Advertising and Signs* and amending the chapter to consist of Article I, *Generally*, consisting of Section 4-4-1, *Definitions*, Section 4-1-2, *Misdemeanor violation; aiding and abetting violation; continuing violation; penalties for conviction thereof*, Section 4-1-3, *Enforcement*, Section 4-1-4, *Posting of advertising materials on public or private property*, Section 4-1-5, *Carrying or placing advertising materials on freeway overpass where visible from freeway prohibited*, Section 4-1-6, *Publication of false, misleading advertising prohibited*, Section 4-1-7, *Presumptions concerning identity of violator*; Article II, *Distribution of Handbills, Circulars, and Advertising Cards*, consisting of Section 4-2-1, *Misdemeanor violation; continuing violation; penalties for convictions thereof*, Section 4-2-2 *Enforcement*, Section 4-2-3, *Interfering with or impeding pedestrian or vehicular traffic; prohibited*, Section 4-2-4, *Solicitation at posted residential premises prohibited*; Article III, *Protection of Minors Against Advertisement and Promotion of Alcoholic Liquor and Tobacco Products*, consisting of Section 4-3-1, *Purpose*, Section 4-3-2, *Misdemeanor violation; continuing violation; penalties for conviction thereof*, Section 4-3-3, *Enforcement*, Section 4-3-4, *Advertisement of alcoholic liquor and any tobacco product prohibited within a 1,000-foot radius of certain locations*, Section 4-3-5, *Exceptions to prohibitions*, Section 4-3-6, *Method for measurement*, Section 4-3-7, *Phase-out period*; Article IV, *Regulation of Business and Advertising Signs*, consisting of Division 1, *Generally*, consisting of Section 4-4-1, *Purpose*, Section 4-4-2, *Blight violation*, Section 4-4-3, *Enforcement*, Section 4-4-4, *Noncommercial messages*, Section 4-4-5, *Computing sign area, height, and clearance*, Section 4-4-6, *Computing the measurement of spacing*, Section 4-4-7, *Prohibited signs*, Section 4-4-8, *Exemptions from chapter requirements*, Section 4-4-9, *Maintenance required*, Section 4-4-10, *Obsolete signs to be removed*, Section 4-4-11, *Signs on vacant buildings to be removed*, Section 4-4-12, *Unused sign supports to be removed*, Section 4-4-13, *Right of entry by City to abate nuisance; obstruction of City officers and agents prohibited*, Section 4-4-14, *Costs of abatement; collection of costs for City abatement of public nuisances*, Section 4-4-15, *Signs subject to additional governmental jurisdiction; submission of approvals as part of sign application*, Section 4-4-16, *Signs located near freeways; Department of Public Works approval required*, Section 4-4-17, *Sign erection or alteration to require new permit, sign operation or maintenance to require license*, Section 4-4-18, *Establishment, approval, publication, and payment of fees*, Section 4-4-19, *Sign erection or alteration application requirements*, Section 4-4-20, *Relation to other regulations*, Section 4-4-21, *Amortization*, Section 4-4-22, *Waivers and adjustments to sign standards*, Section 4-4-23, *Appeals of administrative decisions under this chapter*, Section 4-4-24, *Sign guidebook*; Division 2, *General Sign Standards*, consisting of Section 4-4-31, *In General*, Section 4-4-32, *Arcade signs*, Section 4-4-33, *Awning signs*, Section 4-4-34, *Double-face signs*, Section 4-4-35, *Dynamic signs*, Section 4-4-36, *Illuminated signs*, Section 4-4-37, *Marquee signs*, Section 4-4-38, *Mechanical signs*, Section 4-4-39, *Monument signs*, Section 4-4-40, *Pole signs*, Section 4-4-41, *Portable signs*, Section 4-4-42, *Projecting signs*, Section 4-4-43, *Raceway signs*, Section 4-4-44, *Roof signs*, Section 4-4-45, *Wall signs*, Section 4-4-46, *Window signs*; Division 3, *Regulation of Business Signs*, consisting of Subdivision A, *Generally*, consisting of Section 4-4-61, *Applicability*, Section 4-4-62, *Limitation on maximum aggregate business sign area*, Section 4-4-63, *Additional aggregate business sign area allowances*, Section 4-4-64, *Business signs on multi-tenant buildings and multi-building campuses*, Section 4-4-65, *Restrictions on location of business signs on specified premises*, Section 4-4-66, *Dynamic business signs*; Subdivision B, *Entertainment District*, consisting of Section 4-4-81, *Purpose*, Section 4-4-82, *Entertainment*

*District; boundaries and zones, Section 4-4-83, Entertainment core; purpose and sign regulations, Section 4-4-84, Theater district; purpose and sign regulations, Section 4-4-85, Woodward north corridor; purpose and sign regulations, Section 4-4-86, Entertainment buffer; purpose and sign regulations; Division 4, Regulation of Advertising Signs Located Outside the Central Business District, consisting of Section 4-4-101, In general, Section 4-4-102, Permit for new or altered advertising signs, Section 4-4-103, Spacing requirements, Section 4-4-104, Setbacks, Section 4-4-105, Height and clearance, Section 4-4-106, Area, Section 4-4-107, Landscaping, Section 4-4-108, Department of Public Works adjustment, Section 4-4-109, Adjustment or Waiver prohibited; limited; Division 5, Regulation of Advertising Signs Located in the Central Business District, consisting of Section 4-4-121, Purpose, Section 4-4-122, Advertising permit required, Section 4-4-123, Term and reapplication; renewal permitted in certain circumstances, Section 4-4-124, Findings as prerequisite for issuance of advertising permits, Section 4-4-125, Buildings, Safety Engineering, and Environmental Department issuance of advertising permits, Section 4-4-126, Transfer of advertising permit, Section 4-4-127, Alteration prohibited, Section 4-4-128, Sign standards, Section 4-4-129, Mitigation of harmful visual aesthetics created by super advertising signs through promotion of public art, Section 4-4-130, Adjustment or waiver prohibited; Division 6, Signs in Right-of-Way, consisting of Section 4-4-161, In general, Section 4-4-162, Department of Public Works approval required, Section 4-4-163, Business signs located in the right-of-way, Section 4-4-164, Directional signs located in the right-of-way, Section 4-4-165, Advertising signs located in the right-of-way; Division 7, Temporary Signs, consisting of Section 4-4-181, In general, Section 4-4-182, Limitations on number, area, and term, Section 4-4-183, Additional temporary sign allowances, Section 4-4-184, Temporary sign copy, Section 4-4-185, General temporary sign standards, Section 4-4-186, Removal of temporary signs; Article V, Development Notification Signs, consisting of Section 4-5-1, Definitions, Section 4-5-2, Misdemeanor violation; continuing violation; penalty for conviction thereof, Section 4-5-3, Posting of development notification sign required, Section 4-5-4, Development notification sign specifications; content; maintenance, Section 4-5-5, Placement of development notification sign, Section 4-5-6, Duration of posting, and Section 4-5-7, Complaints, to provide for regulation of business and advertising signs throughout the City of Detroit.*

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

2 **AN ORDINANCE** to amend Chapter 4 of the 2019 Detroit City Code, *Advertising*, by  
3 renaming the chapter to *Advertising and Signs* and amending the chapter to consist of Article I,  
4 *Generally*, consisting of Section 4-4-1, *Definitions*, Section 4-1-2, *Misdemeanor violation; aiding*  
5 *and abetting violation; continuing violation; penalties for conviction thereof*, Section 4-1-3,  
6 *Enforcement*, Section 4-1-4, *Posting of advertising materials on public or private property*,  
7 Section 4-1-5, *Carrying or placing advertising materials on freeway overpass where visible from*  
8 *freeway prohibited*, Section 4-1-6, *Publication of false, misleading advertising prohibited*, Section  
9 4-1-7, *Presumptions concerning identity of violator*; Article II, *Distribution of Handbills,*  
10 *Circulars, and Advertising Cards*, consisting of Section 4-2-1, *Misdemeanor violation; continuing*  
11 *violation; penalties for convictions thereof*, Section 4-2-2 *Enforcement*, Section 4-2-3, *Interfering*  
12 *with or impeding pedestrian or vehicular traffic; prohibited*, Section 4-2-4, *Solicitation at posted*  
13 *residential premises prohibited*; Article III, *Protection of Minors Against Advertisement and*  
14 *Promotion of Alcoholic Liquor and Tobacco Products*, consisting of Section 4-3-1, *Purpose*,  
15 Section 4-3-2, *Misdemeanor violation; continuing violation; penalties for conviction thereof*,  
16 Section 4-3-3, *Enforcement*, Section 4-3-4, *Advertisement of alcoholic liquor and any tobacco*  
17 *product prohibited within a 1,000-foot radius of certain locations*, Section 4-3-5, *Exceptions to*  
18 *prohibitions*, Section 4-3-6, *Method for measurement*, Section 4-3-7, *Phase-out period*; Article IV,  
19 *Regulation of Business and Advertising Signs* consisting of Division 1, *Generally*, consisting of  
20 Section 4-4-1, *Purpose*, Section 4-4-2, *Blight violation*, Section 4-4-3, *Enforcement*, Section 4-4-  
21 4, *Noncommercial messages*, Section 4-4-5, *Computing sign area, height, and clearance*, Section  
22 4-4-6, *Computing the measurement of spacing*, Section 4-4-7, *Prohibited signs*, Section 4-4-8,  
23 *Exemptions from chapter requirements*, Section 4-4-9, *Maintenance required*, Section 4-4-10,

1 *Obsolete signs to be removed, Section 4-4-11, Signs on vacant buildings to be removed, Section*  
2 *4-4-12, Unused sign supports to be removed, Section 4-4-13, Right of entry by City to abate*  
3 *nuisance; obstruction of City officers and agents prohibited, Section 4-4-14, Costs of abatement;*  
4 *collection of costs for City abatement of public nuisances, Section 4-4-15, Signs subject to*  
5 *additional governmental jurisdiction; submission of approvals as part of sign application, Section*  
6 *4-4-16, Signs located near freeways; Department of Public Works approval required, Section 4-*  
7 *4-17, Sign erection or alteration to require new permit, sign operation or maintenance to require*  
8 *license, Section 4-4-18, Establishment, approval, publication, and payment of fees, Section 4-4-*  
9 *19, Sign erection or alteration application requirements, Section 4-4-20, Relation to other*  
10 *regulations, Section 4-4-21, Amortization, Section 4-4-22, Waivers and adjustments to sign*  
11 *standards, Section 4-4-23, Appeals of administrative decisions under this chapter, Section 4-4-24,*  
12 *Sign guidebook; Division 2, General Sign Standards, consisting of Section 4-4-31, In General,*  
13 *Section 4-4-32, Arcade signs, Section 4-4-33, Awning signs, Section 4-4-34, Double-face signs,*  
14 *Section 4-4-35, Dynamic signs, Section 4-4-36, Illuminated signs, Section 4-4-37, Marquee signs,*  
15 *Section 4-4-38, Mechanical signs, Section 4-4-39, Monument signs, Section 4-4-40, Pole signs,*  
16 *Section 4-4-41, Portable signs, Section 4-4-42, Projecting signs, Section 4-4-43, Raceway signs,*  
17 *Section 4-4-44, Roof signs, Section 4-4-45, Wall signs, Section 4-4-46, Window signs; Division 3,*  
18 *Regulation of Business Signs, consisting of Subdivision A, Generally, consisting of Section 4-4-*  
19 *61, Applicability, Section 4-4-62, Limitation on maximum aggregate business sign area, Section*  
20 *4-4-63, Additional aggregate business sign area allowances, Section 4-4-64, Business signs on*  
21 *multi-tenant buildings and multi-building campuses, Section 4-4-65, Restrictions on location of*  
22 *business signs on specified premises, Section 4-4-66, Dynamic business signs; Subdivision B,*  
23 *Entertainment District, consisting of Section 4-4-81, Purpose, Section 4-4-82, Entertainment*

1 *District; boundaries and zones, Section 4-4-83, Entertainment core; purpose and sign regulations,*  
2 *Section 4-4-84, Theater district; purpose and sign regulations, Section 4-4-85, Woodward north*  
3 *corridor; purpose and sign regulations, Section 4-4-86, Entertainment buffer; purpose and sign*  
4 *regulations; Division 4, Regulation of Advertising Signs Located Outside the Central Business*  
5 *District, consisting of Section 4-4-101, In general, Section 4-4-102, Permit for new or altered*  
6 *advertising signs, Section 4-4-103, Spacing requirements, Section 4-4-104, Setbacks, Section 4-*  
7 *4-105, Height and clearance, Section 4-4-106, Area, Section 4-4-107, Landscaping, Section 4-4-*  
8 *108, Department of Public Works adjustment, Section 4-4-109, Adjustment or Waiver prohibited;*  
9 *limited; Division 5, Regulation of Advertising Signs Located in the Central Business District,*  
10 *consisting of Section 4-4-121, Purpose, Section 4-4-122, Advertising permit required, Section 4-*  
11 *4-123, Term and reapplication; renewal permitted in certain circumstances, Section 4-4-124,*  
12 *Findings as prerequisite for issuance of advertising permits, Section 4-4-125, Buildings, Safety*  
13 *Engineering, and Environmental Department issuance of advertising permits, Section 4-4-126,*  
14 *Transfer of advertising permit, Section 4-4-127, Alteration prohibited, Section 4-4-128, Sign*  
15 *standards, Section 4-4-129, Mitigation of harmful visual aesthetics created by super advertising*  
16 *signs through promotion of public art, Section 4-4-130, Adjustment or waiver prohibited; Division*  
17 *6, Signs in Right-of-Way, consisting of Section 4-4-161, In general, Section 4-4-162, Department*  
18 *of Public Works approval required, Section 4-4-163, Business signs located in the right-of-way,*  
19 *Section 4-4-164, Directional signs located in the right-of-way, Section 4-4-165, Advertising signs*  
20 *located in the right-of-way; Division 7, Temporary Signs, consisting of Section 4-4-181, In*  
21 *general, Section 4-4-182, Limitations on number, area, and term, Section 4-4-183, Additional*  
22 *temporary sign allowances, Section 4-4-184, Temporary sign copy, Section 4-4-185, General*  
23 *temporary sign standards, Section 4-4-186, Removal of temporary signs; Article V, Development*

1 *Notification Signs*, consisting of Section 4-5-1, *Definitions*, Section 4-5-2, *Misdemeanor violation*;  
2 *continuing violation; penalty for conviction thereof*, Section 4-5-3, *Posting of development*  
3 *notification sign required*, Section 4-5-4, *Development notification sign specifications; content*;  
4 *maintenance*, Section 4-5-5, *Placement of development notification sign*, Section 4-5-6, *Duration*  
5 *of posting*, and Section 4-5-7, *Complaints*, to provide for regulation of business and advertising  
6 signs throughout the City of Detroit. IT IS HEREBY ORDAINED BY THE PEOPLE OF THE  
7 CITY OF DETROIT THAT:

8 **Section 1.** Chapter 4 of the 2019 Detroit City Code, *Advertising*, be renamed to *Advertising and Signs*,  
9 and be amended to read as follows:

10 **CHAPTER 4. ADVERTISING AND SIGNS**

11 **ARTICLE I. GENERALLY**

12 **Sec. 4-1-1. Definitions.**

13 For the purposes of this chapter, the following words and phrases shall have the meanings  
14 respectively ascribed to them by this section:

15 *Advertising sign* means a sign containing a commercial message that is intended to direct  
16 attention to a business, profession, commodity, service, or entertainment, that is conducted, sold,  
17 or offered elsewhere than on the premises where the sign is located or that is only incidentally  
18 conducted, sold, or offered on the premises where the sign is located.

19 *Advertisement-sensitive property* means a premises that is occupied by or used as any of  
20 the following:

- 21 (1) A child-care home and center, which has the meaning as likewise defined in Section  
22 50-16-152 of this Code;  
23 (2) A child-caring institution, which has the meaning as likewise defined in Section  
24 50-16-152 of this Code;



1           (3) A juvenile detention or correctional facility, which means a county facility or  
2           institution operated as an agency of the county or the juvenile division of the  
3           probate court, or a state institution or agency described in the Michigan Youth  
4           Rehabilitation Services Act, being MCL 803.301 et seq., to which a minor has been  
5           committed or in which a minor is detained;

6           (4) A library, which means any designated public depository of books, periodicals,  
7           public and/or historical records, or other reference materials within the City that is  
8           created pursuant to Article VIII, Section 9, of the 1963 Michigan Constitution, and  
9           is operated pursuant to Section 12 of the Michigan District Library establishment  
10           Act, being MCL 397.182;

11           (5) A park, which means land that is improved or intended to be improved for active  
12           or passive recreational uses, or is preserved as open space, and is under the  
13           jurisdiction and control of the City, Wayne County, or the State of Michigan;

14           (6) A playfield, which means land that is designed for major field sports, such as  
15           baseball, football, soccer, tennis, or softball, and which requires more area than is  
16           available on a playground, is so designated, and is under the jurisdiction and control  
17           of the City, Wayne County, or the State of Michigan;

18           (7) A playground, which means land that is designed and maintained primarily for the  
19           recreational use of children aged up to 14 years, and is under the jurisdiction and  
20           control of the City, Wayne County, or the State of Michigan;

21           (8) A playlot, which means land that is designed and maintained primarily for the  
22           recreational use of small children aged up to eight years and is under the jurisdiction  
23           and control of the City, Wayne County, or the State of Michigan;

1       (9) A recreation center, which means a facility that is created primarily to benefit  
2           minors through the use of organized educational, social, or recreational activities  
3           and is under the jurisdiction and control of the City, Wayne County, or the State of  
4           Michigan;

5       (10) A school, which means the buildings, grounds, and other facilities of any public,  
6           charter, parochial, or private educational institution that has as its primary purpose  
7           the education and instruction of children at the elementary, middle, junior, and  
8           senior high school levels; and

9       (11) A youth activity center, which has the meaning as likewise defined in Section 50-  
10           16-462 of this Code.

11       *Alcoholic liquor* means any spirituous, vinous, malt, or fermented liquor, liquids, or  
12       compounds, whether or not medicated, proprietary, patented, or any other designation, that contain  
13       one-half of one percent or more of alcohol by volume, are fit for use as a beverage, and are defined  
14       and classified by the Michigan Liquor Control Commission according to alcoholic content as being  
15       beer, wine, spirits, alcohol, sacramental wine, brandy, mixed wine drink, or mixed spirit drink.

16       *Animated sign* means a type of dynamic sign in which the copy of the sign depicts motion  
17       or automatically changes copy more frequently than once every eight seconds.

18       *Arcade sign* means a sign that is suspended underneath an awning, canopy, marquee,  
19       overhang, or other element of a building or structure that forms a covered passageway for vehicles  
20       or pedestrians.

21       *Architectural feature* means a part, portion, or projection, other than a sign, of a building  
22       or structure that contributes to its beauty, elegance, or architectural style, including, but not limited  
23       to; arches, architectural grillwork, balconies, brackets, columns, corbels, cornices, dentils, doors,

1 jamb, lintel, masonry relief, medallion, molding, pediment, pilaster, quoins, sills, window  
2 rails, and windows, including glazings and surrounds, but does not include open spaces or other  
3 voids in any façade of a multi-level parking structure.

4 *Art mural* means any image that is painted, projected, drawn, tiled, or similarly applied to  
5 a building exterior, or to a material that will be mounted to the building exterior, for artistic  
6 purposes, and does not contain any other type of commercial message. An art mural does not  
7 constitute either an advertising sign or a business sign.

8 *Awning sign* means a sign that is affixed to an awning or canopy. For purposes of this  
9 definition, an awning or canopy is a structure consisting of cloth, plastic, sheet metal or similar  
10 lightweight covering over a structural framework that is affixed to a building and projects  
11 therefrom, whether cantilevered from such building or supported by columns at additional points,  
12 but is not a marquee.

13 *Building frontage* means the portion of the building's façade that is visible as  
14 perpendicularly projected along any public street or private street that is publicly accessible.

15 *Business sign* means a sign containing a commercial message that is intended to direct  
16 attention to a principal business or principal commodity, service, or entertainment that is  
17 conducted, sold, or offered on the premises on which the sign is located, or if the sign is located in  
18 the right-of-way then on the premises adjacent to the location of the sign, at a scale and intensity  
19 that is reasonably proportional to the degree of physical presence or economic activity of the  
20 business, commodity, service, or entertainment at such premises. Identification signs and  
21 sponsorship signs are types of business signs.

22 *Central Business District* means the portion of the City within the area bounded by the  
23 Detroit River, and the center lines of Brooklyn Avenue (extended), West Jefferson Avenue, Eighth

1 Street, West Fort Street, Brooklyn Avenue, Porter Street, John C. Lodge Freeway (M-10), Fisher  
2 Freeway (I-75), Third Street, West Grand River, Temple Avenue, Fourth Street, Charlotte Street,  
3 Woodward Avenue, Fisher Freeway (I-75), Chrysler Freeway (I-375), East Jefferson Avenue,  
4 Rivard Street, Atwater Street, and Riopelle Street extended to the Detroit River.

5 Copy means the graphic or textual content or message displayed by a sign.

6 Commercial message means speech that, wholly or in part, is intended to propose a  
7 commercial transaction regarding a business, profession, commodity, service, or entertainment  
8 that is conducted, sold, or offered in any location, whether on the same premises as where the  
9 message is offered or elsewhere.

10 Department means the Buildings, Safety Engineering, and Environmental Department of  
11 the City of Detroit, unless otherwise expressly stated in this chapter.

12 Directional sign means a sign that is intended to identify points of ingress or egress on the  
13 premises, orient pedestrians and vehicles within the premises, direct the flow of pedestrian or  
14 vehicular traffic throughout and around the premises, or identify particular neighborhoods,  
15 communities, or other identifiable areas of the City, and is not an advertising or a business sign.

16 Double-face sign means a sign with two sign faces, both of which are used as signs, for  
17 which the least angle of intersection between the sign faces does not exceed 45 degrees.

18 Dynamic sign means any sign that features the ability, whether through digital or other  
19 technological means, to automatically change the sign copy, at any frequency, without the need to  
20 manually remove and replace the sign face or its copy. An animated sign is a type of dynamic  
21 sign.

22 Established grade of a sign means the elevation of the grade of the premises, measured  
23 underneath, at the base of, or in the immediate vicinity of, the sign, as established by the City.

1 Externally illuminated sign means a type of illuminated sign that is illuminated by  
2 reflection from a source of artificial light that is not contained within the sign itself.

3 Freeway means as defined in Section 2 of the Michigan Highway Advertising Act of 1972,  
4 being MCL 252.302(n).

5 Freeway-adjacent area means the area measured from the edge of the right-of-way of a  
6 freeway and extending 3,000 feet perpendicularly and then along a line parallel to the right-of-way  
7 line.

8 Freeway advertising sign means an advertising sign located in a freeway-adjacent area, the  
9 sign face of which is oriented toward and visible from the freeway.

10 Graffiti means unauthorized drawings, lettering, illustrations, or other graphic markings on  
11 the exterior of a building, premises, or structure that are intended to deface or mark the appearance  
12 of the building, premises, or structure.

13 Ground sign means a sign that is freestanding and is supported by one or more structural  
14 uprights, poles, braces, frames, or solid foundations that rest in or upon the ground. Monument  
15 signs and pole signs are types of ground signs.

16 Heritage sign means an unilluminated painted sign that is either an advertising sign or  
17 business sign, has been obsolete for a period of at least 50 years, and is registered with the  
18 Department as such.

19 High-density commercial/industrial sign district means the portions of the City that are  
20 designated in the Master Plan of Policies as major commercial (CM), special commercial (CS),  
21 light industrial (IL), general industrial (IG), distribution/port industrial (IDP), or airport (AP); as  
22 well as the entire portion of the City located within the Central Business District regardless of  
23 Master Plan of Policies designation therein.

1 High-density residential/mixed use sign district means the portions of the City that are  
2 located outside of the Central Business District, and are designated in the Master Plan of Policies  
3 as medium-density residential (RM), high-density residential (RH), neighborhood commercial  
4 (CN), or mixed residential-commercial (MRC).

5 Identification sign means a type of business sign that is intended solely to identify either a  
6 principal business or profession that is conducted on and physically occupies the premises where  
7 the sign is located, or the name and street number of a building or structure on the premises.

8 Illuminated sign means a sign for which an artificial source of light is used in order to make  
9 readable the sign's copy. Illuminated signs are either internally illuminated or externally  
10 illuminated.

11 Internally illuminated sign means a type of illuminated sign that is illuminated by direct  
12 emission from a source of artificial light that is contained within the sign itself, including signs  
13 that emit light through a transparent or translucent material component of the sign or any sign for  
14 which the sign face is substantially composed of luminescent material.

15 Low-density commercial/institutional sign district means the portions of the City that are  
16 located outside the Central Business District and are designated in the Master Plan of Policies as  
17 mixed-town centers (MTC), institutional (INST), thoroughfare commercial (CT), retail centers  
18 (CRC), or mixed residential-industrial (MRI).

19 Low-density residential sign district means the portions of the City that are located outside  
20 of the Central Business District and are designated in the Master Plan of Policies as low-density  
21 residential (RL) or low/medium-density residential (RLM).

22 Marquee sign means a sign that is affixed to and supported by a marquee. For the purposes  
23 of this definition, a marquee is a permanent roof-like shelter that is constructed of wood, steel,

1 glass, or other durable materials, is supported by and extends from a building façade, and is  
2 cantilevered without support at additional points over a point of ingress and egress to the building.  
3 Marquee signs are distinct from awning signs, projecting signs, and wall signs.

4 Master Plan of Policies means the current version of the Master Plan of Policies for the  
5 City as adopted under authority of the Michigan Planning Enabling Act, MCL 125.3801 et seq.,  
6 and Section 8-101 of the Charter.

7 Mechanical sign means a sign that features automated mechanical rotation, revolution,  
8 waving, flapping, or other physical movement of the sign or any of its components without causing  
9 a change to the sign's copy.

10 Minor means an individual under 18 years of age.

11 Monument sign means a type of ground sign that is supported primarily by an internal  
12 structural framework concealed in an opaque covering or solid structural foundation, with no air  
13 space between the ground and the sign face.

14 Motion means the depiction of movement or change of position of copy and includes, but  
15 is not limited to, dissolving or fading text or images; travelling or running text or images;  
16 sequential text; graphic bursts; lighting that resembles zooming, twinkling or sparkling; changes  
17 in light or color; transitory bursts of light intensity; moving patterns or bands of light; expanding  
18 or contracting shapes; or any similar visual effects.

19 Multi-building campus means a premises that contains multiple buildings, structures, or  
20 other facilities that are interconnected by a series of private roads, pathways, open spaces, or other  
21 internal networks, all of which are utilized for a single common purpose, such as multi-building  
22 universities, hospitals, or cultural institutions.

23 Multiple-face sign means a sign with three or more sign faces.

1 Obsolete sign means a sign that is intended to direct attention to a business, profession,  
2 commodity, service, or entertainment that is no longer conducted, sold, offered, or otherwise  
3 available for purchase or patronage.

4 Orientation means, for any sign face, wall, façade, or other two-dimensional vertical  
5 surface, the direction of a horizontal projection of the line that is perpendicular to such surface.

6 Owner of the premises means with respect to a premises, building, or structure, any  
7 individual or entity that has legal or equitable title or other interest, whether in whole or in part, to  
8 the premises, building, or structure, respectively, but does not include such individual's or entities'  
9 affiliates, subsidiaries, members, partners, or shareholders. Any premises, building, or structure  
10 can have one or multiple owners.

11 Painted sign means a sign that is painted upon a wall or other exterior surface of a building  
12 or structure and is not an art mural.

13 Permit means a permit issued by the Department for the construction or erection of a new  
14 sign, or the alteration of an existing sign, under the authority provided in Chapter 8 of this Code,  
15 Building Construction and Property Maintenance, unless otherwise expressly stated in this  
16 chapter.

17 Pole sign means a type of ground sign that is supported by one or more exposed uprights,  
18 poles, or braces that rest in or upon the ground, with air space between the ground and the sign  
19 face.

20 Portable sign means a sign that is designed to be moved easily and that rests upon, but is  
21 not permanently affixed to, the ground.

22 Premises means a parcel, or collection of parcels, and adjoining property that are generally  
23 under common ownership, whether publicly or privately owned, constituting a single building,



1 structure, or development, including private streets, pathways, and other open spaces, but  
2 excluding public rights-of-way.

3 *Premises frontage* means the sum of the length of all lot lines of the premises abutting any  
4 public street or private street that is publicly accessible.

5 *Projecting sign* means a sign that is affixed to and supported by any exterior wall or parapet  
6 of a building or structure and projects outward from such wall or parapet with the orientation of  
7 the sign face or faces being in a direction that is approximately perpendicular to the orientation of  
8 the façade of the wall or parapet. Projecting signs are distinct from marquee signs.

9 *Public art* means an outdoor art mural, sculpture, or other permanent or semi-permanent  
10 installation that is constructed and maintained for artistic purposes and intended to be visible to or  
11 accessible by the general public, and does not contain any type of commercial message.

12 *Raceway sign* means a type of wall sign in which individual letters, graphics, and other  
13 copy elements are separate structural components that are connected by a common component,  
14 referred to as a raceway, that provides structural support for, and electrical or mechanical operation  
15 of, the sign.

16 *Recreation/open space sign district* means the portions of the City that are located outside  
17 of the Central Business District and are designated in the Master Plan of Policies as regional parks  
18 (PR), recreation (PRC), private marinas (PMR), or cemetery (CEM).

19 *Roof line* means the uppermost line of the roof of a building or, in the case of an extended  
20 façade or parapet, the uppermost point of said façade or parapet.

21 *Roof sign* means a sign that is affixed to and supported by the roof of a building or structure,  
22 the height of which extends above the highest point of the roofline of the building or structure.

1 Sign means any structure containing a visual display, or painted or projected image, that is  
2 oriented toward and visible from any public or private right-of-way or public property and is  
3 intended to announce, identify, inform, or direct attention. A sign can be located on the exterior  
4 of a building or other structure, or in the interior of a building if within three feet of the building's  
5 perimeter and visible from the building's exterior.

6 Sign alteration means a change of the size, shape, area, height, location, illumination,  
7 dynamic operation, construction, fabrication, material, or any other operational, construction-  
8 related, or dimensional parameter of an existing sign. Neither the maintenance of a sign within  
9 its existing operational, construction-related, and dimensional parameters, nor a change or  
10 replacement of the sign's copy, without any other change to the sign, constitutes a sign alteration.

11 Sign area means the area of the sign face of a sign, expressed in terms of square feet.

12 Sign clearance means the elevation of the lowest point of the sign above the established  
13 grade of the sign.

14 Sign face means the surface of a sign upon which the copy of the sign is displayed.

15 Sign height means the elevation of the highest point of the sign, including its frame and  
16 support structure, above the established grade of the sign.

17 Sponsor means an individual or entity that has pledged its long-term support, whether  
18 financial or in-kind, in a written agreement for a term of not less than 24 consecutive months to:

19 (1) The premises on which the sign is located;

20 (2) A defined portion of the premises on which the sign is located; or

21 (3) A principal commodity, service, activity, or entertainment sold or offered at the  
22 premises on which the sign is located.

1 Whether or not such individual or entity conducts, sells, or offers its business, profession,  
2 commodity, service, or entertainment on the premises where the sign is located.

3 *Sponsorship sign* means a type of business sign that is intended to identify a sponsor of the  
4 premises, defined portion of the premises, or principal commodity, activity, or entertainment sold  
5 or offered at the premises, where the sign is located.

6 *Temporary sign* means a type of business sign that is intended to be displayed for a limited  
7 period of time.

8 *Tobacco product* means any cigarette, cigar, non-cigarette smoking tobacco, or smokeless  
9 tobacco as defined in Section 2 of the Michigan Tobacco Products Tax Acts, being MCL 205.422.

10 *Wall sign* means a sign that is affixed to and supported by, or painted or projected upon,  
11 the exterior wall or parapet of a building or structure, with the orientation of the sign face oriented  
12 in a direction that is approximately parallel to the orientation of the façade of the wall or parapet.  
13 Painted signs and raceway signs are types of wall signs. Wall signs are distinct from marquee  
14 signs.

15 *Window sign* means a sign that is:

16 (1) Affixed to, or painted on, the surface of an exterior window of a building or  
17 structure, and that does not completely cover or conceal the window; or

18 (2) Located in the interior of a building or structure within three feet of its perimeter,  
19 and is oriented toward, and is visible from, the exterior of the building or structure.

20 *Wrapped sign* means a sign containing a single sign face that covers portions of two or  
21 more adjacent façades of a building or structure by way of wrapping around the corners or edges  
22 along which such façades abut.

1 **Sec. 4-1-2. Misdemeanor violation; aiding and abetting violation; continuing violation;**  
2 **penalties for conviction thereof.**

3 (a) It shall be unlawful for any person to violate any provision of this article or to aid  
4 and abet another to violate such provision.

5 (b) Any person who violates this article, or aids and abets another to violate such  
6 provision, may be issued a misdemeanor violation for each day that the violation continues.

7 (c) Any person who is found guilty of violating any provision of this chapter, or aids  
8 and abets another to violate such provision, shall be convicted of a misdemeanor for each violation  
9 that is issued and, in the discretion of the court, may be fined up to \$500.00 and sentenced up to  
10 90 days in jail, or both, for each misdemeanor violation that is issued.

11 **Sec. 4-1-3. Enforcement.**

12 This article shall be enforced by the Police Department.

13 **Sec 4-1-4. Posting of ~~advertisements, notices, posters, or signs~~ advertising materials on**  
14 **public or private property.**

15 ~~———— (a) ——— Except a public officer or employee in the performance of a public duty or a private~~  
16 ~~person in giving a legal notice, It shall be unlawful for any person to ~~paste~~ affix, fasten, post,~~  
17 ~~paint, print, nail, glue, attach, or otherwise fasten~~ place any sign, poster, advertisement advertising  
18 sign, advertising material, or other commercial message or notice of any of any kind upon any  
19 public or private property, or cause or authorize the same to be done, without the ~~consent,~~  
20 authorization or ratification in writing of the owner holder, occupant, lessee, agent or trustee  
21 thereof, or its agent, provided that this section shall not apply to the distribution of handbills,  
22 advertisements or other printed matter that is not affixed to the premises a public officer or  
23 employee in the performance of a public duty or a private person giving a legal notice..

1 (b) — It shall be unlawful for any political candidate running for any elected office within  
2 the City who has pasted, posted, painted, marked, glued, attached or otherwise fastened any  
3 political sign, poster, advertisement or notice upon any public property, or who has caused or  
4 authorized any agent so to do, to display such signs, posters, advertisements or notices for more  
5 than 15 days after written notice is given by the Department of Public Works to such candidate of  
6 the location of such displays. For purposes of this section, written notice shall be by first class mail  
7 that is sent through the United States Postal Service to the address listed by the candidate as the  
8 home address on the candidate's registration for candidacy.

9 — (c) — For purposes of this section, a candidate running for any elected office whose name  
10 appears on such signs, posters, advertisements or notices is presumed to have caused or given  
11 authority for the erection or placement of such displays, provided, that such presumption is  
12 rebuttable upon evidence brought forth by such candidate.

13 **Sec. 4-1-5. Carrying or placing signs, placards, banners or posters advertising materials on**  
14 **freeway overpass where visible from freeway prohibited.**

15 It shall be unlawful for any person to carry or place any sign, placard, banner or poster on  
16 any freeway overpass any advertising sign, advertising material, or other commercial message that  
17 would be oriented toward and visible to the occupants of vehicles ~~on any~~ on such freeway.

18 ~~Secs. 4-1-6 — 4-1-30. Reserved.~~ REPEALED.

19 **Sec. 4-1-6. Publication of false, misleading advertising prohibited.**

20 (a) It shall be unlawful for any person, with intent to solicit, promote, sell, lease, loan,  
21 or otherwise dispose of any event, commodity, service, security, real or personal property, or any  
22 other thing of value, to circulate, disseminate, publish, or broadcast, or otherwise place or  
23 distribute, or to cause the same, any advertising sign, advertising material, or other commercial

1 message, whether printed or otherwise recorded, concerning such thing of value that contains any  
2 assertion, representation, claim, offer, or statement of fact that is knowingly false, deceptive,  
3 misleading, or otherwise calculated to cause injury or other disadvantage to its audience or any  
4 member thereof.

5 (b) Subsection (a) of this section does not apply to any owner, publisher, printer, agent,  
6 or employee of a newspaper, periodical, circular, radio or television station, or website who, in  
7 good faith and without knowledge of the false, deceptive, or misleading character thereof,  
8 publishes, causes to be published, or takes part in the publication of, such advertising material.

9 **Sec. 4-1-7. Presumptions concerning identity of violator.**

10 With respect to the placement or distribution of any advertisement, sign, handbill, circular,  
11 or advertising card advertising sign, advertising material, or other commercial message that  
12 violates any provision of this article chapter, a rebuttable presumption exists that the  
13 advertisement, sign, circular, or advertising card was erected or displayed or distributed by, or with  
14 the consent of, the promoter of the event, offer, or service that is the subject of the advertisement,  
15 sign, circular, or advertising card. placement or distribution of such material is made with the  
16 consent of the promoter of the business, profession, commodity, service, or event that is the subject  
17 of the promotion by the material, regardless of its form.

18 **Secs. 4-1-8 – 4-1-30. Reserved.**

19 **ARTICLE II. DISTRIBUTION OF HANDBILLS, CIRCULARS,**  
20 **AND ADVERTISING CARDS**

21 **Sec. 4-2-1. Misdemeanor violation; continuing violation; penalties for conviction thereof.**

22 (a) It shall be unlawful for any person to violate any provision of this article or to aid  
23 and abet another to violate such provision.

1 (b) Any person who violates this article, or aids and abets another to violate such  
2 provision, may be issued a misdemeanor violation for each day that the violation continues.

3 (c) Any person who is found guilty of violating any provision of this article shall be  
4 convicted of a misdemeanor for each violation that is issued, and, in the discretion of the court,  
5 may be fined up to \$500.00 and sentenced up to 90 days in jail, or both, for each misdemeanor  
6 violation that is issued.

7 **Sec. 4-2-2. Enforcement.**

8 This article shall be enforced by the Police Department.

9 **Sec. 4-2-3. Interfering with or impeding pedestrian or vehicular traffic, prohibited.**

10 ~~No person shall~~ It shall be unlawful for any person to place or distribute, circulate, give  
11 away or to cause the same of, to be circulated, distributed or given away any paper handbill, card,  
12 book, pamphlet or printed matter advertising sign, advertising material or other commercial  
13 message soliciting trade, customers or patrons any event, commodity, service, or other thing of  
14 value on any public highway, street, alley or sidewalk in any public right-of-way, so as to interfere  
15 with or impede any pedestrian, bicycle, or vehicular traffic upon such public highway, street, alley,  
16 or sidewalk along or within such right-of-way.

17 **Sec. 4-2-4. Prohibited Solicitation at posted residential premises prohibited.**

18 ~~No person shall~~ It shall be unlawful for any person to solicit, deliver, circulate, distribute,  
19 or disseminate, or to cause to be distributed, the same of, any advertising sign, advertising material,  
20 or other commercial message to any residential premises upon which is conspicuously posted at  
21 or near the front entrance of the residence a notice that states "No Trespassing," "No Handbills,"  
22 "Post No Bills," or any similar language. Such a notice shall be posted in a conspicuous place  
23 near the front entrance of the residence.

24 **Secs. 4-2-5 – 4-2-30. Reserved.**

1           **ARTICLE III. PROTECTION OF MINORS AGAINST ADVERTISEMENT AND**  
2           **PROMOTION OF ALCOHOLIC LIQUOR AND TOBACCO PRODUCTS**

3   **Sec. 4-3-1. Purpose.**

4           (a)   The primary purpose of this article is to promote the welfare and temperance of  
5 minors who are exposed to certain ~~publically~~ publicly visible advertisements of alcoholic liquor  
6 or tobacco products as defined in Section ~~4-3-2~~ 4-1-1 of this Code, ~~and tobacco products~~ within  
7 the City, and to promote compliance with state laws law and this Code, which prohibit the use and  
8 consumption of alcoholic liquor and tobacco products by minors ~~within the City~~.

9           (b)   The findings to support this article have been delineated in a resolution adopted by  
10 the City Council on July 7, 1989, and placed in the Journal of the City Council on Pages 1959  
11 through 1963. ~~Sec. 4-3-2. Definitions.~~

12           ~~For the purposes of this article, the following words and phrases shall have the meanings~~  
13 ~~respectively ascribed to them by this section:~~

14           ~~*Advertising sign* means, as likewise defined in Section 50-6-3 of this Code, a sign, whether~~  
15 ~~billboard or painted wall graphic, which directs attention to a business, commodity, service or~~  
16 ~~entertainment, that is conducted, sold, or offered elsewhere than on the premises where the sign is~~  
17 ~~affixed, located or painted, or only incidentally sold or offered on said premises. Any sign, display,~~  
18 ~~or device allowed under this article may contain, in lieu of any other message, any otherwise lawful~~  
19 ~~non-commercial message that does not direct attention to a business operated for profit, or to a~~  
20 ~~commodity or service for sale, and that complies with the zoning district, height, lighting, setback,~~  
21 ~~and spacing requirements outlined in the Chapter 50 of this Code, *Zoning*.~~

22           ~~*Alcoholic liquor* means any spirituous, vinous, malt, or fermented liquor, liquids and~~  
23 ~~compounds, whether or not medicated, proprietary, patented or any other designation, which~~



1 contain one-half of one percent or more of alcohol by volume, are fit for use as a beverage, and  
2 are defined and classified by the Michigan Liquor Control Commission according to alcoholic  
3 content as being beer, wine, spirits, alcohol, sacramental wine, brandy, mixed wine drink, or mixed  
4 spirit drink.

5 ——— *Billboard* means, as likewise defined in Section 50-6-6 of this Code, a large outdoor board  
6 for advertisements, which most commonly serve as advertising signs, as defined in this section,  
7 except when identifying the business or profession conducted on the same zoning lot where the  
8 billboard is located, in which case the billboard serves as a business sign, as defined in this section.

9 ——— *Business sign* means, as likewise defined in Section 50-6-7 of this Code, a sign, not less  
10 than 75 percent of the area of which is devoted to directing attention to the principal business or  
11 profession conducted, or to the principal type of commodity, service, or entertainment sold or  
12 offered on the premises where the sign is affixed, located, or painted.

13 ——— *Child care center* means, as likewise defined in Section 50-16-152 of this Code, a facility  
14 licensed by the Michigan Department of Human Services, other than a private residence for home,  
15 receiving one or more preschool or school age children for care for periods of less than 24 hours a  
16 day, and where the parents or guardians are not immediately available to the child. The term “child  
17 care center” or “day care center” includes a facility that provides care for not less than two  
18 consecutive weeks, regardless of the number of hours of care per day. The facility is generally  
19 described as a child care center, day care center, “Head Start” program, day nursery, nursery  
20 school, parent cooperative, preschool, play group, or drop in center. The term “child care center”  
21 or “day care center” does not include any of the following:

- 22 (1) — A Sunday school, a vacation bible school, or a religious instructional class that is  
23 conducted by a religious organization where children are in attendance for not

1 longer than three hours per day for an indefinite period, or for not longer than eight  
2 hours per day for a period not to exceed four weeks during a twelve 12-month  
3 period;

4 (2) ~~A facility operated by a religious organization where children are cared for not~~  
5 ~~longer than three hours while persons who are responsible for the children are~~  
6 ~~attending religious services; and~~

7 (3) ~~Family day care home, group day care home, foster family home, foster family~~  
8 ~~group home.~~

9 ~~—— *Child caring institution* means, as likewise defined in Section 50-16-152 of this Code, a~~  
10 ~~child care facility licensed by the Michigan Department of Human Services, other than a juvenile~~  
11 ~~correctional facility, that is organized for the purpose of receiving minor children for care,~~  
12 ~~maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the~~  
13 ~~institution for that purpose, and operates throughout the year. An educational program may be~~  
14 ~~provided, but the educational program shall not be the primary purpose of the facility. The term~~  
15 ~~“child caring institution” includes a maternity home for the care of unmarried mothers who are~~  
16 ~~minors and an agency group home that is described as a small child caring institution owned,~~  
17 ~~leased, or rented by a licensed agency providing care for more than four but less than 13 minor~~  
18 ~~children. The term “child caring institution” also includes institutions for mentally retarded or~~  
19 ~~emotionally disturbed minor children. The term “child caring institution” does not include a~~  
20 ~~hospital, nursing home, home for the aged, boarding school, adult foster care family home, adult~~  
21 ~~foster care small group home, family day care home, group day care home, foster family home, or~~  
22 ~~foster family group home.~~

1 ~~———— *Family day care home* means, as likewise defined in Section 50-16-201 of this Code, a~~  
2 ~~licensed day care center as an accessory use in a residential dwelling unit where at least one but~~  
3 ~~fewer than seven minor children are received for care and supervision for periods of less than 24~~  
4 ~~hours a day, unattended by a parent or legal guardian, except children related to an adult member~~  
5 ~~of the family by blood, marriage, or adoption. The term “family day care home” includes a home~~  
6 ~~that gives care to an unrelated minor child for more than four weeks during a calendar year. For~~  
7 ~~the purpose of this definition, the term “private home” means a private residence where the licensee~~  
8 ~~or registrant permanently resides as a member of the household, which residency shall not be~~  
9 ~~contingent upon caring for children. Notwithstanding its status as an accessory use, a family day~~  
10 ~~care home requires a permit. A family day care home may not operate unless also licensed by the~~  
11 ~~Michigan Department of Human Services.~~

12 ~~———— *Foster family group home* means a private home where more than four, but fewer than~~  
13 ~~seven, minor children, who are not related to an adult member of the household by blood or~~  
14 ~~marriage, or who are not placed in the household pursuant to the Michigan Adoption Code, being~~  
15 ~~MCL 710.21 *et seq.*, are provided care for 24 hours a day, for four or more days a week, for two~~  
16 ~~or more consecutive weeks, unattended by a parent or legal guardian.~~

17 ~~———— *Foster family home* means a private home where at least one but not more than four minor~~  
18 ~~children, who are not related to an adult member of the household by blood or marriage, or who~~  
19 ~~are not placed in the household pursuant to the Michigan Adoption Code, being MCL 710.21 *et*~~  
20 ~~*seq.*, are given care and supervision for 24 hours a day, for four or more days a week, for two or~~  
21 ~~more consecutive weeks, unattended by a parent or legal guardian.~~

22 ~~———— *Freeway* means a divided highway which is two or more lanes in each direction and which~~  
23 ~~owners or occupants of abutting property or the public do not have a right of ingress or egress to,~~

1 from or across, except at points determined or as otherwise provided by the authorities who are  
2 responsible therefor.

3 ~~———— *Group day care home* means, as likewise defined in Section 50-16-222 of this Code, an~~  
4 ~~accessory use to a private home, licensed by the Michigan Department of Human Services, where~~  
5 ~~more than six but not more than 12 minor children are given care and supervision for periods of~~  
6 ~~less than 24 hours a day unattended by a parent or legal guardian, except children related to an~~  
7 ~~adult member of the family by blood, marriage, or adoption. Group day care home includes a~~  
8 ~~home that gives care to an unrelated minor child for more than four weeks during a calendar year.~~  
9 ~~Notwithstanding its status as an accessory use, a group day care home requires a permit.~~

10 ~~———— *Interstate highway* means a highway that is officially designated as a part of the National~~  
11 ~~System of Interstate and Defense Highways by the Michigan Department of Transportation and~~  
12 ~~that is approved by the appropriate authority of the federal government.~~

13 ~~———— *Juvenile detention or correctional facility* means a county facility or institution operated as~~  
14 ~~an agency of the county or the juvenile division of the probate court, or a state institution or agency~~  
15 ~~described in the Michigan Youth Rehabilitation Services Act, being MCL 803.301 *et seq.*, to which~~  
16 ~~a minor has been committed or in which a minor is detained.~~

17 ~~———— *Library* means any designated public depository of books, periodicals, public and/or~~  
18 ~~historical records, and other reference materials within the City that is created pursuant to Article~~  
19 ~~VIII, Section 9, of the 1963 Michigan Constitution, and is operated pursuant to Section 12 of the~~  
20 ~~Michigan District Library establishment Act, being MCL 397.182.~~

21 ~~———— *Major park* means a large open area which preserves the natural scenic beauty of a~~  
22 ~~woodland, meadow, river valley or lake front, is so designated, and is under the control of the~~  
23 ~~Recreation Department.~~

1 ~~—— *Minor or Minors* means:~~

2       ~~(a) — A person or persons who have not passed their 18th birthday, are prohibited from~~  
3           ~~purchasing tobacco pursuant to Section 1 of the Michigan Youth Tobacco Act,~~  
4           ~~being MCL 722.641, and are prohibited from possessing or smoking cigarettes or~~  
5           ~~cigars, possessing, chewing, sucking or inhaling chewing tobacco or tobacco snuff,~~  
6           ~~or possessing or using tobacco in any other form on a public highway, street, alley,~~  
7           ~~park or other land used for public purposes, pursuant to Section 2 of the Michigan~~  
8           ~~Youth Tobacco Act, being MCL 722.642; and~~

9       ~~(b) — Persons who have not passed their twenty first (21st) birthday and are prohibited~~  
10           ~~from purchasing alcoholic liquor pursuant to Section 703 of the Michigan Liquor~~  
11           ~~Control Code of 1998, being MCL 436.1703.~~

12 ~~—— *Nonprofit neighborhood center* means, as likewise defined in Section 50-16-321 of this~~  
13 ~~Code, a center that is recognized by the United States Internal Revenue Service as holding a non-~~  
14 ~~profit tax exempt status, and whose primary purpose is to provide recreation amenities, craft areas,~~  
15 ~~meeting space, community kitchen facilities, cultural, and/or leisure activities, other similar space,~~  
16 ~~and related administrative offices for the use of the residents of the immediate neighborhood and~~  
17 ~~their guests. Examples include facilities such as senior citizen centers, youth activity centers, and~~  
18 ~~community centers.~~

19 ~~—— *Painted wall graphic* means, as likewise defined in Section 50-6-17 of this Code, a sign~~  
20 ~~that is painted on a wall and exceeds 10 square feet in area.~~

21 ~~—— *Park* means land that is improved for, or intended to be improved for, passive or~~  
22 ~~recreational uses, or to be preserved as open spaces, including, but not limited to, major parks and~~

1 small (neighborhood) parks, is so designated, and under the jurisdiction and control of the  
2 Recreation Department.

3 ——— *Parklot* means landscaped triangles, street entrances or remnant parcels which have been  
4 landscaped for ornamental purposes, are generally dedicated for these purposes in subdivision  
5 plats, are so designated, and are under the jurisdiction and control of the Recreation Department.

6 ——— *Parkway* means a broad roadway bordered and often divided with landscaped areas  
7 consisting of tree plants, bushes, and/or grass, is so designated, and is under the jurisdiction and  
8 control of the Recreation Department.

9 ——— *Playfield* means land that is designed for major field sports (for example, baseball, football,  
10 soccer, tennis, and softball) which requires more area than is available on a playground, is so  
11 designated, and is under the jurisdiction and control of the Recreation Department.

12 ——— *Playground* means land that is designed and maintained primarily for the recreational use  
13 of children aged five to 14 years including, but not limited to, central and junior playgrounds, is  
14 so designated, and is under the jurisdiction and control of the Recreation Department.

15 ——— *Playlot* means land that is designed and maintained primarily for the recreational use of  
16 small children aged one to eight years, is so designated, and is under the jurisdiction and control  
17 of the Recreation Department.

18 ——— *Recreation center* means a facility under the jurisdiction and control of the Recreation  
19 Department that is created primarily to benefit minors through the use of organized educational,  
20 social, and/or recreational activities.

21 ——— *School* means the buildings, grounds or facilities of any public or private educational  
22 institution that has as its primary purpose the education and instruction of children, including  
23 elementary, middle, junior, and senior high schools.

1 ~~—— *Small (or neighborhood) park* means a heavily landscaped area intended for ornamental~~  
2 ~~rather than active recreation or picnic use.~~

3 ~~—— *Tobacco product* means any cigarette, cigar, non-cigarette smoking tobacco, or smokeless~~  
4 ~~tobacco as defined in Section 2 of the Michigan Tobacco Products Tax Act, being MCL 205.422.~~

5 ~~—— *Youth activity center* means a type of nonprofit neighborhood center whose primary~~  
6 ~~purpose is to provide education, recreational, cultural, or leisure activities for minors, but excludes:~~

7 (a) ~~—— An arcade, as defined in Section 50-16-113 of this Code;~~

8 (b) ~~—— A health club, as defined in Section 50-16-241 of this Code;~~

9 (c) ~~—— A medical facility;~~

10 (d) ~~—— A public dance hall, as defined in Section 50-16-171 of this Code;~~

11 (e) ~~—— A rehabilitation facility;~~

12 (f) ~~—— A rental hall, as defined in section 50-16-362 of this Code;~~

13 (g) ~~—— A restaurant, as defined in section 50-16-362 of this Code; and~~

14 (h) ~~—— A school; and~~

15 (i) ~~—— A state licensed residential facility as defined in Section 50-16-385 of this Code.~~

16 REPEALED.

17 **Sec. 4-3-2. Misdemeanor violation; continuing violation; penalties for conviction thereof.**

18 (a) It shall be unlawful for any person to violate any provision of this article.

19 (b) Any person who violates this article may be issued a misdemeanor violation for  
20 each day that the violation continues.

21 (c) Any person who is found guilty of violating any provision of this article shall be  
22 convicted of a misdemeanor for each violation that is issued, and, in the discretion of the court,

1 may be fined up to \$500.00 and sentenced up to 90 days in jail, or both, for each misdemeanor  
2 violation that is issued.

3 **Sec. 4-3-3. Buildings, Safety Engineering, and Environmental Department to be responsible**  
4 **for Enforcement.**

5 This article shall be enforced by the Buildings, Safety Engineering, and Environmental  
6 Department.

7 **Sec. 4-3-4. Advertisement of alcoholic liquor and or any tobacco products product**  
8 **prohibited within a 1,000-foot radius of certain locations.**

9 (a) ~~No person shall~~ It shall be unlawful to advertise any alcoholic liquor on an  
10 advertising sign within a 1,000-foot radius of any ~~child-care center, child-caring institution,~~  
11 ~~juvenile detention or correctional facility, library, park, parklot, parkway, playfield, playground,~~  
12 ~~playlot, recreation center, school, or youth activity center~~ advertisement-sensitive property.

13 (b) ~~No person shall~~ It shall be unlawful to advertise any tobacco product on an  
14 advertising sign within a 1,000-foot radius of any ~~child-care center, child-caring institution,~~  
15 ~~juvenile detention or correctional facility, library, park, parklot, parkway, playfield, playground,~~  
16 ~~playlot, recreation center, school, or youth activity center~~ advertisement-sensitive property.

17 **Sec. 4-3-5. Exceptions to prohibitions.**

18 The provisions of Section ~~4-6-5~~ 4-3-4 of this Code shall not apply to:

- 19 (1) ~~The placement of any advertising sign;~~  
20 a. ~~Inside or outside of a licensed premises where alcoholic liquor is lawfully~~  
21 ~~sold or distributed under the authority of a license conferred by the~~  
22 ~~Michigan Liquor Control Commission under the Michigan Liquor Control~~  
23 ~~Code of 1998, being MCL 436.1101 et seq.;~~



1 b. ~~Inside of a licensed premise where tobacco products are lawfully sold or~~  
2 ~~distributed under the authority of a license conferred by the Michigan~~  
3 ~~Tobacco Products Tax Act, being MCL 205.421 *et seq.*; or~~

4 c. ~~On licensed commercial vehicles used to transport alcoholic liquor or~~  
5 ~~tobacco products.~~

6 (2) ~~Any billboard that serves as a business sign, is for the purpose of identifying the~~  
7 ~~premises, and contains:~~

8 a. ~~The name or slogan of the premises where alcoholic liquor or tobacco~~  
9 ~~products are lawfully sold or distributed; or~~

10 b. ~~A generic description of alcoholic liquor or tobacco products.~~

11 (1) Any advertising sign that is adjacent to an interstate highway, freeway, or primary  
12 highway system within the City, and is regulated by the Michigan Highway  
13 Advertising Act of 1972, being MCL 252.301 *et seq.*

14 (2) Any advertising sign ~~which~~ that advertises alcoholic liquor ~~inside of or outside and~~  
15 is located on the premises of a convention facility, sports arena, or stadium.

16 **Sec. 4-3-6. Method for measurement.**

17 The spacing between an advertising sign ~~which~~ that advertises alcoholic liquor or a tobacco  
18 ~~products~~ product and the ~~locations delineated within Section 4-3-5 of this Code~~ an advertisement-  
19 sensitive property shall be measured radially as the shortest distance between the outermost point  
20 of the advertising sign that is nearest to the advertisement-sensitive property and the nearest lot  
21 ~~line of the zoning lot where the child care center, child caring institution, juvenile detention or~~  
22 ~~correctional facility, library, park, parklot, parkway, playfield, playground, playlot, recreation~~

1 ~~center, school, or youth activity center is located~~ point on the perimeter of the premises containing  
2 the advertisement-sensitive property.

3 **Sec. 4-3-7. Phase-out period.**

4 In the event a new ~~child-care center, child-caring institution, juvenile detention or~~  
5 ~~correctional facility, library, park, parklot, parkway, playfield, playground, playlot, recreation~~  
6 ~~center, school, or youth activity center~~ advertisement-sensitive property is established, subsequent  
7 to the effective date of the ordinance from which this article is derived, and is located within a  
8 1,000-foot radius of an advertising sign lawfully advertising ~~aleohol~~ alcoholic liquor or a tobacco  
9 ~~products~~ product, said advertising shall not be ordered removed until 60 days after the  
10 ~~establishment of said land use~~ date of such establishment.

11 **Sec. 4-3-8– 4-3-30. Reserved.**

12 **ARTICLE IV. REGULATION OF BUSINESS AND ADVERTISING SIGNS**

13 **DIVISION 1. GENERALLY**

14 **Sec. 4-4-1. Purpose.**

15 (a) The sign regulations of this article are set forth in lieu of those regulations contained  
16 in Appendix H of the 2015 Michigan Building Code, under authority of Section H101.1.1.

17 (b) The sign regulations of this article are intended to balance public and private  
18 interests. The purpose of this article is to ~~promote~~ provide for a safe, well-maintained, vibrant, and  
19 attractive City, while accommodating the protected rights of individuals and entities ~~need for signs~~  
20 to inform, direct, identify, advertise, advocate, promote, endorse, and otherwise communicate  
21 information through signs, among multiple alternative channels for communication. The  
22 regulations contained in this article are narrowly tailored to serve multiple significant  
23 governmental interests, including those listed in this section. In furtherance of these significant

1 governmental interests, this article regulates various structural and dimensional standards of signs,  
2 including their construction, material, area, height, projection, illumination, location, and spacing,  
3 as well as their use and operation in specified locations, but does not regulate the message, content,  
4 or communicative aspect of signs, or distinguish between commercial and noncommercial speech.  
5 ~~While these regulations allow for a variety of sign types and sizes, they do not necessarily ensure~~  
6 ~~every property owner or business owner's desired level of visibility. It is not the intent or purpose~~  
7 ~~of this chapter to regulate the message displayed on any sign or the content. The objectives of this~~  
8 ~~article are:~~

9 (1) *General protection of public welfare:* To ensure that signs are located, designed,  
10 constructed, installed, ~~and maintained, in a way that~~ and operated so as to protect  
11 ~~protects life, and preserve the public peace, health, morals, safety, and property and~~  
12 ~~the public welfare~~ of the people of the City;

13 (2) *Public safety:* To protect public health and safety by prohibiting signs that are  
14 structurally unsafe or poorly maintained, or that cause unsafe traffic conditions  
15 ~~through distraction of motorists confusion with traffic signs, or hindrance of vision;~~  
16 ~~and that impede safe movement of pedestrians or safe ingress and egress from~~  
17 ~~buildings or sites~~ for nearby pedestrians, motorists, and properties. Signs that are  
18 poorly maintained or are otherwise structurally unsound pose physical dangers to  
19 the surrounding area and its occupants. Signs, through excessive number, size,  
20 illumination, or dynamic operation can create unsafe distractions. Signs can be  
21 confused with traffic signals, create unwarranted distractions, impede clear  
22 roadway sightlines, or otherwise create unsafe conditions for motorists, bicyclists,  
23 pedestrians, and others traveling along the public right-of-way. Signs that overly

1 impact or encroach into public spaces through inappropriate sizing, projection,  
2 elevation, or illumination, among other aspects of their construction or operation,  
3 can impede the safe circulation of pedestrians, including their safe ingress and  
4 egress from buildings and other structures;

5 (3) ~~Protect aesthetic quality of neighborhoods~~ Neighborhood aesthetics and  
6 environment: To Prevent blight and protect aesthetic qualities by preventing visual  
7 clutter and protecting views and preventing intrusion of commercial messages into  
8 noneommereial areas protect aesthetic values of the City's neighborhoods and  
9 natural environments. The City's neighborhoods are characterized by their unique  
10 residential, commercial, and industrial uses, their architectural themes, and their  
11 historic legacies. Signs that do not comport with such unique characteristics can  
12 significantly impair the surrounding neighborhood's aesthetic value. Moreover,  
13 many of the City's neighborhoods contain outdoor public recreational spaces and  
14 natural environments. Signs that overly encroach upon such spaces through their  
15 construction or operation can significantly impede access to public outdoor  
16 recreation opportunities and undermine protection of the natural environment;

17 (4) ~~Free speech~~ Facilitation of protected speech: To ensure that the constitutionally  
18 guaranteed right of free speech is protected and to allow signs as a means of  
19 communication facilitate the conveyance of constitutionally protected speech  
20 through the use of signs as a means of communication;

21 (5) ~~Reduce conflict~~ Reduction of conflict: To reduce conflict among signs and light and  
22 between public and private information systems reduce the potential for conflict  
23 among signs, buildings, and other structures that seek to occupy, utilize, or access

1 limited light, air, and open space resources. Signs that are excessive in size, scale,  
2 or intensity can interfere with other signs, thereby impairing their communicative  
3 value. Such signs can also interfere with neighboring buildings' access to air and  
4 natural light, and can interfere with their safe operation and the activities of their  
5 occupants; and

- 6 (6) Business identification and promotion of local commerce: To allow for adequate  
7 and effective signage for business identification and other commercial speech, non-  
8 commercial speech, and dissemination of public information, including but not  
9 limited to, public safety information and notification as may be required by law  
10 facilitate the identification of businesses and to promote local commerce at such  
11 places of business. Signs that effectively identify the presence of local businesses  
12 and that generally promote the products and services provided by such businesses  
13 can facilitate commercial activity and stimulate economic development.  
14 Additionally, wayfinding and other directional signage can facilitate the efficient  
15 flow of vehicular, bicycle, and pedestrian traffic. Conversely, signs that are  
16 excessive in size, scale, or intensity, or that conflict with each other or their  
17 surroundings, can impede such business identification and hinder local economic  
18 activity.

19 **Sec. 4-4-2. Definitions.**

20 For purposes of this article, the following words and phrases shall have the meanings  
21 ascribed to them by this section:

22 ~~———— Advertising sign means a sign, whether a billboard or a painted wall graphic sign, which~~  
23 ~~directs attention to a business, commodity, service, or entertainment, that is conducted, sold, or~~

1 offered elsewhere than on the premises where the sign is affixed, located or painted, or only  
2 incidentally sold or offered on the premises.

3 ——— *Animated sign* means any business sign, which uses movement or change of lighting to  
4 depict action or to create a special effect or scene, including signs displaying moving images or  
5 videos, and, for regulatory purposes, is a flashing sign as defined in this section.

6 ——— *Art mural* means any mosaic, painting or graphic art, which is applied to a building, and  
7 does not contain any brand name, product name, letters of the alphabet that spell or abbreviate the  
8 name of any product, company, profession or business, or any logo, trademark, trade name, or any  
9 other type of commercial message.

10 ——— *Awning sign* means a business sign that is a section of, or attached to, an awning, canopy,  
11 or other fabric, plastic, or structural protective cover over a door, entrance, window or outdoor  
12 service area of a building, but does not mean a marquee.

13 ——— *Building frontage* means the portion of a building's facade that is visible as projected along  
14 the building's public or private street frontage.

15 ——— *Business sign* means a sign, not less than 75 percent of the area of which is devoted to  
16 directing attention to the principal business or profession conducted, or to the principal type of  
17 commodity, service, or entertainment sold or offered on the premises where the sign is affixed,  
18 located or painted.

19 ——— *Double-face sign* means a business sign of which both sides are visible and used as signs  
20 including a "v" type sign, provided, that the least angle of intersection does not exceed 90 degrees.

21 ——— *Electronic message board* means any business sign that uses changing lights to form a sign  
22 message or messages wherein the sequence of messages and the rate of change is electronically

1 programmed and can be modified by electronic processes, and, for regulatory purposes, is a  
2 flashing sign as defined in this section.

3 ——— *Flashing sign* means an illuminated sign on which artificial light is not maintained  
4 stationary, or constant in intensity or color, at all times when in use and, under this article, includes  
5 an animated sign and an electronic message board sign.

6 ——— *Ground sign* means a business sign, including a ground-mounted billboard that is supported  
7 by one or more uprights, poles, or braces in or upon the ground.

8 ——— *Identification sign* means a business sign, not less than 75 percent of the area of which  
9 identifies the name of the individual, profession, occupation, organization, hotel, or motel  
10 occupying the premises, or the name or street number of the building, which may include  
11 information directly related to principal or accessory uses of the property, provided, that not more  
12 than 25 percent of the area of the sign is devoted to such information, but does not mean an  
13 advertising sign, as defined in this section.

14 ——— *Individual letter sign* means a type of wall sign, as defined in this section, consisting of  
15 individual letters, incised letters, script or symbols with no background material other than the  
16 surface to which the letters, script or symbols are affixed.

17 ——— *Multiple-face sign* means a business sign with more than two display areas, all of which  
18 are visible and used as business signs.

19 ——— *Painted wall graphic sign* means any business sign that is painted upon a wall and exceeds  
20 ten square feet in area.

21 ——— *Roof sign* means a business sign that is erected upon a roof or parapet of a building or  
22 structure.

1 ~~—————~~ *Sign* means any letter, figure, character, mark, plane, point, marquee sign, design, poster,  
2 pictorial, picture, stroke, stripe, line trademark, reading matter, or illuminated service that is  
3 constructed, placed, attached, painted, erected, fastened, or manufactured in any manner, so that  
4 the same is used for the attraction of the public to any place, subject, person, firm, corporation,  
5 public performance, article, machine, or merchandise, that is displayed in any manner outdoors, or  
6 a window sign as defined in this section, but does not mean any display of official court or public  
7 agency notices, or the flag, emblem, or insignia of a nation, political unit, school or religious group,  
8 or any non illuminated, non-commercial, painted art mural.

9 ~~—————~~ *Wall sign* means any business sign attached to, or erected against, the wall of a building or  
10 structure with the exposed face of the sign in a plane parallel to the plane of said wall.

11 ~~—————~~ *Window sign* means any sign which is painted on, applied to or attached to a window or  
12 door, or located within three feet of the interior of the window or door, and is visible from the  
13 exterior of the building, including pictures, drawings, paintings, or other such representations of a  
14 product once they are not the actual item to be sold or consumed. REPEALED.

15 **Sec. 4-4-2. Blight violation.**

16 (a) In accordance with Section 41(4) of the Michigan Home Rule City Act, being MCL  
17 117.41(4), and Sections 1-1-9(a)(3) and 3-2-1 of this Code, a violation of this article is deemed to  
18 be a blight violation.

19 (b) Any person who violates any section of this article may be issued a blight violation  
20 notice pursuant to Chapter 3 of this Code, *Administrative Hearings and Enforcement, and*  
21 *Administrative Appeals*, for each day that the violation continues.

22 (c) In accordance with Chapter 3 of this Code, *Administrative Hearings and*  
23 *Enforcement, and Administrative Appeals*, any person who admits responsibility or is found to be



1 responsible, through a blight violation determination, for a violation of this article shall be subject  
2 to a civil fine.

3 (d) Civil fines for any violation of this article shall be as follows:

4 (1) Business signs:

5 a. For any first offense: \$400

6 b. For any second offense: \$800

7 c. For any offense subsequent to a second offense: \$2000

8 (2) Advertising signs:

9 a. For any first offense: \$600

10 b. For any second offense: \$1200

11 c. For any offense subsequent to a second offense: \$3000

12 ~~**Sec. 4-4-3. Misdemeanor violation; continuing violation; penalties for conviction thereof.**~~

13 ~~—— (a) — It shall be unlawful for any person to violate any provision of this article.~~

14 ~~—— (b) — Any person who violates this article may be issued a misdemeanor violation for~~  
15 ~~each day that the violation continues.~~

16 ~~—— (c) — Any person who is found guilty of violating any provision of this article shall be~~  
17 ~~convicted of a misdemeanor for each violation that is issued, and, in the discretion of the court,~~  
18 ~~may be fined up to \$500.00 and sentenced up to 90 days in jail, or both, for each misdemeanor~~  
19 ~~violation that is issued. REPEALED.~~

20 **Sec. 4-4-3. Enforcement.**

21 This article shall be enforced by the Buildings, Safety Engineering, and Environmental  
22 Department.

1 **Sec. 4-4-4. Noncommercial messages.**

2 In order to prevent any inadvertent favoring of commercial speech over noncommercial  
3 speech, or favoring of any particular noncommercial message over any other noncommercial  
4 message, any sign that is allowed under this Article may contain, in lieu of any other message, any  
5 otherwise lawful noncommercial message that does not contain a commercial message and that  
6 does not direct attention to a business, profession, commodity, service, or entertainment.

7 **Sec. 4-4-5. Requirements for business and identification signs.**

8 ~~—— (a) — It shall be unlawful to erect or maintain a business sign, including identification~~  
9 ~~signs, except in accordance with the following requirements:~~

10 ~~(1) — Every sign shall be classified and conform to the requirements of such classification~~  
11 ~~as set forth in this Code.~~

12 ~~(2) — A business sign, including an identification sign, shall not cover or conceal~~  
13 ~~architectural features of a building including, but not limited to, windows, arches,~~  
14 ~~sills, moldings, cornices, and transoms;~~

15 ~~(3) — Except for signs within developments that require City Council approval of plans,~~  
16 ~~animated sign space or electronic message board sign space within any business or~~  
17 ~~identification sign shall not comprise more than 25 percent of the total sign area;~~

18 ~~(4) — In the case of an animated sign, as defined in Section 50-6-4 of this Code, located~~  
19 ~~on the premises of a City owned convention or exhibit building on land requiring~~  
20 ~~City Council approval of plans, not less than 75 percent of the display time in any~~  
21 ~~calendar month shall be devoted to events or activities on the premises.~~

22 ~~(5) — Inflatable advertising, balloons, and similar devices shall be allowed for the~~  
23 ~~promotion of a special event only after application for and issuance of a temporary~~  
24 ~~sign permit by the Buildings, Safety Engineering and Environmental Department~~

1 as provided for in Section 50-12-562 of this Code provided, that, they are shaped  
2 or formed like a product, have commercial copy, and meet the following  
3 restrictions:

4 a. — Be limited in placement to 15 days;

5 b. — Be placed on the premises as determined by the Buildings, Safety  
6 Engineering, and Environmental Department; and

7 c. — Be limited in placement to no more than two permits per year; and

8 (6) — Where the sections of an individual letter sign are connected by a common  
9 structure, generally referred to as a "raceway", which provides for the electrical or  
10 mechanical operation of a sign, the raceway shall be painted to match the color of  
11 the building or other structure to which the sign is mounted and shall be limited to  
12 a height of no more than one half of the tallest letter.

13 — (b) — The following illumination standards shall apply to all business sign types except  
14 where other specific standards apply:

15 (1) — Signs may be illuminated, provided, that flashing signs are permitted only where  
16 farther than 100 feet from existing developed residential property, and from  
17 property which is designated as "residential" in the applicable future General Land  
18 Use Map of the Detroit Master Plan of Policies;

19 (2) — No sign shall be illuminated in a manner that interferes with the effectiveness of an  
20 official traffic sign, traffic signal or traffic control device;

21 (3) — Illuminated signs shall be arranged to reflect light away from residential structures;

22 and

1           (4) ~~Messages on an electronic message board may be a continuous scroll or may be~~  
2           ~~intermittently changing static messages. Where messages are intermittently~~  
3           ~~changing and static, then each message must be displayed for a minimum of eight~~  
4           ~~seconds before changing.~~

5           ~~(e) The tubing in neon signs may be encased for protection from weather and breakage,~~  
6           ~~and the enclosure, such as tinted glass or plastic, shall be designed to render the tubing invisible~~  
7           ~~when not illuminated. REPEALED.~~

8           **Sec. 4-4-5. Computing sign area, height, and clearance.**

9           (a) The area of a sign is computed as follows:

10          (1) In general, the area of a sign is the entire area of a square, rectangle, or other regular  
11          geometric figure that reasonably contains the entire sign face and all of the sign's  
12          copy. Blank spaces between individual figures, letters, words, graphics, and other  
13          elements of a sign's copy are included in the computation of the sign's area. If a  
14          sign is enclosed in a frame or case, the area of the sign includes the area of the  
15          frame or case.

16          (2) The area of a double-face sign is the area of the largest of the sign's two faces.

17          (3) The area of a multiple-face sign is the sum of the areas of each sign face of the sign.

18          (4) The area of a painted sign includes the area of any background colors that are  
19          different from the color of the façade on which the sign is painted, if any.

20          (b) The height of a sign is computed as the difference in vertical elevation between the  
21          highest point of the sign, including its frame and support structure, and the established grade of  
22          the sign.

23          (c) The clearance of a sign is computed as follows:

1           (1) In general, the clearance of a sign is computed as the difference in vertical elevation  
2           between the lowest point of the sign, including its frame and support structure, if  
3           any, and the established grade of the sign.

4           (2) The clearance of a ground sign is computed as the difference in vertical elevation  
5           between the lowest point of the sign face, including its frame, but excluding its  
6           pole, monument, or other support structure, and the established grade of the sign.

7           (3) The clearance of a sign under which vehicular or pedestrian passage is possible,  
8           such as arcade signs and projecting signs, is computed as the difference in vertical  
9           elevation between the lowest point of the sign face, including its frame and support  
10          structure, if any, under which clear passage is possible, and the established grade  
11          underneath the sign.

12          (4) The clearance of a sign that is affixed to and supported by a building or other  
13          structure, such as wall signs and projecting signs, is computed as the difference in  
14          vertical elevation between the lowest point of the sign face, including its frame and  
15          support structure, if any, but excluding the building or structure to which the sign  
16          is affixed and supported, and the established grade of the sign.

17   **Sec. 4-4-6. Computing the area of business signs.**

18          ~~(a) — The area of a business sign shall be computed as the entire area circumscribed by a~~  
19          ~~parallelogram, triangle, circle, or semicircle, or any combination of these figures, which includes~~  
20          ~~all of the display area, any window sign, as defined in section 4-4-2 of this Code, and any building~~  
21          ~~number that is larger than ten inches in height. Because they are integral to understanding the~~  
22          ~~message of display of a business sign, the blank areas between letters, words, illustrations,~~

1 graphics, and the like shall be included in the computation of the area of a sign or the area of a  
2 message, letter, word, or graphic that is part of a business sign.

3 ~~———— (b) ——— Where the sign faces of a double face sign are parallel, or the interior angle formed  
4 by the faces is 45 degrees or less, only one display face shall be counted in computing sign area.  
5 Where the two faces of a double face sign are of unequal area, the area of the sign shall be the area  
6 of the larger sign face. In all other cases, the areas of all faces of a multiple face sign shall be added  
7 together to compute the area of the sign.~~

8 ~~———— (c) ——— The height of a business sign shall be the distance between the highest part of the  
9 sign and the grade of the nearest sidewalk. REPEALED.~~

10 **Sec. 4-4-6. Computing the measurement of spacing.**

11 Unless expressly specified otherwise, for the purposes of this article, spacing is computed  
12 either radially or linearly.

13 (1) Radial spacing between two points is computed as the length of the shortest straight  
14 line connecting the perimeters of the premises at which each point is respectively  
15 located, drawn without regard to any property lines, rights-of-way, or other  
16 features, whether natural or constructed, that such line may cross.

17 (2) Linear spacing between two points is computed as the length of the shortest line  
18 connecting the perimeters of each premises at which each point is respectively  
19 located, following the centerline of the right-of-way connecting each premises,  
20 without regard, unless expressly stated, to the side of the right-of-way on which  
21 each such premises may be located.

22 **~~Sec. 4-4-7. General restrictions on maximum business sign area.~~**

23 ~~———— (a) ——— Except for businesses regulated under sections 4-4-8(e) and (f) of this Code, each  
24 business is entitled to a minimum of 32 square feet of business sign area, regardless of the business'~~

1 ~~building frontage elevation or street frontage. Except for businesses within developments that~~  
2 ~~require City Council approval of plans, the maximum total area of all business signs for each~~  
3 ~~business shall be the greater of 20 percent of a business' building frontage elevation or one square~~  
4 ~~foot per each linear foot of business street frontage, not to exceed a total of 500 square feet.~~  
5 ~~Buildings or businesses shall be allowed one professionally prepared window sign not exceeding~~  
6 ~~ten square feet in size and adhered to the inside of the window for every 30 feet of building or~~  
7 ~~storefront width, provided that any such sign shall not require a permit and shall not count toward~~  
8 ~~the maximum allowed sign area. For the purposes of this article, the building frontage elevation is~~  
9 ~~calculated by multiplying the length of the front facade of the building of which the signage is to~~  
10 ~~serve by 13 feet. There can be only one building frontage for each street faced by a building.~~  
11 ~~Portions of facades visible from more than one street, such as those containing curves cylindrical~~  
12 ~~shapes, or angles, shall only be measured once when determining building frontage.~~

13 ~~—— (b) —— Except as specified in section 4-4-10 of this Code, there is no restriction on the~~  
14 ~~number of signs allowed, and all types of business signs are allowed, including ground signs, wall~~  
15 ~~signs, awning signs, painted wall graphic signs, and projecting signs as long as the aggregate total~~  
16 ~~area of the sign or signs does not exceed the maximum business sign area allowed. Roof signs that~~  
17 ~~serve as business signs, and are not otherwise prohibited in section 50-6-52 of this Code, are~~  
18 ~~allowed, provided that the height of the uppermost element of the sign does not exceed the~~  
19 ~~applicable height limitation for the building.~~

20 ~~—— (c) —— On corner lots, the allowable sign area for each street frontage shall be calculated~~  
21 ~~separately. The total square footage allowed is obtained by adding the allowable sign area for each~~  
22 ~~street frontage.~~

1 ~~—— (d) For multiple-tenant, multiple-story buildings where tenants do not have clearly~~  
2 ~~separate building frontage of their own, the 20 percent of building frontage calculation shall be~~  
3 ~~based upon the portion of the building occupied by the respective business.~~

4 ~~—— (e) Where multiple buildings are occupied by the same institutional use, as on the~~  
5 ~~campus of a hospital or educational institution, the permitted business sign area for each building~~  
6 ~~shall be calculated as if a separate business, provided that the permitted business sign area is not~~  
7 ~~transferable from one building to another. REPEALED.~~

8 **Sec. 4-4-7. Prohibited signs.**

9 (a) The following signs are prohibited City-wide, unless expressly allowed in this  
10 chapter:

11 (1) Signs that substantially cover or conceal any architectural feature of a building;

12 (2) Wrapped signs operated as advertising signs;

13 (3) Signs that are illuminated by or otherwise equipped with a strobe or flashing light,  
14 whether internal or external to the sign;

15 (4) Signs that are affixed to, painted on, or otherwise supported by any rock, tree, or  
16 other natural feature;

17 (5) Signs that are affixed to, painted on, or otherwise supported by a fence or screening  
18 wall;

19 (6) Any dynamic sign that is located on or otherwise affixed to a currently registered  
20 motor vehicle; or

21 (7) Signs that produce sound; that cause interference with radio, telephone, television,  
22 or other communication transmissions; that produce or reflect motion pictures,



1 except where authorized as animated signs; or that emit visible smoke, vapors,  
2 particles, or odors.

3 (b) The prohibitions set forth in subsection (a) of this Section are subject to waiver  
4 under Section 4-4-22 of this Code.

5 **~~Sec. 4-4-8. Restrictions on business signs in specified locations.~~**

6 ~~—— (a) Buildings other than corner buildings, buildings that have double frontage lots, or~~  
7 ~~buildings located on through lots.~~

8 (1) ~~Where the building has front and rear customer entrances, 100 percent of the front~~  
9 ~~street wall area is allowed, plus 25 percent of the rear, or secondary street wall area.~~

10 (2) ~~Where the building has front and rear customer entrances and rear display windows,~~  
11 ~~100 percent of the front street wall is allowed, plus 50 percent of the rear, or~~  
12 ~~secondary street wall area.~~

13 (3) ~~The additional allowable business sign area shall be used at the rear customer~~  
14 ~~entrance, but not to enlarge the primary sign.~~

15 ~~—— (b) Multiple story buildings. Business signs placed on the wall of a multiple story~~  
16 ~~building shall be permitted only in the following locations:~~

17 (1) ~~On the building frieze or on the roof of a building, provided, that the sign is not~~  
18 ~~otherwise prohibited by section 50-6-52 of this Code and that the height of the~~  
19 ~~uppermost element of the roof sign does not exceed the applicable height limitation~~  
20 ~~for the building;~~

21 (2) ~~On an awning;~~

22 (3) ~~On a first-story wall; and~~

1           ~~(4) — In the area between the first floor and the windowsill of the second-story window,~~  
2           ~~provided, that where a building does not have second-story windows, a sign may~~  
3           ~~be placed within the first four feet of the second-story level.~~

4           ~~(c) — *Commercial parking lots.*~~

5           ~~(1) — Only one business sign shall be permitted at each point of ingress and egress to a~~  
6           ~~parking lot to indicate the name of the operator, address of the location, hours of~~  
7           ~~operation, parking rates, and directions of movement, provided, that the sign shall~~  
8           ~~not exceed 50 square feet in area and shall not be less than six feet six inches in~~  
9           ~~height above grade and shall be located entirely on the parking lot property.~~

10          ~~(2) — Business signs on commercial parking lots shall comply with Section 32-1-20 of~~  
11          ~~this Code.~~

12          ~~(d) — *Parking structures.*~~

13          ~~(1) — Except for parking structures within developments that require City Council~~  
14          ~~approval of plans, the maximum total business sign area permitted on parking~~  
15          ~~structures is 200 square feet.~~

16          ~~(2) — Signs denoting hours and rates that are required by section 32-1-20 of this Code for~~  
17          ~~parking structures licensed as open parking stations shall not be counted against the~~  
18          ~~total business sign area allowance.~~

19          ~~(3) — Directional signs designating entrances and exits of a parking structure shall not be~~  
20          ~~included in the total business sign area allowance.~~

21          ~~(e) — *Multiple-tenant shopping center having four or more separate businesses.*~~

22          ~~(1) — One ground sign is allowed, not to exceed a maximum sign area of 150 square feet.~~  
23          ~~Where a development site has a minimum of 200 feet of frontage on each of two~~

1 major or secondary thoroughfares, as identified in the Detroit Master Plan of  
2 Policies, a second freestanding sign shall be permitted with the same size  
3 limitations as the first permitted sign, provided, that the distance between the two  
4 signs is not less than 300 feet measured along the road frontage.

5 (2) — Each separate business within a multiple tenant shopping center may display as  
6 much as 24 square feet of business wall signage, provided that more than 24 square  
7 feet of business wall signage is allowed where the total area of all business signage  
8 for the business does not exceed one square foot of area for each one lineal foot of  
9 storefront width occupied by each separate business. Where a shopping center has  
10 exposure along two streets, the allowable sign area for the corner or end unit shall  
11 be calculated separately for each street frontage. The total area of all business wall  
12 signs for the corner or end business shall not exceed one square foot of area for  
13 each one lineal foot of street frontage. In no instance shall the total business signage  
14 for any one business in a multiple tenant shopping center exceed 500 square feet.  
15 Wall signs that are composed of either individual freestanding letters or boxed signs  
16 with frames shall be consistent in shape and height, such as rectangular, triangular,  
17 or circular, with every other such sign permitted on the premises of the shopping  
18 center.

19 — (f) — *Multiple tenant office, business, and industrial buildings.*

20 (1) — Any ground sign shall be designed primarily for identification purposes and shall  
21 display only the development name and/or address. The ground sign may display  
22 the names of each tenant.

1           ~~(2) — Where individual tenants have their own front wall surface, the individual business~~  
2           ~~signs shall be wall signs.~~

3           ~~(3) — Directory signs, located at common entrances to tenant spaces, shall be included in~~  
4           ~~the calculation of total sign area unless they are six square feet or less and not visible~~  
5           ~~from the front lot line.~~

6           ~~(4) — There shall be only one ground sign for each street frontage of the property, not to~~  
7           ~~exceed 100 square feet, or one square foot of sign area for each two linear feet of~~  
8           ~~street frontage of the property, whichever is less. For corner buildings, a second~~  
9           ~~sign containing up to one half of the allowable business sign area of the first is~~  
10          ~~permitted.~~

11          ~~(5) — Each separate business in the complex is entitled at least 24 square feet of business~~  
12          ~~wall signage, provided, that:~~

13           a. — ~~More than 24 square feet of business wall signage is allowed where the total~~  
14           ~~area of all business signage for the business does not exceed one square foot~~  
15           ~~of area for each one lineal foot of building frontage, as defined in section 4-~~  
16           ~~4-2 of this Code, of the portion of the building occupied by each separate~~  
17           ~~business; and~~

18           b. — ~~In no instance shall the total business signage for any one business in a~~  
19           ~~multiple-tenant office, business, or industrial building exceed 500 square~~  
20           ~~feet.~~

21          ~~(6) — Business signs that are composed of either individual freestanding letters or boxed~~  
22          ~~signs with frames shall generally be consistent in shape, such as rectangular,~~

1 triangular, or circular, and height with other such signs permitted on the premises  
2 of the complex.

3 ~~—— (g) — Buildings with two or three businesses and separate ground-floor entrances for  
4 each business.~~

5 (1) ~~Each separate business is entitled to display a minimum of 32 square feet of  
6 business signage, provided, that more than 32 square feet of business signage may  
7 be allowed where the total area of all business signage for the business does not  
8 exceed one square foot of area for each one lineal foot of frontage of the portion of  
9 the building occupied by each separate business.~~

10 (2) ~~In no instance shall the total business signage for any business in a building with  
11 two or three businesses exceed 500 square feet.~~

12 ~~—— (h) — Buildings with two or three businesses sharing a common entrance, and not having  
13 a clearly discernible ground floor frontage.~~

14 (1) ~~A building's maximum sign area shall be computed as if occupied by a single  
15 business.~~

16 (2) ~~The maximum total area of all business signs for a building shall be one square foot  
17 per each linear foot of the building street frontage, not to exceed a total of 500  
18 square feet.~~

19 (3) ~~The total sign area allowed will be allocated among the two or three separate  
20 businesses in proportion to the square footage occupied by the separate businesses.~~

21 (4) ~~In all instances each business is entitled to at least 32 square feet of sign area.~~

22 REPEALED

1 **Sec. 4-4-8. Exemptions from chapter requirements.**

2 Notwithstanding the permit for installation required pursuant to Section 8-2-5 of this Code,  
3 the following are not subject to the requirements of this article:

4 (1) Any display that is painted on or otherwise affixed to a currently registered motor  
5 vehicle that is used for transportation purposes in the normal course of operation of  
6 a business or other establishment;

7 (2) Window displays of actual merchandise for sale;

8 (3) Displays that are carried on or by a person;

9 (4) Any notice alerting the public of the presence of an alarm, security, or surveillance  
10 system;

11 (5) Any notice warning against trespassing, soliciting, or other interference with the  
12 property owner's enjoyment of such owner's property;

13 (6) Alerts, announcements, warning, or other notices as may be required by applicable  
14 federal, state or local law for protection of the public peace, health, safety, and  
15 welfare;

16 (7) Building numbers that are not more than 12 inches in height and are displayed in  
17 accordance with Section 43-2-12 of this Code;

18 (8) Public service announcements promoting the protection of the public peace, health,  
19 safety, and welfare;

20 (9) Displays of official governmental, court, or public agency orders or notices;

21 (10) Displays of the flags, emblems, or official insignia of a national, state, or local  
22 political unit or any of its departments or agencies;

23 (11) Art murals;

1           (12) Heritage signs;

2           (13) Architectural and other lighting that is operated in accordance with the lighting  
3                   standards set forth in this Code; and

4           (14) Any sign erected by a federal, state, or local governmental agency or authority.

5 **~~Sec. 4-4-9. Elimination of business signs not in compliance with this article required.~~**

6 ~~——(a)—— Existing business signs that were erected without a permit and which, although~~  
7 ~~legally permissible at the time they were erected, become noncompliant due to the provisions of~~  
8 ~~this article, shall be brought into compliance with the provisions of this article within six months~~  
9 ~~of the effective date of the ordinance from which this article is derived, which is August 20, 2003.~~

10 ~~——(b)—— Existing business signs for which a sign permit was issued pursuant to the previous~~  
11 ~~provisions of this Code, and which become noncompliant due to the provisions of this article, shall~~  
12 ~~be brought into compliance within one year of the effective date of the ordinance from which this~~  
13 ~~article is derived, which is August 20, 2003, provided, that during the one year period~~  
14 ~~noncompliant signs shall be maintained in good condition and no such sign shall be:~~

15           (1) ~~Structurally changed to another noncompliant sign, although its message may be~~  
16                   ~~changed;~~

17           (2) ~~Structurally altered in order to prolong the life of the sign, except to meet safety~~  
18                   ~~requirements;~~

19           (3) ~~Altered so as to increase the degree of noncompliance of the sign;~~

20           (4) ~~Enlarged;~~

21           (5) ~~Continued in use where a change of use occurs as defined in Chapter 50 of this~~  
22                   ~~Code, *Zoning*;~~

1           ~~(6) Re-established after the activity, business, or use to which it was related has been~~  
2           ~~discontinued for 90 days or longer;~~

3           ~~(7) Re-established after damage or destruction where the estimated cost or~~  
4           ~~reconstruction exceeds 50 percent of the appraised replacement cost; or~~

5           ~~(8) Changed to any extent, including changing the faces when the noncompliant sign~~  
6           ~~is of a type of construction that permits a complete change of face, or any changes~~  
7           ~~made in the colors, words, or symbols used, or in the message displayed on the sign~~  
8           ~~unless the sign is designed for periodic changes of message. REPEALED~~

9    **Sec. 4-4-9. Maintenance required.**

10    All signs must be maintained in good repair and clear of debris. Any sign that is not  
11    maintained in good repair shall be adequately repaired, replaced, or removed, along with its frame  
12    and supporting structure. A sign shall be considered to be not in good repair if the sign is:

13           (1) Weathered or faded;

14           (2) Ripped, torn, cut, cracked, tattered, or similarly damaged;

15           (3) Defaced or otherwise marked with graffiti;

16           (4) Insecurely or inadequately affixed or anchored to the wall, parapet, roof, marquee,  
17           awning, or ground to which it is attached or placed;

18           (5) Supported by one or more poles, pylons, bracings, rods, supporting frameworks,  
19           foundations, anchorages, or other supports, that are broken, damaged, or otherwise  
20           unsound or of inadequate capacity;

21           (6) Cracked or peeled, if painted; or

22           (7) Inoperative, broken, or otherwise damaged, if illuminated, dynamic, mechanical,  
23           or otherwise electrified.



1 ~~Sec. 4-4-10. Painted wall graphics serving as business signs.~~

2 ~~—— (a) — Painted wall graphics serving as business signs that were in existence prior to the~~  
3 ~~effective date of the ordinance from which this article was derived, which is August 20, 2003, shall~~  
4 ~~not be permitted except as follows:~~

5 (1) ~~The name and address of the owner of the property where the business sign is~~  
6 ~~located and the address of the property have been placed on record with the~~  
7 ~~Buildings, Safety Engineering, and Environmental Department within six months~~  
8 ~~of the effective date of the ordinance from which this article is derived, which is~~  
9 ~~August 20, 2003;~~

10 (2) ~~A sign license is issued for the sign; and~~

11 (3) ~~The total area of painted wall graphics serving as business signs is included in the~~  
12 ~~computation of existing business signs as compared to the maximum business sign~~  
13 ~~area for each business.~~

14 ~~—— (b) — Businesses wishing to use painted wall graphics as business signs on or after the~~  
15 ~~effective date of the ordinance from which this article is derived, which is August 20, 2003, may~~  
16 ~~do so only where the area of the painted wall graphic, along with other business signs, does not~~  
17 ~~exceed the maximum business sign area allowable under section 4-4-7 or section 4-4-8 of this~~  
18 ~~Code, as applicable, and a sign license is obtained for the painted wall graphic. REPEALED.~~

19 Sec. 4-4-10. Obsolete signs to be removed.

20 (a) Any sign that constitutes an obsolete sign for at least 30 consecutive days, or any  
21 temporary sign that constitutes an obsolete sign for at least seven consecutive days, may be  
22 presumed by the City to have been abandoned, and shall, along with its framework and supporting  
23 structure, be removed by the owner of the premises on which the sign is located, or its agent, upon

1 issuance by the Department of a correction notice to remove such sign. The presumption of  
2 abandonment may be overcome upon showing that the sign does not in fact constitute an obsolete  
3 sign and proof that the owner of the premises does not intend for the sign to constitute an obsolete  
4 sign.

5 (b) An obsolete painted sign may be considered to be removed if it is removed so as to  
6 expose the underlying unpainted surface or is completely painted over.

7 **~~Sec. 4-4-11. Exemptions from business sign area restriction under this article.~~**

8 ~~—The following are exempt from the regulation of this article:~~

- 9 (1) ~~Signs indicating "welcome," "open," "closed," and "hours of operation", provided,~~  
10 ~~that they are not displayed as part of an advertising sign or a business sign;~~
- 11 (2) ~~Building numbers as required by section 43-2-12 of this Code, provided, that they~~  
12 ~~are no more than ten inches in height;~~
- 13 (3) ~~Actual size menus displayed to be visible to passers-by that are posted at the~~  
14 ~~entrance of restaurants for passers-by to read; and~~
- 15 (4) ~~Anything that is not a sign, as defined in section 4-4-2 of this Code, including:~~
- 16 a. ~~Displays of official court or public agency notices;~~
- 17 b. ~~The flag, emblem, or insignia of a nation, political unit, school, or religious~~  
18 ~~group;~~
- 19 c. ~~Non-illuminated, non-commercial, art murals; and~~
- 20 d. ~~Window displays of actual merchandise, such as pyramids of food cans in~~  
21 ~~a grocery store window or fashions on a mannequin which are located~~  
22 ~~within three feet of the interior of a window or door and are visible from the~~  
23 ~~exterior of the building. REPEALED.~~

1 **Sec. 4-4-11. Signs on vacant buildings to be removed.**

2 (a) Any sign, along with its frame and supporting structure, located on a premises that  
3 contains a building or structure that constitutes a vacant building, as defined in Section 8-15-9 of  
4 this Code, shall be removed by the owner of the premises on which the sign is located, or its agent,  
5 within 30 days upon issuance by the Department of a correction notice to remove such sign.  
6 Enforcement of this section shall be in accordance with the authority granted under Section 8-15-  
7 45 of this Code.

8 (b) The Department shall issue a blight violation under any of the following  
9 circumstances:

10 (1) If the owner fails to cure the violation within the applicable cure period after service  
11 of a correction notice; or

12 (2) When the owner disputes a violation identified on a correction notice; and

13 (3) When, in the Department's exercise of judgment and discretion pursuant to rules  
14 adopted by the Department, the violation is of such a nature as to be substantially  
15 serious, chronic, or willful.

16 (c) To the extent that a building, structure, or tenant space within a building or structure  
17 that is unoccupied, secured, legally permitted, and actively being marketed for occupancy does not  
18 constitute a vacant building and is not subject to Subsection (a) of this section.

19 ~~Sees. 4-4-12 -- 4-4-40. Reserved.~~ REPEALED.

20 **Sec. 4-4-12. Unused sign supports to be removed.**

21 (a) All poles, pylons, bracing, rods, supporting frameworks, foundations, anchorages,  
22 or other supports, including all associated electrical wiring, that does not actually support a legal

1 sign face, shall be removed by the owner of the premises, or its agent, within 30 days of issuance  
2 by the Department of a correction notice to remove such supports.

3 (b) The Department shall issue a blight violation under the following circumstances:

4 (1) If the owner fails to cure the violation within the applicable cure period after service  
5 of a correction notice; or

6 (2) When the owner disputes a violation identified on a correction notice; and

7 (3) When, in the Department's exercise of judgment and discretion pursuant to rules  
8 adopted by the Department, the violation is of such a nature as to be substantially  
9 serious, chronic, or willful.

10 **Sec. 4-4-13. Right of entry by City to abate nuisance; obstruction of City officers and agents**  
11 **prohibited.**

12 (a) If the owner has not cured the violations within the cure period stated in a correction  
13 notice, then, in addition to powers granted elsewhere in this Code, including but not limited to  
14 Sections 8-15-40 and 8-15-42, the City may, through its authorized employees, agents, or  
15 contracted parties, enter upon the premises and abate the nuisance by means determined by the  
16 City, unless the owner or operator has disputed the correction notice.

17 (1) A recipient of a correction notice may dispute such notice by contacting the  
18 Department in the manner specified in the correction notice, which shall be  
19 established by rule adopted by the Department. If notice of a dispute is allowed by  
20 telephone, the department shall establish a method to verify and track receipt of  
21 telephoned dispute notices.

22 (2) If a correction notice is disputed, the City's right of entry under this section shall  
23 be suspended until a blight violation proceeding has determined that a blight

1 violation exists or a court has determined that a violation exists.

2 (3) If the recipient of the correction notice does not dispute it within the cure period,  
3 the opportunity to object to the City's entry to cure the violation and abate the  
4 nuisance is deemed waived.

5 (b) Upon a blight violation determination that the owner is responsible for a blight  
6 violation, the City, through its authorized employees, agents, or contracted parties, may enter upon  
7 the premises and abate the nuisance by means determined by the City.

8 (c) The authorized officers and agents of the City shall be granted free access to and  
9 from the property for the work necessary to accomplish the abatement of any violation of this  
10 article found to exist. No person shall obstruct or prevent such work.

11 **Sec. 4-4-14. Costs of abatement; collection of costs for city abatement of public nuisances.**

12 The full cost of abatement actions taken or caused to be taken pursuant to this article shall  
13 be paid by the owner. The City's costs, including administrative fees, labor, and materials, to  
14 secure compliance with a blight violation order or to abate a public nuisance under this article may  
15 be included in a blight violation determination. In accordance with Section 8-15-12 of this Code,  
16 the City may use all available remedies to secure compliance and payment, except where limited  
17 or prohibited by law.

18 **Sec. 4-4-15. Signs subject to additional governmental jurisdiction; submission of approvals**  
19 **as part of sign application**

20 If, in addition to the jurisdiction of the Department, a sign is subject to the jurisdiction of  
21 any other federal, state, or local governmental agency or authority, the applicant for erection of the  
22 sign shall, as part of the application, provide copies of all other governmental approvals that may  
23 be required. If such other approvals are subject to any conditions of approval, or other standards,

1 then such standards shall be incorporated by reference into the permit. Those standards that are  
2 comparable and more restrictive than the standards set forth in this chapter shall supersede and  
3 shall be considered controlling under the permit. No standards imposed by other governmental  
4 agencies that are less restrictive than the standards set forth in this chapter may relieve any  
5 obligation to adhere to the standards set forth herein. Other governmental agencies with  
6 jurisdiction over signs include, without limitation:

7 (1) Signs located within a historic district as identified in Chapter 21, of this Code,  
8 History, are subject to approval by the Historic District Commission and subject to  
9 its existing procedures as set forth therein.

10 (2) Signs located in any freeway-adjacent area adjacent to a freeway within the  
11 jurisdiction of the State of Michigan are subject to approval by the Michigan  
12 Department of Transportation.

13 (3) Signs located within a City-controlled public right-of-way are subject to approval  
14 by the City's Department of Public Works.

15 **Sec. 4-4-16. Signs located near freeways; Department of Public Works approval required.**

16 (a) Approval by the Department of Public Works Traffic Engineering Division shall  
17 be required for the following:

18 (1) Any sign that is located within 125 feet of the edge of the traveled roadway of any  
19 freeway, or interchange ramps between freeways, used by traffic facing the display  
20 side of such sign or structure; and

21 (2) Any that is located sign within 25 feet of the right-of-way line of any freeway and  
22 is oriented toward and is visible from vehicles traveling on the freeway or  
23 interchange ramp.

1       (b) For each such sign, the Department of Public Works Traffic Engineering Division  
2 shall not approve the sign if it determines that the sign would create a visual distraction or other  
3 hazard to vehicular traffic traveling on the freeway or interchange ramp.

4 **Sec. 4-4-17. Sign erection or alteration to require new permit, sign operation or maintenance**  
5 **to require license.**

6       (a) It shall be unlawful to post, construct, erect, or otherwise display a sign without  
7 having first been issued a permit for such sign.

8       (b) It shall be unlawful to perform any sign alteration without having first been issued  
9 a permit for such sign. Any sign alteration of an existing permitted sign shall require a new permit.

10       (c) A permit may be applied for under this section by submission of a form acceptable  
11 to the Department in accordance with Section 4-4-17 of this Code.

12       (d) It shall be unlawful to operate or maintain a sign without having first been issued a  
13 license for such operation. The term of any such license shall not exceed two years. The  
14 Department may require that a sign shall be subject to inspection as a precondition to issuance of  
15 any such license. A license may be applied for under this section by submission of a form  
16 acceptable to the Department.

17       (e) Notwithstanding Subsections (a) through (d) of this section, the following signs, if  
18 in compliance with applicable dimensional and operations standards of this article, are not subject  
19 to the requirements of this section:

20           (1) Portable temporary signs that are erected and displayed in accordance with Section  
21           4-4-183(a)(3) of this Code; and

22           (2) Window signage on any premises that has cumulative window signage totaling less  
23           than ten square feet.

1 **Sec. 4-4-18. Establishment, approval, publication, and payment of fees.**

2 In accordance with Section 6-503(13) of the Charter, the Department shall establish fees,  
3 subject to approval by the City Council by adoption of a resolution, and collect such fees based  
4 upon the cost of issuance and administration of considering applications for permits to erect or  
5 alter an existing sign or for licenses to operate or maintain a sign. A fee shall be charged for each  
6 sign for which an application for permit or license is requested. Such fee shall be non-refundable.  
7 After adoption of a resolution by the City Council and approval of the resolution by the Mayor,  
8 the fees that are provided for in this subsection shall be:

9 (1) Published in a daily newspaper of general circulation and in the Journal of the City  
10 Council;

11 (2) Made available at the Department and at the Office of the City Clerk; and

12 (3) Reviewed by the Director of the Department at least once every two years.

13 **Sec. 4-4-19. Sign erection or alteration permit application requirements.**

14 (a) An application for the erection or alteration of any sign on a premises for which a  
15 permit is required by Section 4-4-17 of this Code shall be made on a form that is provided by the  
16 Department. Permit request for each sign shall require a separate application. The Department  
17 may accept an application only if it is complete, unless otherwise specified in this Chapter. The  
18 Department shall consider an application to be complete only upon the applicant's payment of the  
19 required permit fee and submission of an application which provides all of the following  
20 information:

21 (1) The name and contact information of the applicant;

22 (2) The name and contact information of the owner of the premises, if different from  
23 the applicant;



- 1       (3) Written authorization by the owner for the applicant, if different from the owner, to  
2       submit the application on the owner's behalf;
- 3       (4) The name and contact information of the sign erection contractor that will erect the  
4       proposed sign for which the permit is sought;
- 5       (5) The number of the sign erection contractor's valid license, as issued by the  
6       Buildings, Safety Engineering, and Environmental Department's Business License  
7       Center;
- 8       (6) The address and parcel number(s) of the premises;
- 9       (7) The zoning district and sign district of premises;
- 10      (8) Proof of current ownership of the premises, as may be provided in the form of a  
11      deed, land contract, or other valid and duly recorded instrument;
- 12      (9) A site plan to scale showing the existing conditions of the premises, including:
- 13      a.      North arrow, legend, if applicable, with graphic and written scale;
- 14      b.      Location map, showing the location of the premises;
- 15      c.      Locations and names of all public rights-of-way, private roads, and  
16      railroads, as well as all existing pedestrian pathways and driveways,  
17      whether adjacent or interior to the premises;
- 18      d.      Locations and outer perimeter dimensions of all existing buildings and other  
19      structures on the premises;
- 20      e.      Locations of all existing signs; and
- 21      f.      Location of proposed sign;
- 22      (10) The elevations of all buildings and other structures, including signs, on the  
23      premises, including;

- 1           a. Identification of the location and general orientation of the elevation;
- 2           b. A general depiction of the façade of each existing building and any other
- 3           structure;
- 4           c. A general depiction of all existing signs, including applicable dimensions
- 5           of height, clearance, and area;
- 6           d. A general design concept for the sign, including applicable dimensions of
- 7           height, clearance, and area; and
- 8           e. Total length in linear feet of the elevation(s) of each building or structure
- 9           fronting a street.

10       (11) A summary of all existing and proposed signs, including for each such sign:

- 11           a. A description of the location of the sign, corresponding to the site plan
- 12           identified in Subsection (4) of this section, including the setback from the
- 13           closest right-of-way;
- 14           b. The purpose of the sign, such as for advertising or business signage
- 15           purposes;
- 16           c. An indication of whether the sign is a new sign or an alteration of an existing
- 17           sign;
- 18           d. The height, clearance, and area of the sign;
- 19           e. The type of construction of the sign;
- 20           f. The illumination of the sign, if any, including whether the illumination is
- 21           internal or external and the type of illumination technology utilized;
- 22           g. The dynamic and animated operation of the sign, if any; and

1           h. All applicable sign specifications and calculations as provided in an  
2           engineer's report where applicable.

3           k. Description or identification of the current land use designation of the  
4           premises.

5       (12) Copies of all permits and other approvals by any other federal, state, or local  
6       governmental agency that may be necessary for construction, erection, or operation  
7       of the sign, including, but not limited to, approvals by the Michigan Department of  
8       Transportation, the Planning and Development Department, the Detroit City  
9       Planning Commission, the Detroit Historic District Commission, or the Detroit  
10       Department of Public Works.

11       (13) If the application is for a business sign subject to Division 3 of this Article:

12           a. Whether the sign constitutes any type of sign identified in Section 4-4-63 of  
13           this Code, such as a high-rise identification sign, a painted side-wall sign, a  
14           sponsorship sign associated with public art, or a directional sign; and

15           b. Whether the premises is located in the Entertainment District, and if so,  
16           identification of the applicable zone thereof;

17       (14) If the application is for an advertising sign located outside the Central Business  
18       District subject to Division 4 of this Article:

19           a. The name and contact information of the advertising partner of the  
20           applicant, if any; and

21           b. An affidavit, signed by a registered surveyor licensed in the State of  
22           Michigan, declaring whether or not any of the features listed in Section 4-  
23           4-103 of this Code are located within any of the associated distances set

1                    forth therein, and if so, the exact distance of each such feature from the  
2                    premises.

3                    (15) If the application is for an advertising sign located in the Central Business District  
4                    subject to Division 5 of this Article:

5                    a.            The name and contact information of the advertising partner of the  
6                    applicant, if any;

7                    b.            Identification of the category of advertising sign, as described in Section  
8                    4-4-128 of this Code, for which the permit is being sought; and

9                    c.            Identification of the orientation of the façade of the building or structure to  
10                    which the advertising sign is proposed to be erected.

11                    (16) If the application is for a sign located in the right-of-way subject to Division 6 of  
12                    this Article:

13                    a.            The name of right-of-way in which the sign is to be located;

14                    b.            The address of the premises adjacent to the point where the sign is to be  
15                    located;

16                    c.            If the sign is to operate as a business sign, the name and address of the  
17                    business;

18                    d.            If the sign is to operate as an advertising sign, a description and rendering  
19                    of the freestanding structure of which the sign is to be a component; and

20                    e.            If the sign is to operate as an advertising sign, an affidavit, signed by a  
21                    registered surveyor licensed in the State of Michigan, declaring whether or  
22                    not an advertising sign is located within 250 feet in the same right-of-way

1 as the sign and oriented in the same direction as the sign, and if so, the exact  
2 distance of such sign from the sign.

3 (17) If the application is for a temporary sign subject to Division 7 of this Article:

4 a. The number, date of issuance, and date of expiration of every temporary  
5 sign permit that has been issued in association with the premises, whether  
6 or not also associated with the applicant;

7 b. the date of the conclusion of the occasion to which the temporary sign is  
8 intended to direct attention;

9 c. if the temporary sign is to be associated with a premises that is listed as  
10 being for sale or lease, a copy of such listing; and

11 d. if the temporary sign is to be associated with a premises associated with an  
12 open building or construction permit, the number, issuance date, and  
13 expiration date of such permit.

14 (b) Submission of the name, address, and contact information for any person as may  
15 be required under Subsection (a) of this section, shall be provided in accordance with the  
16 following:

17 (1) Where the person is an individual:

18 a. The person's full legal name, and any other name used by the person during  
19 the preceding five years;

20 b. The person's current mailing address, telephone number, and e-mail  
21 address; and

22 c. Written proof of age in the form of a driver's license, a picture identification  
23 document that is issued by a governmental agency and contains containing

1                   the person's date of birth, or a copy of a birth certificate accompanied by a  
2                   picture identification document that is issued by a governmental agency.

3           (2) Where the entity is a partnership:

4                   a. The legal name, and any other name, used by the partners during the  
5                   preceding five year; and

6                   b. The current mailing address, telephone number, and e-mail address for the  
7                   entity.

8           (3) Where the entity conducts business under a trade or assumed name:

9                   a. The complete and full trade or assumed name;

10                  b. The county where, and date that, the trade or assumed name was filed;

11                  c. The name of the person or persons doing business under such trade or  
12                  assumed name, the manager, and other person or persons who are in charge;  
13                  and

14                  d. The current mailing address, telephone number, and e-mail address for the  
15                  entity.

16           (4) Where the entity is a corporation:

17                  a. The full and accurate corporate name;

18                  b. The state and date of incorporation;

19                  c. The full names and addresses of officers, directors, managers, and other  
20                  persons with authority to bind the corporation; and

21                  d. The current mailing address, telephone number, and e-mail address for the  
22                  entity.

23           (5) The name, business address, and telephone number of the business.

1           (6) The name and business address of the statutory agent, or other agent, who is  
2           authorized to receive service of process.

3           (c) Any information provided by the applicant in accordance with this section shall be  
4           supplemented in a form acceptable to the Department within ten business days of a change of  
5           circumstances that would render false or incomplete the information that was previously  
6           submitted. The requirement to provide supplemental information shall be ongoing during the  
7           pendency of the application and the term of the permit, if issued.

8           **Sec. 4-4-20. Relation to other regulations.**

9           (a) In the event that the regulations set forth in this chapter are in conflict with, or  
10           otherwise differ from, comparable regulations set forth in any other chapter of this Code, the  
11           provisions of this chapter shall control, with the exception of regulations set forth in Chapter 50 of  
12           this Code, Zoning, pertaining to the dimensional standards and other substantive requirements for  
13           signs located in a Planned Development (PD) District, Special Development District, Casinos  
14           (SD5) or in a Traditional Main Street Overlay (TMSO) area, in which case the more restrictive  
15           provision shall control.

16           (b) Nothing in this chapter shall exempt any sign from Special District Review, or any  
17           other procedural review requirements and associated design standards, set forth in Chapter 50 of  
18           this Code, Zoning, as may be applicable to signs located in a Planned Development (PD) Public  
19           Center (PC) District, Public Center Adjacent (PCA) District, Parks and Recreation (PR) District,  
20           Special Development District, Technology and Research (SD3), Special Development District,  
21           Riverfront Mixed Use (SD4), or Special Development District, Casinos (SD5).

1 **Sec. 4-4-21. Amortization.**

2 (a) Any sign for which a permit, grant, or other approval has been issued prior to the  
3 effective date of this ordinance, that is in compliance with all terms and conditions of such  
4 approval, but that does not conform to the provisions and standards of Chapter 4, Article 4,  
5 Divisions 2 through 7, shall not be subject to the dimensional standards and other substantive  
6 requirements of this Article until January 1, 2030. Upon such date, each such sign shall be subject  
7 to all applicable requirements set forth in this chapter, notwithstanding any permit, grant, or other  
8 approval that has been issued under the authority of Chapter 50 of this Code, Zoning, or any  
9 provision allowing the persistence of any nonconforming use set forth in this Code.

10 (b) Any sign for which a permit, grant, or other approval has been issued under the  
11 authority of this chapter, that is in compliance with all terms and conditions of such approval, and  
12 that is rendered in violation of this chapter solely as a result of an amendment hereof, shall not be  
13 subject to the dimensional standards and other substantive requirements of this Article for a period  
14 of 10 years, commencing upon the effective date of such amendment. Upon the completion of such  
15 period, each such sign shall be subject to all applicable requirements set forth in this chapter,  
16 notwithstanding any permit, grant, or other approval that authorizes anything to the contrary.

17 **Sec. 4-4-22. Waivers and adjustments to sign standards.**

18 (a) Any dimensional or operational standard or requirement set forth in this article may  
19 be subject to waiver or adjustment in accordance with the provisions of this section, except as  
20 expressly limited or prohibited. The Director of the Planning and Development Department, or  
21 the Director's Designee, is authorized to serve as the administrator for waivers and adjustments.



1       (b) In accordance with Section 2-111 of the Charter, the Director of the Planning and  
2 Development Department, or the Director’s Designee, is authorized to promulgate rules for the  
3 administration of waivers and adjustments under this section.

4       (c) The owner of any premises may, upon petition to the Director of the Planning and  
5 Development Department, or the Director’s Designee, request the waiver or adjustment of any  
6 dimensional or operational standard or requirement set forth in this article, except as expressly  
7 limited or prohibited, with which the proposed signage for such premises may not strictly comply.  
8 Such petition shall consist of a completed application in a form acceptable to the Director of the  
9 Planning and Development Department, or the Director’s Designee, an application for the erection  
10 or alteration of the proposed signage in accordance with Section 4-4-19 of this Code, and an  
11 application fee. Every petition shall be subject to a public hearing in accordance with the  
12 procedures and standards of this section.

13       (d) The Director of the Planning and Development Department, or the Director’s  
14 Designee, shall charge a fee for the processing of any petition for waiver and adjustment under  
15 this Section. In accordance with Section 9-507 of the Charter, the Director of the Planning and  
16 Development Department, or the Director’s Designee, shall establish a fee, subject to approval by  
17 the City Council by adoption of a resolution, and collect such fee based upon the cost of issuance  
18 and administration of considering petitions for waivers and adjustments. A non-refundable fee  
19 shall be charged for each premises for which a petition for waiver or adjustment of certain  
20 standards is requested, regardless of the number of specific standards or requirements for which a  
21 waiver or adjustment may be requested. After adoption of a resolution by the City Council and  
22 approval of the resolution by the Mayor, the fees that are provided for in this subsection shall be:

1           (1) Published in a daily newspaper of general circulation and in the Journal of the City  
2                           Council;

3           (2) Made available at the Planning and Development Department and at the Office of  
4                           the City Clerk; and

5           (3) Reviewed by the Director of the Planning and Development Department at least  
6                           once every two years.

7           (e) Not more than five business days following the date of the submission of a petition,  
8           the Director of the Planning and Development Department, or the Director's Designee, shall  
9           evaluate the petition, determine if it is complete or deficient, and inform the petitioner as to its  
10           status. If the petition is incomplete or otherwise deficient in any way, the Director of the Planning  
11           and Development Department, or the Director's Designee, shall inform the petitioner of such  
12           deficiency and allow the petitioner to correct the deficiency within a specified period of time not  
13           to exceed 30 days. The Director of the Planning and Development Department, or the Director's  
14           Designee, shall dismiss any deficient petition that is not timely corrected. If the petition is  
15           complete and not deficient in any way, the Director of the Planning and Development Department,  
16           or the Director's Designee, shall assign a unique case number to the petition, and inform the  
17           petitioner of such case number and the date of the public hearing regarding the petition. The  
18           Director of the Planning and Development Department, or the Director's Designee, shall schedule  
19           each petition for the next available public hearing date, unless a later date is requested in writing  
20           by the petitioner, and shall schedule petitions for public hearing in the order in which they are  
21           deemed to be complete.

1 (f) Not less than 15 calendar days prior to the date of the public hearing for a petition,  
2 the Director of the Planning and Development Department, or the Director's Designee, shall issue  
3 public advisement of such hearing containing the following:

4 (1) Name of the petitioner;

5 (2) Address of the subject premises;

6 (3) Summary of the proposed signage at the subject premises for which a waiver or  
7 adjustment is sought, including a general description of the construction, area,  
8 height, and illumination of each such proposed sign;

9 (4) Citation to the specific provisions of this article for which a waiver or adjustment  
10 is petitioned and the strict standards and requirements set forth in such provisions  
11 as applicable to the proposed signage;

12 (5) Summary of the extent to which each proposed sign does not comply with the strict  
13 standards and requirements set forth in this article;

14 (6) The criteria by which a waiver or adjustment may be approved, as set forth in  
15 Subsection (j) of this section;

16 (7) The date, time, and location of the public hearing for the petition; and

17 (8) Advisement of the opportunity to attend the public hearing and to submit written  
18 comment regarding the petition, the name and contact information to which such  
19 comments can be submitted, and the date by which such comments must be  
20 received, including the location, mailing address, and email address to which such  
21 comments can be submitted.

1 (g) The Director of the Planning and Development Department, or the Director's  
2 Designee, shall distribute any advisement required pursuant to Subsection (f) of this section by  
3 each of the following means:

4 (1) Publication in a newspaper of general circulation within the City;

5 (2) Publication on a page of the City's website associated with the Planning and  
6 Development Department for a period to conclude no sooner than the date of the  
7 public hearing;

8 (3) Mail or by personal service with proof of delivery to the owners and occupants of  
9 all buildings or structures of which any portion is located within 300 feet, measured  
10 radially, of the premises that is the subject of the petition. If a single building or  
11 structure within that area contains four or more dwelling units or tenant spaces, then  
12 notice may be sent to the owner of the building or structure with a request that such  
13 notice be distributed to all occupants;

14 (4) Mail, email, or personal service to the Buildings, Safety Engineering, and  
15 Environmental Department, the Department of Public Works, the City Planning  
16 Commission, and any other City department or agency that has made such request;  
17 and

18 (5) Causing the applicant to erect a posting at the premises that is the subject of the  
19 petition, at a location along the frontage of such premises, in a manner that is clearly  
20 visible from the adjacent street and in a form that is acceptable to the Director of  
21 the Planning and Development Department, or the Director's Designee, for a period  
22 to conclude no sooner than the date of the public hearing.

1 (h) The Director of the Planning and Development Department, or the Director's  
2 Designee, shall accept any written comment, document, report, and other written information that  
3 pertains to the petition and is timely submitted to the Director of the Planning and Development  
4 Department, or the Director's Designee, prior to the conclusion of the public hearing from the City  
5 Planning Commission, any other City department or agency, or any other source, and shall make  
6 all timely submitted writings a part of the record regarding the petition.

7 (i) The Director of the Planning and Development Department, or the Director's  
8 Designee, shall conduct each public hearing regarding a petition for a waiver or adjustment at a  
9 public meeting in accordance with the Michigan Open Meetings Act, 1976 PA 267, being MCL  
10 15.261, et seq., as amended, as well as with its general rules and procedures.

11 (j) The Director of the Planning and Development Department, or the Director's  
12 Designee, may approve a petition for a waiver or adjustment only upon finding that such waiver  
13 or adjustment satisfies all of the following:

14 (1) That, without the requested waiver or adjustment, the sign would be subject to one  
15 or more practical difficulties that would substantially hinder the communicative  
16 potential of the sign;

17 (2) That the requested waiver or adjustment is necessary to address all practical  
18 difficulties referenced in Subsection (j)(1) of this section, as no form of alternative  
19 signage in accordance with this chapter could effectively eliminate all such  
20 practical difficulties;

21 (3) That the requested waiver or adjustment would be sufficient to effectively eliminate  
22 all practical difficulties referenced in Subsection (j)(1) of this section;

1           (4) That the requested waiver or adjustment will not have a detrimental effect on the  
2           privacy, light, or air of the premises or neighboring premises;

3           (5) That the requested waiver or adjustment will not substantially affect the use or  
4           development of the subject premises or neighboring premises;

5           (6) That the requested waiver or adjustment will not substantially impair, detract from,  
6           or otherwise affect the aesthetic value of the subject premises or neighboring  
7           premises;

8           (7) That the requested adjustment will not in any way increase the potential for  
9           distraction to, obstruct the flow of, or otherwise harm pedestrians or motor vehicles  
10           passing within view of the sign; and

11           (8) The proposed signage for the subject premises, submitted as part of the application  
12           for the waiver or adjustment, is in general accord with the spirit and intent of the  
13           regulations set forth in this chapter.

14           The Director of the Planning and Development Department, or the Director's Designee, may  
15           approve a petition with conditions if it determines that satisfaction of such conditions are necessary  
16           to enable it to make all of the above-listed findings. All such conditions must be reasonably related  
17           to the scope of the petition and in proportion to the magnitude of the requested waiver or  
18           adjustment.

19           (k) Not more than 15 business days following the public hearing for a petition, the  
20           Director of the Planning and Development Department, or the Director's Designee, shall issue its  
21           written decision regarding such petition. Such written decision constitutes the final administrative  
22           decision of the Director of the Planning and Development Department, or the Director's Designee,

1 on behalf of the Planning and Development Department regarding the petition. Each such written  
2 decision shall contain the following:

3 (1) All required contents of the public notice for the petition, as set forth in Subsection  
4 (f) of this section, except for the contents required under paragraph (f)(8).

5 (2) Summary of the record of the public hearing, including summaries of the testimony,  
6 written materials, and other information provided by the petitioner, summaries of  
7 the public comments, whether submitted in writing or in person, and other  
8 information pertinent to the administrative decision regarding the petition.

9 (3) The decision of the Director of the Planning and Development Department, or the  
10 Director's Designee, to approve, approve with conditions, or deny the petition.

11 (4) For any petition that is approved with conditions, all such conditions.

12 (5) Explanation of the basis for approval, approval with conditions, or denial, including  
13 discussion of the petition's satisfaction or failure to satisfy each of the specific  
14 findings listed in Subsection (j) of this section.

15 (6) For any petition that is approved, approved with conditions, or denied, notice of the  
16 opportunity to appeal the decision of the Director of the Planning and Development  
17 Department, or the Director's Designee, as authorized by Section 4-4-23 of this  
18 Code, and the deadline by which such appeal must be made, as well as a certificate  
19 of the right to appeal in a form acceptable to the Department of Appeals and  
20 Hearings.

21 (l) Upon issuance of its decision regarding a petition, the Director of the Planning and  
22 Development Department, or the Director's Designee, shall distribute such decision to each of the  
23 following:

1           (1) By mail, email, or personal service with proof of delivery to the petitioner, and any  
2           other attendee at the public hearing that has so requested.

3           (2) By publication on a page of the website of the City associated with the Planning  
4           and Development Department.

5           (3) By any other means that the Director of the Planning and Development Department,  
6           or the Director's Designee, may determine to be feasible and effective.

7           (m) The Director of the Planning and Development Department, or the Director's  
8           Designee, shall cause a record of each petition to be kept in accordance with its general rules and  
9           procedures that shall include:

10           (1) The petition;

11           (2) Any public advisements issued regarding the public hearing for the petition;

12           (3) Any written comment, document, report, and other written information that is  
13           timely submitted prior to the public hearing regarding the petition;

14           (4) A transcript or other written or audio recording of the public hearing;

15           (5) The written decision of the Director of the Planning and Development Department,  
16           or the Director's Designee, regarding the appeal; and

17           (6) Any documents, materials, and other information regarding the petition that may  
18           have informed the decision of the Director of the Planning and Development  
19           Department, or the Director's Designee, regarding the petition.

20           (n) The specific terms and conditions of any waiver or adjustment granted under this  
21           section shall be incorporated into the terms and conditions of the permit for the sign. Such waiver  
22           or adjustment shall be valid only as applied to the permitted sign, and shall be subject to  
23           suspension, revocation, or denial of renewal under the same circumstances as the permit itself.



1 (o) Not later than January 31<sup>st</sup> of each year, the Director of the Planning and  
2 Development Department, or the Director's Designee, shall prepare and present to the City Council  
3 a report of the petitions submitted during the prior year. Each such report must identify the number  
4 of petitions submitted, the number of petitions that were approved, approved with conditions, and  
5 denied, and the locations of the premises for which petitions were submitted, summarize the  
6 provisions of this article for which waivers or adjustments were requested, and make  
7 recommendations for amendment of this Article, as well as provide any other information that may  
8 reasonably be requested by the City Council.

9 (p) Nothing in this section shall grant any individual a right to receive advisement of a  
10 petition for waiver or adjustment, to submit a comment regarding such petition, or to have any  
11 such comment admitted in the record for such petition. The failure or refusal of the Planning and  
12 Development Department to issue any advisement in any particular form, collect any comment,  
13 admit any comment in the record of an appeal, or take other action in strict accordance with  
14 Subsections (f) through (h) of this section shall not constitute deprivation of any right or duty  
15 owed.

16 **Sec. 4-4-23. Appeals of administrative decisions under this chapter.**

17 (a) In accordance with Chapter 3, of this Code, *Administrative Hearings and*  
18 *Enforcement, and Administrative Appeals*, Division IV, *Administrative Appeals*, as well as the  
19 rules of procedure promulgated thereunder, any appeal of an administrative decision made  
20 pursuant to Section 4-4-22 of this Code shall be made to the Department of Appeals and Hearings.

21 (b) Only the individual or entity that is subject to an administrative decision made  
22 pursuant to Section 4-4-22 of this Code, or any individual or entity with a property interest within  
23 300 radial feet of the property subject to the administrative decision made pursuant to Section 4-  
24 4-22 of this Code has the right to appeal such administrative decision. Such individual or entity

1 may, by a writing in a form satisfactory to the Department of Appeals and Hearings, appoint an  
2 agent to serve as its authorized representative at its appeal.

3 **Sec. 4-4-24. Sign guidebook.**

4 Not later than the effective date of this ordinance, the Department shall prepare a sign  
5 guidebook containing pictures, graphics, workflows, sample applications and forms, and other  
6 information that may be convenient for the understanding, implementation, and enforcement of  
7 this ordinance. The Department may revise the guidebook as necessary. The Department may  
8 consult with the Planning and Development Department, the City Planning Commission, the Law  
9 Department, and any other City department for the purpose of creating the sign guidebook or any  
10 revision thereto. The Department shall make the current version of the Sign Guidebook available  
11 for public inspection, both through the City’s website and at its principal offices without charge.

12 **Secs. 4-4-25—4-4-30. Reserved.**

13 **DIVISION 2. GENERAL SIGN STANDARDS**

14 **Sec. 4-4-31. In General.**

15 (a) This division sets forth standards for individual signs, including permissible  
16 location, number, area, height, projection, clearance, illumination, and dynamic operation, based  
17 on the type of construction, material, placement, and technological capability of the sign.

18 (b) Any sign may be subject to additional regulations set forth elsewhere in this article  
19 based on its intended use as a business sign, advertising sign, or temporary sign, its location on a  
20 premises or in a right-of-way, or other applicable parameters.

21 (c) Adjustment or waiver made pursuant to Section 4-4-22 of this Code regarding the  
22 permissibility of any type of construction, material, placement, and technological capability of a  
23 sign, as set forth in Subsection (a) of any section of this Division, is prohibited.

1 **Sec. 4-4-32. Arcade signs.**

2 (a) Permissibility. Arcade signs are permissible only in high-density residential/mixed  
3 use sign districts, low-density commercial/institutional sign districts, and high-density  
4 commercial/industrial sign districts.

5 (b) Number. Not more than one arcade sign is permissible at each point of ingress into  
6 or egress from a building or structure.

7 (c) Area. In high-density residential/mixed use sign districts, the area of any arcade  
8 sign must not exceed four square feet. In low-density commercial/institutional sign districts and  
9 high-density commercial/industrial sign districts, the area of any arcade sign must not exceed six  
10 square feet.

11 (d) Clearance. The clearance of any arcade sign must be not less than eight feet, six  
12 inches and such clearance must be unobstructed so as to allow the safe and efficient flow of  
13 pedestrian and vehicular traffic below the sign.

14 (e) Illumination. Any arcade sign may be illuminated, either internally or externally.

15 (e) Dynamic operation. No arcade sign may be dynamic.

16 **Sec. 4-4-33. Awning signs.**

17 (a) Permissibility. Awning signs are permissible only in high-density  
18 residential/mixed use sign districts, low-density commercial/institutional sign districts, high-  
19 density commercial/industrial sign districts, and recreation/open space sign districts.

20 (b) Number. Not more than one awning sign is permissible for any awning.

21 (c) Area. In high-density residential/mixed use sign districts and recreation/open space  
22 sign districts, the area of an awning sign must not exceed 40% of the area of the awning to which  
23 it is affixed. In low-density commercial/institutional sign districts and high-density

1 commercial/industrial sign districts, the area of any awning sign must not exceed 60% of the area  
2 of the awning to which it is affixed.

3 (d) *Height.* The height of any awning sign must not exceed the height of the awning  
4 to which it is affixed.

5 (e) *Clearance.* The clearance of any awning sign must be not less than the clearance  
6 of the awning to which it is affixed.

7 (f) *Illumination.* Any awning sign may be illuminated, either internally or externally.

8 (g) *Dynamic operation.* No awning sign may be dynamic.

9 **Sec. 4-4-34. Double-face signs.**

10 (a) *Permissibility.* Double-face signs are permissible wherever a sign is permitted  
11 under this chapter.

12 (b) *Dimensional and operational parameters.* For all dimensional and operational  
13 parameters, including but not limited to number, area, height, clearance, illumination, and dynamic  
14 operation, each face of any double-face sign is subject to the standards set forth in this article that  
15 would apply as if the sign has only one face.

16 (c) *Number.* A double-face sign, including both sign faces, counts as one sign.

17 (d) *Area.* The area of a double-face sign is determined based on the area of the larger  
18 of the two faces of the sign.

19 (e) *Height.* The height of a double-face sign is determined based on the height of the  
20 higher of the two faces of the sign.

21 (f) *Clearance.* The clearance of a double-face sign is determined based on the  
22 clearance of the lower of the two faces of the sign.

1 (g) Illumination. A double-face sign is considered illuminated if either face of the sign  
2 is illuminated. A double-face sign is considered internally illuminated if either face of the sign is  
3 internally illuminated.

4 (h) Dynamic operation. A double-face sign is considered dynamic if either face of the  
5 sign is dynamic. A double-face sign is considered animated if either face of the sign is animated.

6 **Sec. 4-4-35. Dynamic signs.**

7 (a) Permissibility.

8 (1) Dynamic signs are permissible only in low-density commercial/institutional sign  
9 districts and high-density commercial/industrial sign districts. Dynamic signs may  
10 be animated only in the Central Business District.

11 (2) Dynamic business signs are subject to the additional regulations found in Section  
12 4-4-66 of this Code.

13 (b) Number. Not more than one dynamic sign is permissible per premises, with the  
14 following exceptions:

15 (1) On any premises containing a multi-tenant building or structure that does not  
16 contain any residential dwelling units, not more than one dynamic sign is  
17 permissible for each ground floor tenant space.

18 (2) On any multi-building campus, the total number of dynamic signs must be not more  
19 than the total number of buildings on the campus.

20 (c) Illumination. Any dynamic sign may be illuminated, subject to the limits for  
21 illuminated signs set forth in Section 4-4-36 of this Code. Dynamic signs shall be constructed and  
22 otherwise equipped so as to effectively mitigate unreasonable nightglow, illumination spillover,  
23 and other forms of excessive illumination.

1 (d) Computer Interface. If a dynamic sign is operated by means of digital computer  
2 controls and associated software, the records of such controls, including records of the sign's  
3 illumination intensity, change cycle, display of animation, and hours of operation, must be  
4 available for inspection upon request by the Department. If such records are not made available  
5 within two business days following such request, the sign shall cease operation until such records  
6 are provided.

7 (e) Hours of Operation. Any dynamic sign that is located outside of the Central  
8 Business District must discontinue all dynamic operations between the hours of 2:00 am and 6:00  
9 am. During these hours, such signs may operate as static, internally illuminated signs.

10 (f) No Undue Distraction. Dynamic signs must not interfere with, obstruct, or  
11 otherwise distract from any traffic sign, signal, or device, and must not otherwise operate to cause  
12 undue distraction so as to impair the safe and efficient flow of pedestrian or vehicular traffic.

13 **Sec. 4-4-36. Illuminated signs.**

14 (a) Permissibility. Illuminated signs are permissible in all sign districts. Illuminated  
15 signs in low-density residential sign districts may be externally illuminated only.

16 (b) Luminance. The luminance of any illuminated sign is subject to the following  
17 limits:

18 (1) For any illuminated sign located in a low-density residential sign district or a  
19 recreation/open space sign district, luminance must not exceed 2,500 nits during  
20 the hours between each sunrise and the subsequent sunset, and must not exceed 20  
21 nits during the hours between each sunset and the subsequent sunrise.

22 (2) For any illuminated sign located in a high-density residential/mixed use sign  
23 district, luminance must not exceed 3,500 nits during the hours between each

1 sunrise and the subsequent sunset, and must not exceed 40 nits during the hours  
2 between each sunset and the subsequent sunrise.

3 (3) For any illuminated sign located in a low-density commercial/institutional sign  
4 district or a high-density commercial/industrial sign district, luminance must not  
5 exceed 3,500 nits during the hours between each sunrise and the subsequent sunset,  
6 and must not exceed 80 nits if outside the Central Business District or 160 nits if  
7 inside the Central Business District during the hours between each sunset and the  
8 subsequent sunrise.

9 (c) *Orientation.*

10 (1) Any internally illuminated sign that is within 150 feet of and visible from one or  
11 more residential dwelling units in a low-density residential sign district, a high-  
12 density residential/mixed use sign district, or a recreation/open space sign district  
13 must be oriented to direct light away from all such units.

14 (2) Any externally illuminated sign may be illuminated only by one or more steady,  
15 stationary, fully shielded light sources that are oriented solely toward the sign face.

16 (d) *No Excessive Illumination.* Illuminated signs shall be constructed and otherwise  
17 equipped so as to effectively mitigate unreasonable nightglow, illumination spillover, and other  
18 forms of excessive illumination.

19 (e) *No Undue Distraction.* Illuminated signs must not interfere with, obstruct, or  
20 otherwise distract from any traffic sign, signal, or device, and must not otherwise operate to cause  
21 undue distraction so as to impair the safe and efficient flow of pedestrian or vehicular traffic.

1 **Sec. 4-4-37. Marquee signs.**

2 (a) Permissibility. Marquee signs are permissible only in low-density  
3 commercial/institutional sign districts and high-density commercial/industrial sign districts.

4 (b) Number. Not more than one marquee sign is permissible on any single façade of  
5 a marquee.

6 (c) Area. The area of any marquee sign must not exceed the area of the façade of the  
7 marquee to which the sign is affixed.

8 (d) Height. The height of any marquee sign must not exceed the sum of the height of  
9 the marquee to which it is affixed plus one-half of the vertical dimension of the marquee façade.

10 (e) Clearance. The clearance of any marquee sign must be not less than the clearance  
11 of the marquee to which it is affixed.

12 (f) Projection. No marquee sign may project out from any façade of a marquee.

13 (g) Illumination. Any marquee sign may be illuminated, either externally or internally.

14 (h) Dynamic operation. In any low-density commercial/institutional sign district or  
15 high-density commercial/industrial sign district outside the Central Business District, any marquee  
16 sign may be dynamic, but not animated. In the Central Business District, any marquee sign may  
17 be animated.

18 **Sec. 4-4-38. Mechanical signs.**

19 (a) Permissibility. Mechanical signs are permissible only in low-density  
20 commercial/institutional sign districts and high-density commercial/industrial sign districts, and  
21 therein such districts only as temporary signs subject to Division 7 of this Article.

22 (b) Number. Not more than one mechanical sign is permissible on any premises at any  
23 given time.



1 (c) Area. The area of any mechanical sign must not exceed 12 square feet.

2 (d) Height. The height of any mechanical sign must not exceed 10 feet.

3 (e) Clearance. Mechanical signs are not subject to any clearance requirement.

4 (f) Illumination. No mechanical sign may be illuminated, either internally or  
5 externally.

6 (g) Dynamic operation. No mechanical sign may be dynamic.

7 **Sec. 4-4-39. Monument signs.**

8 (a) Permissibility. Monument signs are permissible only in high-density  
9 residential/mixed use sign districts, low density commercial/institutional sign districts, high  
10 density commercial/industrial sign districts, and recreation/open space sign districts.

11 (b) Number. Not more than one monument sign is permissible on any premises, with  
12 the exception that in any low-density commercial/institutional sign district or high-density  
13 commercial/industrial sign district, where the premises frontage exceeds 200 linear feet, not more  
14 than one monument sign is permitted for each 200 feet of premises frontage, provided that no two  
15 monument signs on the same premises may be located within 200 feet of each other.

16 (c) Area. In any high-density residential/mixed use sign district or recreation/open  
17 space sign district, the area of each face of a monument sign must not exceed 12 square feet. In  
18 any low-density commercial/institutional sign district or high-density commercial/industrial sign  
19 district, the area of each face of a monument must not exceed 20 square feet, except that for any  
20 multi-tenant shopping center located in a portion of a low-density commercial/institutional sign  
21 district designated in the Master Plan of Policies as retail centers (CRC), the area of each face of  
22 one monument sign must not exceed 150 square feet.

1 (d) Height. In any high-density residential/mixed use sign district or recreation/open  
2 space sign district, the height of any monument sign must not exceed six feet. In any low-density  
3 commercial/institutional sign district or high-density commercial/industrial sign district, the height  
4 of any monument sign must not exceed ten feet, except that for any multi-tenant shopping center  
5 located in a portion of a low-density commercial institutional sign district designated by the Master  
6 Plan of Policies as retail centers (CRC), the height of a monument sign must not exceed 15 feet.

7 (e) Clearance. In any high-density residential/mixed use sign district or  
8 recreation/open space sign district, the clearance of any monument sign must be not more than two  
9 feet. In any low-density commercial/institutional sign district or high-density  
10 commercial/industrial sign district, the clearance of any monument sign must not be more than  
11 four feet.

12 (f) Illumination. Any monument sign may be illuminated, either internally or  
13 externally.

14 (g) Dynamic operation. In any high density residential/mixed use sign district or  
15 recreation/open space sign district, no monument sign may be dynamic. In any low-density  
16 commercial/institutional sign district or high-density commercial/industrial sign district outside  
17 the Central Business District, any monument sign may be dynamic, but not animated. In the  
18 Central Business District, any monument sign may be animated.

19 **Sec. 4-4-40. Pole signs.**

20 (a) Permissibility. Pole signs are permissible only in low-density  
21 commercial/institutional sign districts and high-density commercial/industrial sign districts  
22 outside of the Central Business District, except that pole signs are not permissible on any premises  
23 located within a “traditional main street overlay,” as designated in Chapter 50 of this Code, Zoning.

1 (b) Number. Not more than one pole sign is permissible on any premises, with the  
2 exception that one pole sign is permitted for each 400 linear feet of premises frontage, provided  
3 that no two pole signs on the same premises may be located within 400 feet of each other.

4 (c) Area.

5 (1) In any low-density commercial/institutional sign district, the area of any pole sign  
6 that is utilized as a business sign in accordance with Division 3 of this article must  
7 not exceed 12 square feet.

8 (2) In any high-density commercial/industrial sign district, the area of any pole sign  
9 that is utilized as a business sign in accordance with Division 3 of this article must  
10 not exceed 20 square feet.

11 (3) Any pole sign that is utilized as an advertising sign in accordance with Division 4  
12 or Division 5 of this article is subject to applicable area limitations set forth therein.

13 (d) Height.

14 (1) The height of any pole sign that is utilized as a business sign in accordance with  
15 Division 3 of this article and that is located along any frontage of a premises that  
16 abuts a right-of-way that is 80 feet or less in width must not exceed 15 feet.

17 (2) The height of any pole sign that is utilized as a business sign in accordance with  
18 Division 3 of this article, and that is located along any frontage of a premises that  
19 abuts a right-of-way that is more than 80 feet in width, must not exceed 25 feet.

20 (3) Notwithstanding paragraphs (1) and (2) of this subsection, in no case may the height  
21 of a pole sign that is utilized as a business sign in accordance with Division 3 of  
22 this article exceed the height of the tallest building or structure located on the  
23 premises on which the sign is located.

1       (4) Any pole sign that is utilized as an advertising sign in accordance with Division 4  
2               or Division 5 of this article is subject to applicable height limitations set forth  
3               therein.

4       (d) *Setback.* Any pole sign that is utilized as a business sign in accordance with  
5       Division 3 of this article must be set back from the front of the premises on which it is located a  
6       distance equal to half of the height of the sign, measured from the outermost projection of any  
7       component of the sign.

8       (e) *Illumination.* A pole sign may be illuminated, either internally or externally.

9       (f) *Dynamic operation.* A pole sign may be dynamic, but not animated.

10       **Sec. 4-4-41. Portable signs.**

11       (a) *Permissibility.* Portable signs are permissible in all sign districts, except that  
12       portable signs in low-density residential sign districts are permissible only as temporary signs. The  
13       permissibility of portable signs located in a public right-of-way is further subject to approval by  
14       the Department of Public Works, or other public agency with jurisdiction over such right-of-way.

15       (b) *Location.* Any portable sign must be located so as to avoid obstruction of or  
16       interference with the safe and efficient flow of pedestrian or vehicular traffic, or with the  
17       accessibility into or out of any building or structure. Additionally:

18               (1) No portable sign may be located less than ten feet, measured linearly along the same  
19               side of the right-of-way, from a driveway, cross walk, or other curb cut.

20               (2) No portable sign may be located less than 20 feet, measured linearly along the same  
21               side of the right-of-way, from another portable sign.

22               (3) No portable sign may be located less than six feet, measured radially, from any  
23               point of ingress or egress from a building or structure.

1           (4) No portable sign may be located on a sidewalk or other pedestrian pathway that is  
2           less than six feet wide, or so as to restrict the width of any such pathway to less  
3           than six feet wide at any point.

4           (c) Number. Not more than one portable sign is permissible for any premises, with the  
5           following exceptions:

6           (1) On any premises containing a multi-tenant building, not more than one portable  
7           sign is permissible for each ground floor tenant space.

8           (2) On any multi-building campus, not more than one portable sign is permissible for  
9           each building within the campus.

10          (d) Area. In any low-density residential sign district, high-density residential/mixed  
11          use sign district, or recreation/open space sign district, the area of any portable sign must not  
12          exceed six square feet. In any low-density commercial/institutional sign district or high-density  
13          commercial/industrial sign district, the area of a portable sign must not exceed ten square feet.

14          (e) Height. In any low-density residential sign district, high-density residential/mixed  
15          use sign district, or recreation/open space sign district, the height of a portable sign must not exceed  
16          three feet. In any low-density commercial/institutional sign district or high-density  
17          commercial/industrial sign district, the height of a portable sign must not exceed four feet.

18          (e) Material. Portable signs must be constructed of durable material and construction,  
19          and must be reasonably able to withstand deterioration, damage, or destruction due to inclement  
20          weather; the forces of wind, rain, and snow; pedestrian and vehicular traffic; and other impacts.

21          (f) Illumination. In any low-density residential sign district, high density  
22          residential/mixed use sign district, or recreation/open space sign district, no portable sign may be  
23          illuminated. In any low-density commercial/institutional sign district, or high-density

1 commercial/industrial sign district, any portable sign may be illuminated, either internally or  
2 externally, but only if such illumination is powered by an internal battery power source that is self-  
3 contained within the sign structure.

4 (g) *Dynamic operation.* No portable sign may be dynamic.

5 **Sec. 4-4-42. Projecting signs.**

6 (a) *Permissibility.* Projecting signs are permissible only in high-density  
7 residential/mixed use sign districts, low-density commercial/institutional sign districts, high-  
8 density commercial/industrial sign districts, and recreation/open space sign districts.

9 (b) *Location.* Projecting signs must be located so as to be not less than 15 feet,  
10 measured linearly along the same side of the street, from any other projecting sign.

11 (c) *Number.* Not more than one projecting sign is permissible on any premises, with  
12 the following exceptions:

13 (1) On any premises containing a multi-tenant building or structure, not more than one  
14 projecting sign is permissible for each ground floor tenant space.

15 (2) On any multi-building campus, not more than one projecting sign is permissible for  
16 each building.

17 (d) *Area.* In any high-density residential/mixed use sign district or recreation/open  
18 space sign district, the area of a projecting sign must not exceed six square feet. In any low-density  
19 commercial/institutional sign district or high-density commercial/industrial sign district, the area  
20 of a projecting sign must not exceed 12 square feet.

21 (e) *Projection.* In any high-density residential/mixed use sign district or  
22 recreation/open space sign district, the projection of a projecting sign must not exceed three feet.  
23 In any low-density commercial/institutional sign district or high density commercial/industrial  
24 sign district, the projection of a projecting sign must not exceed four feet.

1 (f) Height. The height of any projecting sign must not exceed the height of the roof  
2 line of the building or structure to which the sign is affixed.

3 (g) Clearance. The clearance of any projecting sign must be not less than eight feet  
4 and six inches, and such clearance must be unobstructed so as to allow the safe and efficient flow  
5 of pedestrian and vehicular traffic below the sign.

6 (h) Illumination. Any projecting sign may be illuminated, either internally or  
7 externally.

8 (i) Dynamic. In any high-density residential/mixed use sign district or recreation/open  
9 space sign district, no projecting sign may be dynamic. In any low-density  
10 commercial/institutional sign district or high-density commercial/industrial sign district outside  
11 the Central Business District, any projecting sign may be dynamic, but not animated. In the Central  
12 Business District, any projecting sign may be animated.

13 **Sec. 4-4-43. Raceway signs.**

14 (a) Permissibility. Raceway signs are permissible only in high-density  
15 residential/mixed use sign districts, low-density commercial/institutional sign districts, high-  
16 density commercial/industrial sign districts, and recreation/open space sign districts.

17 (b) Number. Not more than one raceway sign is permissible for any façade of the  
18 building or structure to which the sign is affixed, except for any multi-tenant building or structure,  
19 not more than one raceway sign is permissible for each ground floor tenant space.

20 (c) Area. The area of any raceway sign must not exceed one square foot per linear foot  
21 of building frontage along the façade of the building or structure to which the sign is affixed.

22 (d) Height. The height of a raceway sign must not exceed the height of the roof line or  
23 parapet of the building or structure to which it is affixed.

1 (e) Clearance. The clearance of a raceway sign must not be less than eight feet and  
2 six inches.

3 (f) Color. The raceway of any raceway sign must be painted or otherwise colored to  
4 match the color of the façade of the building or structure to which it is mounted.

5 (g) Illumination. A raceway sign may be illuminated, either internally or externally

6 (h) Dynamic operation. No raceway sign may be dynamic.

7 **Sec. 4-4-44. Roof signs.**

8 (a) Permissibility. Roof signs are permissible only on buildings or structures of at least  
9 ten stories located in low-density commercial/institutional sign districts and high-density  
10 commercial/industrial sign districts where no high-rise identification signs are present.

11 (b) Number. Not more than one roof sign is permissible on any premises.

12 (c) Area. If the clearance of the roof sign is greater than 100 feet and less than 200  
13 feet, the area of the sign must not exceed two square feet per linear foot of building width. If the  
14 clearance of the roof sign is less than 300 feet but not less than 200 feet, the area of the sign must  
15 not exceed three square feet per linear foot of building width. If the clearance of the roof sign is  
16 not less than 300 feet, the area of the sign must not exceed four square feet per linear foot of  
17 building width. For purposes of calculating the area of any roof sign in accordance with this  
18 subsection, building width must be measured at the roofline of the building.

19 (d) Height. The height of any roof sign must not exceed the lesser of (1) the maximum  
20 permissible height of a building or structure for the premises on which the sign is located, or (2)  
21 15 feet above the height of the roofline or parapet of the building or structure to which the sign is  
22 affixed.

23 (e) Clearance. The clearance of any roof sign must be not less than the height of the  
24 roofline or parapet of the building or structure to which the sign is affixed.



1 (f) *Illumination.* Any roof sign may be illuminated, either internally or externally.

2 (g) *Dynamic operation.* No roof sign may be dynamic.

3 **Sec. 4-4-45. Wall signs.**

4 (a) *Permissibility.* Wall signs are permissible in all districts.

5 (b) *Number.* In any low-density residential sign district, not more than one wall sign  
6 is permissible on any premises. In any high-density residential/mixed use sign district, low-density  
7 commercial/institutional sign district, high-density commercial/industrial sign district, or  
8 recreation/open space sign district, not more than one wall sign is permissible for any façade of a  
9 building or structure with the exception that on any premises containing a multi-tenant building or  
10 structure, not more than one wall sign is permissible for each ground floor tenant space.

11 (c) *Area.*

12 (1) In any low-density residential sign district or recreation/open space sign district,  
13 the area of any wall sign must not exceed 10% of the area of the façade to which it  
14 is affixed.

15 (2) In any high-density residential/mixed use sign district, the area of any wall sign  
16 must not exceed 40% of the area of the façade to which it is affixed.

17 (3) In any low-density commercial/institutional sign district or high-density  
18 commercial/industrial sign district, the area of any wall sign must not exceed 60%  
19 of the area of the façade to which it is affixed.

20 (d) *Height.* The height of any wall sign must not exceed 40 feet, or the height of the  
21 roof line or parapet of the building or structure to which the sign is affixed, whichever is less.

22 (e) *Illumination.* In any low-density residential sign district or recreation/open space  
23 sign district, any wall sign may be illuminated externally only. In any high-density

1 residential/mixed use sign district, low-density commercial/institutional sign district or high-  
2 density commercial/industrial sign district, any wall sign may be illuminated, either internally or  
3 externally.

4 (f) *Dynamic operation.* Any wall sign located outside the Central Business District  
5 may be dynamic, but not animated. Any wall sign located inside the Central Business District for  
6 which internally illumination is permissible may be dynamic and up to 25% of the area of any such  
7 wall sign may be animated.

8 **Sec. 4-4-46. Window signs.**

9 (a) *Permissibility.* Window signs are permissible in all sign districts.

10 (b) *Number.*

11 (1) In any low-density residential sign district or recreation/open space sign district,  
12 not more than one window sign is permissible on any premises.

13 (2) In any high-density residential/mixed use sign district, low-density  
14 commercial/institutional sign district, or high-density commercial/industrial sign  
15 district, not more than one window sign is permissible for any window of a building  
16 or structure, with the exception that, for any building or structure the of which first  
17 floor façade is constructed with glass panels, the permissible number of window  
18 signs must not exceed one sign per six feet in linear width of such glass paneling.

19 (c) *Area.*

20 (1) In any low-density residential sign district or recreation/open space sign district,  
21 the area of any window sign must not exceed 25% of the area of the window in  
22 which the sign is affixed.

1           (2) In any high-density residential/mixed use sign district, low-density  
2           commercial/institutional sign district, or high-density commercial/industrial sign  
3           district, the area of any window sign must not exceed 25% of the area of the  
4           window, or 50% of the area of the window if the window sign is constructed of  
5           vinyl mesh or other semi-transparent material; and the cumulative area of all  
6           window signs located on the building or structure must not exceed 80 square feet.

7           (d) Height. In any low-density residential sign district or recreation/open space sign  
8           district, the height of any window sign must not exceed the second story of the building or structure  
9           to which it is affixed. In any high-density residential/mixed use sign district, low-density  
10           commercial/institutional sign district, or high-density commercial/industrial sign district, the  
11           height of any window sign must not exceed the fourth story of the building or structure to which  
12           it is affixed.

13           (e) Illumination. In any low-density residential sign district or recreation/open space  
14           sign district, no window sign may be illuminated. In any high density residential/mixed use sign  
15           district, low-density commercial/institutional sign district, or high-density commercial/industrial  
16           sign district, any window sign may be illuminated, either internally or externally.

17           (f) Dynamic operation. In any high-density residential/mixed use sign district, low-  
18           density commercial/institutional sign district, or high density commercial/industrial sign district,  
19           a window sign may be dynamic only if located in the second, third, or fourth story. In no case  
20           may a window sign be animated.

21           Sec. 4-4-47—4-4-60. Reserved.

22                                   **DIVISION 3. REGULATION OF BUSINESS SIGNS**

23   **SUBDIVISION A. GENERALLY**

1 **Sec. 4-4-61. Applicability.**

2 The regulations set forth in this division shall apply to all business signs, regardless of  
3 location, within the City.

4 **Sec. 4-4-62. Limitation on maximum aggregate business sign area.**

5 (a) In general, the maximum permissible aggregate area for all business signs,  
6 including sponsorship signs, identification signs, and directional signs located on a single premises  
7 is:

8 (1) For any premises in a low-density residential sign district that contains a single-  
9 family, two-family, or multi-family residential building or structure with not more  
10 than four dwelling units, six square feet.

11 (2) For any premises in a low-density residential sign district that is not identified in  
12 Subsection (a)(1) of this section, and in any high-density residential/mixed use sign  
13 district, low-density commercial/institutional sign district, or recreation/open space  
14 sign district, the greater of:

15 a. 2.6 square feet per linear foot of building frontage, not to exceed 500 square  
16 feet; or

17 b. One square foot per linear foot of premises frontage, not to exceed 500  
18 square feet.

19 (3) In any high-density commercial/industrial sign district, three square feet per linear  
20 foot of building frontage, provided that the maximum permissible aggregate area  
21 in any such district located outside the Central Business District, shall not exceed  
22 500 square feet.

1           (4) Notwithstanding other applicable limitations set forth in this section, on any casino  
2           premises, four square feet per linear foot of building frontage is permissible.

3           (b) For any corner premises that fronts onto a freeway, major thoroughfare, or  
4           secondary thoroughfare, the maximum permissible aggregate area as determined in Subsection (a)  
5           of this section shall be calculated, and shall apply, separately for each frontage of the premises.  
6           For any corner premises that does not front onto a freeway, major thoroughfare, or secondary  
7           thoroughfare, the maximum permissible aggregate area for the entire premises as determined in  
8           Subsection (a) of this section shall be calculated based only on the longest frontage of the premises.

9           (c) Adjustment under Section 4-4-22 of this Code of the standards and requirements  
10           set forth in this section is limited to 25% of such standards.

11           **Sec. 4-4-63. Additional aggregate business sign area allowances.**

12           (a) Notwithstanding the aggregate business sign area limits set forth in Section 4-4-62  
13           of this Code, additional aggregate area for business signs is permissible in the following  
14           circumstances and subject to the following limits:

15           (1) *High-rise identification signs.* On any building or structure located within the  
16           Central Business District that does not contain a roof sign and for which the height  
17           of the roofline or parapet exceeds 100 feet, not more than two high-rise  
18           identification signs are permissible, subject to the following:

19           a. The minimum clearance of each sign must be 100 feet;

20           b. The maximum area of any sign is determined by its clearance and the linear  
21           width of the building façade to which the sign is affixed, measured at the  
22           height of the sign, as follows:

1                    (i) For any sign with a clearance of at least 100 feet but less than 200  
2                    feet, the area of the sign must not exceed two square feet per linear  
3                    foot of building width;

4                    (ii) For any sign with a clearance of at least 200 feet but less than 300  
5                    feet, the area of the sign must not exceed three square feet per linear  
6                    foot of building width; or

7                    (iii) For any sign with a clearance of at least 300 feet, the area of the sign  
8                    must not exceed four square feet per linear foot of building width;

9                    c. Not more than one high-rise identification sign may be located on any  
10                    façade of a building or structure;

11                    d. Not more than two high-rise signs may be located on any premises; and

12                    e. Any high-rise identification sign may be illuminated, either internally or  
13                    externally, but may not be dynamic.

14                    (2) *Painted side-wall signs.* On any building or structure that is not more than two  
15                    stories and that is adjacent to a surface parking lot or other property that does not  
16                    contain a permanent building or structure, such that the side façade of the building  
17                    is exposed, not more than one sign is permissible on such side wall, subject to the  
18                    following:

19                    a. The sign must be a painted sign;

20                    b. The sign may be either non-illuminated or illuminated externally;

21                    c. The height of the sign must not exceed the height of the first story of the  
22                    building or structure; and

1            d. The area of the sign must not exceed 500 square feet, excluding the area of  
2            any windows, doors, or other openings in the façade.

3            (3) Sponsorship signs associated with public art. On any premises that contains a work  
4            of public art that is located on the exterior of the property, such as an art mural or  
5            sculpture, the cost of which is sponsored, not more than one sponsorship sign  
6            recognizing such sponsorship is permissible, subject to the following:

7            a. The sign must be located proximate to the work of public art;

8            b. The sign must be constructed as a wall sign or monument sign;

9            c. The height of the sign must not exceed the lesser of: half the height of the  
10           work of public art or 15 feet;

11           d. The sign may not be illuminated; and

12           e. The area of the sign may not exceed 5% of the area of the associated work  
13           of public art, but in no case more than 300 square feet. The area of the work  
14           of public art consisting of a mural or other two-dimensional form should be  
15           computed as if it is a sign, in accordance with Section 4-4-5 of this Code.  
16           The area of the work of public art consisting of a sculpture or other three-  
17           dimensional form should be computed as the product of its height and one-  
18           quarter of its perimeter at its base.

19           (4) Directional signs. On any premises not containing a single-family or two-family  
20           dwelling, additional directional signage is permissible, subject to the following:

21           a. On any premises in a low-density residential sign district, not more than two  
22           additional square feet, which may not be illuminated, is permissible.

1           b. On any premises in a high-density residential/mixed use sign district or  
2           recreation/open space sign district, not more than four square feet of  
3           directional signage, which may be illuminated, but may not be dynamic in  
4           operation, is permissible.

5           c. On any premises in a low-density commercial/institutional sign district or  
6           high-density commercial/industrial sign district, not more than ten square  
7           feet of directional signage, which may be illuminated and may be dynamic,  
8           but not animated, in operation, is permissible.

9           d. On any premises containing a parking structure, no more than two  
10           directional signs may be located at each point of ingress or egress, not more  
11           than 12 square feet each, which may be either internally or externally  
12           illuminated, and may be dynamic but not animated.

13           e. Nothing in this subsection shall limit any premises from utilizing any  
14           portion of its permissible aggregate business sign area, as determined in  
15           accordance with Section 4-4-62 of this Code, for purposes of directional  
16           signage.

17           (b) Adjustment or waiver under Section 4-4-22 of this Code of the standards and  
18           requirements set forth in this section is prohibited.

19           **Sec. 4-4-64. Business signs on multi-tenant buildings and multi-building campuses.**

20           (a) On any premises containing a multi-tenant building or structure, the maximum  
21           aggregate business sign area for the premises as set forth in Section 4-4-62 of this Code, and any  
22           additional aggregate business sign allowances as set forth in Section 4-4-63 of this Code, may be  
23           allocated among the various tenants as may be determined by the building owner, or its agent, and



1 each tenant, provided that such allocation is reasonably proportional to the relative degree of each  
2 tenant's physical occupation and economic activity at the premises.

3 (b) On any multi-building campus, the maximum aggregate business sign area for the  
4 premises as set forth in Section 4-4-62 of this Code, and any additional aggregate business sign  
5 allowances as set forth in Section 4-4-63 of this Code, may be allocated among the various  
6 buildings and open spaces within the campus as may be determined by the owner of the campus  
7 or its agent.

8 **Sec. 4-4-65. Restrictions on location of business signs on specified premises.**

9 (a) In general, a business sign may be affixed, or otherwise placed at any location on a  
10 building, structure, or other portion of the premises, unless expressly restricted by this chapter.

11 (b) Notwithstanding Subsection (a) of this section, the location of any business sign is  
12 restricted to certain locations based on the type of premises, as follows:

13 (1) On any multiple-story building or structure located in a low-density residential sign  
14 district, the height of any business sign must not exceed the height of the first story  
15 of the building or structure. On any other multiple-story building or structure, the  
16 height of any business sign, other than a high-rise sign allowed under Section 4-4-  
17 63 of this Code or a roof sign, must not exceed 40 feet.

18 (2) On any premises that operates as a commercial parking lot as defined in Section  
19 32-1-1 of this Code, not less than one business sign must be located at each point  
20 of ingress into the lot for purposes of compliance with Section 32-1-20 of this Code.  
21 On any such premises located in the Central Business District, any ground sign  
22 must be constructed as a monument sign.

1           (3) Any ground sign located on a corner premises must be set back at least 15 feet from  
2           the corner formed by the intersection of any two rights-of-way adjacent to the  
3           premises.

4    **Sec. 4-4-66. Dynamic business signs.**

5           (a) On any premises located outside of the Central Business District for which dynamic  
6           signs are permissible, not more than 25% of the maximum permissible aggregate area, as  
7           calculated in accordance with Section 4-4-62 of this Code, for the premises, may be dynamic.

8           (b) The maximum permissible aggregate area that may be dynamic is subject to  
9           adjustment under Section 4-4-22 of this Code, not to exceed 40%.

10          (c) Permitting for any dynamic business sign is subject to review by the Department of  
11          Public Works Traffic Engineering Division and its finding that that the placement of the proposed  
12          sign on the premises will not impair the safe and efficient flow of pedestrian or vehicular traffic,  
13          in accordance with Section 4-4-35(f) of this Code.

14    **Secs. 4-4-67 – 4-4-80. Reserved.**

15                           **SUBDIVISION B. ENTERTAINMENT DISTRICT**

16    **Sec. 4-4-81. Purpose.**

17           The purpose of the Entertainment District is to leverage the display of vivid and dynamic  
18           signage to foster a vibrant and exciting entertainment-based area within the City. Signage  
19           regulation in the Entertainment District is intended to be less restrictive than in surrounding areas  
20           in order to allow for signs that are larger, higher, more brightly illuminated, and more dynamic  
21           than what is permissible elsewhere. To achieve this purpose without negatively impacting the  
22           surrounding area, the Entertainment District is structured in multiple zones, such that the most  
23           intense signage is contained in the District's core areas, which are most effectively screened from

1 properties outside of the District. For zones in which signage is anticipated to be more visible  
2 from outside the District, signage regulations are relatively more restrictive.

3 **Sec. 4-4-82. Entertainment District; boundaries and zones.**

4 (a) The Entertainment District consists of the area within the boundary beginning at  
5 the intersection of the Southbound Fisher Freeway Service Drive and Woodward Avenue and  
6 continuing to Sproat Street, then to Clifford Avenue, then to the Southbound Fisher Freeway  
7 Service Drive, then to Woodward Avenue, then to the Northbound Fisher Freeway Service Drive,  
8 then along the westerly line of the parcel known as 28 W. Montcalm Street, then along the westerly  
9 line of the parcel known as 2211 Woodward Avenue, then along the westerly line of the parcel  
10 known as 2125 Woodward Avenue, then along the westerly line of the parcel known as 54 W.  
11 Elizabeth Street then along the westerly line of the parcel known as 25 W. Elizabeth Street, then  
12 along the east-west alley parallel to and south of W. Elizabeth Street to the easterly line of  
13 Witherell Street, then to Broadway Street, then to Randolph Street, then to E. Lafayette Street,  
14 then to Southbound Chrysler Service Drive, then to Gratiot Avenue, then to Brush Street, then to  
15 Beacon Street, then to St. Antoine Street, then along the northern line of the parcel known as 1900  
16 St. Antoine Street, then along the easterly line of the parcel known as 2000 St. Antoine Street, then  
17 to Montcalm Street to the easterly line of the parcel known as 2354 Brush Street, then to the  
18 Northbound Fisher Freeway Service Drive, then to Woodward Avenue, excluding the church  
19 located at 50 E Fisher, and then to the point of beginning.

20 (b) The Entertainment District comprises four unique zones, each described as follows:

21 (1) *Zone 1: Entertainment Core.* The entertainment core consists of the premises, or  
22 frontages thereof, that abut Witherell Street between Adams Avenue and Montcalm  
23 Street, Montcalm Street between Witherell Street and Brush Street, Brush Street

1 between Montcalm Street and Beacon Street, and Adams Avenue between  
2 Montcalm Street and Brush Street.

3 (2) Zone 2: Theater District. The theater district consists of the premises, or frontages  
4 thereof, that abut Montcalm Street, Columbia Street, and Elizabeth Street, each  
5 between the western boundary of the Entertainment District and Witherell Street,  
6 Broadway Street between Witherell Street and John R Street; Madison Street  
7 between Witherell Street and Brush Street; Brush Street between Mechanic Street  
8 and Beacon Street; and Henry Street between Park Avenue and Clifford Avenue.

9 (3) Zone 3: Woodward North Corridor. The Woodward north corridor consists of  
10 Woodward Avenue between the North Fisher Freeway Service Drive and Sproat  
11 Street.

12 (4) Zone 4: Entertainment Buffer. The entertainment buffer consists of the premises,  
13 or frontages thereof, within the Entertainment District that are not included in the  
14 entertainment core, the theater district, or the Woodward north corridor. \

15 (c) Adjustment or waiver under Section 4-4-22 of this Code of the boundaries set forth  
16 in this section is prohibited.

17 **Sec. 4-4-83. Entertainment core; purpose and sign regulations.**

18 (a) The entertainment core is intended to provide a maximally vibrant and energetic  
19 and well contained space through high-intensity signage. Oversized, intense, and dynamic signs,  
20 including animated signs, are encouraged. All dynamic signage must be screened from the  
21 surrounding area by intervening buildings or structures to minimize light spillover.

22 (b) Notwithstanding regulations set forth in this chapter that may be more restrictive,  
23 signs located in the entertainment core are subject to the following:

1           (1) The maximum permissible aggregate area for all signs on any premises is 15 square  
2           feet per linear foot of building frontage.

3           (2) Dynamic signs are permissible without limitation as to their number or individual  
4           size. The minimum clearance of any dynamic sign must be not less than ten feet,  
5           and the maximum height of any dynamic sign must be not more than 40 feet.  
6           Dynamic signs are permissible at any location where the sign is oriented toward,  
7           and reasonably screened by, a building or other opaque structure, the height of  
8           which is not less than the height of the sign. Dynamic signs may operate as such  
9           without time restrictions. The illuminance of any dynamic sign must not exceed  
10           3,500 nits.

11           (3) A sign may cover or conceal architectural features, provided that, if a sign covers a  
12           window, it must be constructed of vinyl mesh or other semi-transparent material.

13    **Sec. 4-4-84. Theater district; purpose and sign regulations.**

14           (a) The theater district is intended to accommodate and encourage large marquees,  
15           projecting signs, and other vibrant signage typical of signature live theater venues. Context-  
16           appropriate dynamic and illuminated signs are also encouraged.

17           (b) Notwithstanding regulations set forth in this chapter that may be more restrictive,  
18           signs located in the theater district are subject to the following:

19           (1) The maximum permissible aggregate area for all signs on any premises is six square  
20           feet per linear foot of building frontage.

21           (2) Dynamic signs, but not animated signs, are permissible without limitation as to their  
22           number or individual size. The minimum clearance of any such sign must be not  
23           less than ten feet, and the maximum height of any such sign must be not more than  
24           40 feet. Dynamic signs, but not animated signs, are permissible at any location

1 where the sign is oriented toward, and reasonably screened by, a building or other  
2 opaque structure, the height of which is not less than the height of the sign. Any  
3 such sign may operate as such only during the hours between 6 am and the  
4 subsequent 2 am. During all other hours, the sign may only operate as a static sign.

5 (3) A sign may cover or conceal architectural features, provided that, if a sign covers a  
6 window, it must be constructed of vinyl mesh or other semi-transparent material.

7 (4) Roof signs are permissible in any number.

8 **Sec. 4-4-85. Woodward north corridor; purpose and sign regulations.**

9 (a) The Woodward north corridor is intended to allow large projecting and dynamic  
10 signs, with sensitivity to the residential premises located adjacent to the Entertainment District.  
11 Pedestrian-friendly signage and context-appropriate illumination are encouraged. Dynamic signs,  
12 but not animated signs, are permissible on a limited basis.

13 (b) Notwithstanding regulations set forth in this chapter that may be more restrictive,  
14 signs located in the Woodward north corridor are subject to the following:

15 (1) The maximum permissible aggregate area for all signs on any premises is three  
16 square feet per linear foot of building frontage.

17 (2) Dynamic signs, but not animated signs, are permissible without limitation as to their  
18 number or individual size. The minimum clearance of such sign must be not less  
19 than ten feet, and the maximum height of such sign must be not more than 25 feet.  
20 Any dynamic sign may operate as such only during the hours between 6 am and the  
21 subsequent 2 am. During all other hours, the sign may only operate as a static sign.

1           (3) A temporary sign may cover or conceal architectural features, provided that, if a  
2           sign covers a window, it must be constructed of vinyl mesh or other semi-  
3           transparent material.

4   **Sec. 4-4-86. Entertainment buffer; purpose and sign regulations.**

5           (a) The entertainment buffer is intended to be a vibrant, pedestrian-oriented retail,  
6           restaurant, and bar district that is sensitive to surrounding residential areas. Pedestrian-friendly  
7           signage and context-appropriate illumination are encouraged. Dynamic signs, but not animated  
8           signs, are permissible on a limited basis. The entertainment buffer is also designed to screen the  
9           intense signage of the Entertainment Zone from, and minimize light spillover into, adjacent areas.

10          (b) Notwithstanding regulations set forth in this chapter that may be more restrictive,  
11          signs located in the entertainment buffer are subject to the following:

12           (1) The maximum permissible aggregate area for all signs on any premises is 4.5 square  
13           feet per linear foot of building frontage.

14           (2) Dynamic signs, but not animated signs, are permissible without limitation as to their  
15           number or size. The minimum clearance of any such sign must be not less than ten  
16           feet, and the maximum height of any such sign must be not more than 40 feet. Any  
17           dynamic sign may operate as such only during the hours between 6 am and the  
18           subsequent 2 am. During all other hours, the sign may operate only as a static sign.

19   **Sec. 4-4-87 -- 4-4-100. Reserved.**

20   **DIVISION 4. REGULATION OF ADVERTISING SIGNS LOCATED OUTSIDE THE**  
21                                   **CENTRAL BUSINESS DISTRICT**

1 **Sec. 4-4-101. In general.**

2 The regulations set forth in this division pertain to all advertising signs located within the  
3 boundaries of a premises outside of the Central Business District.

4 **Sec. 4-4-102. Permit for new or altered advertising signs.**

5 No permit may be issued by the Department for the construction and erection of a new  
6 advertising sign, or for the alteration of an existing advertising sign, except upon approval of a  
7 waiver of such prohibition in accordance with Section 4-4-22 of this Code, as well as satisfaction  
8 of each of the following:

9 (1) Finding by the Department of Public Works Traffic Engineering Division that the  
10 placement of the advertising sign on the premises will not impair the traffic safety  
11 of motorists and pedestrians, and if the sign is proposed to be operated as a dynamic  
12 sign, such finding must specifically address the impact of the proposed operation  
13 of the sign;

14 (2) Finding by the Planning and Development Department that the placement of the  
15 advertising sign on the premises will not be detrimental to environmental aesthetics  
16 by obstructing views of significant architectural or natural features;

17 (3) Finding by the Chief Financial Officer, based on an investigation to be completed  
18 in accordance with Section 2-113 of the Charter, that neither the applicant nor the  
19 owner of the premises to which the sign is sought to be placed, if different from the  
20 applicant, is in arrears to the City for any unpaid, outstanding, or delinquent  
21 property tax, income tax, personal tax, or special assessments;

22 (4) Finding by the Department that neither the applicant nor the owner of the premises  
23 to which the sign is sought to be placed, if different from the applicant, is the subject



1 of any outstanding violations of this Code, including, but not limited to, violations  
2 of:

3 (i) Any provision of Chapter 8, *Building Construction and Property*  
4 *Maintenance*, including verification of a valid final certificate of occupancy  
5 and current certificate of compliance, and is not the subject of any  
6 outstanding fines or violations.

7 (ii) Any provision of Chapter 50, *Zoning*, of this Code, including verification  
8 that the specific land use for its intended location has been established by  
9 the City in the respective zoning district, and, where the premises is  
10 governed by a zoning grant, has obtained a valid annual certification of  
11 maintenance of zoning grant conditions;

12 (5) Finding by the Department that the sign, as proposed, will be in compliance with  
13 all spacing, setback, height, clearance, size, and other dimensional and operational  
14 standards set forth in this division; and

15 (6) Submission of copies of all permits and other approvals by any other federal, state,  
16 or local governmental agency that may be necessary for construction, erection, or  
17 operation of the sign, including, but not limited to, approval by the Michigan  
18 Department of Transportation or the Detroit Historic District Commission.

19 **Sec. 4-4-103. Spacing requirements.**

20 No advertising sign located outside of the Central Business District may be permitted if:

21 (1) The proposed advertising sign is neither dynamic nor internally illuminated, and  
22 1,000 feet or less, measured linearly, from another advertising sign that is also

1           neither dynamic nor internally illuminated and is oriented in the same direction as  
2           the sign;

3           (2) The proposed advertising sign is neither dynamic nor internally illuminated, and  
4           1,750 feet or less, measured linearly, from another advertising sign that is either  
5           dynamic or internally illuminated and is oriented in the same direction as the sign;

6           (3) The proposed advertising sign is dynamic or internally illuminated, and 1,750 feet  
7           or less, measured linearly, from another advertising sign that is oriented in the same  
8           direction as the sign;

9           (4) The proposed advertising sign is 500 feet or less, measured linearly, from a  
10           premises that contains a school or educational institution, park, playground, or other  
11           outdoor recreation facility as defined in Section 50-16-324 of this Code;

12           (5) The proposed advertising sign is 500 feet or less, measured radially, from a historic  
13           district identified in Chapter 21, *History*, of this Code;

14           (6) The proposed advertising sign is 125 feet or less, measured radially, from the edge  
15           of the traveled roadway of any freeway, or interchange ramp between freeways,  
16           used by traffic traveling in the direction opposite the orientation of the sign;

17           (7) The proposed advertising sign is 25 feet or less, measured radially, from the  
18           boundary line of any freeway, or interchange ramp between freeways, used by  
19           traffic traveling in the direction opposite the orientation of the sign;

20           (8) The proposed advertising sign is 125 feet or less, measured radially, from any  
21           premises that contains one or more residential dwelling units, whether or not such  
22           dwelling units are occupied; or

1           (9) The proposed advertising sign is within any low-density residential sign district or  
2           recreation/open space sign district.

3           (10) The proposed advertising sign is within 200 feet, measured radially, from any point  
4           of the shoreline of the Detroit River.

5    **Sec. 4-4-104. Setbacks.**

6           Advertising signs must be set back at least five feet, measured from the outermost  
7           projection of any component of the sign, from any boundary of the premises on which the sign is  
8           located.

9    **Sec. 4-4-105. Height and clearance.**

10          (a) The height of any advertising sign shall not exceed 35 feet, with the exception of  
11          any freeway advertising sign, the height of which shall not exceed 45 feet.

12          (b) The clearance of any advertising sign shall be at least 15 feet.

13          (c) The height and clearance requirements set forth in Subsections (a) and (b) of this  
14          section are subject to any general standards based on the type of construction of the sign, as set  
15          forth in Division 2 of this article, that are more restrictive.

16    **Sec. 4-4-106. Area.**

17          (a) The area of any advertising sign is subject to the following:

18            (1) If the sign is a freeway advertising sign and is oriented toward a freeway, the area  
19            of the sign must not exceed 672 square feet.

20            (2) If the sign is located on a premises that abuts one or more rights-of-way other than  
21            a freeway, each of which is not less than 80 feet in width, the area of the sign must  
22            not exceed 378 square feet.

1           (3)    If the sign is located on a premises that abuts a right-of-way other than a freeway,  
2                    any one of which is less than 80 feet in width, the area of the sign must not exceed  
3                    250 square feet.

4           (b)    The area requirements set forth in Subsection (a) of this section are subject to any  
5            general standards based on the type of construction of the sign, as set forth in Division 2 of this  
6            article, that are more restrictive.

7    **Sec. 4-4-107. Landscaping.**

8           On any premises on which an advertising sign is the only structure, the perimeter of the  
9            premises abutting a right-of-way, with the exception of points of ingress and egress to and from  
10           the premises, must be landscaped with shrubs, bushes, and other vegetation to provide a continuous  
11           screening of such premises, to a depth of five feet in from such perimeter, and to a height of not  
12           less than 30 inches. Such landscaping must be maintained in good health and quality, and any  
13           vegetation that cannot be so maintained must be replaced.

14   **Sec. 4-4-108. Department of Public Works adjustment.**

15           All spacing, setback, height, clearance, area, and other dimensional and operational  
16            standards set forth in this division are subject to additional restrictions, beyond the standards set  
17            forth in this chapter, by the Department of Public Works Traffic Engineering Division if it finds  
18            that more restrictive standards are necessary to mitigate any potential impairment to the traffic  
19            safety of motorists and pedestrians.

20   **Sec. 4-4-109. Adjustment or Waiver prohibited; limited.**

21           (a)    Adjustment or waiver under Section 4-4-22 of this Code of the standards and  
22            requirements set forth in Section 4-4-102 of this Code is prohibited.

1 (b) Adjustment or waiver under Section 4-4-22 of this Code of the dimensional  
2 standards set forth in Sections 4-4-103 through 4-4-107 of this Code is limited to 10% of each such  
3 standard.

4 **Secs. 4-4-110 –4-4-120. Reserved.**

5 **DIVISION 5. REGULATION OF ADVERTISING SIGNS LOCATED IN THE**  
6 **CENTRAL BUSINESS DISTRICT**

7 **Sec. 4-4-121. Purpose.**

8 The Central Business District is characterized by a degree of density, height, scale, and  
9 diversity in the built environment, a concentration of historic and otherwise architecturally  
10 significant buildings and structures, and an intensity of vehicular and pedestrian traffic and activity  
11 that is unique within the City. The Central Business District also features continuous and extensive  
12 evolution in its built environment, through the development and redevelopment of new and  
13 existing buildings, structures, open spaces, and rights-of-way, such that the potential suitability of  
14 particular spaces for advertising signage over time is necessarily limited. As a result, in  
15 furtherance of the significant governmental interests set forth in Section 4-4-1 of this Code, the  
16 regulation of advertising signs in the Central Business District merits heightened standards and  
17 stricter requirements, as well as the ability to revise the implementation of such standards and  
18 requirements on a periodic basis, than might be necessary in other areas of the City. The purpose  
19 of this division is to set forth such standards and requirements for advertising in the Central  
20 Business District.

21 **Sec. 4-4-122. Advertising permit required.**

22 (a) It shall be unlawful for any person to construct, erect, attach, affix, post, place,  
23 display, maintain, or alter any advertising sign located on a premises within the Central Business

1 District without having first obtained an advertising permit from the Department, and maintaining  
2 such permit in good standing.

3 (b) During the amortization period set forth in Section 4-4-21 of this Code, Subsection  
4 (a) of this section shall not apply to any advertising sign located on a premises within the Central  
5 Business District that has, prior to the effective date of this ordinance, been issued a permit for  
6 such sign under Chapter 50, Zoning, of this Code, has not been abandoned or otherwise lost its  
7 nonconforming status, and is in full compliance with such permit.

8 **Sec. 4-4-123. Term and reapplication; renewal permitted in certain circumstances.**

9 (a) An advertising permit issued under this division is valid for a term not to exceed  
10 ten years, commencing on the date of issuance of the first advertising permit issued under  
11 Subsection 4-4-122(a) of this Code. Upon the conclusion of its term, an advertising permit shall  
12 automatically expire and become invalid, and the permittee or its agent shall immediately remove  
13 the advertising sign that is permissible under such permit, unless the permittee secures a new  
14 permit for the same sign for an immediately subsequent term or renewal of the permit as provided  
15 for in Subsection (b) of this Section.

16 (b) If, as of a date not less than 30 days following the application date established in  
17 Section 4-4-125(c) of this Code, the sum of (i) the number of all new applications for an advertising  
18 permit and (ii) the number of all existing valid advertising permits, is cumulatively less than the  
19 maximum number of permissible advertising permits as set forth in Sect. 4-4-125(d) of this Code,  
20 then an existing advertising permit issued under this division may be renewed. Renewal of an  
21 existing valid advertising permit shall be made by application in the form and in accordance with  
22 the procedures for an application of a new advertising permit set forth in this Code. Otherwise, no  
23 existing advertising permit may be renewed. Such determination shall be made separately for

1 advertising permits for local and super advertising signs. However, even if an existing advertising  
2 permit is not renewable, nothing in this section shall prevent the advertising permittee for such  
3 permitted advertising sign to apply for a new advertising permit for the same type of advertising  
4 sign at the same location under the procedures set forth in this Code.

5 **Sec. 4-4-124. Findings as prerequisite for issuance of advertising permits.**

6 (a) No permit may be issued by the Department for the construction and erection of a  
7 new advertising sign, or for the alteration of an existing advertising sign without satisfaction of  
8 each of the following findings:

9 (1) Finding by the Department of Public Works Traffic Engineering Division that the  
10 placement of the advertising sign on the premises will not impair the traffic safety  
11 of motorists and pedestrians;

12 (2) Finding by the Chief Financial Officer, based on an investigation to be completed  
13 in accordance with Section 2-113 of the Charter, that neither the applicant nor the  
14 owner of the premises to which the sign is sought to be placed, if different from the  
15 applicant, is in arrears to the City for any unpaid, outstanding, or delinquent  
16 property tax, income tax, personal tax, or special assessments;

17 (3) Finding by the Department that neither the applicant nor the owner of the premises  
18 to which the sign is sought to be placed, if different from the applicant, is the subject  
19 of any outstanding violations of this Code, including, but not limited to, violations  
20 of:

21 (i) Any provision of Chapter 8, *Building Construction and Property*  
22 *Maintenance*, including verification of a valid final certificate of occupancy

1 and current certificate of compliance, and is not the subject of any  
2 outstanding fines or violations;

3 (ii) Any provision of Chapter 50, *Zoning*, of this Code, including verification  
4 that the specific land use for its intended location has been established by  
5 the City in the respective zoning district, and, where the premises is  
6 governed by a zoning grant, has obtained a valid annual certification of  
7 maintenance of zoning grant conditions;

8 (4) Finding by the Department that the sign, as proposed, will be in compliance with  
9 all spacing, setback, height, clearance, size, and other dimensional and operational  
10 standards set forth in this division;

11 (5) Finding by the Fire Marshall that the premises, including all buildings and  
12 structures thereon, are not in violation of any applicable provision of Article I of  
13 Chapter 18, *Detroit Fire Prevention and Protection Code*, and that the placement  
14 of the advertising sign on the premises will not cause any such violation; and

15 (5) Submission of copies of all permits and other approvals by any other federal, state,  
16 or local governmental agency that may be necessary for construction, erection, or  
17 operation of the sign, including, but not limited to, approval by the Michigan  
18 Department of Transportation or the Detroit Historic District Commission.

19 (b) If any department identified in Subsection (a) of this Section determines that an  
20 inspection of the premises is reasonably necessary in order to make the requisite findings, it shall  
21 cause an inspection to be made of the premises and shall document such inspection as part of its  
22 findings.



1 (c) Each department identified in Subsection (a) of this Section shall submit its findings  
2 in writing to the Department without undue delay.

3 **Sec. 4-4-125. Buildings, Safety Engineering, and Environmental Department issuance of**  
4 **advertising permits.**

5 (a) Not more than 60 days after the effective date of this ordinance, the Director of the  
6 Department shall establish a transition period, the duration of which must not exceed two weeks,  
7 to enable and facilitate the efficient and effective transition to the regulations contained in this  
8 chapter. During this transition period, the owner of any premises located in the Central Business  
9 District to which a permit has been validly issued under Chapter 50, Zoning, of this Code to display  
10 advertising on the premises may, in its sole discretion, voluntarily and intentionally abandon such  
11 permit, and, upon submission of a complete application as set forth in Section 4-4-19 of this Code,  
12 shall be issued an advertising permit for such premises.

13 (b) Not more than 60 days after the effective date of this ordinance, the Director of the  
14 Department shall establish a date, to occur not less than two weeks following the conclusion of the  
15 transition period established under Subsection (a) of this section, on which the Department will  
16 commence accepting applications for advertising permits.

17 (1) The Department shall review and decide upon such applications in the order that  
18 they are received, until the applicable advertising permit cap identified in  
19 Subsection (d) of this section is satisfied.

20 (2) If an application is incomplete or otherwise deficient in any way, other than for a  
21 failure to provide copies of all permits and other approvals in accordance with  
22 Section 4-4-19(a)(12) of this Code, the Department shall notify the applicant of  
23 such deficiency and allow the applicant to correct such deficiency within a specified

1           period of time, not to exceed 15 days. The Department shall deny any deficient  
2           petition that is not timely corrected.

3           (3) If an application is incomplete solely due to its failure to provide copies of all  
4           permits and other approvals in accordance with Section 4-4-19(a)(12) of this Code,  
5           the Department may conditionally approve the application, subject to the  
6           requirement that copies of all such approvals be submitted to the Department within  
7           30 days following the date of such conditional approval. Upon the applicant's  
8           satisfaction of such requirement, the Department may approve the application and  
9           issue an advertising permit. Upon the applicant's failure of such requirement, the  
10           Department shall consider its conditional approval to have lapsed and shall deny  
11           such application. Nothing in this subsection shall be construed as obligating the  
12           Department to conditionally approve an application that it determines should  
13           otherwise be denied.

14           (4) The Department shall not approve any application that is submitted subsequent to  
15           the final application that, upon its approval, is permissible under the applicable  
16           advertising permit cap identified in Subsection (d) of this section. The Director of  
17           the Department may maintain a waitlist of such applications, and may consider such  
18           applications, in the order submitted, as additional advertising permits become  
19           available under the applicable cap for the remainder of the current term, as set forth  
20           in Section 4-4-123 of this Code. All applications placed on the waiting list shall be  
21           denied upon expiration of the current advertising permit term.

22           (c) Not more than nine years following the date established by the Director of the  
23           Department under Subsection (b) of this section, the Director shall establish a new application date

1 for any subsequent advertising permit terms, and shall accept and review applications and issue  
2 permits for such term in the same manner as set forth in Subsection (b) of this section.

3 (d) The Department shall not allow more than 25 advertising permits for local  
4 advertising signs in compliance with Section 4-4-128(b) of this Code, and not more than 45  
5 advertising permits for super advertising signs in compliance with Section 4-4-128(c) of this Code,  
6 as each category of advertising signs is described in Section 4-4-128 of this Code, to have been  
7 issued and remain valid at any one time.

8 **Sec. 4-4-126. Transfer of advertising permit.**

9 Any advertising permit issued under this division may be transferrable to a new owner of  
10 the premises or advertising partner, but shall not be transferable to another premises, or to another  
11 location on the same premises.

12 **Sec. 4-4-127. Alteration prohibited.**

13 (a) No sign that is permitted under this division may be altered in any way. Any  
14 advertising permit for an advertising sign that has been altered is subject to immediate revocation  
15 by the Department.

16 (b) Subsection (a) of this section does not prohibit the periodic changing of the copy  
17 of a permitted sign from time to time.

18 **Sec. 4-4-128. Sign standards.**

19 (a) Any advertising sign located on a premises in the Central Business District must  
20 comply with all applicable standards for either local advertising signs or super advertising signs,  
21 as set forth in this section, and shall be categorized as such.

22 (b) The standards applicable to any local advertising sign are as follows:

23 (1) Construction: Any local advertising sign must be constructed as either a wall sign  
24 or a painted sign.

1           (2) Number: Any premises may display not more than one local advertising sign,  
2           except for premises that display a super advertising sign, which may not display  
3           any local advertising sign.

4           (3) Area: The area of any local advertising sign must not exceed 80% of the area of  
5           the façade to which it is affixed, but in no case greater than 700 square feet if the  
6           sign is constructed as a wall sign, or 875 square feet if the sign is constructed as a  
7           painted sign.

8           (4) Height: Notwithstanding the limitations found in Section 4-4-45(d) of this Code,  
9           the height of any local advertising sign must not exceed 60 feet.

10          (5) Clearance: No local advertising sign is subject to any minimum clearance standard.

11          (6) Illumination: Any local advertising sign may be externally illuminated, but must  
12          not be internally illuminated, with the exception of advertising signs located in the  
13          Entertainment District, which may be illuminated in accordance with the standards  
14          set forth in Division 3, Subdivision B of this article.

15          (7) Dynamic operation: No local advertising sign may be dynamic, with the exception  
16          of advertising signs located in the Entertainment District, which may be dynamic  
17          in accordance with the standards set forth in Division 3, Subdivision B of this  
18          article.

19          (8) Location: No local advertising sign may be located within 200 feet, measured  
20          radially from any point of the sign, of any point of the shoreline of the Detroit River.

21          (c) The standards applicable to any super advertising sign are as follows:

22          (1) Construction: Any super advertising sign must be constructed as either a wall sign  
23          or a painted sign.



1 as such. Any sign that is not in compliance with all applicable standards for either local or super  
2 advertising signs is impermissible.

3 **Sec. 4-4-129. Mitigation of harmful visual aesthetics created by Super Advertising Signs**  
4 **through promotion of public art.**

5 (a) In acknowledgment that:

6 (1) The City has a significant governmental interest in protecting its aesthetic values  
7 and in mitigating instances of visual blight;

8 (2) Signs, by their very nature, wherever located and however constructed, can be  
9 perceived as an aesthetic harm through their imposition of negative visual  
10 aesthetics;

11 (3) Because of the Central Business District's role as the City's primary hub of activity,  
12 the aesthetic harm created by signs in the Central Business District is imposed on  
13 all businesses and individuals who may live, work, do business, recreate, or visit  
14 therein, or travel through the Central Business District, and compromises their  
15 overall aesthetic experience of the City on a citywide basis;

16 (4) The magnitude of any given sign's negative visual aesthetics can depend on various  
17 dimensional and operational parameters, such as its area, construction,  
18 illumination, and dynamic operation, that serve to increase its visibility;

19 (5) The negative visual aesthetics of a sign can, based on such dimensional and  
20 operational parameters, become so great as to outweigh any positive consequences  
21 that the sign might provide, including the facilitation of protected speech and the  
22 promotion of local commerce; and

1           (6) The City may, through the exercise of its legitimate police powers in furtherance of  
2           its significant governmental interests, mitigate the particularly negative visual  
3           aesthetics of the most visually impactful signs without compromising the positive  
4           consequences of such signs by promotion, construction, and maintenance of  
5           elements that serve to improve visual aesthetics to a proportionate degree, including  
6           the public display of art murals and other forms of public art;

7 the Department is authorized to evaluate each application for a permit for a super advertising sign  
8 and determine whether such proposed sign will, by its nature, impose negative visual aesthetics of  
9 such magnitude that mitigation through the display of one or more art murals and other public art  
10 may reasonably be necessary.

11           (b) Upon its determination that mitigation of the negative visual aesthetics imposed by  
12 a proposed super advertising sign for which a permit is applied will be necessary, the Department  
13 may request payment of a monetary contribution by the applicant, in an amount to be determined  
14 by the Department in accordance with the limitations set forth in this section, as a prerequisite to  
15 issuance of a permit for such sign. Such contribution need not be submitted prior to the  
16 Department's evaluation of the application for a super advertising sign permit, but must be  
17 submitted prior to the Department's issuance of such permit.

18           (c) The Department may make any determination pursuant to its authority established  
19 in Subsections (a) and (b) of this section in consultation with the City's Director of Arts and  
20 Culture, and the director of any department or agency that it may desire, or any such director's  
21 designee.

22           (d) To ensure a reasonable nexus between the proposed super advertising sign's  
23 negative visual aesthetics and the City's mitigation thereof, the Office of the Chief Financial

1 Officer shall establish a special purpose account for contributions made pursuant to Subsection (b)  
2 of this section. The Department shall deposit all such funds directly into such account promptly  
3 upon receipt. All funds must be disbursed from such account solely for purposes of the  
4 commission, construction, siting, display, and maintenance of art murals and other public art that  
5 is fairly anticipated to improve overall visual aesthetics in the City, and no funds in any amount  
6 may be disbursed from such account for any other purpose, except if reimbursement of such funds  
7 shall be made in accordance with Subsection (g) of this section.

8 (e) To ensure rough proportionality between the proposed super advertising sign's  
9 negative visual aesthetics and the City's mitigation thereof, the contribution associated with any  
10 sign shall not exceed an amount equal to the greater of:

11 (1) An amount, equal to two dollars if the super advertising sign is proposed to be  
12 internally illuminated, one dollar if the super advertising sign is proposed to be a  
13 wall sign, and 80 cents if the super advertising sign is proposed to be a painted sign,  
14 for each square foot of the proposed super advertising sign, for each year of the  
15 term of the permit for which application is made; or

16 (2) An amount equal to the expected cost, as the Department may reasonably  
17 determine, for the commission and installation of an art mural of an area equal to  
18 (i) 200% of the area of the proposed super advertising sign if such sign is proposed  
19 to be internally illuminated, (ii) the area of the proposed super advertising sign if  
20 such sign is proposed to be constructed as a wall sign, or (iii) 80% of the area of  
21 the proposed super advertising sign if such sign is proposed to be constructed as a  
22 painted sign, as well as the cost of the maintenance thereof for a period equal to the  
23 term of the super advertising permit for which application is made.



1 (f) The Department shall cause all contributions made pursuant to this section for the  
2 purpose of mitigating the aesthetic harm of any super advertising sign to be disbursed for a purpose  
3 allowed by this section no later than the termination date of the permit for such sign.

4 (g) If the Department denies an application for a super advertising sign permit for  
5 which a contribution has been made, the Department shall refund such contribution to the  
6 applicant. If a permit for a super advertising sign has been issued and a contribution for such sign  
7 has been made, and such permit has been revoked in accordance with Section 4-4-127 of this Code  
8 prior to the completion of its term, no refund of such contribution may be made.

9 **Sec. 4-4-130. Adjustment or waiver prohibited.**

10 Waiver or adjustment under Section 4-4-22 of this Code of the dimensional standards set  
11 forth in this division is prohibited.

12 **Secs. 4-4-131 – 4-4-160. Reserved.**

13 **DIVISION 6. REGULATION OF SIGNS IN THE RIGHT-OF-WAY**

14 **Sec. 4-4-161. In general.**

15 The regulations of this division shall apply to any sign that is constructed, erected, posted,  
16 or otherwise placed in any location within the right-of-way that is subject to the jurisdiction and  
17 control of the City.

18 **Sec. 4-4-162. Department of Public Works approval required.**

19 No sign that is subject to the regulations of this division may be permitted unless authorized  
20 by the Department of Public Works as a legal encroachment in the right-of-way. A copy of the  
21 valid encroachment permit for the sign must be submitted as part of the application for construction  
22 or erection of the sign. All conditions of approval, dimensional or operational standards, and other  
23 standards set forth in the encroachment permit shall be incorporated by reference into the permit.

1 and compliance with all such standards shall be a condition of approval for such permit. Any  
2 standards set forth in the encroachment permit that are more restrictive than comparable standards  
3 set forth in this chapter shall control.

4 **Sec. 4-4-163. Business signs located in the right-of-way.**

5 Any sign located in the right-of-way that is intended to direct attention to a principal  
6 business or principal commodity, service, or entertainment that is conducted, sold, or offered on  
7 the premises adjacent to which the sign is located shall be considered to be a business sign  
8 associated with such premises and shall be subject to all applicable regulations of this article.

9 **Sec. 4-4-164. Directional signs located in the right-of-way.**

10 Any directional sign located in the right-of-way for the purpose of identifying particular  
11 neighborhoods, communities, or other identifiable areas of the City shall be subject to the  
12 following:

13 (1) Construction. Any directional sign located in the right-of-way must be constructed  
14 as a monument sign.

15 (2) Number. Not more than one directional sign, or one pair of identical directional  
16 signs, may be located at any point in a right-of-way or within any intersection of  
17 two or more rights-of-way.

18 (3) Area. The area of a directional sign, or aggregate area of a pair of identical  
19 directional signs, located in the right-of-way must not exceed 12 square feet.

20 (4) Height. The height of a directional sign located in the right-of-way must not exceed  
21 eight feet six inches.

22 (5) Clearance. The clearance of any directional sign located in a right-of-way must  
23 be not less than two feet.

1           (6) *Illumination.* Any directional sign located in the right-of-way may be either non-  
2           illuminated or externally illuminated.

3    **Sec. 4-4-165. Advertising signs located in the right-of-way.**

4    Any advertising sign located in a right-of-way is subject to the following:

5           (1) *Permissibility.* Advertising signs located in the right-of-way are not permissible in  
6           low-density residential sign districts or any portion of a right-of-way that is  
7           immediately adjacent to, and is on the same side of the street as, a low-density  
8           residential sign district.

9           (2) *Construction.* Any advertising sign located in the right-of-way must be constructed  
10           as a component of a larger freestanding structure, such as a newsstand, bus or transit  
11           shelter, bench, or bicycle docking station, that provides a non-advertising purpose  
12           for the benefit of pedestrian or vehicular traffic utilizing the right-of-way, provided  
13           that the sign is constructed as an integral component of such structure and does not  
14           rest upon such structure's roof or project out from the façade of any such structure.

15           (3) *Area.* The area of an advertising sign located in the right-of-way shall not exceed  
16           18 square feet if illuminated, or 24 square feet if not illuminated.

17           (4) *Height.* The height of an advertising sign located in the right-of-way shall not  
18           exceed eight feet, six inches.

19           (5) *Illumination.* An advertising sign located in the right-of-way may be illuminated,  
20           either internally or externally. All sources of illumination for an externally  
21           illuminated sign must be fully contained in the frame or case that holds the sign.

22           (6) *Dynamic operation.* An advertising sign located in the right-of-way may be  
23           dynamic, but shall not be animated.



1 density commercial/industrial sign district, the area of any temporary sign shall not exceed one  
2 square feet per linear foot of building frontage, but in no case less than 12 square feet and no  
3 greater than 32 square feet.

4 (d) Any temporary sign may be permitted only until the conclusion of the occasion to  
5 which it is intended to direct attention, upon which date the permit shall expire. No temporary sign  
6 may be permitted for a period of time exceeding 90 days.

7 (e) Adjustment or waiver under Section 4-4-22 of this Code of the dimensional  
8 standards set forth in sections 4-4-103 through 4-4-107 of this Code is limited to 25% of such  
9 standards.

10 **Sec. 4-4-183. Additional temporary sign allowances.**

11 (a) Notwithstanding the limitations set forth in Section 4-4-182 of this Code, additional  
12 temporary signage may be permitted for any premises, or ground floor tenant space of a multi-  
13 tenant building, under each of the following circumstances:

- 14 (1) *Premises listed as being for sale or lease.* For any premises, or ground floor tenant  
15 space within a multi-tenant building, that is unoccupied and being actively  
16 marketed for sale or lease, one additional temporary sign for each building frontage  
17 is permissible. Any such sign may be permitted only for the period during which  
18 the premises is unoccupied and being actively marketed for sale or lease. On  
19 properties located in a low-density residential sign district or recreation/open space  
20 sign district, the area of any such sign must not exceed six square feet. On properties  
21 located in a high-density residential/mixed use sign district, low-density  
22 commercial/institutional sign district, or high-density commercial/industrial sign

1 district, the area of any such sign must not exceed 32 square feet or, if such sign is  
2 located on a ground floor window, the area of such window.

3 (2) *Premises with Open Building or Construction Permit.* For any premises, or ground  
4 floor tenant space within a multi-tenant building, that is unoccupied and is validly  
5 permitted under Chapter 8 of this Code, *Building Construction and Property*  
6 *Maintenance*, or undergoing preconstruction activities associated with such  
7 permitting, for construction of a new building or structure or complete renovation  
8 or redevelopment of an existing building, structure, or ground floor tenant space,  
9 additional temporary signage for each building frontage is permissible. Such  
10 signage may be permitted only for the period during which the permit associated  
11 with the preconstruction, construction, renovation, or redevelopment activities  
12 remains valid, and shall automatically expire upon issuance of a certificate of  
13 occupancy, whether temporary or final, for the premises or tenant space. The  
14 aggregate area of all such signage on any premises is subject to the maximum  
15 aggregate sign area for the premises, as determined under Section 4-4-62 of this  
16 Code. Such signage may be located on a screening fence that is erected to cordon  
17 off the construction, renovation, or redevelopment site, notwithstanding the  
18 prohibition set forth in Section 4-4-7(5) of this Code or, if located on a ground floor  
19 tenant space, may be located in a window, notwithstanding the standard for window  
20 signs set forth in Section 4-4-46(c) of this Code.

21 (3) *Portable temporary signs.* For any premises located in a low-density residential  
22 sign district or high-density residential/mixed use sign district that is currently  
23 occupied, whether wholly or partially, for residential purposes, portable temporary

1 signs, in any number but not exceeding six square feet in area for any single sign  
2 or 18 square feet in aggregate area for all signs, are permissible. Such signage is  
3 permissible only during the period commencing 30 days prior to the date of any  
4 federal, state, or local primary election and concluding seven days after the date of  
5 the subsequent general election. Any such sign must be set back from the front of  
6 the premises not less than five feet.

7 (b) Adjustments and waiver under Section 4-4-22 of this Code of the dimensional  
8 standards set forth in the section is prohibited.

9 **Sec. 4-4-184. Temporary sign copy.**

10 (a) No temporary sign may be permitted for changeable copy. The copy of any  
11 permitted temporary sign shall remain constant and shall not change at any time during the term  
12 of the permit.

13 (b) Nothing in Subsection (a) of this section may be construed as regulating the copy  
14 of a temporary sign in any way or as any other form of content-based regulation, but may be  
15 construed solely regulating the ability to change such copy during the term of the temporary sign  
16 permit.

17 (c) Nothing in Subsection (a) of this section may be construed as prohibiting any  
18 maintenance, repair, or replacement of a temporary sign, or any of its components, as may be  
19 necessary to keep such sign in good repair in accordance with Section 4-4-9 of this Code, including  
20 the replacement of a damaged sign face with a new sign face containing the same copy.

21 **Sec. 4-4-185. General temporary sign standards.**

22 Any temporary sign that is permissible under this division is subject to the following  
23 standards:

1       (1) Placement. Any temporary sign shall be located so as to avoid obstruction of or  
2       interference with the safe and efficient flow of pedestrian and vehicular traffic, or  
3       impact the accessibility of ingress or egress of any building or structure. A  
4       temporary sign located in the public right-of-way is further subject to approval by  
5       the Department of Public Works, or other public agency with jurisdiction over the  
6       right-of-way in which the sign is to be located.

7       (2) Material. Temporary signs shall be constructed of durable material and  
8       construction, and shall be adequately secured so as to be reasonably able to  
9       withstand deterioration, damage, or destruction due to inclement weather, the  
10       forces of wind, rain, and snow, and other impacts.

11       (3) Good repair. Any temporary sign shall be maintained in good repair in accordance  
12       with Section 4-4-9 of this Code.

13       (4) Illumination. Any temporary sign may be externally illuminated, but shall not be  
14       internally illuminated.

15       (5) Dynamic. A temporary sign may be dynamic only where an identical permanent  
16       sign of the same construction, location, and other physical parameters may be  
17       dynamic, but under no circumstances may a temporary sign be animated.

18       (6) Additional standards. Any temporary sign is further subject to all general sign  
19       standards set forth in Division 2 of this article, based on the type of construction or  
20       operation of the temporary sign, unless comparable standards set forth in this  
21       division are more restrictive.



1 **Sec. 4-4-186. Removal of temporary signs.**

2 (a) Any temporary sign, along with its frame and supporting structure, shall be  
3 removed by the owner of the premises on which such sign is located, or its agent, within 24 hours  
4 after expiration of its permit.

5 (b) Any temporary sign, along with its frame and supporting structure, that is not  
6 maintained in good repair shall be removed by the owner of the premises on which such sign is  
7 located, or its agent, within 24 hours after receiving a correction notice to remove such sign, in  
8 accordance with Section 4-4-9 of this Code.

9 (c) Any temporary sign, along with its frame and supporting structure that becomes  
10 obsolete shall be removed by the owner of the premises on which such sign is located, or its agent,  
11 within 24 hours after becoming obsolete, in accordance with Section 4-4-10 of this Code. A  
12 temporary sign becomes obsolete immediately upon the conclusion of the occasion to which such  
13 sign is intended to draw attention.

14 (d) The Department shall issue a blight violation under the following circumstances:

15 (1) If the owner fails to cure the violation within the applicable cure period after service  
16 of a correction notice.

17 (2) When the owner disputes a violation identified on a correction notice; and

18 (3) When, in the Department's exercise of judgment and discretion pursuant to rules  
19 adopted by the Department, the violation is of such a nature as to be substantially  
20 serious, chronic, and/or willful.

21 **Sec. 4-4-187 - 4-4-200. Reserved.**

1                                   **ARTICLE V. DEVELOPMENT NOTIFICATION SIGNS**

2   **Sec. 4-5-1. Definitions.**

3   For the purpose of this article, the following words and phrases shall have the meanings  
4   respectively ascribed to them by this section:

5           *Construction site* means any area where construction or renovation is set to take place, with  
6   the exception of residential construction or renovation involving four or fewer dwelling units.

7           *Development notification sign* means a posted temporary notice that informs the public of  
8   the type of development taking place on the premises, the expected completion date for  
9   construction, and the contact information of the developer.

10 **Sec. 4-5-2. Misdemeanor violation; continuing violation; penalty for conviction thereof.**

11           (a)   It shall be unlawful for any person to violate any provision of this article.

12           (b)   Any person who violates this article may be issued a misdemeanor violation for  
13   each day that the violation continues.

14           (c)   Any person who is found guilty of violating any provision of this article shall be  
15   convicted of a misdemeanor for each violation that is issued, and, in the discretion of the court,  
16   may be fined up to \$500.00 for each misdemeanor violation that is issued.

17 **Sec. 4-5-3. Enforcement.**

18           This article shall be enforced by the Buildings, Safety Engineering, and Environmental  
19 Department.

20 **Sec. 4-5-4. Posting of development notification sign required.**

21           A properly posted development notification sign is required for any construction site that is at  
22   least 10,000 square feet in area and that otherwise requires a building permit.

23 **Sec. 4-5-5. Development notification sign specifications; content; maintenance.**

1 (a) The dimensions for a development notification sign must be at least four feet in  
2 height and six feet in width, with letters of text that are a minimum of one inch in height ~~in~~ and of  
3 a legible font and color contrast.

4 (b) All development notification signs shall be made of durable, weatherproof, and  
5 flame retardant materials.

6 (c) A development notification sign shall display, at minimum, the following content:

7 (1) A rendering or site plan of the proposed development;

8 (2) A title stating “Work in Progress” and specifying the type of structure being built,  
9 for example, commercial, manufacturing, retail, office, hospital, or school;

10 (3) The expected project completion date;

11 (4) The name, address, and telephone number of the owner of the property, corporation,  
12 or registered agent; and

13 (5) The building permit number or a copy of the building permit.

14 (d) Development notification signs shall be maintained so that the sign remains legible,  
15 securely attached, and free of sharp edges, protruding nails, or similar hazards.

16 **Sec. 4-5-6. Placement of development notification sign.**

17 A development notification sign shall be placed on the fence on each perimeter facing a public  
18 street or highway. If the development site is not fenced, then a development notification sign shall  
19 be fixed into the ground at each perimeter facing a public street or highway. All development  
20 notification signs shall be placed at a height of four feet from the ground, measured from the  
21 bottom edge of the development sign.

22 **Sec. 4-5-7. Duration of posting.**

23 (a) Development notification signs must be posted within 30 days of receipt of a

1 building permit for the site, and must remain posted until a certificate of occupancy is issued.

2 (b) Development notification signs must be removed within 30 days of issuance of a  
3 certificate of occupancy.

4 **Sec. 4-5-8. Complaints.**

5 Complaints regarding a development property without a development notification sign posted  
6 may be made to the ~~Buildings, Safety Engineering, and Environmental~~ Department. The  
7 Department shall investigate complaints to determine compliance with this article.

8 **Secs. 4-5-9– 4-5-20. Reserved.**

9 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health,  
10 safety, and welfare of the People of the City of Detroit.

11 **Section 3.** All ordinances or parts of ordinances that conflict with this ordinance are  
12 repealed.

13 **Section 4.** In accordance with Section 4-118(3) of the 2012 Detroit City Charter, this  
14 ordinance shall be published forthwith and become effective on July 1, 2020.

Approved as to form:



Lawrence T. García  
Corporation Counsel

Alton James  
Chairperson  
Lauren Hood, MCD  
Vice Chair/Secretary

# City of Detroit



**CITY PLANNING COMMISSION**  
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Angy Webb  
Henry Williams

February 6, 2020

## HONORABLE CITY COUNCIL

**RE: Request from Parkstone Development Partners, on behalf of Better Made Snack Foods, Inc., (Petition No. 729) to rezone 6570, 6576, 6582, 6598, 6600, 6602, and 6608 Harding Avenue from a R2 (Two-Family Residential District) zoning classification to a M2 (Restricted Industrial District) zoning classification to develop an expanded employee parking lot (RECOMMEND APPROVAL)**

Parkstone Development Partners, on behalf of Better Made Snack Foods, Inc., is requesting to rezone 6570, 6576, 6582, 6598, 6600, 6602, and 6608 Harding Avenue to a M2 zoning classification where a R2 zoning classification currently exists on Zoning Map No. 25. The change in zoning is being requested in order to allow for Better Made Snack Foods, Inc. to expand its employee parking area. Please see the attached public hearing notice which includes the location of the subject rezoning and surrounding zoning.

### Background and Proposal

Since 1955, Better Made Snack Foods, Inc. has been located at 10148 Gratiot Avenue on the east side of Gratiot Avenue north of Harper Avenue. The Better Made facility is presently zoned M2.

South of the Better Made factory is a small residential neighborhood zoned R2. The CPC estimates that in the past, this residential area had about 125 houses. Over the years, many of these houses have been demolished, leaving about 35 houses remaining. Harding Avenue is a north/south street running from I-94 on the south, past Harper Avenue, and to a dead-end at the Better Made property. The east side of Harding Avenue once had about 13 houses. The block is presently vacant except for one house (6350 Harding Avenue) at the south end of the block.

Better Made has purchased seven of the lots on the east side of Harding Avenue and is requesting to expand part of its parking lot onto the seven lots adjacent to its facility. In the past year, Better Made secured a temporary permit and developed a fenced-in gravel parking lot. Better Made indicates it will access the subject site from within its existing facility, with no access from Harding Avenue. Please see the attached site plans of the proposed rezoning.

### Community Input and Public Hearing Results

On November 7, 2019, the City Planning Commission held a public hearing on the rezoning request. One person representing Better Made employees spoke in support. CPC staff noted it received a letter of opposition from the homeowner of 6530 Harding Street. Four letters of

support were received from the Detroit Economic Growth Corp. (DEGC), State Representative Joe Tate, State Senator Adam Hollier, and Wayne County Commissioner Jewel Ware.

The petitioner provided a community engagement summary indicating it met with the homeowner at 6530 Harding Street to discuss their concerns. Parkstone indicated, prior to the hearing, it knocked on 20 doors and spoke with nine residents about the proposal. Parkstone hosted a community meeting on August 20, 2019 and indicates the main concerns and feedback included:

- Air quality/pollution from PVS Chemicals – the petitioner contacted the State of Michigan which asked residents to report exact times when air quality issues occur;
- Storm water management/drainage – Better Made indicated the new lot would tap into the sewers on French Road not Harding Avenue;
- The possible future expansion of Better Made – Better Made continues to explore adjacent areas to expand its operation;
- There were no objections to the proposed barbed wire on the fence.

During the hearing, the City Planning Commission discussed the following issues:

- The Commission said it would prefer letters of support from the community itself, not just elected officials. Better Made indicated it went door to door and held community meetings instead of seeking letters.
- The Commission asked if other zoning districts were considered. CPC staff indicated M2 matches the M2 zoning to the east on French Road; other zoning districts would require larger setbacks, whereby eliminating more parking spaces.
- The Commission discussed how Better Made currently operates its business, including truck traffic, and why the additional parking is needed. Better Made indicated its trucks, mostly box trucks, will access its facility from French Road. In last 8 years, Better Made has added a 2<sup>nd</sup> and 3<sup>rd</sup> shift.
- The Commission discussed screening and what type of landscaping would be planted around the site. Better Made indicated, because of utility wires, it would explore planting smaller mature trees along Harding Avenue. Better Made indicated it would be willing to look at buffers for the south end of the site.

## Analysis

### ***Surrounding Zoning and Land Use***

The zoning classification and land uses surrounding the subject area are as follows:

North:	M2: developed with the Better Made Snack Foods facility
East:	M2: (the west side of French Road): developed with Better Made property
South:	R2: vacant land
West:	R2: housing and vacant land

South of the subject rezoning, there are five vacant lots owned by DS Development which operates Denn Co Construction located on Harper at French Road. South of the five lots owned by DS Development are three lots developed with a single-family house at 6530 Harding Avenue.

### ***Zoning Ordinance Criteria***

Section 50-3-80 of the Detroit Zoning Ordinance lists eight approval criteria on which zoning

map amendments must be based. The CPC finds that the present request meets the criteria for the following reasons:

1. *Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend or fact:*

The proposed amendment does not correct an error. However, the proposed map amendment meets the challenge of a changing condition or trend. As noted earlier in this report, the adjacent neighborhood/subject block was previously developed with single-family houses. Over the years, many of the single-family houses have been demolished and the land has remained vacant.

2. *Whether the proposed amendment is consistent with the Master Plan and the stated purposes of this Zoning Ordinance:*

The subject site is located within the Airport area of Neighborhood Cluster 1 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows Low/Medium Density Residential (RLM) for the subject block. The Master Plan also shows RLM for the remainder of the neighborhood to the west and the block to the east (facing French Road). The Better Made facility to the north is designated Light Industrial. The Planning & Development Department (P&DD) submitted a letter indicating the proposed development does not change the Future General Land Use characteristics of the area and conforms to the policies of the City's Master Plan.

3. *Whether the proposed amendment will protect the health, safety, and general welfare of the public:*

The proposed amendment will protect the health, safety, and general welfare of the public by rezoning the subject vacant area to allow an existing business to provide additional employee parking.

4. *Whether the City and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development:*

Not applicable.

5. *Whether the proposed rezoning will have significant adverse impacts on the natural environment, including air, water, soil, wildlife, and vegetation and with respect to anticipated changes in noise and regarding stormwater management:*

It is not anticipated the proposed rezoning will have significant adverse impacts on the natural environment.

6. *Whether the proposed amendment will have significant adverse impacts on other property that is in the vicinity of the subject tract:*

It is not anticipated the proposed rezoning will have significant adverse impacts on other property that is in the vicinity. Land directly to the south and west is presently vacant. Land to the north and east are already developed with Better Made operations.

7. *The suitability of the subject property for the existing zoning classification and proposed zoning classification: and*

The subject properties are not suitable for the existing zoning classification, because over the years the vast majority of residential houses have been demolished and not replaced.

8. *Whether the proposed rezoning will create an illegal "spot zone":*

The proposed rezoning will not create an illegal spot zone, because the proposed industrial zoning will be adjacent to existing industrial zones to the north and east.

**Recommendation**

The City Planning Commission recommends **APPROVAL** of the request of Parkstone Development Partners, on behalf of Better Made Snack Foods, Inc. to amend Article XVII, District Map No. 25 of the 2019 Detroit City Code, Chapter 50, Zoning, by showing a M2 zoning classification where a R2 zoning classification currently exists at 6570, 6576, 6582, 6598, 6600, 6602, and 6608 Harding Avenue. The ordinance approved as to form, is attached for Your consideration.

Respectfully submitted,

Alton James, CHAIRPERSON



Marcell R. Todd, Jr., Director  
Christopher J. Gulock, AICP, Staff

Attachments: public hearing notice, application for zoning change, and ordinance

cc: Arthur Jemison, Administration  
Lawrence Garcia, Law  
Kim James, Law  
Dave Bell, BSEED  
Katy Trudeau P&DD  
Karen Gage, P&DD  
Greg Moots, P&DD



Alton James  
Chairperson  
Lauren Hood, MCD  
Vice Chair/Secretary

# City of Detroit

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

## **NOTICE OF PUBLIC HEARING**

A public hearing will be held by the Detroit City Planning Commission in the Committee of the Whole Room, 13th Floor, Coleman A. Young Municipal Center, 2 Woodward Avenue, Detroit, Michigan 48226, on

**THURSDAY, NOVEMBER 7, 2019 AT 6:15 PM**

to consider the request of Parkstone Development Partners on behalf of Better Made Snack Foods, Inc. to amend Article XVII, District Map No. 25 of the 2019 Detroit City Code, Chapter 50, Zoning, by showing a M2 (Restricted Industrial District) zoning classification where a R2 (Two-Family Residential District) zoning classification currently exists on property at 6570, 6576, 6582, 6598, 6600, 6602, and 6608 Harding Avenue, generally located on the east side of Harding Avenue near Sterritt Avenue. The location of the proposed rezoning is indicated as the highlighted area on the accompanying map.

The proposed map amendment is being requested to develop the presently vacant green space into an employee parking lot.

The pertinent zoning district classifications are described as follows:

### **R2 Two-Family Residential District**

The district is designed to protect and enhance those areas developed or likely to develop with single- or two-family dwellings. The district regulations are designed to promote a suitable environment for homes and for activities connected with family life. The only principal uses permitted by right are single- and two-family dwellings. Additional uses are conditional.

### **M2 Restricted Industrial District**

This district is designed for a wide range of industrial and related uses which can function with a minimum of undesirable effects. Industrial establishments of this type provide a buffer between residential districts and intensive industrial districts. New residential construction is excluded from this district with the exception of loft conversions of existing buildings and of residential uses combined in structures with permitted commercial uses. These requirements are both to protect residences from an undesirable environment and to ensure reservation of adequate areas for industrial development.

A Zoning Ordinance map amendment requires approval of the City Council after a public hearing and after receipt of a report and recommendation by the City Planning Commission. This Zoning

Ordinance map amendment request is being considered consistent with the provisions of Article III, Division 3 of Chapter 50 of the 2019 Detroit City Code, the Detroit Zoning Ordinance.

You may present your views on this proposal by attending this hearing, by authorizing others to represent you, or by writing to this office prior to the hearing; 2 Woodward Avenue, Room 208, Detroit, Michigan 48226 (FAX: 313-224-4336). Because it is possible that some who are affected by this proposal may not have been notified, it is suggested that you kindly inform your neighbors so that they too may express their positions if they so desire.

With advance notice of seven calendar days, the City of Detroit will provide interpreter services at public meetings, including language translation and reasonable ADA accommodations. Please contact the Civil Rights, Inclusion and Opportunity Department at (313) 224-4950, through the TTY number 711, or email [crio@detroitmi.gov](mailto:crio@detroitmi.gov) to schedule these services.

For further information on this proposal or the public hearing, please call (313) 224-6225.



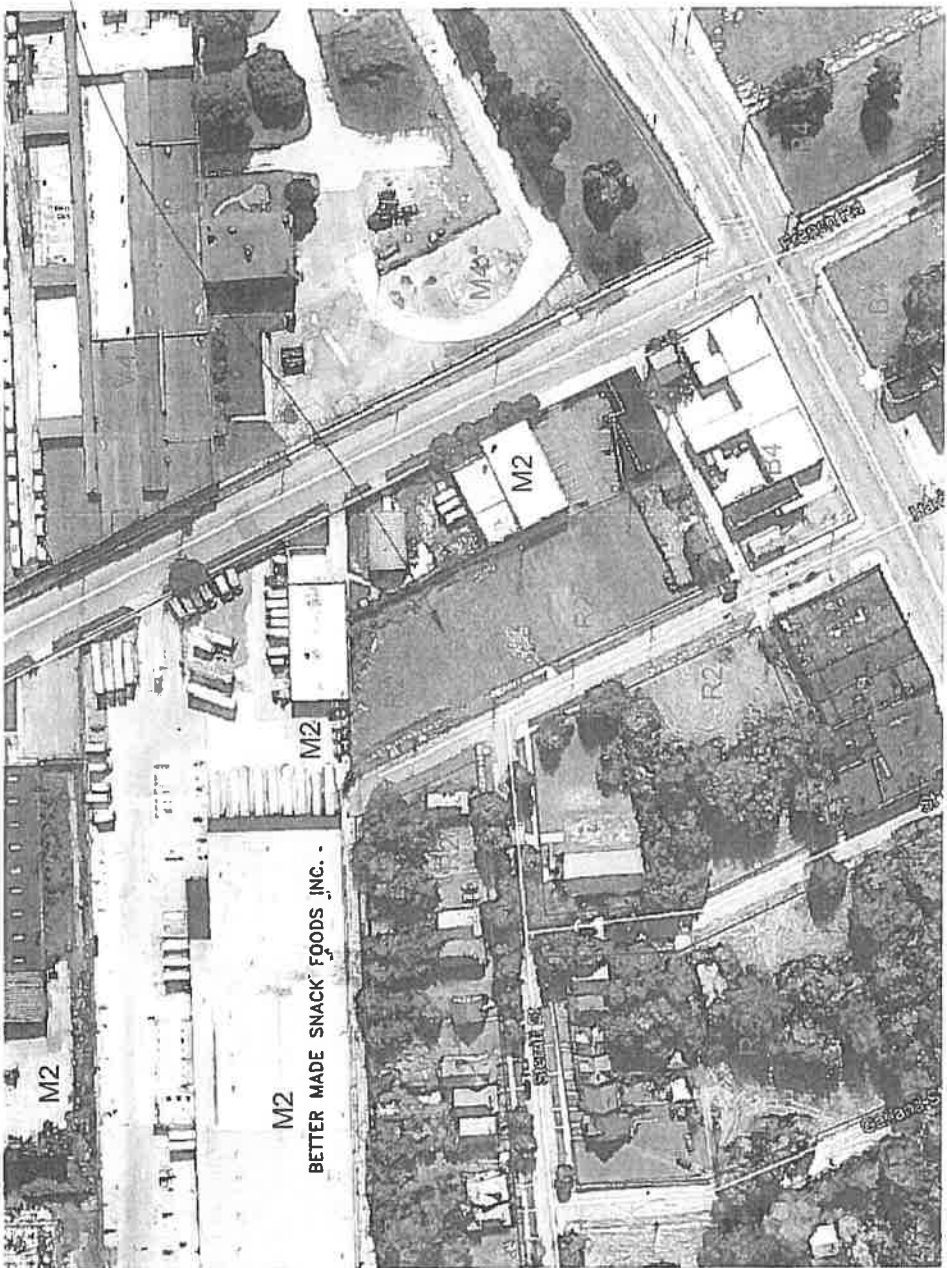
## Proposed Rezoning from R2 to M2

DATE	01-17-2019
AS NOTED	BETTER MADE
SCALE:	
DRAWN BY	
ISSUED FOR	
DATE	
REVISION	
CHECKED BY	
DATE	

SHEET TITLE: ZONING MAP  
 REZONING OF VACANT LOTS FROM R2 TO M2  
 APPLICANT: BETTER MADE SNACK FOODS INC.  
 10148 CHERRY AVE. BENTON, MI  
 48104

HANNA ENGINEERING AND CONSULTING  
 Planners, Architects and Engineers  
 31788 Clarita  
 Livonia, Michigan 48152  
 TEL: (313) 676-0820  
 hnae@ml-tr.com

JOB No. 07-2019  
 SHEET No. C-1



SITE

ZONING MAP



## SUMMARY

An ordinance to amend Chapter 50 of the 2019 Detroit City Code, '*Zoning*,' by amending Article XVII, District Map No. 25 to show a M2 (Restricted Industrial District) zoning classification where a R2 (Two-Family Residential District) zoning classification is currently shown at 6570, 6576, 6582, 6598, 6600, 6602 and 6608 Harding Avenue, generally located on the east side of Harding Avenue north of Harper Avenue.

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

2 **AN ORDINANCE** to amend Chapter 50 of the 2019 Detroit City Code, ‘Zoning,’ by  
3 amending Article XVII, District Map No. 25 to show a M2 (Restricted Industrial District) zoning  
4 classification where a R2 (Two-Family Residential District) zoning classification is currently  
5 shown at 6570, 6576, 6582, 6598, 6600, 6602 and 6608 Harding Avenue, generally located on  
6 the east side of Harding Avenue north of Harper Avenue.

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

8 **Section 1.** Article XVII, Chapter 50 of the 2019 Detroit City Code, ‘Zoning,’ is amended  
9 as follows:

10 District Map No. 25 is amended to show a M2 (Restricted Industrial District) zoning  
11 classification where a R2 (Two-Family Residential District) zoning classification currently exists  
12 at 6570, 6576, 6582, 6598, 6600, 6602 and 6608 Harding Avenue, generally located on the east  
13 side of Harding Avenue north of Harper Avenue, identified more specifically as:

14 Land situated in the City of Detroit, Wayne County, Michigan being: East Harding, Lots  
15 100 through 106, inclusive, Coopers Subdivision Liber 26 Page 42 of Plats, Wayne  
16 County Records 19/413.

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

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

21 **Section 4.** This ordinance shall become effective on the eighth (8<sup>th</sup>) day after publication  
22 in accordance with Section 401(6) of Public Act 110 of 2006, as amended, M.C.L. 125.3401(6)  
23 and Section 4-118, paragraph 3, of the 2012 Detroit City Charter.

Approved as to Form:

*Lawrence T. García*

**Lawrence T. García**  
**Corporation Counsel**

# City of Detroit



Alton James  
Chairperson  
Lauren Hood, MCD  
Vice Chair/Secretary

Marcell R. Todd, Jr.  
Director

**CITY PLANNING COMMISSION**  
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Frederick E. Russell, Jr.  
Angy Webb  
Henry Williams

February 7, 2020

## HONORABLE CITY COUNCIL

**RE:** Request of Jerry Pattah, Timothy Pattah and Rodney Gappy to amend Article XVII, District Map 65 of the Detroit Zoning Ordinance (Chapter 50 of the 2019 Detroit City Code) by modifying the existing PD (Planned Development District) zoning classification established by ordinance No. 04-94 and later modified by ordinance No. 30-03, which includes the parcel commonly identified as 7910-7990 W. Outer Drive and is generally bounded by Thatcher Avenue to the north, Harlow Avenue, extended to the east, W. Outer Drive to the south and the Southfield Freeway north service drive to the west. **(RECOMMEND DENIAL)**

On August 1, 2019 the City Planning Commission (CPC) held a statutorily required public hearing on the requested PD modification to allow for a new a sign and corresponding structure to provide both on and off premises advertisement on the subject property. Subsequent discussions regarding the readiness, appropriateness of the request and the permissibility of either an on-premises business sign or an off-premises advertising sign on the subject property were had. The pending changes to both Chapter 4 – Advertising, and Chapter 50 – Zoning, related to the regulation of advertising and business signage were also taken into account.

On August 2, 2019, CPC staff submitted a memorandum to the Law Department requesting an opinion on three pertinent questions relative to the requested PD modification:

1. Can the CPC dismiss, or alternatively indefinitely table, an applicant's petition because the subject matter of the petition is not ripe for consideration by the CPC?
2. Is it correct that even if the terms for the College Park Commons PD District are modified to accommodate the sign, it could not be permitted if not in compliance with applicable non-zoning sign regulations set forth in Chapter 4 of the City Code? And,
3. If the petition is revised to request operation of the sign solely for off-premises purposes, and the revised petition is ultimately approved, could the sign then display on-premises messages related to businesses located at the College Park Commons? And if so would the Sign be subject to applicable business signage regulations under Chapter 4 of the City Code?



A formal response to these questions has been submitted by the Law Department and is attached for your review.

Subsequently, the petitioner has submitted a formal request, dated January 2, 2020 to amend their petition to request an off-premises advertising sign only, rather than a sign which would serve as both an on-premises business sign and an off-premises advertising sign.

### **BACKGROUND AND PROPOSAL**

In April of 2019, the CPC received a request from Jerry Pattah, Timothy Pattah and Rodney Gappy to amend Article XVII, District Map 65 of the Detroit Zoning Ordinance Chapter 50 of the 2019 Detroit City Code, by modifying the existing PD (Planned Development District) zoning classification established by ordinance No. 04-94 and later modified by ordinance No. 30-03, which includes the parcels commonly identified as 7910-7990 W. Outer Drive, generally bounded by Thatcher Avenue to the north, Harlow Avenue, extended to the east, W. Outer Drive to the south and Southfield Freeway north service drive to the west.

Ordinance No. 04-94 allowed for the construction of a 81,071 square foot retail building on the subject site in 1994. Ordinance No. 30-03 allowed for the construction of an additional 17,752 square feet of retail space. Both ordinances specify that uses allowed on the site be restricted to uses permitted as a matter of right in the B3 (Shopping District) zoning district, and, fast-food and carryout restaurants. The proposed modification seeks to allow for the establishment of a two-sided monopole digital billboard, measuring 70 feet in height with a total of approximately 1,363 additional square feet of signage. The proposed sign face would measure 672 square feet (14' x 48').

Per the amended petition, the proposed digital billboard is anticipated to function as an off-premises advertising sign only. An advertising sign is subject to the regulatory provisions of Chapter 4 - Advertising. Chapter 4 makes no provisions for variances to be granted.

City of Detroit laws governing off-premises advertising signs are stated in Chapter 50 of the 2019 Detroit City Code (Zoning) and in the PD Ordinances that established and modified the PD zoning district (Ord. Nos. 4-94, 40-98, and 30-03). The latter point is germane and goes to the center of the petitioner's request. The Commission, through the utilization of a PD district, has the latitude to recommend flexibility and relax any standard or regulation listed in Chapter 50 (Zoning) as long as it is in conformance with the Master Plan of Policies, or not otherwise prohibited.

Ordinance No. 30-03 (College Park PD) includes the following condition: "*3.A. That uses allowed on the site be restricted to uses permitted as a matter of right in the B3 (shopping district) zoning district and fast-food and carryout restaurants.*" The B3 zoning district does not permit off-premises advertising signs on a by-right basis as per Sec. 50-9-84(3) and Sec. 50-6-87.

Sec. 50-6-87 specifies the regulations for advertising signs as a conditional land use in certain districts, and states in part:

#### **Sec. 50-6-87. Advertising signs as a conditional land use in certain districts.**

In order to promote greater traffic safety, to enhance environmental aesthetics, and to ensure greater public participation in decisions over the placement of advertising signs in the City of

Detroit, advertising signs are hereby designated as a conditional land use in the B2, B3, B4, M1, M2, and W1 Districts. No advertising sign shall be approved by the Buildings and Safety Engineering Department or the Board of Zoning Appeals on appeal, unless all of the findings are made pursuant to the standards in ARTICLE III, DIVISION 7, Subdivision C of this Chapter in addition to the following two (2) advertising sign standards:

- (1) That, based on the recommendation of the Department of Public Works Traffic Engineering Division, the placement of the advertising sign on the zoning lot will not impair the traffic safety of motorists and pedestrians; and
- (2) That, based on the recommendation of the Planning and Development Department, the placement of the advertising sign on the zoning lot will not be detrimental to environmental aesthetics by obstructing views of significant architectural or natural features.

In addition to the B3 District specification, staff notes that advertising signs are prohibited within five hundred feet, measured linearly, of any school site, public playground, or public park. At present there are two high schools located within 150 feet (Old Redford Academy High School) and 260 feet (Cornerstone Health & Technology High School) respectively. Sec. 50-6-77 specifies the spacing requirements for advertising signs from schools, playgrounds, parks, and historic districts, and states in part:

**Sec. 50-6-77. Spacing from schools, playgrounds, parks, and historic districts.**

Advertising signs shall not be permitted:

- (1) Within five hundred feet (500'), measured linearly, of any school site, public playground, or public park;

Additionally, freeway advertising signs are limited to 60 feet in height where greater than 40 radial feet away from land zoned residential as specified in Sec. 50-6-48. The proposed sign is 70 feet in height and would be in direct violation of this provision. Freeway advertising signs are also required to be at least 125 feet from the edge of the traveled roadway (Sec. 61-6-69). The proposed sign is only 66 feet away from the edge of M-39 (Southfield Freeway).

## **PLANNING CONSIDERATIONS**

### ***Surrounding Zoning and Land Use***

The zoning classification and land uses surrounding the subject area are as follows:

- North: R1; Single-family residential.  
East: PD; developed as the Henry Ford Walk-in Clinic & Pharmacy – Detroit Northwest.  
South: R1; developed as Old Redford Academy High School located within 150 ft of the subject property.  
West: R6; developed as Wayne County Community College – Northwest Campus.

### ***Master Plan Consistency***

The subject site is located within the Greenfield area of Neighborhood Cluster 9 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows “Retail Center” for the subject property. CPC staff has submitted a letter to the Planning and Development Department (P&DD) requesting its comments regarding this proposal.

### ***Community Input***

Over the course of the past five years, several efforts have been made to erect the proposed digital billboard. A number of consultants have been retained by the petitioners, who have reached out to surrounding community groups and associations to solicit support. Chiefly among those contacted is the College Park Improvement Association, Greenhouse Apartments, and Fellowship Chapel.

While the College Park Improvement Association has been asked to provide a letter of support in this regard, there is a split among the membership as it relates to this proposal. Staff has attended a number of meetings where the proposed digital sign was discussed, and, has articulated previous objections and obstacles associated with this request.

To date, all of the written documentation submitted by the petitioner indicating community support is for additional on-premises business signage to help bolster activity at the College Park Commons.

### ***Site Plan***

Despite the deficiencies in the proposal, the CPC has reviewed the proposed site plans as submitted by the petitioner in conjunction with the criteria as set forth in the Zoning Ordinance under Sec. 50-3-206 "*Modification of approved final site plans.*" There are five determining factors which distinguish a minor from a major modification the PD.

- (1) A change in the character of the development:

CPC is of the opinion that the proposed change to erect a 70 foot monopole with a two-sided 672 square foot digital billboard would change the character of the development by drastically changing the aesthetics of the site. The current PD District established by Ordinance No. 04-94 allows only those uses permitted by-right in the B3 (Shopping District) zoning classification. The land use of "billboard" is not permitted by-right in the B3 zoning classification.

- (2) An increase in the ratio of gross floor area to zoning lot area in excess of five percent (5%):

The developer proposes to develop a footprint approximately 16 square feet, which would not meet this criterion.

- (3) An increase in coverage by structure, unless justified by changes in other factors:

As previously stated, the development of a 16 square foot area would not increase the total development footprint.

- (4) A reduction in approved open space or off-street parking and loading space unless justified by change in other factors:

The proposed development would not result in the loss of any off-street parking spaces.

- (5) The creation of or increase in injurious effects to adjacent or contiguous land uses:

It is anticipated that the proposed development will contribute to light pollution in a residential neighborhood and affect the aesthetics of the community. CPC notes that no traffic study was conducted by the Department of Public Works – Traffic Engineering Division as required under the current provisions of Chapter 4 – Advertising. Additionally, no recommendation in support of this request has been issued by the Department of Public Works – Traffic Engineering Division as required under the current provisions of Chapter 4 – Advertising.

Sec. 50-6-89. – Signs and billboards near freeways; states in part:

“No display sign or display structure requiring a permit under Chapter 8, Article II, of this Code, Building Code, shall be erected in the following situations or with the following features:

(1) Within 125 feet of the edge of the traveled roadway of any freeway, or interchange ramps between freeways used by traffic facing the display side of such sign or structure, or within 25 feet of the right-of-way line of any freeway which, for the purpose of this section, shall be the property line separating abutting privately owned property from the freeway or service drive, street or alley immediately adjacent thereto, whichever distance is greater, when the display matter can be seen by traffic traveling on the freeway or interchange ramp, except that these distances shall not apply to signs which pertain to the business of the occupants of the building upon which the sign is mounted, where in the opinion of the Department of Public Works Traffic Engineering Division, such sign would not be in conflict with the intent and purposes of this section...”

#### ***PD ordinance conditions and modifications***

The April 1994 ordinance which established the PD District and authorized the construction of the Shopping Center was approved with seven conditions. Among the conditions approved is condition No. 1(a), which states in part:

*“...installation of signage along the Southfield Freeway Service Drive at Thatcher Avenue indicating “No Right Turn to Through Traffic” and placement of signage along the freeway service drive between McNichols and West Outer Drive indicating directions to the shopping center.”*

CPC notes that this condition was never acted upon by either the previous or current owner. The petitioner indicated in their initial application that the primary reasoning behind this request is to draw business to their location. Way-finding markers and signage at the street level are encouraged in this regard.

To date, CPC has received no objections to the proposed PD modification via mail, however, one call in opposition to the proposed change in use has been received.

#### **CONCLUSION AND RECOMMENDATION**

It is the opinion of the CPC that given the applicant’s deficiencies as outlined above, this request is contrary to the spirit and intent of the authorizing ordinance, which established this development in a primarily residential neighborhood. Given the proposed development’s inconsistencies with the regulatory setback requirements of Chapter 50 pertaining to billboards

and their proximity to schools, as well as, to freeways, and traveled right-of-ways, and the proposed excess height and square footage of the proposed billboard, CPC recommends denial for the requested PD modification.

Respectfully submitted,  
ALTON JAMES, CHAIRPERSON



Marcell R. Todd, Jr, Director  
George A. Etheridge, Staff

Attachment

cc: Katy Trudeau, Deputy Director P&DD  
Karen Gage, P&DD  
Russell Baltimore, P&DD  
David Bell, Director, BSEED  
Lawrence Garcia, Corporation Counsel

Alton James  
Chairperson  
Lauren Hood, MCD  
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February 7, 2020

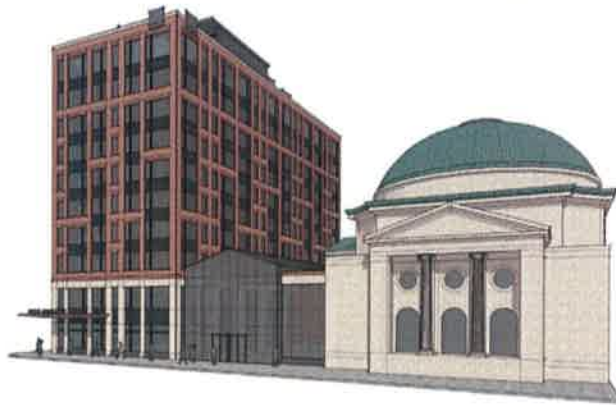
**RE: HONORABLE CITY COUNCIL**

**RE:** Request of the Roxbury Group, LLC to amend Article XVII, District Map 4, of the 2019 Detroit City Code Chapter 50, Zoning, by modifying the provisions of the existing PD-H (Planned Development District-Historic) zoning classification for the property located in the 3400 Woodward Avenue block generally bounded by Eliot Street and the vacated portion of Eliot Street, John R. Street, Erskine Street and Woodward Avenue to establish the development known as Hotel Bonstelle. The request proposes to allow for a hotel and conservatory (**RECOMMEND APPROVAL**).

Proposed development

**PROPOSAL**

The Roxbury Group is proposing to erect the Hotel Bonstelle in the Brush Park Historic District at the southeast corner of the 3400 block of Woodward Avenue and vacated Eliot Street. The hotel would be complemented by a new conservatory on the south side of the hotel between it and the <sup>1</sup>Bonstelle Theatre.



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<sup>1</sup> The Bonstelle Theatre, originally known as Temple Beth-El at its inception in 1902 is owned and operated by Wayne State University. The building is on the National Register of Historic Places and is the work of architect Albert Kahn. The Theatre originally hosted a Jewish congregation led by Rabbi Leo M. Franklin. The theatres architecture is influenced by Roman and Greek temples such as the Pantheon in Rome, Italy. The structure was eventually sold to Jessie Bonstelle, hence the renaming, and converted to a theatre in the 1920's.



The hotel is proposed to be 10 stories, totaling 129' 4" (inclusive of rooftop lounge and bar space) and is planned to host 153 guest rooms, dining, office and lounge spaces on the first floor. The hotel will also accommodate meeting space and an exercise area on the second floor. Other amenities include a restaurant and bar, conference space, and fitness center.

Additionally, a conservatory is planned to be erected next to the hotel and will have a height of two stories. The conservatory will lie between the hotel and the Bonstelle Theater to serve as further supportive dining and lounge space for the hotel. The developer has a <sup>2</sup>long-term lease to operate the Bonstelle Theatre, so the conservatory will also serve as a gathering space for attendees of the theatre.

The SOMA parking deck that is now under construction to the rear on an adjacent site will provide the required parking for the project. The required <sup>3</sup>116 parking stalls for the hotel will be provided within the SOMA parking deck once completed. Until completion, the developer has a secondary parking plan to use the existing surface parking area on the adjacent lot which is controlled by the same interests which own the entire <sup>4</sup>Red Cross site.

## **PLANNING CONSIDERATIONS AND ANALYSIS**

### ***Surrounding Zoning and Land Use***

The zoning classification and land uses surrounding the full project subject area are as follows:

**North:** PD; underutilized lot

**South:** PD; Bonstelle Theatre

**East:** PD; Surface parking lot, site of SOMA parking structure under construction

**West:** PD; underutilized lot

---

<sup>2</sup> Crain's Detroit Business article <https://www.craigslist.com/real-estate/roxburys-bonstelle-theatre-lease-okd-part-12-story-west-elm-boutique-hotel-project>

<sup>3</sup> The Zoning Ordinance Sec. 50-14-54 requires three (3) spaces per four (4) guestrooms and can be housed within 100 feet of the principal hotel use.

<sup>4</sup> Curbed Article <https://detroit.curbed.com/2017/4/12/15271534/soma-woodward-mack-development>

## **PUBLIC HEARING RESULTS AND COMMUNITY ENGAGEMENT**

At the CPC public hearing, a representative from Midtown Detroit Inc. (MDI) spoke in favor of the proposal. One person spoke with concerns related to parking for the hotel. The Brush Park CDC has submitted a letter supporting the hotel project.

### **ANALYSIS**

This project is generally in conformance with the PD District design criteria of Sec. 50-11-15 of the Zoning Ordinance. Some of the criteria that are considered as a part of the process are as follows:

***Master Plan.** The proposed development should reflect applicable policies stated in the Detroit Master Plan. The policies relating to the geographic area in question as well as general policies will be considered. This zoning ordinance requires that the proposed major land use be consistent with the adopted Master Plan in all PD developments.*

The Planning and Development Department has submitted a letter stating that the proposed development does conform to the Future General Land Use of the Master Plan of Policies. The subject site is located within the Lower Woodward area of Neighborhood Cluster 4 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows Mixed Residential Commercial (MRC) for the subject property.

***Scale, form, massing, and density.** Scale, form, massing and density should be appropriate to the nature of the project and relate well to surrounding development and **Compatibility** the proposed development should be compatible with surrounding development in terms of land use, general appearance and function, and should not adversely affect the value of properties in the immediate vicinity.*

The scale, form, massing and density proposed for this development are appropriate for a site of this nature. The proposed hotel abuts a Major Street and Mass Transit Route in Neighborhood Cluster 4 of the Master Plan of Policies. Woodward is the spine of the City and serves as an appropriate thoroughfare for dense development, especially, those within the greater downtown area. <sup>5</sup>Market studies have shown that there is a great demand for hotel space in the City of Detroit. This hotel, will help to fill some of the void that currently exists for rooms.

The proposed conservancy serves as an ancillary use, and as a way to create a street wall at pedestrian level and utilize land that might otherwise be dead-space. The conservancy also serves to connect the Bonstelle Theatre and proposed Bonstelle Hotel, thus ensuring that the theatre remains active and maintained for years to come. This development is compatible with the surrounding built environment.

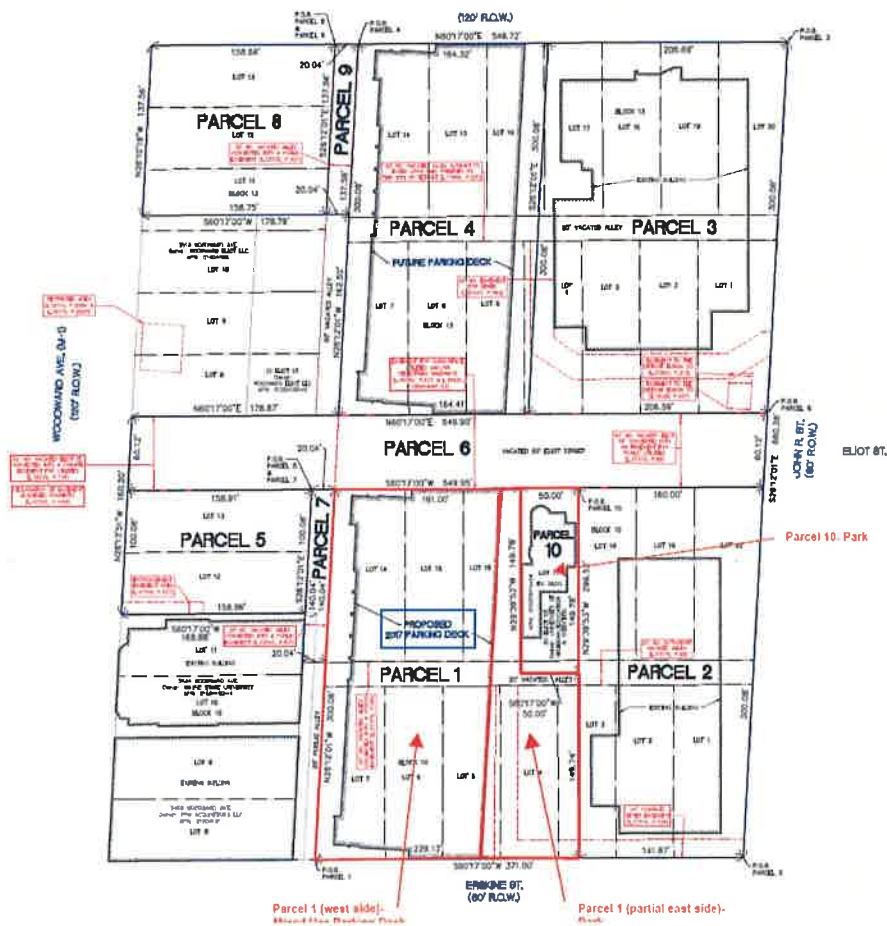
***Parking and loading.** Where appropriate, adequate vehicular off-street parking and loading should be provided. The City Planning Commission will be guided by standards delineated in this zoning ordinance with adjustments appropriate to each specific situation.*

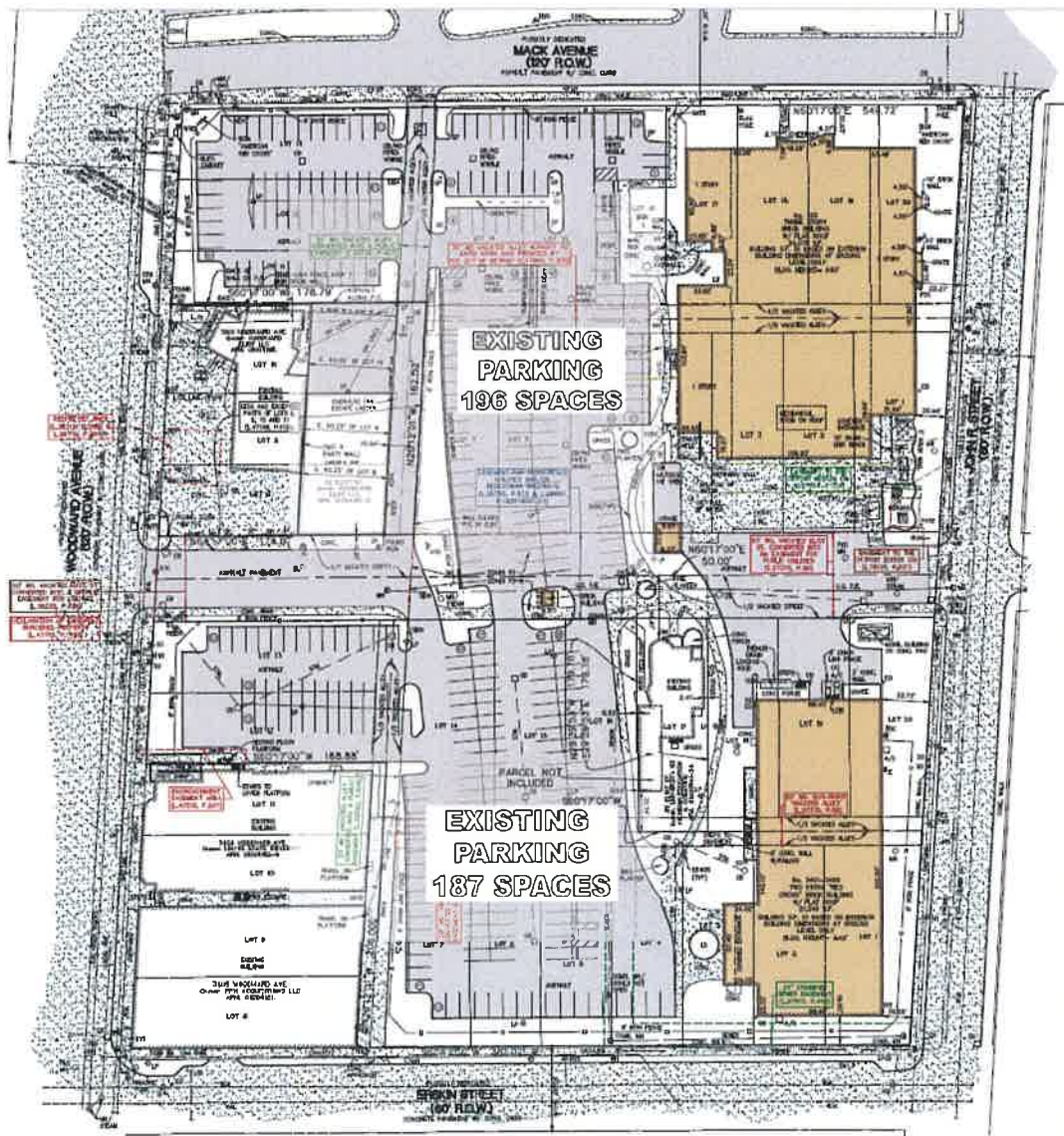
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<sup>5</sup> Detroit Free Press article <https://www.freep.com/story/money/business/2019/04/04/detroit-hotels/3342429002/>



The parking for the site is planned to be located in the coming SOMA parking deck that will hold approximately 600 vehicles. Since the parcel for the SOMA parking deck is within 100 feet of the subject hotel property (SOMA site identified "parcel 1" on the map below), it is allowable to be considered accessory parking for the hotel per the zoning ordinance. Access from the hotel to the parking deck would be provided off-street and interior to the developments. The hotel parking would have access to the SOMA deck from the rear. Currently located at the northern portion of the Red Cross site, there are 196 spaces and 187 parking on the southern portion of the site (see map on page 5). All of the parking area is under the control of the same owner.





**Environmental impacts.** *Environmental impacts that relate to such factors as noise, air, combustibles and explosives, gases, soil, and water pollution, toxic waste, vibration, odor, glare, and radiation, should be controlled to be within acceptable levels at all times.*

There are no major foreseeable negative environmental impacts that will be caused by the proposed development.

**Preservation and restoration.** *Preservation and restoration of buildings having architectural or historic value should be considered a primary objective.*

This project is supporting the preservation and restoration of the Bonstelle Theatre, as the theatre will also support the vision of the hotel. Rehabilitation work is being invested into the theatre as a part of this effort and might not otherwise be accomplished if not for leveraging of the hotel project.

## RECOMMENDATION

Before this Honorable Body is the request of the of the Roxbury Group for the modification of an existing PD (Planned Development District) zoning classification on land located at 3400 Woodward Avenue and generally bounded by Eliot Street and the vacated portion of Eliot Street, John R. Street, Erskine Street and Woodward Avenue. The request would establish the development known as Hotel Bonstelle to allow for a hotel tower and an adjacent conservatory.

This project is consistent with the PD Design Criteria per Sec. 50-11-15 and all of the applicable provisions of the Zoning Ordinance. This item comes before Your Honorable Body with a recommendation of approval by the City Planning Commission.

The City Planning Commission voted to recommend **approval** of the subject PD modification request at its regular May 9, 2019 meeting with the following conditions:

1. That the developer work with the immediately adjacent community to minimize disruption to the neighborhood during construction and address impacts that may arise; and
2. That final site plans, elevations, lighting, landscape and signage plans be submitted by the developer to the staff of the City Planning Commission for review and approval prior to submitting applications for applicable permits.

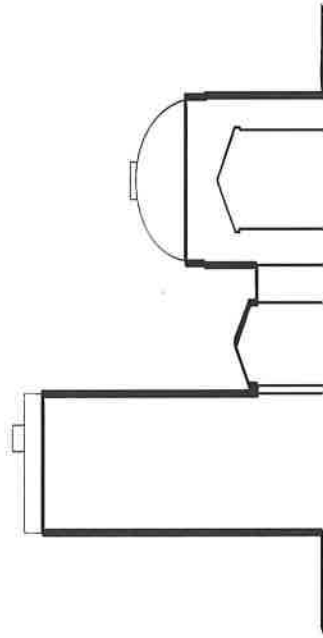
Respectfully submitted,  
ALTON JAMES, CHAIRPERSON



Marcell R. Todd, Jr., Director  
Kimani Jeffrey, City Planner

Attachment:  
Ordinance  
Plans

Cc: Katy Trudeau, Deputy Director, PDD  
Karen Gage, Director of Zoning Innovation, PDD  
David Bell, Director, BSEED  
Lawrence T. Garcia, Corp. Counsel  
Arthur Jemison, Chief of Infrastructure and Services  
DRFC



# Hotel Bonstelle

Detroit, MI

## Presentation Index

- 3 Matrices
- 4 Aerial Context Looking South
- 5 Aerial Context Looking North
- 6 First Floor Plan
- 7 Second Floor Plan
- 8 Third - Tenth Floor Plans (Typical)
- 9 Roof Plan
- 10 Exterior Elevation | West
- 11 Exterior Elevations | North
- 12 Exterior Elevations | East
- 13 Exterior Elevations | South
- 14 Exterior Finishes/Materials
- 15 Exterior View - Woodward Ave. Facade
- 16 Exterior View - Eliot St./Woodward Ave. Intersection
- 17 Exterior View - Eliot St. Hotel Entry

**Guest Room Matrix**

<b>Floor 2:</b>	
Suite	- 1
King	- N/A
King w/ Sofa	- 1
Qn/Qn	- 6
ADA	- 1

**Guestrooms Per Floor 2: 9**

**Floors 3-10:**

Suite	- 1
King	- 9
King w/ Sofa	- 1
Qn/Qn	- 6
ADA	- 1

**Guestrooms Per Floor: 18**

**Overall Room Counts:**

Suite	- 9	6%
King	- 72	47%
King w/ Sofa	- 9	6%
Qn/Qn	- 54	35%
ADA	- 9	6%

**Total Guestrooms: 153**

**Building Gross Square Footages**

Floor 1:	11,183 sf
Floor 2:	11,222 sf
Floor 3-10:	9,160 sf/ floor

**Total Gross SF  
Excluding Conservatory: 95,685 sf**

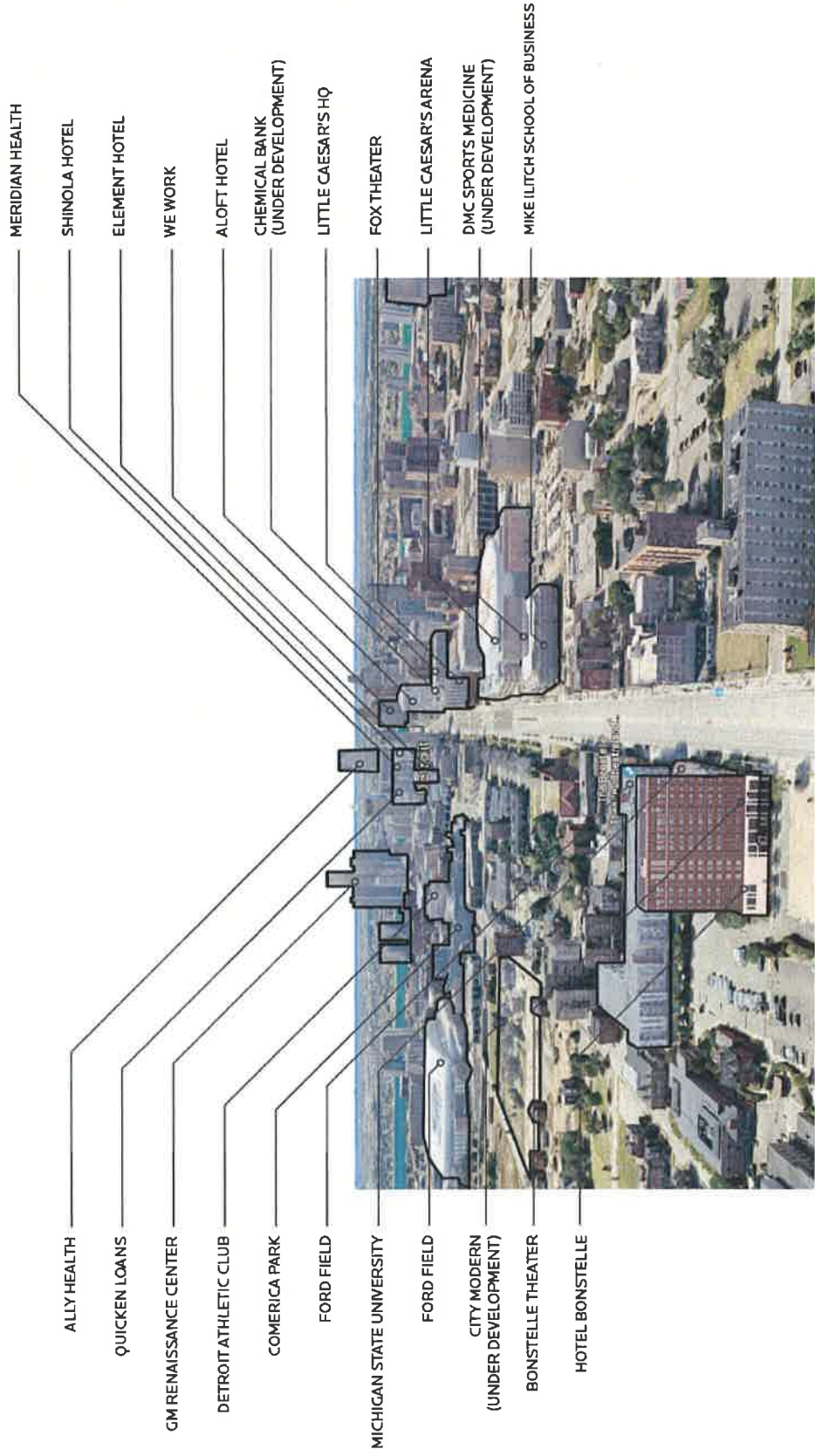
**Miscellaneous Space Square Footages (Net)**

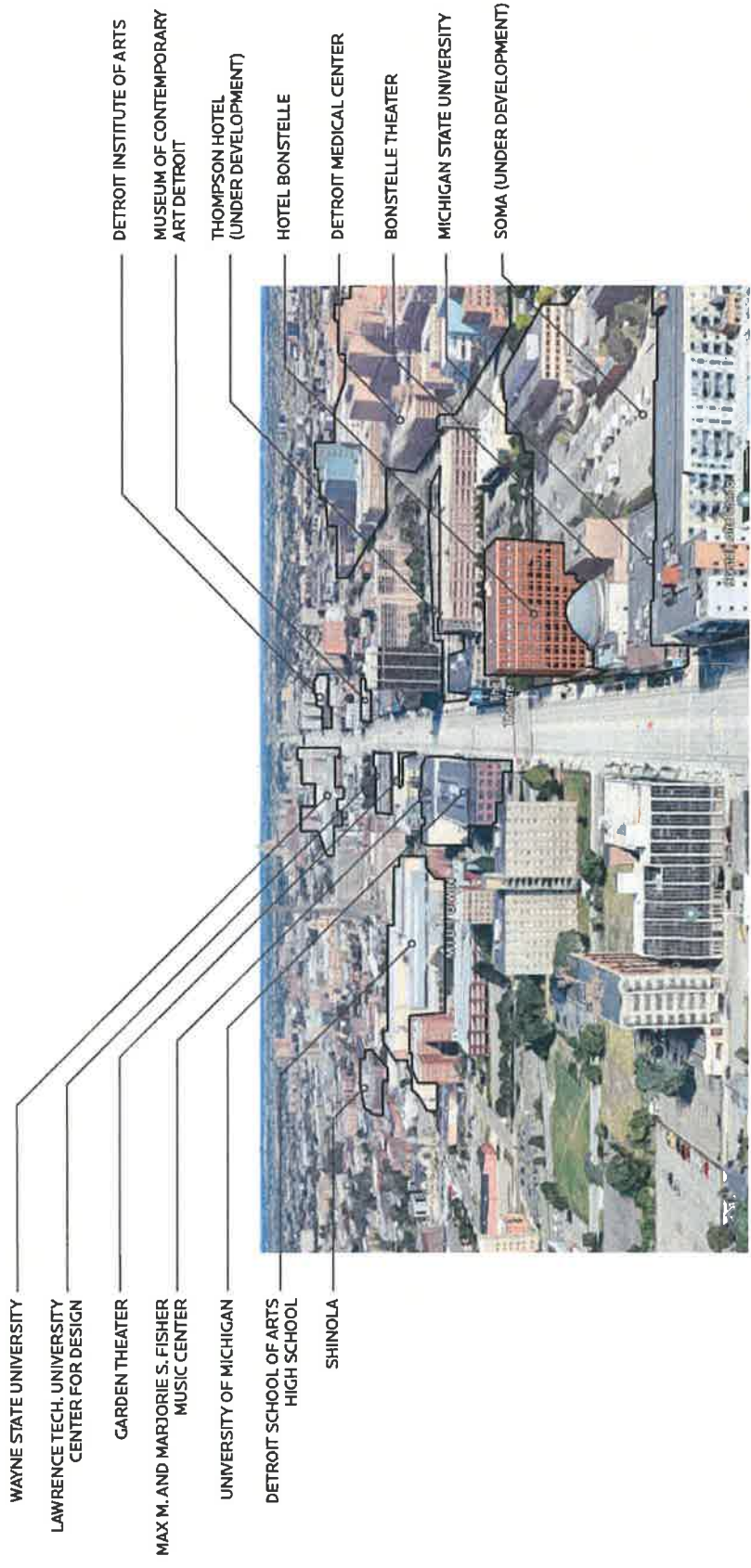
<b>Floor 1:</b>	
Component :	3,425 sf
Laundry:	678 sf
Kitchen:	1,106 sf

<b>Floor 2:</b>	
Fitness Center:	948 sf

Staff Space:	1,269 sf
Meeting Space Including Elevator	1,229 sf
Lobby:	

<b>Rooftop:</b>	
Public Rooftop:	1,384 sf
Private Rooftop:	535 sf
Lounge/Bar:	1,226 sf





WAYNE STATE UNIVERSITY

LAWRENCE TECH. UNIVERSITY  
CENTER FOR DESIGN

GARDEN THEATER

MAX M. AND MARJORIE S. FISHER  
MUSIC CENTER

UNIVERSITY OF MICHIGAN

DETROIT SCHOOL OF ARTS  
HIGH SCHOOL

SHINOLA

DETROIT INSTITUTE OF ARTS

MUSEUM OF CONTEMPORARY  
ART DETROIT

THOMPSON HOTEL  
(UNDER DEVELOPMENT)

HOTEL BONSTELLE

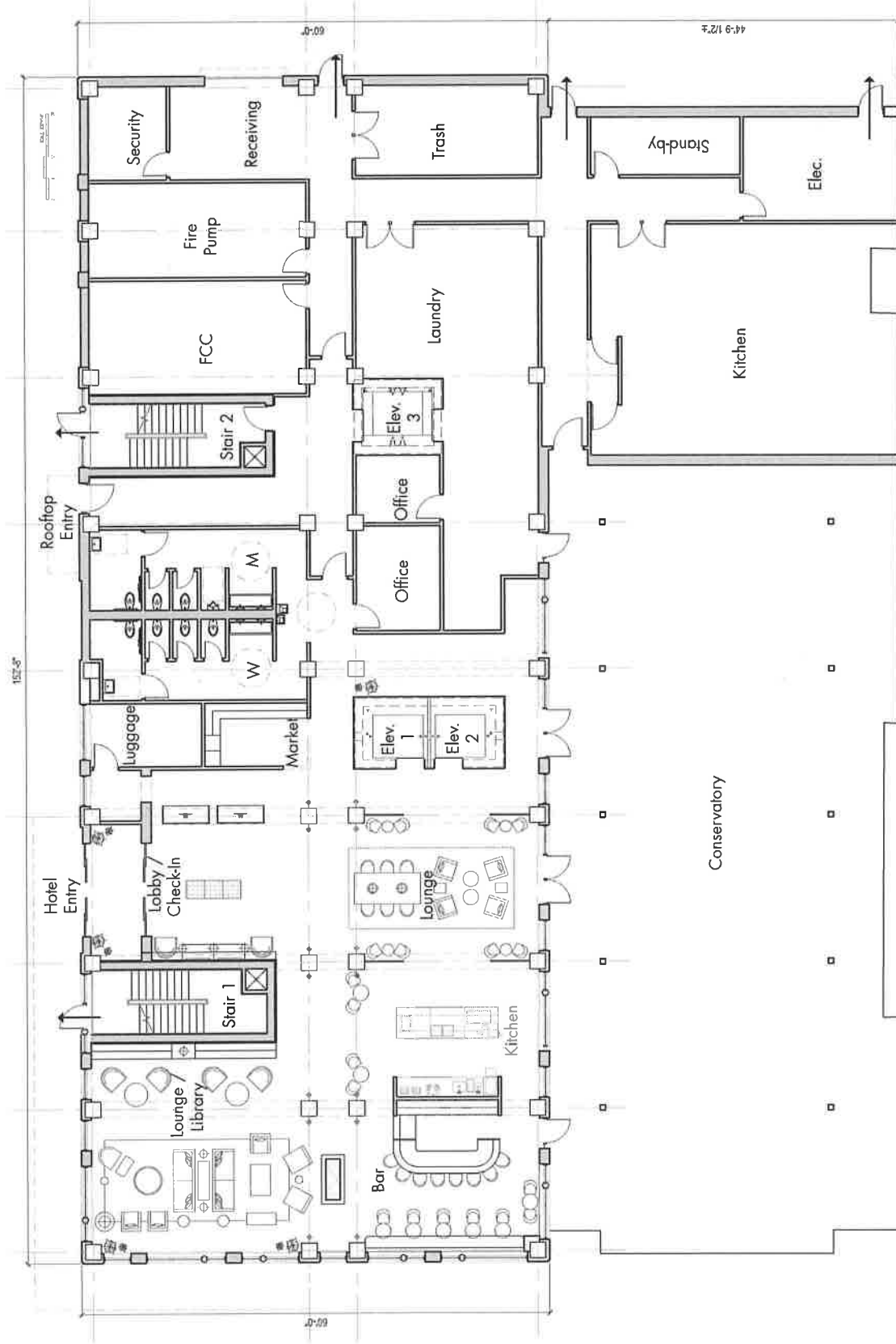
DETROIT MEDICAL CENTER

BONSTELLE THEATER

MICHIGAN STATE UNIVERSITY

SOMA (UNDER DEVELOPMENT)

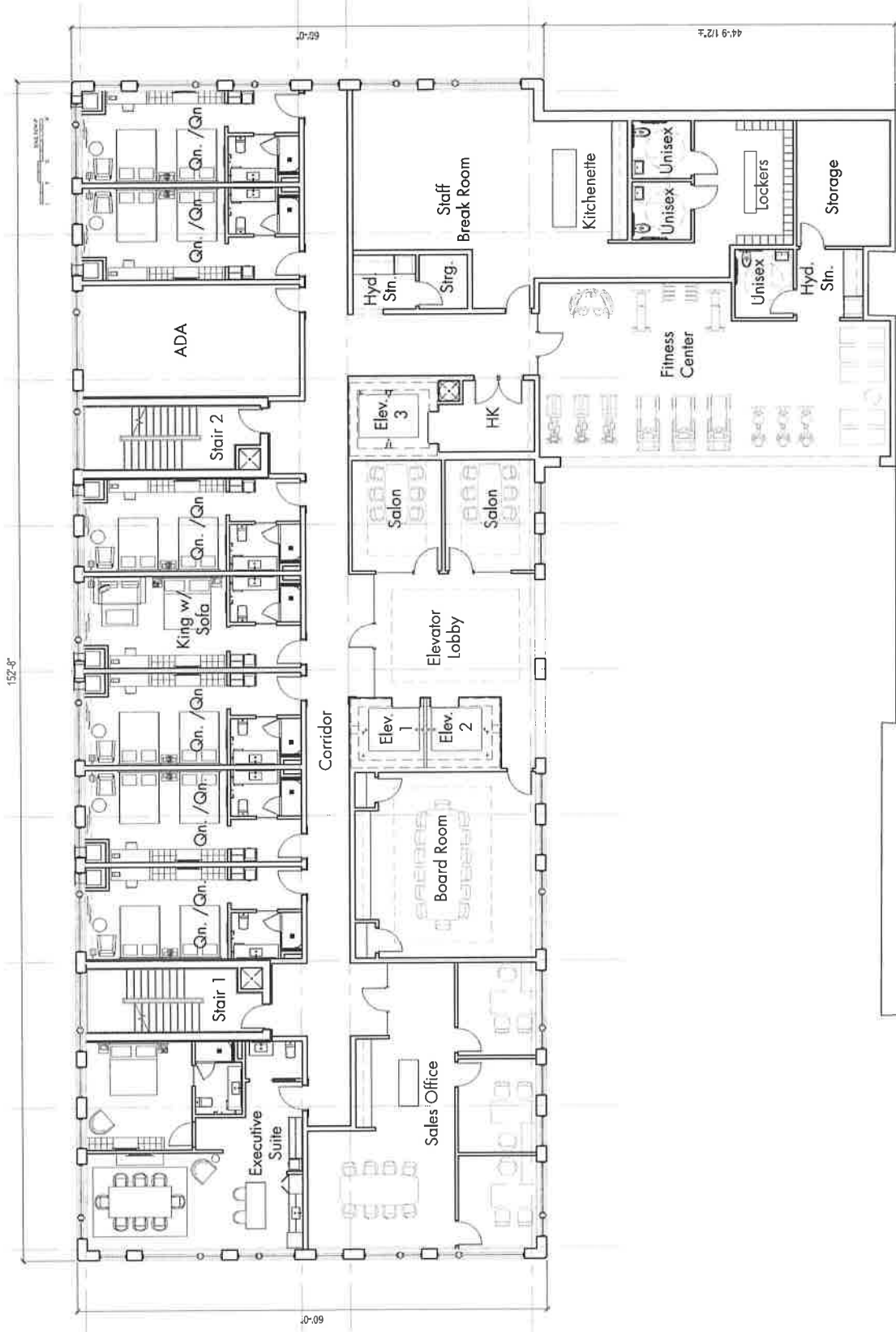




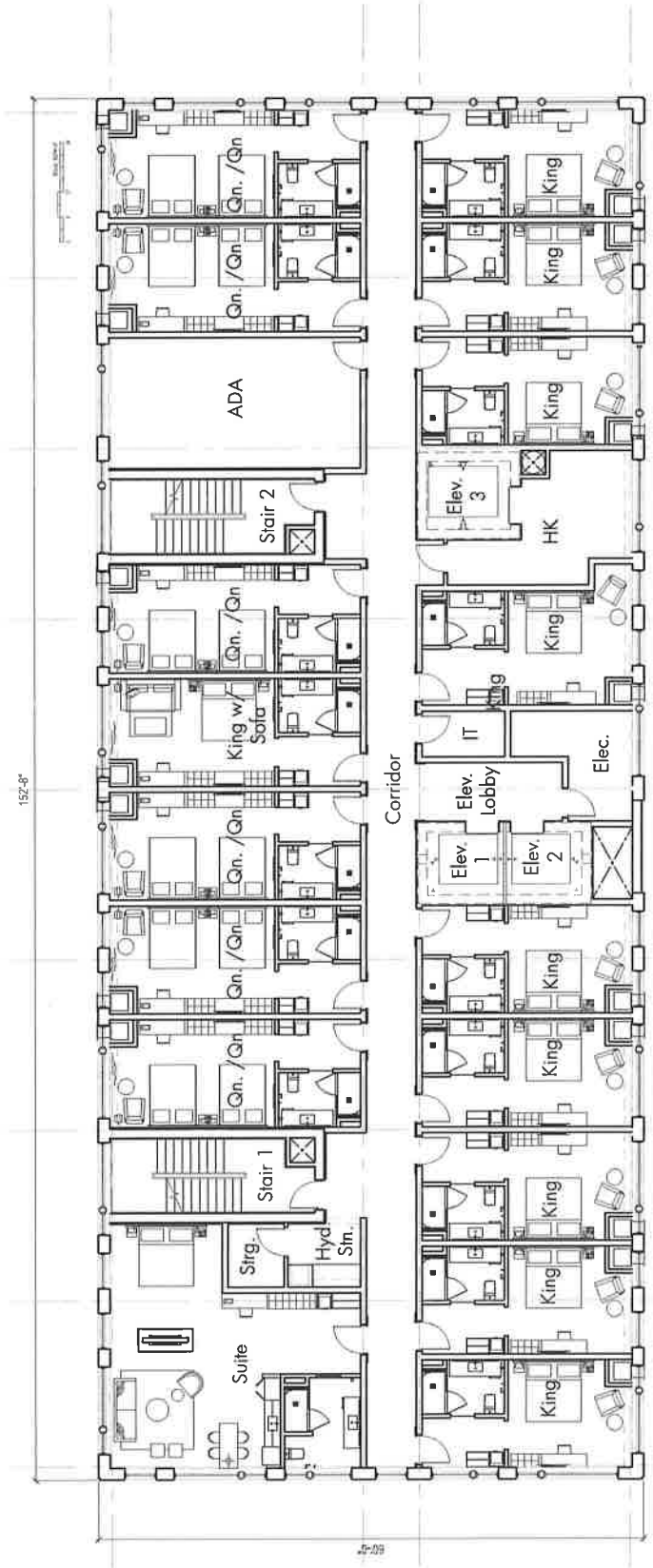
Hotel Bonstelle | First Floor Plan

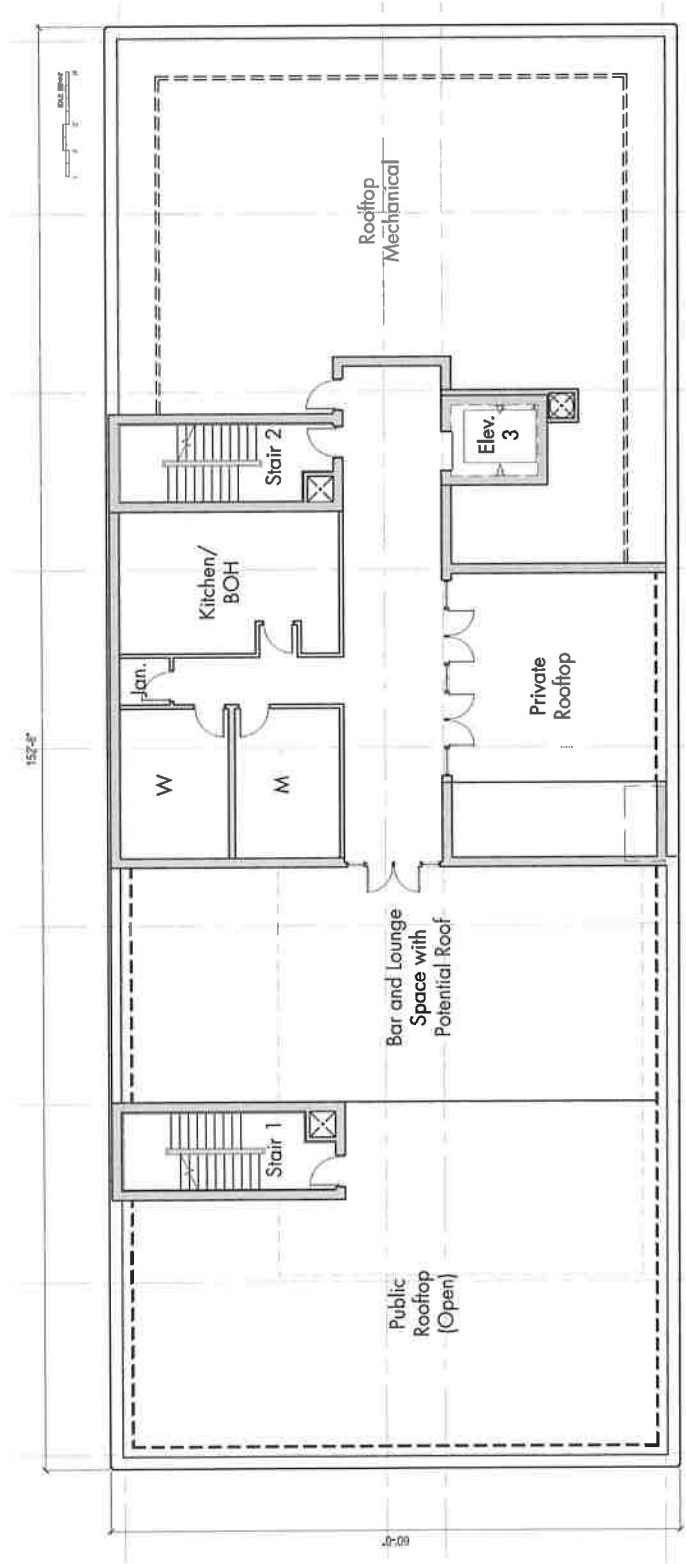
patrick thompson design, inc.  
www.patrickthompsondesign.com

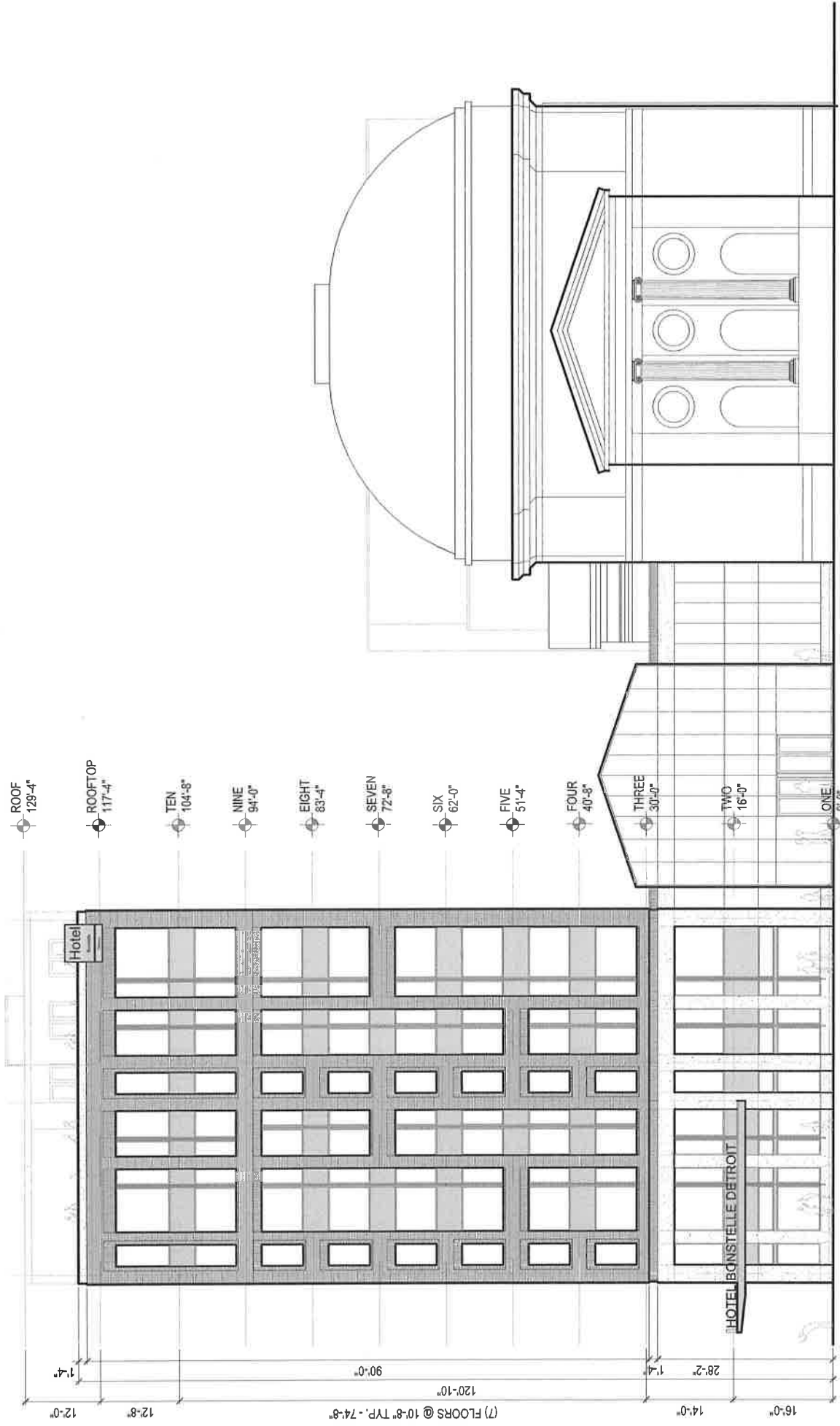
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Date: 11.07.2019





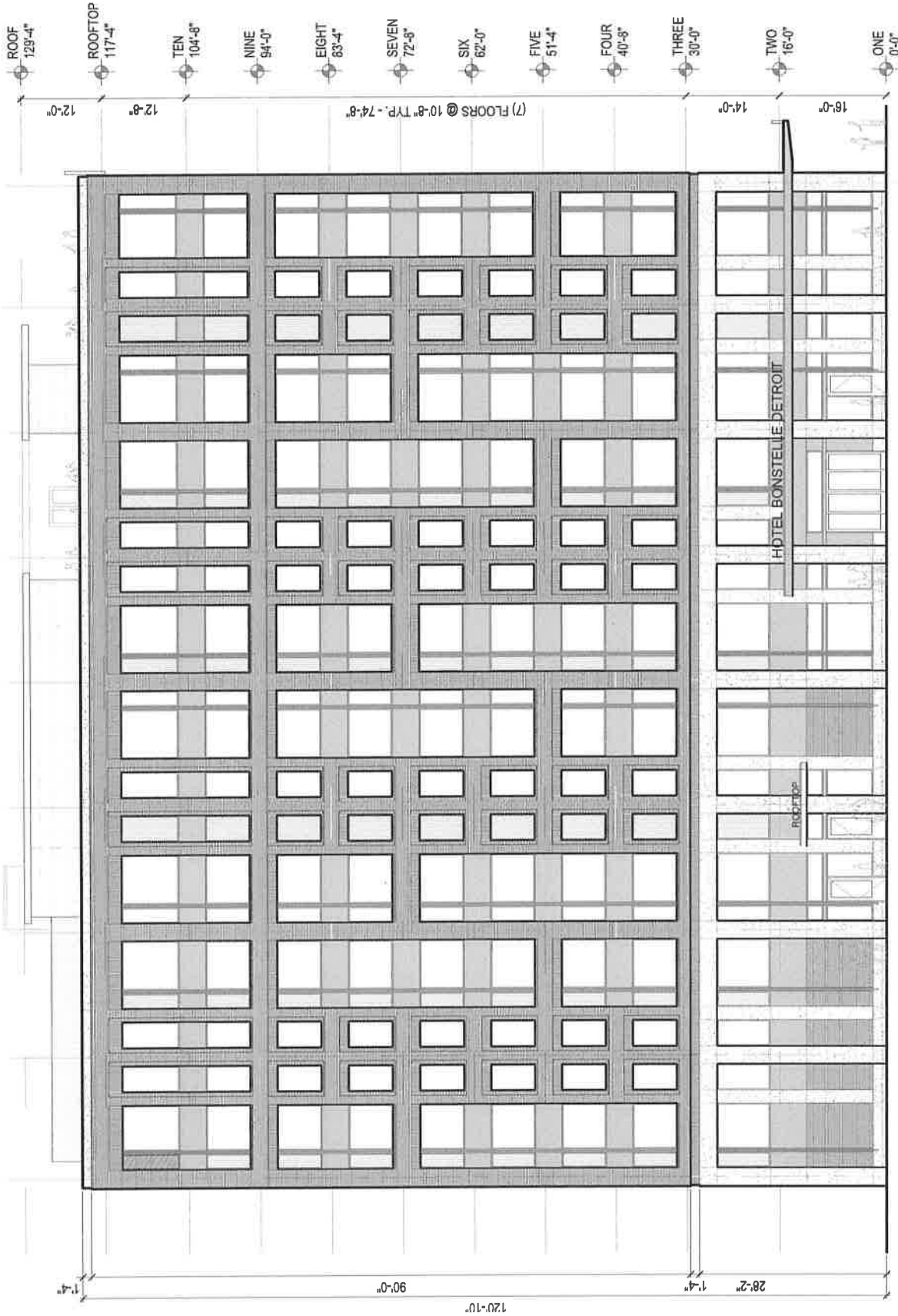


Scale: 1/8" = 1'-0"  
 Date: 11.07.2019

**West Elevation**

Hotel Bonstelle I | Exterior Elevations

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 www.patrickthompsondesign.com



ROOF 129'-4"

ROOFTOP 117'-4"

TEN 104'-8"

NINE 94'-0"

EIGHT 83'-4"

SEVEN 72'-8"

SIX 62'-0"

FIVE 51'-4"

FOUR 40'-8"

THREE 30'-0"

TWO 16'-0"

ONE 0'-0"

12'-0"

12'-8"

(7) FLOORS @ 10'-8" TYP. = 74'-8"

14'-0"

16'-0"

1'-4"

90'-0"

120'-10"

1'-4"

28'-2"

HOTEL BONSTELLE DETROIT

ROOFTOP

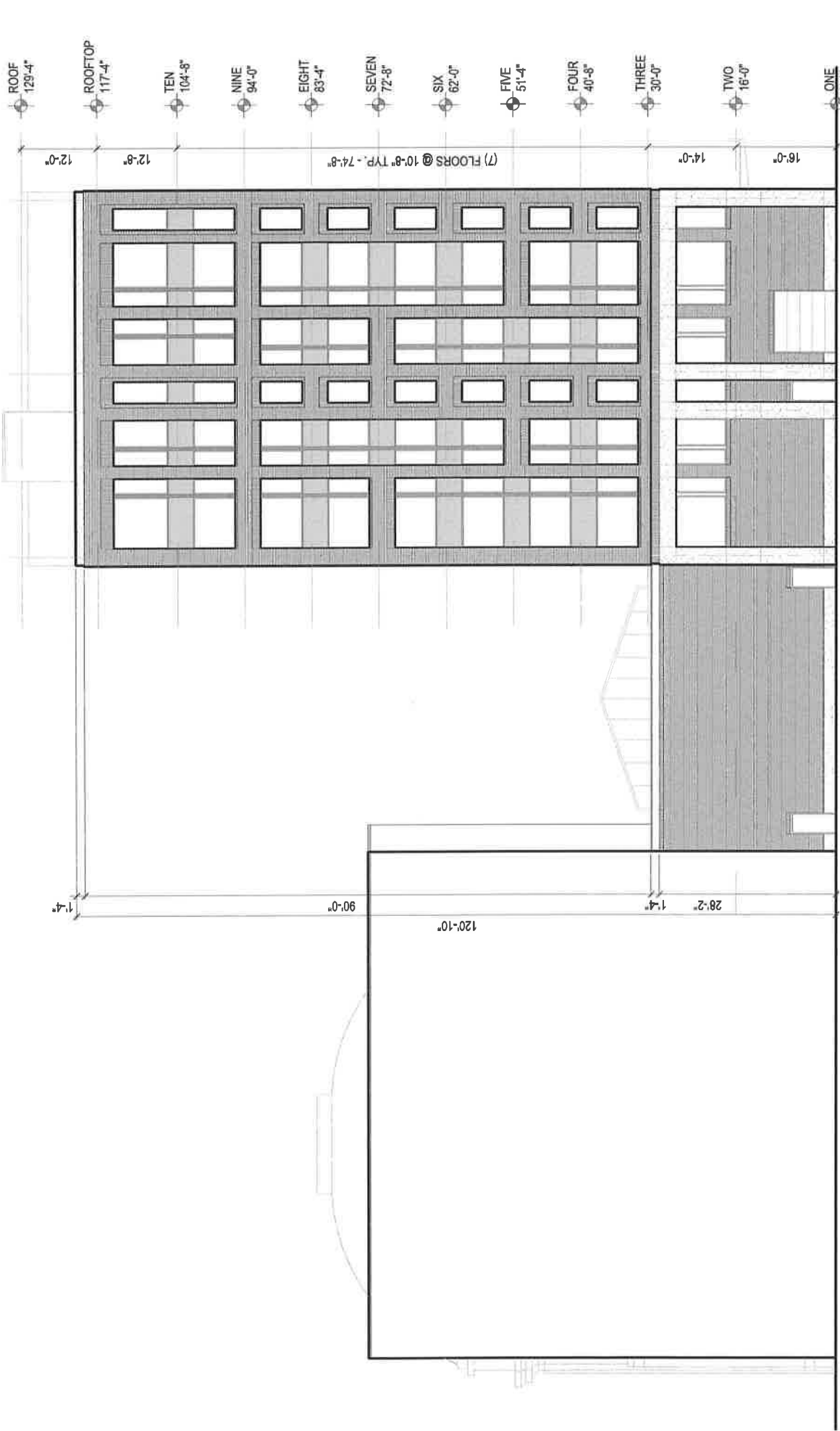
North Elevation

Hotel Bonstelle | Exterior Elevations

ptd patrick thompson design, inc.  
www.patrickthompsondesign.com



Date: 11.07.2019

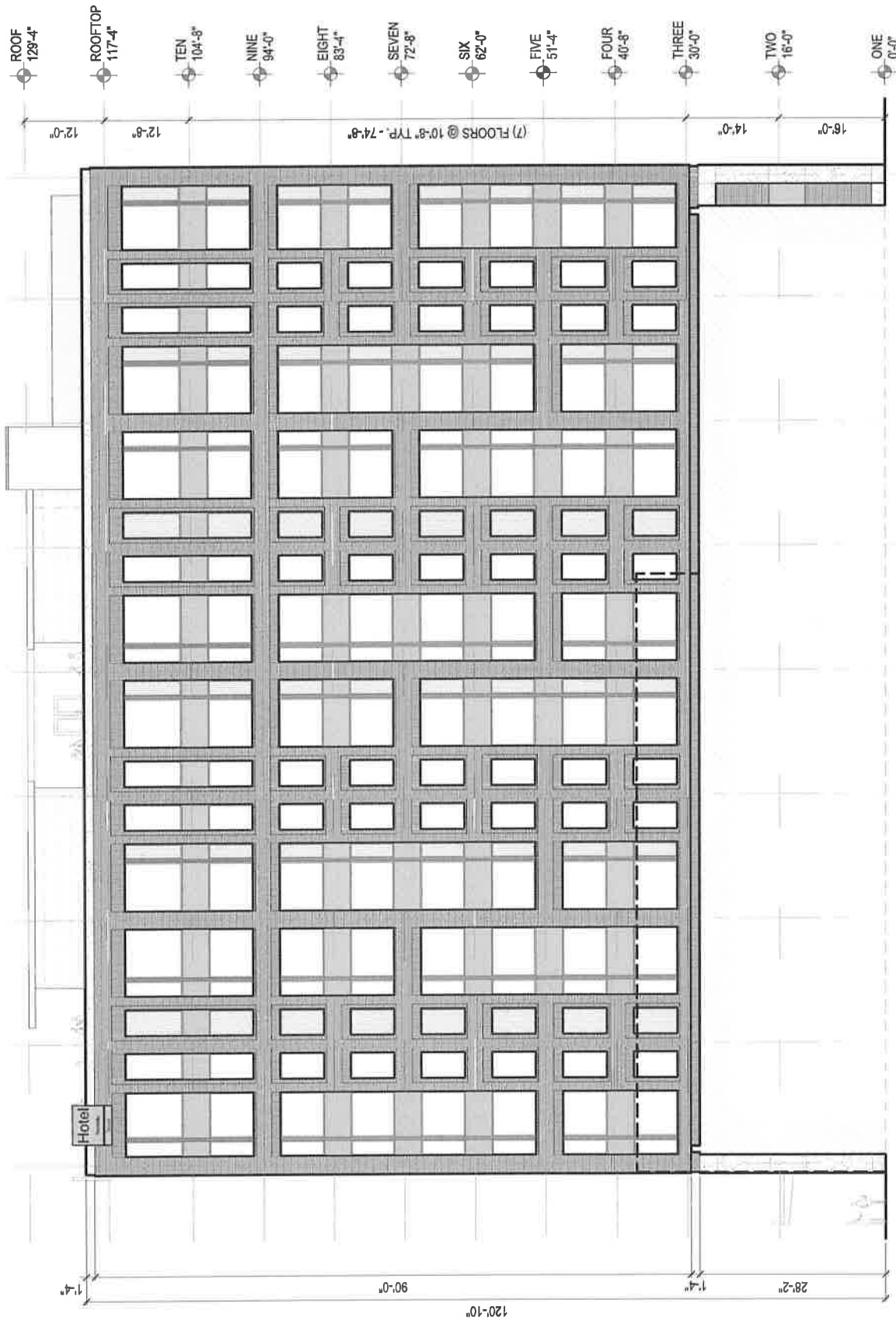


**East Elevation**

**Hotel Bonstelle | Exterior Elevations**

ptd  
patrick thompson design, inc.  
www.patrickthompsondesign.com

Date: 11.07.2019



South Elevation

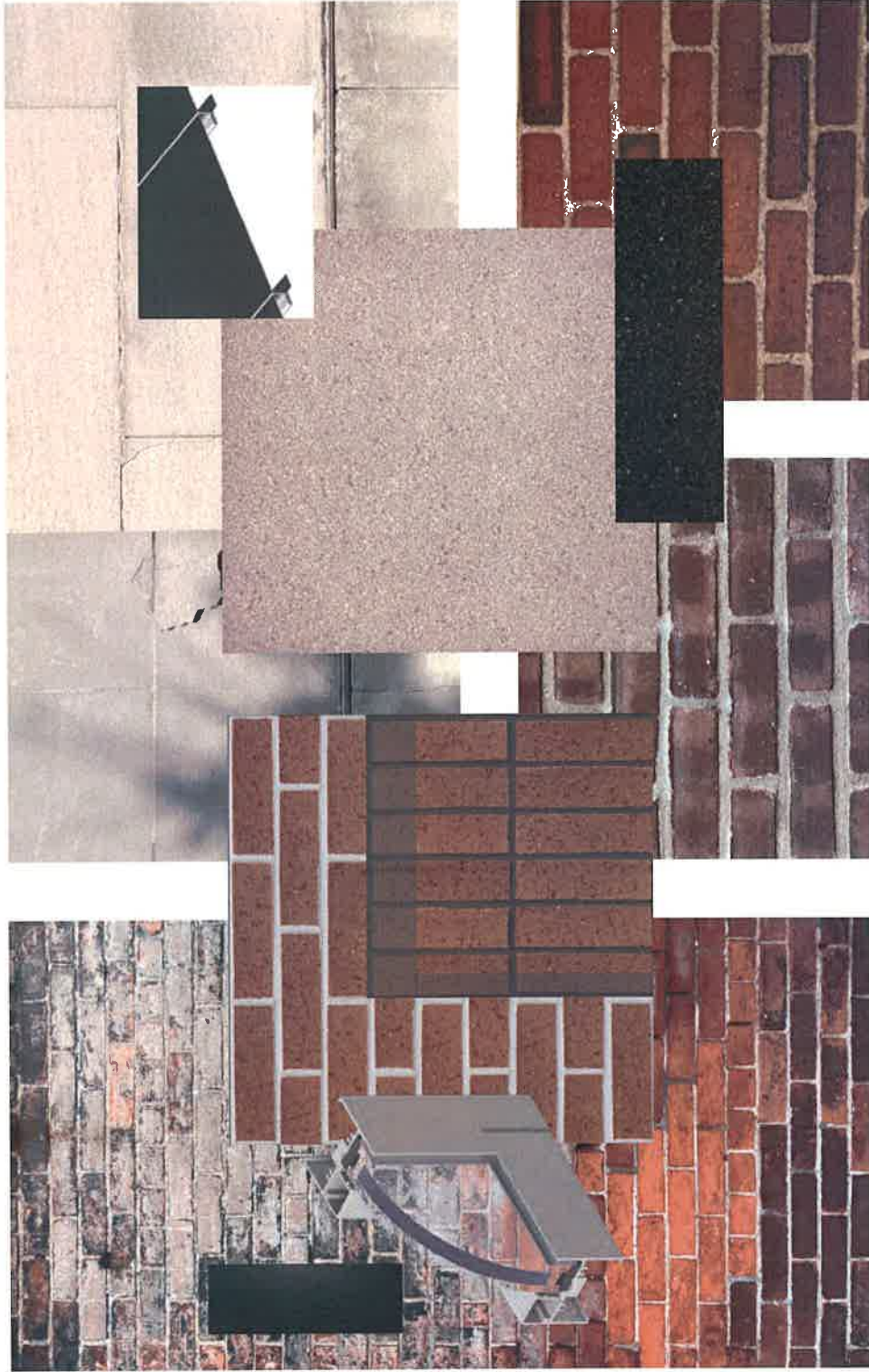
Hotel Bonstelle | Exterior Elevations

ptd patrick thompson design, inc.  
www.patrickthompsondesign.com



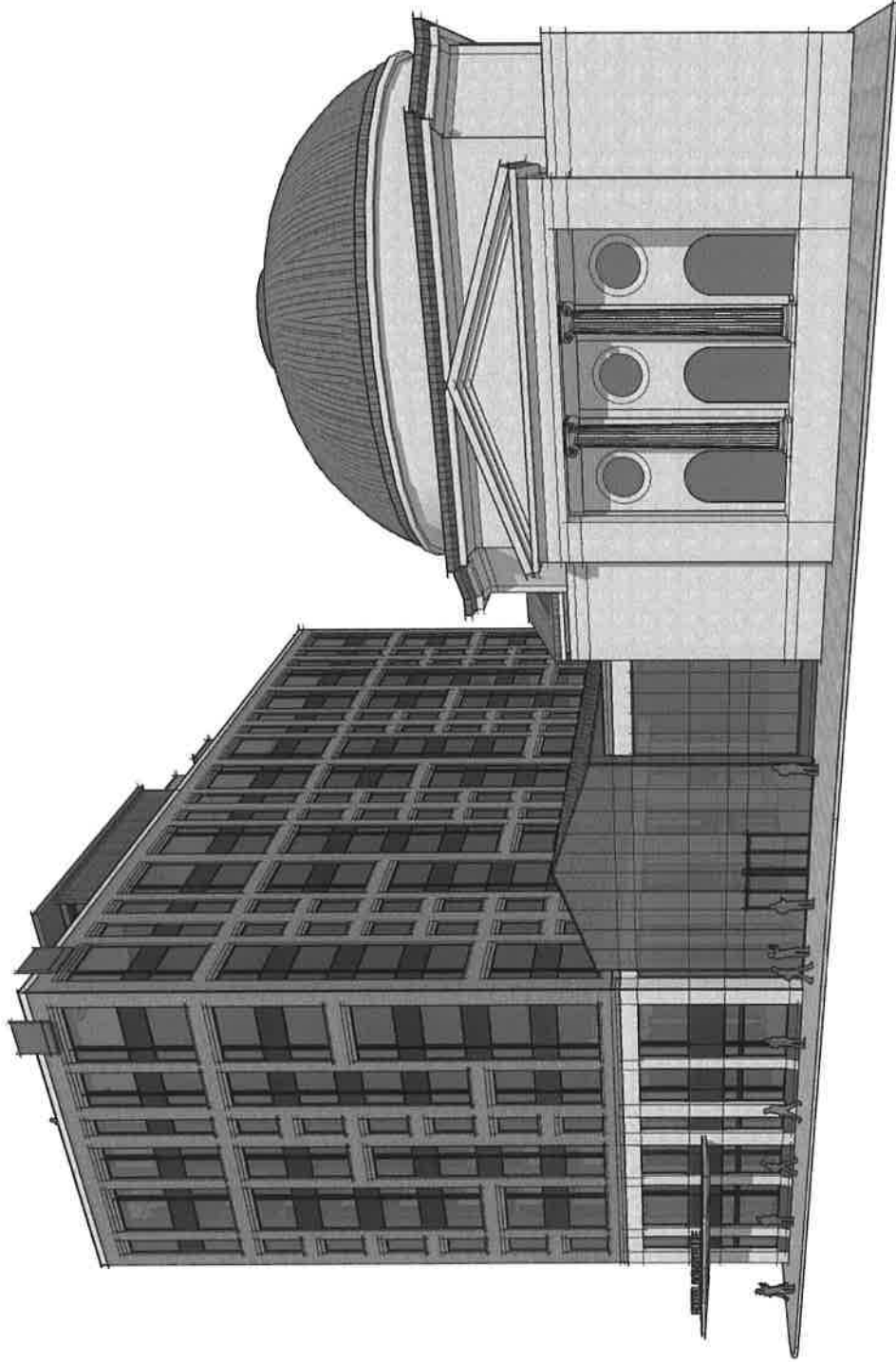
Date: 11.07.2019





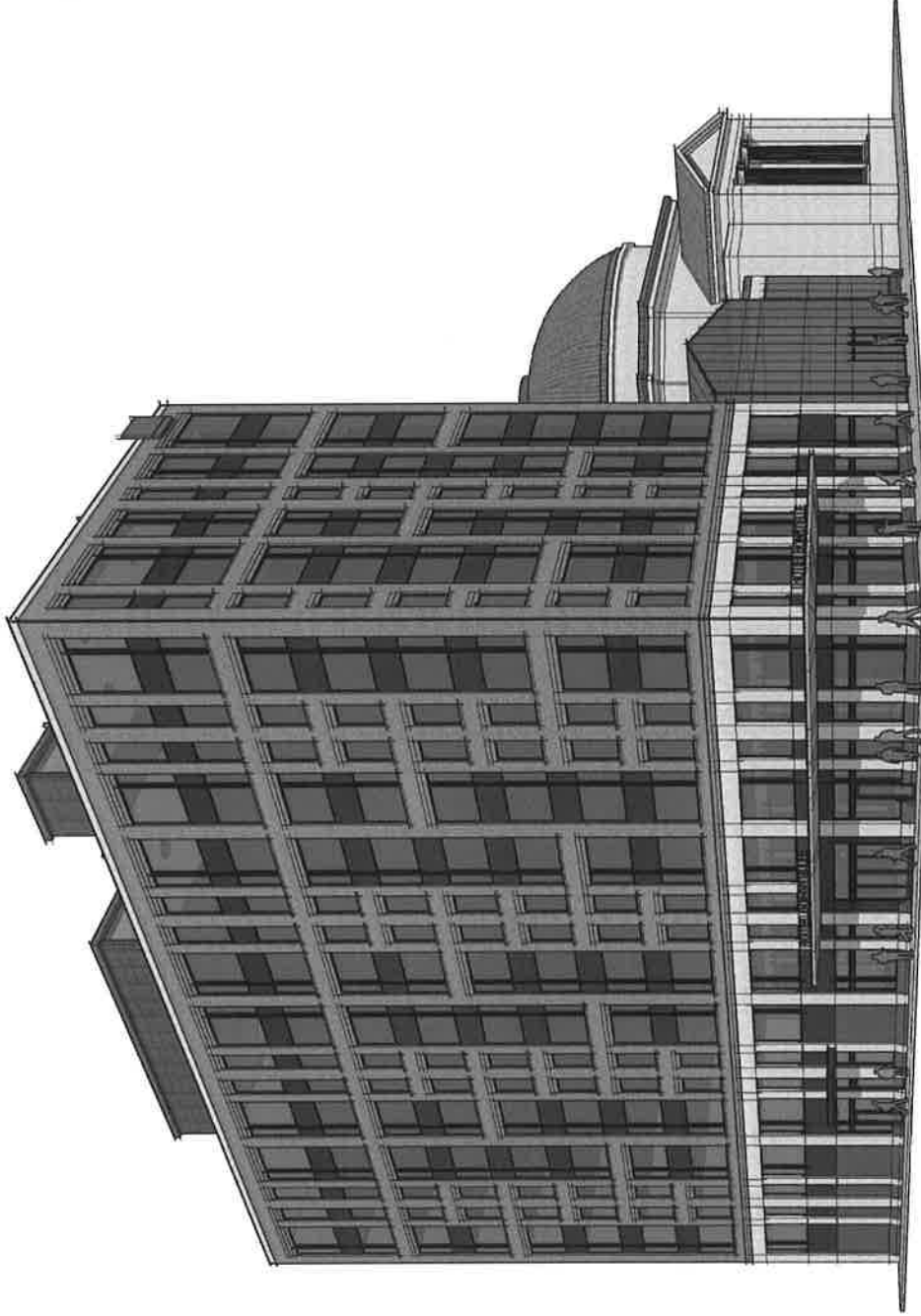
**Revised Massing Model**  
**10 Floors Total**

- 1 Floor Podium
- 1 Floor Guestrooms + Amenities
- 8 Floors Guestrooms
- 153 Keys



**Revised Massing Model**  
**10 Floors Total**

- 1 Floor Podium
- 1 Floor Guestrooms + Amenities
- 8 Floors Guestrooms
- 153 Keys**



**Hotel Bonstelle** | Exterior View - Eliot St./Woodward Ave. Intersection

patrick thompson design, inc  
[www.patrickthompsondesign.com](http://www.patrickthompsondesign.com)

Date: 11.07.2019

**Revised Massing Model**  
**10 Floors Total**

- 1 Floor Podium
- 1 Floor Guestrooms + Amenities
- 8 Floors Guestrooms
- 153 Keys



**Thank You.**

## **SUMMARY**

**An ordinance to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by amending Article XVII, Section 50-17-5 District Map No. 4 to modify an existing PD-H (Planned Development District-Historic) zoning classification, established by Ordinance 39-07, to allow for a hotel and conservatory.**

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

**AN ORDINANCE** to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by amending Article XVII, Section 50-17-5 District Map No. 4 to modify an existing PD-H (Planned Development District-Historic) zoning classification, established by Ordinance 39-07, to allow for a hotel and conservatory.

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

3 **Section 1.** Chapter 50 of the 2019 Detroit City Code is amended as follows:

4 Article XVII, Section 50-17-5, District Map No. 4 is amended to allow for the  
5 approved plans for the PD (Planned Development District-Historic) zoning classification  
6 currently shown as:

7 The lands referred to herein below situated in the City of Detroit, Wayne County, State of  
8 Michigan, described as Part of Lots 12 and 13, Block 10, "Brush's Subdivision of part of  
9 park lots 17, 18, 19, 20 and 21, and part of Brush Farm adjoining", according to the plat  
10 thereof as recorded in Liber 8, page 12 of plats, Wayne County Records, also being  
11 described as:

12 Beginning at the Northeast corner of said Lot 13; thence S 26° 12' 01" E 100.08 feet to the  
13 Southeast corner of said Lot 12; thence S 60° 17' 00" W 158.86 feet to a point on the  
14 Easterly line of Woodward Avenue (120 feet wide, as widened); thence N 26° 13' 51" W  
15 100.08 feet; thence N 60° 17' 00" E 158.91 feet (recorded as 158.93 feet) to the Point of  
16 Beginning.

17 Containing 15,872 square feet or 0.364 acres of land. Subject to all easements and  
18 restrictions of record, if any.

19 Also,

1 The North 104.04 feet of vacated alley lying between vacated Eliot Street (60 feet wide)  
2 and Erskine Street (60 feet wide) adjacent to Lots 12-13 & part of Lot 11, Block 10,  
3 “Brush’s Subdivision of part of park lots 17, 18, 19, 20 and 21, and part of Brush Farm  
4 Adjoining”, according to the plat thereof as recorded in Liber 8, page 12 of plats, Wayne  
5 County Records.

6 Containing 2,081 square feet or 0.048 acres of land. Subject to all easements and  
7 restrictions of record, if any.

8 All development within the PD (Planned Development District-Historic) zoning classification for  
9 the land described herein shall be in accordance with the site plans, elevations, and other  
10 components of the development proposal for The Roxbury Group in the drawings dated November  
11 7, 2019 and prepared by Patrick Thompson Design, Inc., subject to the following conditions:

- 12 1. That the developer work with the immediately adjacent community to minimize  
13 disruption to the neighborhood during construction and address impacts that may  
14 arise; and
- 15 2. That final site plans, elevations, lighting, landscape and signage plans be submitted  
16 by the developer to the staff of the City Planning Commission for review and  
17 approval prior to submitting applications for applicable permits.

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

19 **Section 3.** This ordinance is declared necessary for the preservation of the public peace,  
20 health, safety and welfare of the people of the City of Detroit.  
21



1           **Section 4.** This ordinance shall become effective on the eighth (8<sup>th</sup>) day after publication  
2 in accordance with Section 401(6) of Public Act 110 of 2006, as amended, M.C.L. 125.3401(6),  
3 and Section 4-118, paragraph 3 of the 2012 Detroit City Charter.

4

5 Approved as to form:

6

7 *Lawrence T. Garcia*

8 Lawrence T. Garcia,  
9 Corporation Counsel

40

CITY CLERK 2020 FEB 7 10:40 AM

**Alton James**  
Chairperson  
**Lauren Hood, MCD**  
Vice Chair/Secretary  
**Marcell R. Todd, Jr.**  
Director

# 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](mailto:cpc@detroitmi.gov)

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**Damion W. Ellis**  
**David Esparza, AIA, LEED**  
**Gregory Pawlowski**  
**Frederick E. Russell, Jr.**  
**Angy Webb**  
**Henry Williams**

February 7, 2020

HONORABLE CITY COUNCIL

**RE: Sign Ordinances—Chapter 50, Zoning, and Chapter 4, Advertising and Signs (RECOMMEND APPROVAL)**

### Background

The City Planning Commission (CPC) has worked on revisions to the regulations for on-premises business signs and off-premises advertising signs periodically since 1989 and continuously since 2012. The City’s bankruptcy and related reductions in staff delayed significant progress on the sign ordinance project until 2014.

The CPC took up the updating of the sign ordinance that has resulted in the attached Chapter 50 and Chapter 4 amendments on four occasions in 2015 (February 5, February 19, May 2, and June 6). The focus was on on-premises business signs; off-premises advertising sign regulations would be taken up once business signs were addressed. Since 2003 (Ord. No. 29-03), on-premises business sign standards and regulations had been recited outside of Zoning in Chapter 3 of the 1984 Detroit City Code (Advertising and Signs). While that 2003 ordinance successfully addressed signage on conventional business strips, its shortcomings had become clear with respect to institutional campuses and larger buildings such as in the Central Business District.

A statutory public hearing on the “Business Sign” ordinance prepared by a CPC-led Sign Ordinance Working Group was held to consider amendments to the Zoning Ordinance—then Chapter 61 of the 1984 Detroit City Code. That ordinance was recommended for approval by the CPC in June 2015. Coincidentally, a significant sign-related Supreme Court ruling (*Reed v. Town of Gilbert, US Supreme Court No. 13-502*) necessitated revision of that ordinance which was then submitted September 14, 2015 to the Law Department for approval as to form.

Much of the impetus for the revision of advertising sign regulations stems from the interest of downtown building owners and the outdoor advertising industry to generate revenue by legally displaying advertising wall signs on buildings in the Central Business District (CBD). In November 2015, CPC staff presented a framework to City Council for the updating of the advertising sign regulations; Council gave the “green light” to develop a text amendment following that framework. However, the Administration took issue with various provisions of the business sign ordinance and secured the services of an outside contractor to advise the city on best practices nationwide relative to sign regulation. Release of the sign ordinance from the Law

Department was delayed pending this research—an unprecedented hold on a CPC-approved Zoning amendment.

A new Administration-led working group was formed to craft a comprehensive sign ordinance that would place almost all sign regulations in one chapter of the City Code. Outside contractor, Interboro, provided excellent comparative information for the working group during 2016-2017. Regrettably, the complexities of the project and the conflicting interests of multiple stakeholders frustrated the production of a workable final draft ordinance.

In October 2018 the Mayor’s Office and Law Department, working with Council Member Scott Benson, took the many ideas and recommendations that had been voiced and prepared a draft ordinance that moved sign regulation out of Zoning, Chapter 50, and into a police-power chapter of the City Code—Chapter 4, Advertising and Signs. Several iterations of the Law Department-crafted sign ordinance were drafted, reviewed, shared with stakeholders, revised and eventually presented in public hearing and public discussion before the CPC in 2019. Further modifications of the drafts were supported by the CPC in January 2020 and are the basis for the CPC’s recommendation of approval to City Council.

### **Scope of the *Zoning Amendment, Chapter 50***

The Zoning Ordinance, Chapter 50, is proposed to be amended in the following ways:

Article VI is titled *Signs* and contains a statement of purpose, definitions, procedures, and regulations relative to off-premises advertising signs and directional signs. This article is proposed to be deleted in its entirety including the 1999 prohibition of advertising signs within the 15.5 square mile Grand Boulevard Overlay area.

Article III, Review and Approval Procedures (Part I), contains the provisions relative to Site Plan Review; all references to “signs” are deleted. The prohibition of advertising signs in PC and PCA is deleted.

Article IV, Review and Approval Procedures (Part II), includes provisions related to “Temporary Use Permits;” reference to “signage” is deleted. This article also includes the provisions relative to Board of Zoning Appeals jurisdiction over “variances;” references to “signs” are deleted.

Article V, Violations and Enforcement, lists the violations that are subject to specified remedies and fines; reference to “signs” is deleted.

Article VIII, Residential Zoning Districts, contains the “use lists” for land zoned R1, R2, R3, R4, R5, and R6; references to “signs” are removed from the by-right and conditional use lists.

Article IX, Business Zoning Districts, contains the “use lists” for land zoned B1, B2, B3, B4, B5, and B6; references to “signs” are removed from the by-right and conditional use lists.

Article X, *Industrial Zoning Districts*, contains the “use lists” for land zoned M1, M2, M3, M4, and M5; references to “signs” are removed from the by-right and conditional use lists.

Article XI, *Special Purpose Zoning Districts and Overlay Areas*, contains the “use lists” for land zoned P1, PC, PCA, TM, PR, SD1, SD2, SD4 and SD5 and for the Gateway Radial Thoroughfare Overlay Area, Grand Boulevard Overlay Area, and Development Improvement Area; references to “signs” are removed from the by-right and conditional use lists and overlay provisions.

Article XII, *Use Regulations*, includes the Use Table, general use standards, specific use standards, accessory use standards (including home occupations), temporary uses and structures; references to “signs” are deleted.

Article XIII, *Intensity and Dimensional Standards*, includes general dimensional standards and specific standards for residential, business, and industrial districts; references to “signs” are deleted.

Article XIV, *Development Standards*, includes standards for parking lots and design standards for Traditional Main Street Overlay Areas; dimensional standards for signs are deleted.

Article XV, *Nonconformities*, addresses nonconforming uses and structures; text is added to clarify what constitutes “intensification” of a nonconforming sign and to add “signs” to the list of uses the Board of Zoning Appeals cannot consider for a change from one nonconforming use to another nonconforming use.

Article XVI, *Rules of Construction and Definitions*, includes definitions of land use and procedural terms; references to “signs” are deleted.

## **Scope of the *Advertising and Signs Amendment*, Chapter 4**

### *Master Plan*

Rather than using “zoning districts” as the organizing principle for sign regulations, the proposed Chapter 4 amendment creates five “sign districts,” defined in Sec. 4-1-1, based on the 21 land use classifications described and mapped in the City’s Master Plan. The specifications for the several sign types vary according to sign district.

#### **Sec. 4-1-1. Definitions.**

***Low-density residential sign district*** means the portions of the City that are located outside of the Central Business District and are designated in the Master Plan of Policies as low-density residential (RL) or low/medium-density residential (RLM).

***Low-density commercial/institutional sign district*** means the portions of the City that are located outside the Central Business District and are designated in the Master Plan of

Policies as mixed-town centers (MTC), institutional (INST), thoroughfare commercial (CT), retail centers (CRC), or mixed residential-industrial (MRI).

***High-density residential/mixed use sign district*** means the portions of the City that are located outside of the Central Business District, and are designated in the Master Plan of Policies as medium-density residential (RM), high-density residential (RH), neighborhood commercial (CN), or mixed residential-commercial (MRC).

***High-density commercial/industrial sign district*** means the portions of the City that are designated in the Master Plan of Policies as major commercial (CM), special commercial (CS), light industrial (IL), general industrial (IG), distribution/port industrial (IDP), or airport (AP); as well as the entire portion of the City located within the Central Business District regardless of Master Plan of Policies designation therein.

***Recreation/open space sign district*** means the portions of the City that are located outside of the Central Business District and are designated in the Master Plan of Policies as regional parks (PR), recreation (PRC), private marinas (PMR), or cemetery (CEM).

#### *On-premises business signs*

On-premises business will be newly regulated in different sign districts by the several sign types:

- Arcade signs—not permitted in Low-Density Residential or Recreation/Open Space sign districts.
- Awning signs—not permitted in Low-Density Residential sign district.
- Marquee signs—only permitted in Low-Density Commercial/Institutional and High-Density Commercial/Industrial sign districts.
- Monument signs—not permitted in Low-Density Residential sign district.
- Pole signs—only permitted in Low-Density Commercial/Institutional and High-Density Commercial/Industrial sign districts outside of Traditional Main Street Overlay areas.
- Projecting signs—not permitted in Low-Density Residential sign district.
- Raceway signs—not permitted in Low-Density Residential sign district.
- Roof signs—not permitted in Low-Density Residential or High-Density Residential/Mixed Use sign districts.
- Wall signs—permitted in all sign districts.
- Window signs—permitted in all sign districts.
- Portable signs—permitted in all sign districts.
- Double-face signs—permitted in all sign districts.
- Dynamic/Animated signs—only permitted in Low-Density Commercial/Institutional and High-Density Commercial/Industrial sign districts.
- Illuminated signs—permitted in all sign districts.

- Mechanical signs—only permitted in Low-Density Commercial/Institutional and High-Density Commercial/Industrial sign districts.

Business signs are limited to 6 square feet in area in the Low-Density Residential sign district.

In the High-Density Residential/Mixed Use, Low-Density Commercial/Institutional, and Recreation/Open Space sign districts, business signs are limited to the greater of:

- 2.6 square feet per linear foot of building frontage; or
- 1 square foot per linear foot of premises frontage up to 500 square feet.

In the High-Density Commercial/Industrial sign district, business signs are limited to 3 square feet in area per linear foot of building frontage if outside of the Central Business District up to 500 square feet.

Casino properties are limited to 4 square feet per linear foot of building frontage.

#### Off-premises advertising signs

Chapter 4 already contains sign regulations relative to on-premises business signs. Chapter 4 will also be expanded significantly to import and revise provisions proposed to be repealed from Chapter 50, *Zoning*. Definitions, procedures, and regulations of off-premises advertising signs, directional signs, and temporary signs will be newly recited in Chapter 4.

A key component of the ordinance is the proposed allowance of 60 advertising signs in the CBD for a 10-year period. Under *Zoning*, a 10-year limit would run contrary to, essentially, the perpetuity of land use rights associated with permits issued under Chapter 50. Since Chapter 4 is outside of the *Zoning Ordinance*, a limited duration authorization is possible.

Since 1999, new advertising signs have been prohibited within the 15.5 square mile area bounded by West Grand Boulevard, East Grand Boulevard, and the Detroit (Grand Boulevard overlay area), which includes the CBD (Ord. No. 22-99). Among other things, Chapter 4 would eliminate the Grand Boulevard Overlay Area prohibition on new advertising signs.

In its preliminary analysis of a draft of the Chapter 4 amendment, CPC staff noted that advertising signs would not only be newly allowed in the CBD, as anticipated, but that broad areas of the city where advertising signs had previously been prohibited would newly be permitted. Some of those areas are residential or sensitive non-residential areas. This was due to three of the five Master Plan-based sign districts allowing for advertising signs—Low-Density Commercial/Institutional, High-Density Residential/Mixed-Use, and High-Density Commercial/Industrial sign districts.

That CPC concern was addressed when the proposed ordinance was modified when Council Member Benson suggested the proposed ordinance be modified to specify a 125-foot setback between any advertising sign and a residential dwelling unit (Sec. 4-4-103(8)).

## **Public Engagement and Results of November 21, 2019 and January 9, 2020 Public Hearings and Public Discussions at CPC**

Council Member Benson led four public meetings to collect community and stakeholder input on the draft ordinance on March 15<sup>th</sup>, April 5<sup>th</sup>, May 8<sup>th</sup>, and May 15<sup>th</sup>, 2019. Over 300 comments were submitted from a wide variety of public stakeholders. The Law Department has indicated that each of the comments was reviewed with Council Member Benson to determine the appropriateness of each for inclusion or adaptation or exclusion from the ordinance.

The CPC scheduled a preview presentation related to the Chapter 50 and Chapter 4 amendments on November 7, 2019. CPC staff, Law Department, and the Jobs and Economy Team provided an overview of the sign regulations and amendments in recent years and then walked through the September 30, 2019 proposed amendments to Chapters 4 and 50 of the 2019 City Code, highlighting changes and new regulatory approaches. CPC staff also identified some of the concerns that they hoped to address. The Commission raised questions seeking clarification of a few provisions. No members of the public spoke.

On November 21, 2019, the CPC held the statutory public hearing on the proposed Chapter 50 amendment and a public discussion on the Chapter 4 ordinance. CPC staff presented the Zoning amendment explaining that it would repeal Article VI, *Signs*, and would delete sign-related definitions, procedures and regulations elsewhere throughout the Zoning Ordinance. Numerous of the Chapter 50 sign provisions were to be preserved but moved into six chapters of the City Code, including Chapter 4, *Advertising and Signs*.

The Law Department provided a summary of the proposed Chapter 4 ordinance indicating it had been brought in by the Detroit City Council to advance a completed ordinance. The City Council had charged the Law Department with four directives

- The ordinance should be based on the work of the Sign Ordinance Working Group, under both CPC and Planning and Development Department (P&DD) leadership and that numerous policies should be reflected in the ordinance.
- The ordinance should consolidate regulations for all types of signs in a single Chapter of the City Code, to facilitate administration, enforcement and accessibility of sign regulations.
- Signage should be subject to regulation under the City's police powers, rather than its zoning authority.
- The ordinance should include regulations to allow for limited advertising in the CBD.

Commissioners sought clarification on various matters particularly regarding the proposed ordinance's impact on specific geographic areas of the City.

Public comment in support of the ordinances came from eight individuals representing the advertising industry or specific properties in the CBD, many citing the importance of the revenue to be gained from the advertising signs. Representatives from the Sierra Club, Scenic Michigan, and Midtown Inc. spoke in opposition to the ordinances. Commissioners adjourned the hearing to January 9, 2020.

### **Nature of the Compromise**

While much of the Chapter 4 ordinance is predicated on the work of CPC and P&DD, unlike sign ordinances of the past 30 years, these Chapter 50 and Chapter 4 amendments were not authored by the City Planning Commission. It is unlikely that the CPC would, on its own initiative, recommend as many as 60 large advertising signs in the CBD or to allow them to be displayed in historic districts. As such, the ordinances reflect months of re-working and compromise respecting the varied interests and points of view. The Law Department is to be credited with working with the sponsor to address scores of comments and concerns from the CPC, P&DD, Buildings, Safety Engineering and Environmental Department (BSEED), and stakeholders.

Importantly, the proposed removal of the City's sign regulation from Zoning (Chapter 50) and its insertion into a police powers chapter of the City Code (Chapter 4, *Advertising and Signs*) has two decided advantages:

- It allows for the amortization of existing signs that are not compliant with new regulations—signs that don't conform to Chapter 4's standards, such as height, size/area, setback, structural type, have until January 1, 2030 to come into compliance;
- It allows the City to authorize the time-limited display of advertising signage in the Central Business District—those super advertising signs and local advertising signs that are approved are limited to ten years.

Under zoning, once a permit has authorized an advertising sign at a given site, the land use rights run with the land, essentially in perpetuity, as long as it abides by the terms of its original approval.

Another key factor leading to the CPC's support of the proposed ordinances is the increased limitation on the display of advertising signs outside of the Central Business District. This had been a key CPC concern following the January and September 2019 drafts of the Chapter 4 amendment, which would have opened up considerably more acreage in the City for the possible display of advertising billboards and wall signs.

Under the current sign regulations in Chapter 50 (*Zoning*), some **10,127 acres** of land, or 15.82 square miles, are on lots zoned appropriately for advertising signs and spaced sufficiently distant from schools, parks, playgrounds, land zoned residential, and from historic districts to be permissible, provided no other advertising sign is oriented to the same flow of traffic within 1,000 lineal feet of a proposed location.



The September 30 draft of the Chapter 4 amendment would have left **12,500 acres** of land, or 19.67 square miles, where advertising signs would be permissible given the spacing and setback requirements that were preserved, provided no other advertising sign is oriented to the same flow of traffic within 1,000 lineal feet of a proposed location.

As noted above, the revised amendment specifies that an advertising sign be not less than 125 feet from a residential dwelling unit, resulting in **7,622 acres** of land, or 11.91 square miles, where advertising signs would be permissible given the spacing and setback requirements that were preserved, provided no other advertising sign is oriented to the same flow of traffic within 1,000 lineal feet of a proposed location. The CPC found that to be an improvement over both earlier drafts of the Chapter 4 amendment and current Zoning provisions and was pivotal in securing CPC support for the ordinance being presented to Your Honorable Body.

In June 2019, when a Master Plan-based approach to sign regulations was first incorporated, CPC staff recommended to the Law Department that only three of the 21 Master Plan land use classifications be indicated for advertising signs: General Industrial (IG), Light Industrial (IL), and Distribution/Port Industrial (IDP). Those three classifications add up to **6,923 acres** of land (10.82 square miles) where advertising signs would be permissible given the spacing and setback requirements that were preserved, provided no other advertising sign is oriented to the same flow of traffic within 1,000 lineal feet of a proposed location. This approach was seen as too limited.

### **Private Benefit/Public Benefit**

Over the years of discussion of signage regulation update, it has been clear how private parties, namely building owners and outdoor advertisers, would benefit from the requested allowance of advertising signs in the CBD: revenues accrue to the property from contracts with advertisers—a point emphasized at the CPC public hearings and discussions.

What has been challenging has been to identify a benefit to the City and the public from such an allowance. The City gains no appreciable revenue from having such signs displayed in the CBD—fees must be commensurate to the cost of processing permit review and administration. The Assessor has cautioned against any expectation of increased tax revenue from such signs.

Advertising graphics can have the undesirable effect of stealing focus from or detracting from the City's remarkable architectural gems as well as street-level restaurants, retail, and service commercial downtown. The City's skyline and collection of buildings are what distinguish Detroit from other places; advertising signs homogenize the built environment, making a building wall in Detroit look the same as one in Atlanta or Phoenix. Chapter 4 will allow CBD advertising signs within and near historic districts, subject to review and approval by the Historic District Commission, unlike advertising signs outside the CBD where they are prohibited.

The Sign Ordinance Working Group's deliberations in 2016-2018 focused, among many other issues, on the possibility of linking the permission of commercial advertising graphics in the CBD to an obligation for production of a proportionate amount of non-commercial **art graphics** elsewhere in the City. However, the Working Group failed to agree on the feasibility of such a

mandate in light of the absence of an arts commission or dedicated office to oversee such a program.

Notably, the Administration has recently appointed a director of arts and culture and the Chapter 4 ordinance recognizes the potential visual blight that 35 super advertising signs might have on the Central Business District and that art murals and other public art installations could have a mitigating effect (Sec. 4-4-129(a)). It is this recognition that allows the Planning Commission to support an acknowledged commercialization of the public realm in the CBD given the prospect of increased public art and the dedicated resources to stimulate and maintain it.

For example, where BSEED in consultation with the director of arts and culture, has determined that, in a given instance, mitigation of negative visual aesthetics is necessary, the applicant for a 5,000 square foot advertising wall sign can be requested to contribute one dollar per square foot per year to a dedicated arts fund—\$5,000 per year (Sec. 4-4-129(e)). The rate for dynamic advertising signs would be two dollars per square foot per year; the rate for painted wall advertising signs would be eighty cents per square foot per year. Such resources should help stimulate public art, bringing a true benefit to the general public and, hopefully, artists and artisans of painted wall graphics.

### **“Leap of Faith”**

The expectation that signs that do not conform with the new provisions of Chapter 4 will come into compliance or disappear by January 1, 2030 involves a certain leap of faith. The CPC has noted over the decades that enforcement of sign laws is difficult and often take a back seat to BSEED’s attention to life safety matters.

Diligent administration and enforcement of the sign ordinances will be enhanced if BSEED trains and dedicates an expanded staff to follow-up on existing and future sign permits. The creation of a roster of current legal advertising signs and their locations and permitted dimensions will go a long way to facilitate the 2030 verification of compliance expected by the ordinance.

Before voting its support of the proposed sign ordinances, the CPC specifically emphasized the need for BSEED to be properly charged, trained, and budgeted to effectively implement these new ordinances.

### **CPC ACTION AND RECOMMENDATION**

At its meeting of January 23, 2020, the City Planning Commission received an update from staff and the Law Department indicating almost complete incorporation of suggested edits from numerous CPC concerns. The CPC voted to recommend **approval** of the Chapter 50 (*Zoning*) amendment as revised 1-21-20. The CPC also directed CPC staff to meet with the Law Department toward finalizing the remaining Chapter 4 edits from the remaining CPC concerns and that upon agreement on final language to the satisfaction of CPC staff and the Law Department that City Council be advised of the City Planning Commission’s recommendation of approval of the Chapter 4 amendment.

On January 24, 2020, CPC staff and the Law Department concluded their joint review of the remaining concerns and developed language satisfactory to both that is incorporated in the Chapter 4 draft, dated 1-24-20. The CPC recommends **approval** of the Chapter 4 amendment.

This report, dated February 7, 2020, takes the place of the transmittal report dated January 24, 2020 and should be considered, for purposes of the *Journal of City Council*, to be the official report and recommendation of the City Planning Commission.

Respectfully submitted,

ALTON JAMES, Chairperson

A handwritten signature in cursive script that reads "Marcell R. Todd, Jr.".

Marcell R. Todd, Jr., Director

M. Rory Bolger, Staff



41

February 5, 2020

Honorable City Council  
City of Detroit  
1340 Coleman A. Young Municipal Center  
Detroit, MI 48226

**Re: Abolishment of the Park Shelton Brownfield Redevelopment Plan**

Dear Honorable Council Members:

The Park Shelton Brownfield Redevelopment Plan (the "Plan") was approved by City Council more than two years ago in 2005. The legal descriptions for the property included in the Plan are attached (Exhibit A).

Over the years, the Detroit City Council has approved Brownfield Plans which describe projects that have been completed. Park Shelton is a Plan approved by Council on May 25, 2005. The project, developed by Park Shelton Associates Limited Partnership, proposed the rehabilitation of an existing building into approximately 220 condominium residential units located in the Midtown area of Detroit. The project has been completed and the maximum allowable Credit has been received by the Developer. The purposes for which the Plan was established have been accomplished. Section 14(8)(b) of Act 381 of 1996, as amended, allows City Council to abolish the plan as a result.

It is the opinion of DBRA staff that the Park Shelton Plan should be abolished due to the fact that the project described in the Plan has been completed and the purposes for which the Plan was established have been accomplished. Abolishing the Plan will allow City and State staff to end ongoing administrative requirements for the Plan and officially complete and close out this tax incentive.

At the regularly scheduled August 28, 2019 DBRA Board of Directors meeting, DBRA staff recommended abolishment of the Plan on the basis that the project has been completed and the purposes for which the Plan was established have been accomplished in accordance with Section 14(8)(a) of Act 381. The DBRA subsequently adopted a resolution (Exhibit B) approving the abolishment of the Plan and authorizing the submission of a copy of its resolution to request that City Council adopt a resolution abolishing the Plan.

The DBRA, as authorized by City Council, sent a notification of termination of the Plan (Exhibit C) in accordance with Section 14(8)(b)(i).

Authority's Request

The Authority is respectfully requesting the following action from the City Council:

- a.) February 11, 2020

Referral of the resolution terminating the Plan to Detroit City Council Planning and Economic Development Standing Committee on February 13, 2020.

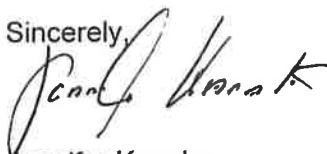
b.) February 13, 2020

Consideration of the City Council's Planning and Economic Development Standing Committee to terminate the Plan and opportunity for the Developer to be heard during public comment.

c.) February 18, 2020

City Council adoption of the Resolution (Exhibit D), terminating the Plan.

Sincerely,



Jennifer Kanalos  
Authorized Agent

C: Detroit City Council  
City Clerk  
Marcel Todd  
Irvin Corley, Jr.  
David Whitaker  
Malinda Jensen  
Allen Rawls  
Brian Vosburg  
Stephanie Washington  
DeAndree Watson

Exhibit A  
Legal Descriptions of Plans to be Terminated

B-1  
Exhibit A  
Park Shelton  
Brownfield Redevelopment Plan

**ATTACHMENT B**  
**Legal Description**

Real Property located in the City of Detroit, Wayne County, State of Michigan described as:

Parcel #1: Lot B except that part taken for the widening of Woodward Avenue.

Ferry's Subdivision of Park Lot 40 and of Lots 1 to 18 inclusive of Farnsworth's Subdivision of Park Lots 38 and 39, City of Detroit, Wayne County, Michigan, as recorded in Liber 18, Page 71 of Plats, Wayne County Records.

Parcel #2: West: 140 feet of Lots 25 and 26, except that part taken for the widening of Woodward Avenue.

Plat of D.M. Ferry's Subdivision of Park Lot No: 41 also showing John R. Street from the south line of Park Lot 40 to the South line of Palmer Avenue, as recorded in Liber 10, Page 4 of Plats, Wayne County Records:

Exhibit B  
DBRA Resolution





**CODE DBRA 19-08-86-02**

**PARK SHELTON BROWNFIELD PLAN: RECOMMENDATION TO CITY COUNCIL TO ABOLISH PLAN**

WHEREAS, the City of Detroit Brownfield Redevelopment Authority (the "DBRA") was created pursuant to Michigan Public Act 381 of 1996, as amended ("Act 381"); and

WHEREAS, the City Council of the City of Detroit ("City Council") is the governing body (as that term is defined by Act 381) of the DBRA; and

WHEREAS, on November 17, 2004, the DBRA Board of Directors approved the Park Shelton Brownfield Plan (the "Plan") and recommended the approval of the Plan to City Council; and

WHEREAS, on May 25, 2005, City Council approved the Plan; and

WHEREAS, on June 7, 2005, the Mayor of the City of Detroit approved the Plan; and

WHEREAS, Section 14(8)(a) of Act 381 of 1996, as amended, permits a governing body to abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished; and

WHEREAS, on October 10, 2017, City Council delegated developer termination notices to the DBRA; and

WHEREAS, the "developer" for the Plan is Park Shelton Associates Limited Partnership (the "Developer"); and

WHEREAS, the DBRA has determined that the project identified in the Plan has been completed and the purposes for which the Plan was established have been accomplished; and

WHEREAS, the DBRA Board of Directors desires to recommend abolishment of the Plan to City Council.

NOW THEREFORE, BE IT RESOLVED, subject to the notice authority delegated to the DBRA by the City Council, the DBRA Board of Directors hereby authorizes a written termination notice to the Developer; and

BE IT FURTHER RESOLVED, subject to the completion of the notice requirement described in Section 14(8)(b)(i) of Act 381 and the provision to the Developer of an opportunity to be heard at a public meeting pursuant to Section 14(8)(b)(ii) of Act 381, the DBRA Board of Directors hereby recommends termination of the Plan to City Council; and

BE IT FURTHER RESOLVED, subject to the abolishment of the Plan by City Council, that the DBRA Board of Directors hereby authorizes the termination of any other agreements or contracts between the Developer and the DBRA that were executed in conjunction with the Plan; and

BE IT FINALLY RESOLVED that any two Officers, or any one of the Officers and any one of the Authorized Agents of the DBRA, shall hereafter have the authority to negotiate and execute any and all documents, contracts, or other papers necessary to implement the provisions and intent of this resolution on behalf of the DBRA.

August 28, 2019

Exhibit C  
Notice of Termination



January 6, 2020

**SENT VIA CERTIFIED MAIL**

David Cohen  
Park Shelton Associates Limited Partnership  
15 East Kirby  
Detroit, MI 48202

Patrick Greve  
AKT Peerless  
333 W. Fort St., Suite 1410  
Detroit, MI 48211

Frederick Frank  
Honigman  
2290 First National Building  
660 Woodward Ave  
Detroit, MI 48226

**RE: Notice of Intent to Abolish Brownfield Plan for the Park Shelton Redevelopment Project**

Mr. Cohen:

Per the DBRA's communication to you dated September 10, 2019, this letter is to inform you that the Detroit City Council has authorized this notice to inform you that abolishment of the Brownfield Plan for the Park Shelton Redevelopment Project (the "Plan") will be considered in no less than thirty ("30") days.

It is our understanding that the project as described in the Plan has been completed, the associated Single Business Tax Credit has been utilized, and the purposes for which the plan was established have been accomplished. Because the project has been completed, the Brownfield Plan will be abolished for the subject project per Act 381 of 1996 Section 14(8)(a). While you are welcome to speak at any public meeting of City Council regarding the proposed abolishment, the following public meetings have been tentatively scheduled at the Coleman A. Young Municipal Center, 2 Woodward Avenue, 13<sup>th</sup> Floor, Detroit, MI 48226 regarding the abolishment of the Plan where, should you desire, you will also have an opportunity to be heard:

- Thursday, February 13, 2020 at 10:00 AM – Detroit City Council Planning & Economic Development Standing Committee
- Tuesday, February 18, 2020 at 10:00 AM – Detroit City Council of the Whole Meeting

In no event would any abolishment be effective until at least 30 days after the date of this notice. Should you have any questions please feel free to contact Cora Capler at (313) 294-5827 or [ccapler@degc.org](mailto:ccapler@degc.org).

Sincerely,

Jennifer Kanalos  
Authorized Agent

CC: Rebecca Navin, DEGC  
Brian Vosburg, DEGC/DBRA  
Ngozi Nwaesei, Lewis & Munday  
Brittney Hoszkiw, MEDC  
Rob Garza, MEDC

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Frederick Frank  
 Honigman  
 660 Woodward Ave, Suite 2290  
 Detroit, MI 48226



2. Article Number (Transfer from service label)  
 7018 2290 0000 8690 7326

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X *[Signature]*  Agent  Addressee

B. Received by (Printed Name)  
 David Bellows

C. Date of Delivery  
 1-9-20

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery	

Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Patrick Greve  
 AKT Peerless  
 333 W. Fort St., Suite 1410  
 Detroit, MI 48211



2. Article Number (Transfer from service label)  
 7018 2290 0000 8690 7319

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X *[Signature]*  Agent  Addressee

B. Received by (Printed Name)  
 Patrick Greve

C. Date of Delivery  
 1/9/2020

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery	

Domestic Return Receipt

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Certified Mail Fee

90 7319

**U.S. Postal Service**  
**CERTIFIED MAIL**  
*Domestic Mail Only*

For delivery information, visit [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services & Fees (check box, add)

90 7326

# USPS Tracking®

## Track Another Package +

Remove X

**Tracking Number:** 70182290000086907302

The delivery status of your item has not been updated. We apologize that it may arrive later than expected.

### Alert

January 10, 2020 at 1:10 am  
Awaiting Delivery Scan

Get Updates v

Text & Email Updates

7018 2290 0000 8690 7302

<b>U.S. Postal Service™</b>	
<b>CERTIFIED MAIL® RECEIPT</b>	
Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
<b>OFFICIAL USE</b>	
Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total P	\$
Sent To:	
Street #	
City, St	
PS Form 3800, April 2015 PSN 7500-02-020-9047 See Reverse for Instructions	

Postmark Here

Feedback

David Cohen  
Park Shelton Associates Limited  
Partnership  
15 East Kirby  
Detroit, MI 48202

### Tracking History

**January 10, 2020, 1:10 am**  
Awaiting Delivery Scan

The delivery status of your item has not been updated as of January 10, 2020, 1:10 am. We apologize that it may arrive later than expected.

**January 9, 2020, 7:10 am**  
Out for Delivery  
DETROIT, MI 48202

**January 9, 2020, 6:15 am**  
Arrived at Unit  
DETROIT, MI 48202

Exhibit D  
City Council Resolution

**RESOLUTION  
ABOLISHING THE BROWNFIELD PLAN  
OF THE CITY OF DETROIT BROWNFIELD REDEVELOPMENT AUTHORITY  
FOR THE PARK SHELTON REDEVELOPMENT PROJECT;**

---

City of Detroit  
County of Wayne, Michigan

---

**WHEREAS**, pursuant to 381 PA 1996, as amended (“Act 381”), the City of Detroit Brownfield Redevelopment Authority (“Authority”) has been established by resolution of the City Council of the City of Detroit (the “City Council”) for the purpose of promoting the revitalization of eligible properties in the City of Detroit; and

**WHEREAS**, on May 25, 2005, City Council approved the Park Shelton Brownfield Redevelopment Plan (the “Plan”); and

**WHEREAS**, the eligible property described in Exhibit A, attached hereto, is the eligible property subject to the Plan; and

**WHEREAS**, Section 14(8)(a) of Act 381 permits a governing body to abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished, provided that the governing body first does both of the following: (i) gives 30 days’ prior written notice to the developer at its last known address by certified mail or other method that documents proof of delivery attempted, and (ii) provides the developer an opportunity to be heard at a public meeting; and

**WHEREAS**, the City Council is the governing body (as that term is defined by Act 381) of the Authority; and

**WHEREAS**, the Authority’s staff has confirmed that the project for which eligible activities were identified in the Plan has been completed and the purposes for which the Plan was established have been accomplished; and

**WHEREAS**, on August 28, 2019, the Board of Directors of the Authority adopted a resolution recommending abolishment of the Plan; and

**WHEREAS**, on October 3, 2017, City Council authorized the Authority, on behalf of City Council, to manage and/or administer the notices required by Act 381 in connection with any brownfield plan or plan amendment terminations; and



**WHEREAS**, the required notice of the termination of the Plan was given in accordance with Section 14(8)(b)(i) of Act 381, a copy of which is attached as Exhibit B; and

**WHEREAS**, in accordance with Section 14(8)(b)(ii) of Act 381, the developer identified in the Plan was provided with an opportunity to be heard at a public meeting on July 18, 2019.

**NOW, THEREFORE, BE IT RESOLVED, THAT:**

1. The Plan is hereby abolished by City Council in accordance with Section 14(8)(a) of Act 381.
2. City Council hereby ratifies the abolishment, if any, of any agreements or contracts between the developer of the Plan and the Authority that were executed in conjunction with the Plan, including, but not limited to, the reimbursement agreement.

The City Clerk is requested to submit one (1) certified copies of this Resolution to the DBRA, 500 Griswold Street, Suite 2200, Detroit, MI 48226

AYES:           Members

---

NAYS:           Members

---

RESOLUTION DECLARED ADOPTED.

---

Janice Winfrey, City Clerk  
City of Detroit  
County of Wayne, Michigan

WAIVER OF RECONSIDERATION IS REQUESTED

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Detroit, County of Wayne, State of Michigan, at a regular meeting held on \_\_\_\_\_, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

---

Janice Winfrey, City Clerk  
City of Detroit  
County of Wayne, Michigan

42



February 5, 2020

Honorable City Council  
City of Detroit  
1340 Coleman A. Young Municipal Center  
Detroit, MI 48226

**Re: Abolishment of the Hudson's Warehouse Brownfield Redevelopment Plan**

Dear Honorable Council Members:

The Hudson's Warehouse Brownfield Redevelopment Plan (the "Plan") was approved by City Council more than two years ago in 2003. The legal descriptions for the property included in the Plan are attached (Exhibit A).

Over the years, the Detroit City Council has approved Brownfield Plans which describe projects that have been completed. Hudson's Warehouse is a Plan approved by Council on August 1, 2003. The project, developed by DLI Properties, LLC, proposed the rehabilitation of an existing building into office space located in the Central Business District of Detroit. The estimated total investment under the Plan was \$38 million. The project has been completed and the maximum allowable Credit has been received by the Developer. The purposes for which the Plan was established have been accomplished. Section 14(8)(b) of Act 381 of 1996, as amended, allows City Council to abolish the plan as a result.

It is the opinion of DBRA staff that the Hudson's Warehouse Plan should be abolished due to the fact that the project described in the Plan has been completed and the purposes for which the Plan was established have been accomplished. Abolishing the Plan will allow City and State staff to end ongoing administrative requirements for the Plan and officially complete and close out this tax incentive.

At the regularly scheduled August 28, 2019 DBRA Board of Directors meeting, DBRA staff recommended abolishment of the Plan on the basis that the project has been completed and the purposes for which the Plan was established have been accomplished in accordance with Section 14(8)(a) of Act 381. The DBRA subsequently adopted a resolution (Exhibit B) approving the abolishment of the Plan and authorizing the submission of a copy of its resolution to request that City Council adopt a resolution abolishing the Plan.

The DBRA, as authorized by City Council, sent a notification of termination of the Plan (Exhibit C) in accordance with Section 14(8)(b)(i).

Authority's Request

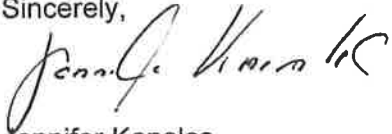
The Authority is respectfully requesting the following action from the City Council:

a.) February 11, 2020

Referral of the resolution terminating the Plan to Detroit City Council Planning and Economic Development Standing Committee on February 13, 2020:

- b.) February 13, 2020  
Consideration of the City Council's Planning and Economic Development Standing Committee to terminate the Plan and opportunity for the Developer to be heard during public comment.
- c.) February 18, 2020  
City Council adoption of the Resolution (Exhibit D), terminating the Plan.

Sincerely,



Jennifer Kanalos  
Authorized Agent

C: Detroit City Council  
City Clerk  
Marcel Todd  
Irvin Corley, Jr.  
David Whitaker  
Malinda Jensen  
Allen Rawls  
Brian Vosburg  
Stephanie Washington  
DeAndree Watson

**Exhibit A**  
**Legal Descriptions of Plans to be Terminated**

## ATTACHMENT B

### Legal Descriptions of Eligible Property to which the Plan Applies

1. Detroit/Wayne County Stadium Authority Parcel ("Parcel 109")

PARCEL "H"

A PARCEL OF LAND IN THE CITY OF DETROIT, WAYNE COUNTY, MICHIGAN, BEING LOTS 13 THROUGH 29, INCLUSIVE, LOTS 36 THROUGH 38, INCLUSIVE, PART OF LOTS 9 THROUGH 12 AND 30 THROUGH 35, ADAMS AVENUE (60 FEET WIDE), A PART OF BEACON STREET (50 FEET WIDE) AND ELIZABETH STREET (60 FEET WIDE) LYING EASTERLY OF ST. ANTOINE STREET (50 FEET WIDE), ALL OF THE 15 FOOT NORTH-SOUTH ALLEY LYING EASTERLY OF SAID LOTS 32 THROUGH 35 INCLUSIVE, ALL OF THE 20 FOOT EAST-WEST ALLEY LYING SOUTHERLY OF SAID LOTS 36 THROUGH 38, INCLUSIVE, "PLAT OF CRAWFORD'S SUBDIVISION OF PART OF THE ANTOINE BEAUBIEN FARM" AS RECORDED IN LIBER 49 OF PLATS, PAGE 495, WAYNE COUNTY RECORDS, ALSO, LOTS 46 THROUGH 48, INCLUSIVE, LOTS 56 AND 57, PART OF LOTS 49 THROUGH 55, AND PART OF LOTS 58 AND 60 THROUGH 66, A PART OF COLUMBIA STREET (50 FEET WIDE) LYING EASTERLY OF ST. ANTOINE STREET (50 FEET WIDE), ALL OF THE VACATED ALLEY LYING EASTERLY OF LOTS 49 THROUGH 55, INCLUSIVE, ALL OF THE VACATED ALLEY LYING NORTHERLY OF LOTS 46 THROUGH 48, INCLUSIVE, ALL OF THE VACATED ALLEY LYING EASTERLY OF LOTS 62 AND 63, AND PART OF LOT 61 OF "PART OF THE CRANE AND WESSON'S SECTION OF ANTOINE BEAUBIEN FARM", AS RECORDED IN LIBER 1 OF PLATS, PAGE 9, WAYNE COUNTY RECORDS, ALSO ALL OF LOT 7 AND 6 AND PART OF LOT 5 LYING SOUTHERLY OF ADAMS AVENUE (60 FEET WIDE), THE 20 FOOT WIDE VACATED ALLEY LYING SOUTHERLY OF SAID LOTS 5 THROUGH 7, INCLUSIVE, PART OF ADAMS AVENUE (60 FEET SIDE), ALL OF LOT 7 AND PART OF LOT 6 ON THE NORTHERLY SIDE OF SAID ADAMS AVENUE, PART OF THE VACATED 20 FOOT ALLEY NORTH OF SAID ADAMS AVENUE, ALL OF LOT 7 AND PART OF LOT 6 ON THE SOUTHERLY SIDE OF ELIZABETH STREET (60 FEET WIDE), PART OF VACATED ELIZABETH STREET, ALL OF LOT 7 ON THE NORTHERLY SIDE OF SAID ELIZABETH STREET, PART OF VACATED 20 FOOT ALLEY NORTH OF SAID ELIZABETH STREET, AND PART OF LOT 7 ON THE SOUTHERLY SIDE OF COLUMBIA STREET (50 FEET WIDE), OF "PLAT OF THE SUBDIVISION OF THE C. MORAN FARM BETWEEN GRATIOT AND INDIANA STREETS", AS RECORDED IN LIBER 1 OF PLATS, PAGES 254, WAYNE COUNTY RECORDS, AND A PART OF VACATED ST. ANTOINE STREET (50 FEET WIDE) LYING NORTHERLY OF THE NORTH LINE OF COLUMBIA STREET (50 FEET WIDE) AND SOUTHERLY OF THE FISHER-CHRYSLER FREEWAY INTERCHANGE, ALL BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF THE MADISON AVENUE CONNECTOR TO

INTERSTATE 375 (I-375) AND THE EASTERLY LINE OF ST. ANTOINE STREET (50 FEET WIDE); THENCE N. 26° 08' 14" W., 454.39 FEET ALONG SAID EASTERLY LINE TO A POINT ON THE NORTHERLY LINE OF PROPOSED RELOCATED MONTCALM STREET (VARIABLE WIDTH); THENCE THE FOLLOWING TWO COURSES ALONG SAID NORTHERLY LINE: (1) N. 24° 16' 13" W., 501.33 FEET, AND (2) ALONG A CURVE TO THE LEFT 232.49 FEET, SAID CURVE HAVING A RADIUS OF 355.00 FEET, CENTRAL ANGLE OF 37° 31' 26" AND A LONG CHORD BEARING OF N. 43° 01' 56" W., 228.36 FEET TO A POINT ON THE SOUTHERLY LINE OF THE FISHER-CHRYSLER FREEWAY INTERCHANGE; THENCE THE FOLLOWING FOURTEEN COURSES ALONG SAID SOUTHERLY LINE: (1) S. 76° 39' 08" E., 51.72 FEET, AND (2) N. 67° 54' 58" E., 9.25 FEET, AND (3) S. 76° 18' 01" E., 117.33 FEET, AND (4) S. 76° 58' 18" E., 17.46 FEET, AND (5) S. 67° 19' 12" E., 85.17 FEET, AND (6) S. 51° 26' 59" E., 93.82 FEET, AND (7) S. 44° 54' 19" E., 63.56 FEET, AND (8) S. 88° 45' 41" E., 43.61 FEET, AND (9) S. 26° 12' 44" E., 95.00 FEET, AND (10) S. 31° 06' 17" E., 60.62, AND (11) S. 37° 20' 16" E., 116.71 FEET, AND (12) S. 37° 00' 02" E., 96.75 FEET, AND (13) S. 37° 05' 12" E., 61.12 FEET, AND (14) S. 46° 33' 17" E., 158.07 FEET TO A POINT ON THE NORTHERLY LINE OF THE MADISON AVENUE CONNECTOR TO INTERSTATE 375 (I-375); THENCE S. 29° 40' 57" W., 448.64 FEET ALONG SAID NORTHERLY LINE TO THE POINT OF BEGINNING AND CONTAINING 5.902 ACRES, WHICH INCLUDES THAT PORTION OF VACATED ST. ANTOINE STREET DESCRIBED AS: A PARCEL OF LAND IN THE CITY OF DETROIT, WAYNE COUNTY, MICHIGAN, BEING A PART OF ST. ANTOINE STREET (50 FEET WIDE) LYING NORTHERLY OF COLUMBIA STREET (50 FEET WIDE) AND SOUTHERLY OF THE SOUTHERLY LINE OF THE FISHER-CHRYSLER FREEWAY INTERCHANGE, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE NORTHERLY LINE OF ADAMS AVENUE (60 FEET WIDE) AND THE EASTERLY LINE OF BRUSH STREET (50 FEET WIDE), SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 39 OF "PLAT OF SUBDIVISION OF OUTLOT 172 ON THE LAMBERT BEAUBIEN FARM" AS RECORDED IN LIBER 31 OF PLATS, PAGE 94, WAYNE COUNTY RECORDS; THENCE N. 26° 32' 38" W., 786.93 FEET TO A POINT ON THE NORTHERLY LINE OF PROPOSED RELOCATED MONTCALM STREET (60 FEET WIDE); THENCE THE FOLLOWING FOUR COURSES ALONG SAID NORTHERLY LINE, (1) N. 62° 39' 01" E., 32.47 FEET, AND (2) THENCE ALONG A CURVE TO THE LEFT 144.47 FEET, SAID CURVE HAVING A RADIUS OF 270.00 FEET, CENTRAL ANGLE OF 30° 39' 26" AND A LONG CHORD BEARING OF N. 47° 19' 18" E., 142.75 FEET, AND (3) THENCE N. 31° 59' 35" E., 108.00 FEET, AND (4) THENCE ALONG A CURVE TO THE RIGHT 237.44 FEET, SAID CURVE HAVING A RADIUS OF 330.00 FEET, CENTRAL ANGLE OF 41° 13' 30" AND A LONG CHORD BEARING OF N. 52° 36' 20" E., 232.35 FEET TO A POINT ON THE SOUTHERLY LINE OF THE FISHER-CHRYSLER FREEWAY INTERCHANGE; THENCE THE FOLLOWING FIVE COURSES ALONG SAID SOUTHERLY LINE, (1) N. 87° 56' 42" E., 47.81 FEET, AND (2) S. 86° 34' 22" E., 12.53 FEET, AND (3) S. 84° 16' 35" E., 7.78 FEET, AND (4) ALONG A CURVE TO THE RIGHT 243.13 FEET, SAID CURVE HAVING A RADIUS OF 617.30 FEET, CENTRAL ANGLE OF 22° 34' 00" AND A LONG CHORD BEARING OF S. 83° 54' 55" E., 241.56 FEET, AND (5) S. 76° 39' 08" E., 83.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHERLY LINE THE FOLLOWING TWO COURSES, (1) S. 76° 39' 08" E., 51.72 FEET, AND (2) N. 67° 54' 58" E., 9.25 FEET TO THE POINT ON THE EASTERLY LINE OF ST. ANTOINE STREET (50 FEET WIDE); THENCE S. 26° 12' 44" E., 63.83 FEET TO A POINT ON THE NORTHEASTERLY LINE OF PROPOSED RELOCATED MONTCALM STREET (VARIABLE WIDTH); THENCE ALONG A CURVE TO THE LEFT 109.55 FEET, SAID CURVE HAVING A RADIUS OF 355.00 FEET, CENTRAL ANGLE OF 17° 40' 49" AND A LONG CHORD BEARING OF N. 52° 57' 22" W., 109.11 FEET TO THE POINT OF BEGINNING

Exhibit B  
DBRA Resolution





**CODE DBRA 19-08-48-02**

**HUDSON'S WAREHOUSE BROWNFIELD PLAN: RECOMMENDATION TO CITY COUNCIL TO ABOLISH PLAN**

WHEREAS, the City of Detroit Brownfield Redevelopment Authority (the "DBRA") was created pursuant to Michigan Public Act 381 of 1996, as amended ("Act 381"); and

WHEREAS, the City Council of the City of Detroit ("City Council") is the governing body (as that term is defined by Act 381) of the DBRA; and

WHEREAS, on June 4, 2003, the DBRA Board of Directors approved the Hudson's Warehouse Brownfield Plan (the "Plan") and recommended the approval of the Plan to City Council; and

WHEREAS, on August 1, 2003, City Council approved the Plan; and

WHEREAS, on August 12, 2003, the Mayor of the City of Detroit approved the Plan; and

WHEREAS, Section 14(8)(a) of Act 381 of 1996, as amended, permits a governing body to abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished; and

WHEREAS, on October 10, 2017, City Council delegated developer termination notices to the DBRA; and

WHEREAS, the "developer" for the Plan is DLI Properties, LLC (the "Developer"); and

WHEREAS, the DBRA has determined that the project identified in the Plan has been completed and the purposes for which the Plan was established have been accomplished; and

WHEREAS, the DBRA Board of Directors desires to recommend abolishment of the Plan to City Council.

NOW THEREFORE, BE IT RESOLVED, subject to the notice authority delegated to the DBRA by the City Council, the DBRA Board of Directors hereby authorizes a written termination notice to the Developer; and

BE IT FURTHER RESOLVED, subject to the completion of the notice requirement described in Section 14(8)(b)(i) of Act 381 and the provision to the Developer of an opportunity to be heard at a public meeting pursuant to Section 14(8)(b)(ii) of Act 381, the DBRA Board of Directors hereby recommends termination of the Plan to City Council; and

BE IT FURTHER RESOLVED, subject to the abolishment of the Plan by City Council, that the DBRA Board of Directors hereby authorizes the termination of any other agreements or contracts between the Developer and the DBRA that were executed in conjunction with the Plan; and

BE IT FINALLY RESOLVED that any two Officers, or any one of the Officers and any one of the Authorized Agents of the DBRA, shall hereafter have the authority to negotiate and execute any and all documents, contracts, or other papers necessary to implement the provisions and intent of this resolution on behalf of the DBRA.

August 28, 2019

Exhibit C  
Notice of Termination



January 6, 2020

SENT VIA CERTIFIED MAIL

Kurt M. Brauer  
DLI Properties, LLC c/o Bodman  
1901 St. Antoine St.  
Detroit, MI 48226

Bhushan C. Modi  
NTH Consultants, LTD.  
38955 Hills Tech Drive  
Farmington Hills, MI 48331

**RE: Notice of Intent to Abolish Brownfield Plan for the Hudson's Warehouse Redevelopment Project**

Mr. Brauer:

Per the DBRA's communication to you dated September 10, 2019, this letter is to inform you that the Detroit City Council has authorized this notice to inform you that abolishment of the Brownfield Plan for the Hudson's Warehouse Redevelopment Project (the "Plan") will be considered in no less than thirty ("30") days.

It is our understanding that the project as described in the Plan has been completed, the associated Single Business Tax Credit has been utilized, and the purposes for which the plan was established have been accomplished. Because the project has been completed, the Brownfield Plan will be abolished for the subject project per Act 381 of 1996 Section 14(8)(a). While you are welcome to speak at any public meeting of City Council regarding the proposed abolishment, the following public meetings have been tentatively scheduled at the Coleman A. Young Municipal Center, 2 Woodward Avenue, 13<sup>th</sup> Floor, Detroit, MI 48226 regarding the abolishment of the Plan where, should you desire, you will also have an opportunity to be heard:

- Thursday, February 13, 2020 at 10:00 AM – Detroit City Council Planning & Economic Development Standing Committee
- Tuesday, February 18, 2020 at 10:00 AM – Detroit City Council of the Whole Meeting

In no event would any abolishment be effective until at least 30 days after the date of this notice. Should you have any questions please feel free to contact Cora Capler at (313) 294-5827 or [ccapler@degc.org](mailto:ccapler@degc.org).

Sincerely,

Jennifer Kanalos  
Authorized Agent

CC: Rebecca Navin, DEGC  
Brian Vosburg, DEGC/DBRA  
Ngozi Nwaesei, Lewis & Munday  
Brittney Hoszkiw, MEDC  
Rob Garza, MEDC

RA

Field Redevelopment Authority  
1 • Suite 2200  
8226

**RETURN TO SENDER**  
NO LONGER AT THIS ADDRESS

*Moved 11 yrs Ago*

*UTF 3/10*



7018 2290 0000 8690 5629

Bhushan C. Modi  
NTH Consultants, LTD.  
38955 Hills Tech Drive  
Farmington Hills, MI 48331



4832 DE 1 2201/25/20  
RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD  
PC: 48226440250 \*0653-09008-20-20

**SENDER: COMPLETE THIS SECTION**  
Complete items 1, 2, and 3.  
Print your name and address on the reverse so that we can return the card to you.  
Attach this card to the back of the mailpiece, or on the front if space permits.  
Article Addressed to:

Kurt M. Brauer  
DLI Properties, LLC c/o Bodman  
1901 St. Antoine St.  
Detroit, MI 48226



9590 9402 3363 7227 8053 52

Article Number (Transfer from service label)  
7018 2290 0000 8690 7173

Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**  
A. Signature  Agent  Addressee  
*[Signature]*  
B. Received by (Printed Name)  C. Date of Delivery  
*Michael D...*  
D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  Priority Mail Express®  
 Adult Signature  Registered Mail™  
 Adult Signature Restricted Delivery  Registered Mail Restricted Delivery  
 Certified Mail®  Certified Mail Restricted Delivery  
 Collect on Delivery  Return Receipt for Merchandise  
 Collect on Delivery Restricted Delivery  Signature Confirmation™  
 Signature Confirmation Restricted Delivery

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
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For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Certified Mail Fee \$  
Extra Services & Fees (check box, add fee as appropriate)  
 Return Receipt (hardcopy) \$  
 Return Receipt (electronic) \$  
 Certified Mail Restricted Delivery \$  
 Adult Signature Required \$  
 Adult Signature Restricted Delivery \$

Postage \$  
Total \$  
Sent \$  
Street \$  
City, \$

Bhushan C. Modi  
NTH Consultants, LTD.  
38955 Hills Tech Drive  
Farmington Hills, MI 48331

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for I

**SENDER: COMPLETE THIS SECTION**  
Complete items 1, 2, and 3.  
Print your name and address on the reverse so that we can return the card to you.  
Attach this card to the back of the mailpiece, or on the front if space permits.  
Article Addressed to:

Bhushan C. Modi  
NTH Consultants, LTD.  
38955 Hills Tech Drive  
Farmington Hills, MI 48331



9590 9402 2801 7069 7476 41

Article Number (Transfer from service label)  
7018 2290 0000 8690 5629

Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**  
A. Signature  Agent  Addressee  
*[Signature]*  
B. Received by (Printed Name)  C. Date of Delivery  
*FITZPATRICK 1/9/2020*  
D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  Priority Mail Express®  
 Adult Signature  Registered Mail™  
 Adult Signature Restricted Delivery  Registered Mail Restricted Delivery  
 Certified Mail®  Certified Mail Restricted Delivery  
 Collect on Delivery  Return Receipt for Merchandise  
 Collect on Delivery Restricted Delivery  Signature Confirmation™  
 Signature Confirmation Restricted Delivery

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Certified Mail Fee \$  
Extra Services & Fees (check box, add fee as appropriate)  
 Return Receipt (hardcopy) \$  
 Return Receipt (electronic) \$  
 Certified Mail Restricted Delivery \$  
 Adult Signature Required \$  
 Adult Signature Restricted Delivery \$

Postage \$  
Total P \$  
Sent \$  
Street \$  
City, \$

Kurt M. Brauer  
DLI Properties, LLC c/o Bodman  
1901 St. Antoine St.  
Detroit, MI 48226

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for I

Exhibit D  
City Council Resolution

**RESOLUTION  
ABOLISHING THE BROWNFIELD PLAN  
OF THE CITY OF DETROIT BROWNFIELD REDEVELOPMENT AUTHORITY  
FOR THE HUDSONS WAREHOUSE REDEVELOPMENT PROJECT;**

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City of Detroit  
County of Wayne, Michigan

---

**WHEREAS**, pursuant to 381 PA 1996, as amended (“Act 381”), the City of Detroit Brownfield Redevelopment Authority (“Authority”) has been established by resolution of the City Council of the City of Detroit (the “City Council”) for the purpose of promoting the revitalization of eligible properties in the City of Detroit; and

**WHEREAS**, on August 1, 2003, City Council approved the Hudsons Warehouse Brownfield Redevelopment Plan (the “Plan”); and

**WHEREAS**, the eligible property described in Exhibit A, attached hereto, is the eligible property subject to the Plan; and

**WHEREAS**, Section 14(8)(a) of Act 381 permits a governing body to abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished, provided that the governing body first does both of the following: (i) gives 30 days’ prior written notice to the developer at its last known address by certified mail or other method that documents proof of delivery attempted, and (ii) provides the developer an opportunity to be heard at a public meeting; and

**WHEREAS**, the City Council is the governing body (as that term is defined by Act 381) of the Authority; and

**WHEREAS**, the Authority’s staff has confirmed that the project for which eligible activities were identified in the Plan has been completed and the purposes for which the Plan was established have been accomplished; and

**WHEREAS**, on August 28, 2019, the Board of Directors of the Authority adopted a resolution recommending abolishment of the Plan; and

**WHEREAS**, on October 3, 2017, City Council authorized the Authority, on behalf of City Council, to manage and/or administer the notices required by Act 381 in connection with any brownfield plan or plan amendment terminations; and

**WHEREAS**, the required notice of the termination of the Plan was given in accordance with Section 14(8)(b)(i) of Act 381, a copy of which is attached as Exhibit B; and

**WHEREAS**, in accordance with Section 14(8)(b)(ii) of Act 381, the developer identified in the Plan was provided with an opportunity to be heard at a public meeting on July 18, 2019.

**NOW, THEREFORE, BE IT RESOLVED, THAT:**

1. The Plan is hereby abolished by City Council in accordance with Section 14(8)(a) of Act 381.
2. City Council hereby ratifies the abolishment, if any, of any agreements or contracts between the developer of the Plan and the Authority that were executed in conjunction with the Plan, including, but not limited to, the reimbursement agreement.

The City Clerk is requested to submit one (1) certified copies of this Resolution to the DBRA, 500 Griswold Street, Suite 2200, Detroit, MI 48226

AYES:           Members

---

NAYS:           Members

---

RESOLUTION DECLARED ADOPTED.

---

Janice Winfrey, City Clerk  
City of Detroit  
County of Wayne, Michigan

WAIVER OF RECONSIDERATION IS REQUESTED



I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Detroit, County of Wayne, State of Michigan, at a regular meeting held on \_\_\_\_\_, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

---

Janice Winfrey, City Clerk  
City of Detroit  
County of Wayne, Michigan



43

February 5, 2020

Honorable City Council  
City of Detroit  
1340 Coleman A. Young Municipal Center  
Detroit, MI 48226

**Re: Abolishment of the Parkside Development Co., LLC 4705-4707 Conner Avenue  
Brownfield Redevelopment Plan**

Dear Honorable Council Members:

The Parkside Development Co., LLC 4705-4707 Conner Avenue Brownfield Redevelopment Plan (the "Plan") was approved by City Council more than two years ago in 2002. The legal descriptions for the property included in the Plan are attached (Exhibit A).

Over the years, the Detroit City Council has approved Brownfield Plans which describe projects that have been completed. Parkside Development Co., LLC 4705-4707 Conner Avenue is a Plan approved by Council on July 17, 2002. The project, developed by Parkside Development Co., L.L.C., proposed the adaptive reuse of existing buildings and new construction retail space located on Detroit's east side. The estimated total investment under the Plan was \$4.2 million. The project has been completed and the maximum allowable Credit has been received by the Developer. The purposes for which the Plan was established have been accomplished. Section 14(8)(b) of Act 381 of 1996, as amended, allows City Council to abolish the plan as a result.

It is the opinion of DBRA staff that the Parkside Development Co., LLC 4705-4707 Conner Avenue Plan should be abolished due to the fact that the project described in the Plan has been completed and the purposes for which the Plan was established have been accomplished. Abolishing the Plan will allow City and State staff to end ongoing administrative requirements for the Plan and officially complete and close out this tax incentive.

At the regularly scheduled August 28, 2019 DBRA Board of Directors meeting, DBRA staff recommended abolishment of the Plan on the basis that the project has been completed and the purposes for which the Plan was established have been accomplished in accordance with Section 14(8)(a) of Act 381. The DBRA subsequently adopted a resolution (Exhibit B) approving the abolishment of the Plan and authorizing the submission of a copy of its resolution to request that City Council adopt a resolution abolishing the Plan.

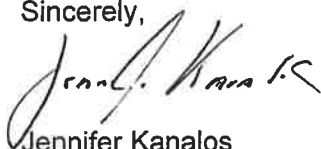
The DBRA, as authorized by City Council, sent a notification of termination of the Plan (Exhibit C) in accordance with Section 14(8)(b)(i).

Authority's Request

The Authority is respectfully requesting the following action from the City Council:

- a.) February 11, 2020  
Referral of the resolution terminating the Plan to Detroit City Council Planning and Economic Development Standing Committee on February 13, 2020.
- b.) February 13, 2020  
Consideration of the City Council's Planning and Economic Development Standing Committee to terminate the Plan and opportunity for the Developer to be heard during public comment.
- c.) February 18, 2020  
City Council adoption of the Resolution (Exhibit D), terminating the Plan.

Sincerely,



Jennifer Kanalos  
Authorized Agent

C: Detroit City Council  
City Clerk  
Marcel Todd  
Irvin Corley, Jr.  
David Whitaker  
Malinda Jensen  
Allen Rawls  
Brian Vosburg  
Stephanie Washington  
DeAndree Watson

**Exhibit A**  
**Legal Descriptions of Plans to be Terminated**

**Parcel 'A'**

All that part of Lots 24 and 25 of 'Plan of the Subdivision of Private Claims 385 and 386 for the Heirs of Late H. Conner of Grosse Pointe,' as recorded in Liber 49 on Page 494 of Deeds, Wayne County Records, also a part of Private Claim 388, city of Detroit, Wayne County, Michigan, and more particularly described as: Commencing at the intersection of the SW'ly line of Conner Ave., 86 ft. wide, with the S'ly line of East Warren Ave., 105 ft. wide; thence along said SW'ly line of Conner Ave., S.64°16'30"E. 768.11 ft.; thence S.64°00'00"W. 29.30 ft. to the 'POINT OF BEGINNING', said point being on the SW'ly line of Conner Ave., as proposed to be widened to 109 ft. and being 23 ft. SW'ly and parallel to Conner Ave., 86 ft. wide; thence S.25°43'30"W. 150.00 ft.; thence S.64°16'30"E. 180.00 ft.; thence N.25°43'30"E. 150.00 ft.; thence along said proposed SW'ly line of Conner Ave. 109 ft. wide S.64°16'30"E. 242.99 ft. to a tangent curve, thence continuing along the SW'ly line of Conner Ave., as proposed to be widened, variable width, 258.43 ft. along said curve to the right, having a radius of 845.50 ft., a central angle of 18°11'24" and a chord which bears S.55°10'47"E. 267.30 ft.; thence S.64°00'00"W. 517.80 ft.; thence N.26°00'00"W. 180.20 ft.; thence S.64°00'00"W. 458.69 ft.; thence N.26°00'00"W. 385.24 ft.; thence N.64°00'00"E. 584.14 ft. to the point of beginning. Containing 342,394.78 sq. ft. or 7.8603 acres of land. Subject to and/or together with all easements, restrictions or rights of record.

SURVEY DATE: 02-22-01

REV. 9-21-01  
REV. 4-23-01  
BOUNDARY CHANGE  
REV. DATE: 3-28-01  
DRAWING DATE: 8-6-01

WE HEREBY CERTIFY that we have surveyed the parcel of land described and delineated hereon; that said plan is a true representation of a survey as performed by us and that there are no encroachments other than as shown hereon; that said survey was performed with an error of closure of 1 in 13817; and that we have fully complied with the requirements of Section 3 of Act No. 132, Public Acts, 1970.

**NOTE:**

SET IRON BARS 1/2" DIA. X 18"  
POINTS MARKED THUS 'Q'

**SHEET 5 OF 5**



**MH CONSULTING SERVICE, INC.**

CIVIL ENGINEERS & SURVEYORS  
37552 HILLS TECH DRIVE  
FARMINGTON HILLS, MICHIGAN 48331  
(248) 848-3133 FAX (248) 848-8784

**NOTE:**

- = INDICATES SET CAPPED IRON ROD
- = INDICATES FOUND IRON ROD
- ⊙ = INDICATES FOUND MONUMENT
- R = INDICATES RECORDED
- M = INDICATES MEASURED IN FIELD

BY: William G. Carlson  
P.E. & REGISTERED LAND SURVEYOR  
MICH. #14759

1"=100'

FOR: PARKSIDE DEVELOPMENT  
JOB NO. 95-045  
FILE NAME: 95-045SH3.DWG

Exhibit B  
DBRA Resolution



CODE DBRA 19-08-22-03

PARKSIDE DEVELOPMENT CO., LLC 4705-4707 CONNER AVENUE BROWNFIELD PLAN:  
RECOMMENDATION TO CITY COUNCIL TO ABOLISH PLAN

WHEREAS, the City of Detroit Brownfield Redevelopment Authority (the "DBRA") was created pursuant to Michigan Public Act 381 of 1996, as amended ("Act 381"); and

WHEREAS, the City Council of the City of Detroit ("City Council") is the governing body (as that term is defined by Act 381) of the DBRA; and

WHEREAS, on May 1, 2002, the DBRA Board of Directors approved the Parkside Development Co., LLC 4705-4707 Conner Avenue Brownfield Plan (the "Plan") and recommended the approval of the Plan to City Council; and

WHEREAS, on July 17, 2002, City Council approved the Plan; and

WHEREAS, on July 24, 2002, the Mayor of the City of Detroit approved the Plan; and

WHEREAS, Section 14(8)(a) of Act 381 of 1996, as amended, permits a governing body to abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished; and

WHEREAS, on October 10, 2017, City Council delegated developer termination notices to the DBRA; and

WHEREAS, the "developer" for the Plan is Parkside Development Co.,L.L.C. (the "Developer"); and

WHEREAS, the DBRA has determined that the project identified in the Plan has been completed and the purposes for which the Plan was established have been accomplished; and

WHEREAS, the DBRA Board of Directors desires to recommend abolishment of the Plan to City Council.

NOW THEREFORE, BE IT RESOLVED, subject to the notice authority delegated to the DBRA by the City Council, the DBRA Board of Directors hereby authorizes a written termination notice to the Developer; and

BE IT FURTHER RESOLVED, subject to the completion of the notice requirement described in Section 14(8)(b)(i) of Act 381 and the provision to the Developer of an opportunity to be heard at a public meeting pursuant to Section 14(8)(b)(ii) of Act 381, the DBRA Board of Directors hereby recommends termination of the Plan to City Council; and

BE IT FURTHER RESOLVED, subject to the abolishment of the Plan by City Council, that the DBRA Board of Directors hereby authorizes the termination of any other agreements or contracts between the Developer and the DBRA that were executed in conjunction with the Plan; and

BE IT FINALLY RESOLVED that any two Officers, or any one of the Officers and any one of the Authorized Agents of the DBRA, shall hereafter have the authority to negotiate and execute any and all documents, contracts, or other papers necessary to implement the provisions and intent of this resolution on behalf of the DBRA.

August 28, 2019



Exhibit C  
Notice of Termination



January 6, 2020

SENT VIA CERTIFIED MAIL

Parkside Development Co., L.L.C.  
18600 James Couzens  
Detroit, MI 48225

AKT Peerless Environmental Services  
333 W. Fort St., Suite 1410  
Detroit, MI 48211

**RE: Notice of Intent to Abolish Brownfield Plan for the Parkside Development Co., LLC 4705-4707 Conner Avenue  
Redevelopment Project**

To whom it may concern:

Per the DBRA's communication to you dated September 10, 2019, this letter is to inform you that the Detroit City Council has authorized this notice to inform you that abolishment of the Brownfield Plan for the Parkside Development Co., LLC 4705-4707 Conner Avenue Redevelopment Project (the "Plan") will be considered in no less than thirty ("30") days.

It is our understanding that the project as described in the Plan has been completed, the associated Single Business Tax Credit has been utilized, and the purposes for which the plan was established have been accomplished. Because the project has been completed, the Brownfield Plan will be abolished for the subject project per Act 381 of 1996 Section 14(8)(a). While you are welcome to speak at any public meeting of City Council regarding the proposed abolishment, the following public meetings have been tentatively scheduled at the Coleman A. Young Municipal Center, 2 Woodward Avenue, 13<sup>th</sup> Floor, Detroit, MI 48226 regarding the abolishment of the Plan where, should you desire, you will also have an opportunity to be heard:

- Thursday, February 13, 2020 at 10:00 AM – Detroit City Council Planning & Economic Development Standing Committee
- Tuesday, February 18, 2020 at 10:00 AM – Detroit City Council of the Whole Meeting

In no event would any abolishment be effective until at least 30 days after the date of this notice. Should you have any questions please feel free to contact Cora Capler at (313) 294-5827 or [ccapler@degc.org](mailto:ccapler@degc.org).

Sincerely,

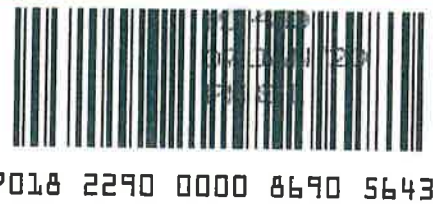
Jennifer Kanalos  
Authorized Agent

CC: Rebecca Navin, DEGC  
Brian Vosburg, DEGC/DBRA  
Ngozi Nwaesei, Lewis & Munday  
Brittney Hoszkiw, MEDC  
Rob Garza, MEDC

**RA**  
 Field Redevelopment Authority  
 Suite 2200  
 226

*Handwritten signature*

**CERTIFIED MAIL**



Parkside Development Co., LLC  
 18600 James Couzens  
 Detroit, MI 48225

NIXIE 482 FEB 1 0001/16/20  
 RETURN TO SENDER  
 ATTEMPTED - NOT KNOWN  
 UNABLE TO FORWARD  
 48226440230 \*2284-01700-07-42

ANK  
 48226440230  
 482264-250901

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. **AKT Peerless**  
 333 W. Fort St., Suite 1410  
 Detroit, MI 48211

2. Article Number (Transfer from service label)  
 7018 2290 0000 8690 5650

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *[Signature]*  Agent  Addressee  
 B. Received by (Printed Name) \_\_\_\_\_  
 C. Date of Delivery *1/9/2020*  
 D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below: \_\_\_\_\_

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Mail Restricted Delivery
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

**OFFICIAL USE**

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

**Domestic Mail Only**

Certified Mail Fee \$ \_\_\_\_\_

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ \_\_\_\_\_
- Return Receipt (electronic) \$ \_\_\_\_\_
- Certified Mail Restricted Delivery \$ \_\_\_\_\_
- Adult Signature Required \$ \_\_\_\_\_
- Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postmark Here

**AKT Peerless**  
 333 W. Fort St., Suite 1410  
 Detroit, MI 48211

City, State, ZIP+4® \_\_\_\_\_

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

0595 0698 0000 0622 8702

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Certified Mail Fee \$ \_\_\_\_\_

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ \_\_\_\_\_
- Return Receipt (electronic) \$ \_\_\_\_\_
- Certified Mail Restricted Delivery \$ \_\_\_\_\_
- Adult Signature Required \$ \_\_\_\_\_
- Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postmark Here

Postage \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

Sent \$ \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_

**Parkside Development Co., LLC**  
 18600 James Couzens  
 Detroit, MI 48225

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7018 2290 0000 8690 5643

Exhibit D  
City Council Resolution

**RESOLUTION  
ABOLISHING THE BROWNFIELD PLAN  
OF THE CITY OF DETROIT BROWNFIELD REDEVELOPMENT AUTHORITY  
FOR THE PARKSIDE DEVELOPMENT CO., LLC 4705-4707 CONNER AVENUE  
REDEVELOPMENT PROJECT;**

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City of Detroit  
County of Wayne, Michigan

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**WHEREAS**, pursuant to 381 PA 1996, as amended (“Act 381”), the City of Detroit Brownfield Redevelopment Authority (“Authority”) has been established by resolution of the City Council of the City of Detroit (the “City Council”) for the purpose of promoting the revitalization of eligible properties in the City of Detroit; and

**WHEREAS**, on July 17, 2002, City Council approved the Parkside Development Co., LLC 4705-4707 Conner Avenue Brownfield Redevelopment Plan (the “Plan”); and

**WHEREAS**, the eligible property described in Exhibit A, attached hereto, is the eligible property subject to the Plan; and

**WHEREAS**, Section 14(8)(a) of Act 381 permits a governing body to abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished, provided that the governing body first does both of the following: (i) gives 30 days’ prior written notice to the developer at its last known address by certified mail or other method that documents proof of delivery attempted, and (ii) provides the developer an opportunity to be heard at a public meeting; and

**WHEREAS**, the City Council is the governing body (as that term is defined by Act 381) of the Authority; and

**WHEREAS**, the Authority’s staff has confirmed that the project for which eligible activities were identified in the Plan has been completed and the purposes for which the Plan was established have been accomplished; and

**WHEREAS**, on August 28, 2019, the Board of Directors of the Authority adopted a resolution recommending abolishment of the Plan; and

**WHEREAS**, on October 3, 2017, City Council authorized the Authority, on behalf of City Council, to manage and/or administer the notices required by Act 381 in connection with any brownfield plan or plan amendment terminations; and

**WHEREAS**, the required notice of the termination of the Plan was given in accordance with Section 14(8)(b)(i) of Act 381, a copy of which is attached as Exhibit B; and

**WHEREAS**, in accordance with Section 14(8)(b)(ii) of Act 381, the developer identified in the Plan was provided with an opportunity to be heard at a public meeting on July 18, 2019.

**NOW, THEREFORE, BE IT RESOLVED, THAT:**

1. The Plan is hereby abolished by City Council in accordance with Section 14(8)(a) of Act 381.
2. City Council hereby ratifies the abolishment, if any, of any agreements or contracts between the developer of the Plan and the Authority that were executed in conjunction with the Plan, including, but not limited to, the reimbursement agreement.

The City Clerk is requested to submit one (1) certified copies of this Resolution to the DBRA, 500 Griswold Street, Suite 2200, Detroit, MI 48226

AYES:       Members

---

NAYS:       Members

---

RESOLUTION DECLARED ADOPTED.

---

Janice Winfrey, City Clerk  
City of Detroit  
County of Wayne, Michigan

WAIVER OF RECONSIDERATION IS REQUESTED

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Detroit, County of Wayne, State of Michigan, at a regular meeting held on \_\_\_\_\_, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

---

Janice Winfrey, City Clerk  
City of Detroit  
County of Wayne, Michigan



44

February 5, 2020

Honorable City Council  
City of Detroit  
1340 Coleman A. Young Municipal Center  
Detroit, MI 48226

**Re: Abolishment of the Riverfront Holdings, Inc. River East Brownfield Redevelopment Plan**

Dear Honorable Council Members:

The Riverfront Holdings, Inc. River East Brownfield Redevelopment Plan (the "Plan") was approved by City Council more than two years ago in 2001. The legal descriptions for the property included in the Plan are attached (Exhibit A).

Over the years, the Detroit City Council has approved Brownfield Plans which describe projects that have been completed. Riverfront Holdings, Inc. River East is a Plan approved by Council on November 30, 2001. The project, developed by Riverfront Holdings, Inc., proposed a series of phases including a parking structure with retail and fitness center facilities, design and construction of a riverfront with greater public access located on the riverfront of Detroit. The project has been completed and the maximum allowable Credit has been received by the Developer. The purposes for which the Plan was established have been accomplished. Section 14(8)(b) of Act 381 of 1996, as amended, allows City Council to abolish the plan as a result.

It is the opinion of DBRA staff that the Riverfront Holdings, Inc. River East Plan should be abolished due to the fact that the project described in the Plan has been completed and the purposes for which the Plan was established have been accomplished. Abolishing the Plan will allow City and State staff to end ongoing administrative requirements for the Plan and officially complete and close out this tax incentive.

At the regularly scheduled August 28, 2019 DBRA Board of Directors meeting, DBRA staff recommended abolishment of the Plan on the basis that the project has been completed and the purposes for which the Plan was established have been accomplished in accordance with Section 14(8)(a) of Act 381. The DBRA subsequently adopted a resolution (Exhibit B) approving the abolishment of the Plan and authorizing the submission of a copy of its resolution to request that City Council adopt a resolution abolishing the Plan.

The DBRA, as authorized by City Council, sent a notification of termination of the Plan (Exhibit C) in accordance with Section 14(8)(b)(i).

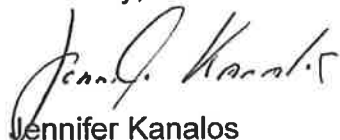


Authority's Request

The Authority is respectfully requesting the following action from the City Council:

- a.) February 11, 2020  
Referral of the resolution terminating the Plan to Detroit City Council Planning and Economic Development Standing Committee on February 13, 2020.
- b.) February 13, 2020  
Consideration of the City Council's Planning and Economic Development Standing Committee to terminate the Plan and opportunity for the Developer to be heard during public comment.
- c.) February 18, 2020  
City Council adoption of the Resolution (Exhibit D), terminating the Plan.

Sincerely,



Jennifer Kanalos  
Authorized Agent

C: Detroit City Council  
City Clerk  
Marcel Todd  
Irvin Corley, Jr.  
David Whitaker  
Malinda Jensen  
Allen Rawls  
Brian Vosburg  
Stephanie Washington  
DeAndree Watson

Exhibit A

**Legal Descriptions of Plans to be Terminated**

**Exhibit B**

**LEGAL DESCRIPTION**  
**(PER PHILIP R. SEAVER TITLE COMPANY, INC. FILE NUMBER 263323-W)**

City of Detroit

Part of Lots 3 through 8, both inclusive, of Plat of Antoine Beaubien's Farm, as recorded in Liber 27 of Deeds, Page 197; ALSO part of Lots 11 through 17, both inclusive, of L. Beaubien Farm, as recorded in Liber 6, City Records, Page 475; also part of vacated Atwater Street (50 feet wide), more particularly described as: Commencing at the intersection of the Southerly line of Jefferson Avenue, (210 feet wide), with the Westerly line of Randolph Street (as established in the Governor and Judges Plan); thence along said Southerly line of Jefferson Avenue, North 59 degrees 49 minutes 57 seconds East, 836.99 feet to the Northeastly corner of Renaissance Center-Phase I; thence along the Easterly line of Renaissance Center-Phase I, South 19 degrees 52 minutes 47 seconds East, 201.57 feet; thence continuing along the Easterly line of Renaissance Center-Phase I, South 30 degrees 10 minutes 03 seconds East, 327.48 feet to the Point of Beginning; thence North 59 degrees 49 minutes 57 seconds East, 371.68 feet to a point on the Westerly line of St. Antoine Street (50 feet wide); thence along the said Westerly line of St. Antoine Street, South 26 degrees 05 minutes 38 seconds East, 226.25 feet to a point on the Northerly line of Proposed Atwater Street (66 feet wide); thence along the said Northerly line of Proposed Atwater Street, South 59 degrees 49 minutes 57 seconds West, 355.61 feet to a point on the said Easterly line of Renaissance Center Phase I; thence along the said Easterly line of Renaissance Center-Phase I, North 30 degrees 10 minutes 03 seconds West, 225.68 feet to the point of beginning.

## DBRA Resolution



CODE DBRA 19-08-12-03

**RIVERFRONT HOLDINGS, INC. RIVER EAST BROWNFIELD PLAN: RECOMMENDATION TO CITY COUNCIL TO ABOLISH PLAN**

WHEREAS, the City of Detroit Brownfield Redevelopment Authority (the "DBRA") was created pursuant to Michigan Public Act 381 of 1996, as amended ("Act 381"); and

WHEREAS, the City Council of the City of Detroit ("City Council") is the governing body (as that term is defined by Act 381) of the DBRA; and

WHEREAS, on October 23, 2001, the DBRA Board of Directors approved the Riverfront Holdings, Inc. River East Brownfield Plan (the "Plan") and recommended the approval of the Plan to City Council; and

WHEREAS, on November 30, 2001, City Council approved the Plan; and

WHEREAS, on December 6, 2001, the Mayor of the City of Detroit approved the Plan; and

WHEREAS, Section 14(8)(a) of Act 381 of 1996, as amended, permits a governing body to abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished; and

WHEREAS, on October 10, 2017, City Council delegated developer termination notices to the DBRA; and

WHEREAS, the "developer" for the Plan is Riverfront Holdings, Inc. (the "Developer"); and

WHEREAS, the DBRA has determined that the project identified in the Plan has been completed and the purposes for which the Plan was established have been accomplished; and

WHEREAS, the DBRA Board of Directors desires to recommend abolishment of the Plan to City Council.

NOW THEREFORE, BE IT RESOLVED, subject to the notice authority delegated to the DBRA by the City Council, the DBRA Board of Directors hereby authorizes a written termination notice to the Developer; and

BE IT FURTHER RESOLVED, subject to the completion of the notice requirement described in Section 14(8)(b)(i) of Act 381 and the provision to the Developer of an opportunity to be heard at a public meeting pursuant to Section 14(8)(b)(ii) of Act 381, the DBRA Board of Directors hereby recommends termination of the Plan to City Council; and

BE IT FURTHER RESOLVED, subject to the abolishment of the Plan by City Council, that the DBRA Board of Directors hereby authorizes the termination of any other agreements or contracts between the Developer and the DBRA that were executed in conjunction with the Plan; and

BE IT FINALLY RESOLVED that any two Officers, or any one of the Officers and any one of the Authorized Agents of the DBRA, shall hereafter have the authority to negotiate and execute any and all documents, contracts, or other papers necessary to implement the provisions and intent of this resolution on behalf of the DBRA.

August 28, 2019

Exhibit C  
Notice of Termination



January 6, 2020

SENT VIA CERTIFIED MAIL

Ms. Pamela Merritt  
Riverfront Holdings, Inc.  
200 Renaissance Center  
Detroit, MI 48202

**RE: Notice of Intent to Abolish Brownfield Plan for the Riverfront Holdings, Inc. River East Redevelopment Project**

Ms. Merritt:

Per the DBRA's communication to you dated September 10, 2019, this letter is to inform you that the Detroit City Council has authorized this notice to inform you that abolishment of the Brownfield Plan for the Riverfront Holdings, Inc. River East Redevelopment Project (the "Plan") will be considered in no less than thirty ("30") days.

It is our understanding that the project as described in the Plan has been completed, the associated Single Business Tax Credit has been utilized, and the purposes for which the plan was established have been accomplished. Because the project has been completed, the Brownfield Plan will be abolished for the subject project per Act 381 of 1996 Section 14(8)(a). While you are welcome to speak at any public meeting of City Council regarding the proposed abolishment, the following public meetings have been tentatively scheduled at the Coleman A. Young Municipal Center, 2 Woodward Avenue, 13<sup>th</sup> Floor, Detroit, MI 48226 regarding the abolishment of the Plan where, should you desire, you will also have an opportunity to be heard:

- Thursday, February 13, 2020 at 10:00 AM – Detroit City Council Planning & Economic Development Standing Committee
- Tuesday, February 18, 2020 at 10:00 AM – Detroit City Council of the Whole Meeting

In no event would any abolishment be effective until at least 30 days after the date of this notice. Should you have any questions please feel free to contact Cora Capler at (313) 294-5827 or [ccapler@degc.org](mailto:ccapler@degc.org).

Sincerely,

Jennifer Kanalos  
Authorized Agent

CC: Rebecca Navin, DEGC  
Brian Vosburg, DEGC/DBRA  
Ngozi Nwaesei, Lewis & Munday  
Brittney Hoszkiw, MEDC  
Rob Garza, MEDC



## Track Another Package +

Tracking Number: 70182290000086907166

Remove X

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

### In-Transit

January 12, 2020  
In Transit to Next Facility

Get Updates v

Text & Email Updates

Tracking History

January 12, 2020

In Transit to Next Facility

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

January 8, 2020, 9:46 pm

Departed USPS Regional Facility  
DETROIT MI DISTRIBUTION CENTER

January 8, 2020, 8:39 am

Arrived at USPS Regional Facility  
DETROIT MI DISTRIBUTION CENTER

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*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee \$ \_\_\_\_\_

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

Postmark Here

Postage \$ \_\_\_\_\_

Total Postage \$ \_\_\_\_\_

Sent To

Street or PO Box # \_\_\_\_\_

City, State, ZIP+4® \_\_\_\_\_

Ms. Pamela Merritt  
Riverfront Holdings, Inc.  
200 Renaissance Center  
Detroit, MI 48202

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7018 2290 0000 8690 7166

Feedback

Exhibit D  
City Council Resolution

**RESOLUTION  
ABOLISHING THE BROWNFIELD PLAN  
OF THE CITY OF DETROIT BROWNFIELD REDEVELOPMENT AUTHORITY  
FOR THE RIVERFRONT HOLDINGS, INC. RIVER EAST REDEVELOPMENT  
PROJECT;**

---

City of Detroit  
County of Wayne, Michigan

---

**WHEREAS**, pursuant to 381 PA 1996, as amended (“Act 381”), the City of Detroit Brownfield Redevelopment Authority (“Authority”) has been established by resolution of the City Council of the City of Detroit (the “City Council”) for the purpose of promoting the revitalization of eligible properties in the City of Detroit; and

**WHEREAS**, on November 20, 2001, City Council approved the Riverfront Holdings, Inc. River East Brownfield Redevelopment Plan (the “Plan”); and

**WHEREAS**, the eligible property described in Exhibit A, attached hereto, is the eligible property subject to the Plan; and

**WHEREAS**, Section 14(8)(a) of Act 381 permits a governing body to abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished, provided that the governing body first does both of the following: (i) gives 30 days’ prior written notice to the developer at its last known address by certified mail or other method that documents proof of delivery attempted, and (ii) provides the developer an opportunity to be heard at a public meeting; and

**WHEREAS**, the City Council is the governing body (as that term is defined by Act 381) of the Authority; and

**WHEREAS**, the Authority’s staff has confirmed that the project for which eligible activities were identified in the Plan has been completed and the purposes for which the Plan was established have been accomplished; and

**WHEREAS**, on August 28, 2019, the Board of Directors of the Authority adopted a resolution recommending abolishment of the Plan; and

**WHEREAS**, on October 3, 2017, City Council authorized the Authority, on behalf of City Council, to manage and/or administer the notices required by Act 381 in connection with any brownfield plan or plan amendment terminations; and

**WHEREAS**, the required notice of the termination of the Plan was given in accordance with Section 14(8)(b)(i) of Act 381, a copy of which is attached as Exhibit B; and

**WHEREAS**, in accordance with Section 14(8)(b)(ii) of Act 381, the developer identified in the Plan was provided with an opportunity to be heard at a public meeting on July 18, 2019.

**NOW, THEREFORE, BE IT RESOLVED, THAT:**

1. The Plan is hereby abolished by City Council in accordance with Section 14(8)(a) of Act 381.
2. City Council hereby ratifies the abolishment, if any, of any agreements or contracts between the developer of the Plan and the Authority that were executed in conjunction with the Plan, including, but not limited to, the reimbursement agreement.

The City Clerk is requested to submit one (1) certified copies of this Resolution to the DBRA, 500 Griswold Street, Suite 2200, Detroit, MI 48226

AYES:           Members

---

NAYS:           Members

---

RESOLUTION DECLARED ADOPTED.

---

Janice Winfrey, City Clerk  
City of Detroit  
County of Wayne, Michigan

WAIVER OF RECONSIDERATION IS REQUESTED

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Detroit, County of Wayne, State of Michigan, at a regular meeting held on \_\_\_\_\_, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

---

Janice Winfrey, City Clerk  
City of Detroit  
County of Wayne, Michigan



45

February 5, 2020

Honorable City Council  
City of Detroit  
1340 Coleman A. Young Municipal Center  
Detroit, MI 48226

**Re: Abolishment of the Merchants Row 1241-1281 Woodward and 1425-1447 Woodward Brownfield Redevelopment Plan**

Dear Honorable Council Members:

The Merchants Row 1241-1281 Woodward and 1425-1447 Woodward Brownfield Redevelopment Plan (the "Plan") was approved by City Council more than two years ago in 2001. The legal descriptions for the property included in the Plan are attached (Exhibit A).

Over the years, the Detroit City Council has approved Brownfield Plans which describe projects that have been completed. Merchants Row 1241-1281 Woodward and 1425-1447 Woodward is a Plan approved by Council on November 30, 2001. The project, developed by KWA1, LLC, proposed the construction of mixed-use, 163 residential unit, and retail space developments located in Downtown Detroit. The estimated total investment under the Plan was \$31 million. The project has been completed and the maximum allowable Credit has been received by the Developer. The purposes for which the Plan was established have been accomplished. Section 14(8)(b) of Act 381 of 1996, as amended, allows City Council to abolish the plan as a result.

It is the opinion of DBRA staff that the Merchants Row 1241-1281 Woodward and 1425-1447 Woodward Plan should be abolished due to the fact that the project described in the Plan has been completed and the purposes for which the Plan was established have been accomplished. Abolishing the Plan will allow City and State staff to end ongoing administrative requirements for the Plan and officially complete and close out this tax incentive.

At the regularly scheduled August 28, 2019 DBRA Board of Directors meeting, DBRA staff recommended abolishment of the Plan on the basis that the project has been completed and the purposes for which the Plan was established have been accomplished in accordance with Section 14(8)(a) of Act 381. The DBRA subsequently adopted a resolution (Exhibit B) approving the abolishment of the Plan and authorizing the submission of a copy of its resolution to request that City Council adopt a resolution abolishing the Plan.

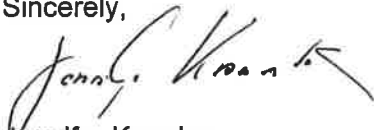
The DBRA, as authorized by City Council, sent a notification of termination of the Plan (Exhibit C) in accordance with Section 14(8)(b)(i).

Authority's Request

The Authority is respectfully requesting the following action from the City Council:

- a.) February 11, 2020  
Referral of the resolution terminating the Plan to Detroit City Council Planning and Economic Development Standing Committee on February 13, 2020.
- b.) February 13, 2020  
Consideration of the City Council's Planning and Economic Development Standing Committee to terminate the Plan and opportunity for the Developer to be heard during public comment.
- c.) February 18, 2020  
City Council adoption of the Resolution (Exhibit D), terminating the Plan.

Sincerely,



Jennifer Kanalos  
Authorized Agent

C: Detroit City Council  
City Clerk  
Marcel Todd  
Irvin Corley, Jr.  
David Whitaker  
Malinda Jensen  
Allen Rawls  
Brian Vosburg  
Stephanie Washington  
DeAndree Watson

Exhibit A  
Legal Descriptions of Plans to be Terminated



**EXHIBIT A**  
**Legal Descriptions of Eligible Properties**

Eligible Property 1

<u>Common Address</u>	<u>Legal Description</u>
1241 Woodward	W Woodward S 40 Ft 36 Plat of Sec 8 Governor & Judges Plan L34 P543 Deeds, W C R 2/1 40 x 100
1247 Woodward	W Woodward N 20 Ft 36 Plat of Sec 8 Governor & Judges Plan L34 P543 Deeds, W C R 2/1 20 x 100
1249 Woodward	W Woodward 35 Plat of Sec 8 Governor & Judges Plan L34 P543 Deeds, W C R 2/1 60 x 100
1261 Woodward	W Woodward 34 Plat of Sec 8 Governor & Judges Plan L34 P543 Deeds, W C R 2/1 60 x 100
1275 Woodward	W Woodward S 40 Ft 33 Plat of Sec 8 Governor & Judges Plan L34 P543 deeds, W C R 2/1 40 x 100
1281 Woodward	W Woodward N 20 Ft 33 Plat of Sec 8 Governor & Judges Plan L34 P543 Deeds, W C R 2/1 20 x 100

Eligible Property 2

<u>Common Address</u>	<u>Legal Description</u>
1425-1433 Woodward	W Woodward 30 Plat of Sec 8 Governor & Judges Plan L34 P543 Deeds, W C R 2/1 60 x 100
1437-1447 Woodward	W Woodward 29 Plat of Sec 8 Governor & Judges Plan L34 P543 Deeds, W C R 2/1 60 x 100

Exhibit B  
DBRA Resolution



CODE DBRA 19-08-14-04

**MERCHANTS ROW 1241-1281 WOODWARD AND 1425-1447 WOODWARD BROWNFIELD PLAN:  
RECOMMENDATION TO CITY COUNCIL TO ABOLISH PLAN**

WHEREAS, the City of Detroit Brownfield Redevelopment Authority (the "DBRA") was created pursuant to Michigan Public Act 381 of 1996, as amended ("Act 381"); and

WHEREAS, the City Council of the City of Detroit ("City Council") is the governing body (as that term is defined by Act 381) of the DBRA; and

WHEREAS, on October 30, 2001, the DBRA Board of Directors approved the Merchants Row 1241-1281 Woodward and 1425-1447 Woodward Brownfield Plan (the "Plan") and recommended the approval of the Plan to City Council; and

WHEREAS, on November 30, 2001, City Council approved the Plan; and

WHEREAS, on December 6, 2001, the Mayor of the City of Detroit approved the Plan; and

WHEREAS, Section 14(8)(a) of Act 381 of 1996, as amended, permits a governing body to abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished; and

WHEREAS, on October 10, 2017, City Council delegated developer termination notices to the DBRA; and

WHEREAS, the "developer" for the Plan is KWA1, LLC (the "Developer"); and

WHEREAS, the DBRA has determined that the project identified in the Plan has been completed and the purposes for which the Plan was established have been accomplished; and

WHEREAS, the DBRA Board of Directors desires to recommend abolishment of the Plan to City Council.

NOW THEREFORE, BE IT RESOLVED, subject to the notice authority delegated to the DBRA by the City Council, the DBRA Board of Directors hereby authorizes a written termination notice to the Developer; and

BE IT FURTHER RESOLVED, subject to the completion of the notice requirement described in Section 14(8)(b)(i) of Act 381 and the provision to the Developer of an opportunity to be heard at a public meeting pursuant to Section 14(8)(b)(ii) of Act 381, the DBRA Board of Directors hereby recommends termination of the Plan to City Council; and

BE IT FURTHER RESOLVED, subject to the abolishment of the Plan by City Council, that the DBRA Board of Directors hereby authorizes the termination of any other agreements or contracts between the Developer and the DBRA that were executed in conjunction with the Plan; and

BE IT FINALLY RESOLVED that any two Officers, or any one of the Officers and any one of the Authorized Agents of the DBRA, shall hereafter have the authority to negotiate and execute any and all documents, contracts, or other papers necessary to implement the provisions and intent of this resolution on behalf of the DBRA.

August 28, 2019

Exhibit C  
Notice of Termination



January 6, 2020

SENT VIA CERTIFIED MAIL

JoAnne Thompson  
KWA1, LLC  
220 W Congress, Ste 500  
Detroit, MI 48226

**RE: Notice of Intent to Abolish Brownfield Plan for the Merchants Row 1241-1281 Woodward and 1425-1447 Woodward Redevelopment Project**

Ms. Thompson:

Per the DBRA's communication to you dated September 10, 2019, this letter is to inform you that the Detroit City Council has authorized this notice to inform you that abolishment of the Brownfield Plan for the Merchants Row 1241-1281 Woodward and 1425-1447 Woodward Redevelopment Project (the "Plan") will be considered in no less than thirty ("30") days.

It is our understanding that the project as described in the Plan has been completed, the associated Single Business Tax Credit has been utilized, and the purposes for which the plan was established have been accomplished. Because the project has been completed, the Brownfield Plan will be abolished for the subject project per Act 381 of 1996 Section 14(8)(a). While you are welcome to speak at any public meeting of City Council regarding the proposed abolishment, the following public meetings have been tentatively scheduled at the Coleman A. Young Municipal Center, 2 Woodward Avenue, 13<sup>th</sup> Floor, Detroit, MI 48226 regarding the abolishment of the Plan where, should you desire, you will also have an opportunity to be heard:

- Thursday, February 13, 2020 at 10:00 AM – Detroit City Council Planning & Economic Development Standing Committee
- Tuesday, February 18, 2020 at 10:00 AM – Detroit City Council of the Whole Meeting

In no event would any abolishment be effective until at least 30 days after the date of this notice. Should you have any questions please feel free to contact Cora Capler at (313) 294-5827 or [ccapler@degc.org](mailto:ccapler@degc.org).

Sincerely,

Jennifer Kanalos  
Authorized Agent

CC: Rebecca Navin, DEGC  
Brian Vosburg, DEGC/DBRA  
Ngozi Nwaesei, Lewis & Munday  
Brittney Hoszkiw, MEDC  
Rob Garza, MEDC

**CERTIFIED MAIL**



7018 2290 0000 8690 5636

**DBRA**  
Detroit Brownfield Redevelopment Authority  
500 Griswold • Suite 2200  
Detroit, MI 48226



JoAnne Thompson  
KWA1, LLC  
220 W Congress, Ste 500

XXXXXXXXXXXX

NIXIE 482 75 1 0001/20/20  
RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD

ANK

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48226-4197  
48226-928999

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<b>OFFICIAL USE</b>	
Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total P	\$
Sent To	
Street	
City, St.	
PS Form 3800, April 2015 PSN 7550-02-000-9047 See Reverse for Instructions	

Postmark Here

JoAnne Thompson  
KWA1, LLC  
220 W Congress, Ste 500  
Detroit, MI 48226

Exhibit D  
City Council Resolution



**RESOLUTION  
ABOLISHING THE BROWNFIELD PLAN  
OF THE CITY OF DETROIT BROWNFIELD REDEVELOPMENT AUTHORITY  
FOR THE MERCHANTS ROW 1241-1281 WOODWARD AND 1425-1447  
WOODWARD REDEVELOPMENT PROJECT;**

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City of Detroit  
County of Wayne, Michigan

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**WHEREAS**, pursuant to 381 PA 1996, as amended (“Act 381”), the City of Detroit Brownfield Redevelopment Authority (“Authority”) has been established by resolution of the City Council of the City of Detroit (the “City Council”) for the purpose of promoting the revitalization of eligible properties in the City of Detroit; and

**WHEREAS**, on November 30, 2001, City Council approved the Merchants Row 1241-1281 Woodward and 1425-1447 Woodward Brownfield Redevelopment Plan (the “Plan”); and

**WHEREAS**, the eligible property described in Exhibit A, attached hereto, is the eligible property subject to the Plan; and

**WHEREAS**, Section 14(8)(a) of Act 381 permits a governing body to abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished, provided that the governing body first does both of the following: (i) gives 30 days’ prior written notice to the developer at its last known address by certified mail or other method that documents proof of delivery attempted, and (ii) provides the developer an opportunity to be heard at a public meeting; and

**WHEREAS**, the City Council is the governing body (as that term is defined by Act 381) of the Authority; and

**WHEREAS**, the Authority’s staff has confirmed that the project for which eligible activities were identified in the Plan has been completed and the purposes for which the Plan was established have been accomplished; and

**WHEREAS**, on August 28, 2019, the Board of Directors of the Authority adopted a resolution recommending abolishment of the Plan; and

**WHEREAS**, on October 3, 2017, City Council authorized the Authority, on behalf of City Council, to manage and/or administer the notices required by Act 381 in connection with any brownfield plan or plan amendment terminations; and

**WHEREAS**, the required notice of the termination of the Plan was given in accordance with Section 14(8)(b)(i) of Act 381, a copy of which is attached as Exhibit B; and

**WHEREAS**, in accordance with Section 14(8)(b)(ii) of Act 381, the developer identified in the Plan was provided with an opportunity to be heard at a public meeting on July 18, 2019.

**NOW, THEREFORE, BE IT RESOLVED, THAT:**

1. The Plan is hereby abolished by City Council in accordance with Section 14(8)(a) of Act 381.
2. City Council hereby ratifies the abolishment, if any, of any agreements or contracts between the developer of the Plan and the Authority that were executed in conjunction with the Plan, including, but not limited to, the reimbursement agreement.

The City Clerk is requested to submit one (1) certified copies of this Resolution to the DBRA, 500 Griswold Street, Suite 2200, Detroit, MI 48226

AYES:           Members

---

NAYS:           Members

---

RESOLUTION DECLARED ADOPTED.

---

Janice Winfrey, City Clerk  
City of Detroit  
County of Wayne, Michigan

WAIVER OF RECONSIDERATION IS REQUESTED

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Detroit, County of Wayne, State of Michigan, at a regular meeting held on \_\_\_\_\_, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

---

Janice Winfrey, City Clerk  
City of Detroit  
County of Wayne, Michigan



46

February 5, 2020

Honorable City Council  
City of Detroit  
1340 Coleman A. Young Municipal Center  
Detroit, MI 48226

**Re: Abolishment of the Art Center Town and Carriage Homes North, L.L.C.-Phase 2 Brownfield Redevelopment Plan**

Dear Honorable Council Members:

The Art Center Town and Carriage Homes North, L.L.C.-Phase 2 Brownfield Redevelopment Plan (the "Plan") was approved by City Council more than two years ago in 2005. The legal descriptions for the property included in the subject Plan are attached (Exhibit A).

Over the years, the Detroit City Council has approved Brownfield Plans which describe projects that have been completed. Art Center Town and Carriage Homes North, L.L.C.-Phase 2 is a Plan approved by Council on November 16, 2005. The project, developed by Art Center Town and Carriage Homes North, L.L.C., proposed the construction of a 23-unit, market-rate, condominium development on one parcel located in the Art Center Development Area of Detroit. The estimated total investment under the Plan was \$3.46 million. The project has been completed and the maximum allowable Credit has been received by the Developer. The purposes for which the Plan was established have been accomplished. Section 14(8)(b) of Act 381 of 1996, as amended, allows City Council to abolish the plan as a result.

It is the opinion of DBRA staff that the Art Center Town and Carriage Homes North, L.L.C.-Phase 2 Plan should be abolished due to the fact that the project described in the Plan has been completed and the purposes for which the Plan was established have been accomplished. Abolishing the Plan will allow City and State staff to end ongoing administrative requirements for the Plan and officially complete and close out this tax incentive.

At the regularly scheduled August 28, 2019 DBRA Board of Directors meeting, DBRA staff recommended abolishment of the Plan on the basis that the project has been completed and the purposes for which the Plan was established have been accomplished in accordance with Section 14(8)(a) of Act 381. The DBRA subsequently adopted a resolution (Exhibit B) approving the abolishment of the Plan and authorizing the submission of a copy of its resolution to request that City Council adopt a resolution abolishing the Plan.

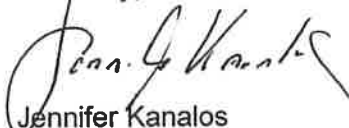
The DBRA, as authorized by City Council, sent a notification of termination of the Plan (Exhibit C) in accordance with Section 14(8)(b)(i).

Authority's Request

The Authority is respectfully requesting the following action from the City Council:

- a.) February 11, 2020  
Referral of the resolution terminating the Plan to Detroit City Council Planning and Economic Development Standing Committee on February 13, 2020.
- b.) February 13, 2020  
Consideration of the City Council's Planning and Economic Development Standing Committee to terminate the Plan and opportunity for the Developer to be heard during public comment.
- c.) February 18, 2020  
City Council adoption of the Resolution (Exhibit D), terminating the Plan.

Sincerely,



Jennifer Kanalos  
Authorized Agent

C: Detroit City Council  
City Clerk  
Marcel Todd  
Irvin Corley, Jr.  
David Whitaker  
Malinda Jensen  
Allen Rawls  
Brian Vosburg  
Stephanie Washington  
DeAndree Watson

**Exhibit A**  
**Legal Descriptions of Plans to be Terminated**

ATTACHMENT B

Legal Descriptions of Eligible Property and Parcel Information

Address	Functionally Obsolete (F) or Adjacent/ Contiguous (A)	Ward/ Item No.	2005 TV	Legal Description
269 Palmer	A	1/1559	0	N PALMER 16 EXC E 5 FT BRATSHAWS L12 P11 PLATS, W C R 1/86 47 IRREG
275 Palmer	A	1/1560	0	N PALMER E 5 FT 16 17 BRATSHAWS L12 P11 PLATS, W C R 1/86 35.35 X 171.47
285-287 Palmer	A	1/1561	0	N PALMER 14 BLK 29 BRUSHS SUB L17 P28 PLATS, W C R 1/79 66.73 IRREG
299 Palmer	A	1/1562	0	N PALMER 13 BLK 29 BRUSHS SUB L17 P28 PLATS, W C R 1/79 50 X 174
301 Palmer	A	1/1563	305 (200 2)	N PALMER W 34 FT 12 BLK 29 BRUSHS SUB L17 P28 PLATS, W C R 1/79 34 X 174
307-311 Palmer	A	1/1563.002	0	N PALMER E 16 FT 12 W 20 FT 11 BLK 29 BRUSHS SUB L17 P28 PLATS, W C R 1/79 36 X 174
317 Palmer	F	1/1564	0	N PALMER ALL THAT PT OF LOTS 11&10 DESC AS FOLS BEG AT A PTE IN N LINE PALMER AVE 60 FT WIDE DIST S 60D 22M 30S W 46.40 FT FROM ITS INTSEC WITH W LINE BRUSH ST 60 FT WIDE TH ALG SAID N LINE N 60D 22M 30S W 33.60 FT TH N 29D 49M 30S W 174.04 FT TO PTE IN S LINE ALLEY TH S 60D 11M 30S E 40.81 FT ALG SAID LINE TH S 26D E 111.40 FT THE S 30D E 63 FT TO PTE OF BEG BLK 29 BRUSHS SUB L17 P28 PLATS, W C R 1/79 33.60 IRREG
5711 Brush	A	1/3876.020	0	W BRUSH ALL THAT PT OF 10 DESC AS FOLS-BEG AT INT SEC OF N LINE PALMER AVE 60 FT WIDE WITH W LINE BRUSH ST 60 FT WIDE TH S 60D 227 30S W 46.40 FT TH N 30D W 63 FT TH N 26D W 33.59 FT TH N 63D 57M E 50.70 FT TO PTE IN W LINE BRUSH ST TH S 26D E 93.55 FT ALG SAID LINE TO PTE OF BEG BLK 29-- BRUSHS SUB L17 P28 PLATS, W C R 1/79 93.55 IRREG
5719	A	1/3876.019	0	W BRUSH N 29 FT OF S 122.55 FT OF E

Art Center Town and Carriage Homes North, L.L.C.-Phase 2  
Brownfield Redevelopment Plan

Brush				<b>50.70 FT 10 BLK 29--BRUSHS SUB L17 P28 PLATS, W C R 1/79 29 X 50.70</b>
5727 Brush	A	1/3876.018	0	<b>W BRUSH N 25.16 FT OF S 147.71 FT OF E 50.70 FT OF 10 BLK 29--BRUSHS SUB L17 P28 PLATS, W C R 1/79 25.16 X 50.70</b>
5731 Brush	A	1/3876.017	0	<b>W BRUSH N 26.98 FT ON E LINE BG N 23.65 FT ON W LINE OF E 50.70 FT ON S LINE 10 BLK 29--BRUSH SUB L17 P28 PLATS, W C R 1/79 26.98 IRREG</b>

All parcels are owned by the developer or by a related company and will be transferred to the developer.



Exhibit B  
DBRA Resolution



**CODE DBRA 19-08-103-03**

**ART CENTER TOWN AND CARRIAGE HOMES NORTH, L.L.C.-PHASE 2 BROWNFIELD PLAN:  
RECOMMENDATION TO CITY COUNCIL TO ABOLISH PLAN**

WHEREAS, the City of Detroit Brownfield Redevelopment Authority (the "DBRA") was created pursuant to Michigan Public Act 381 of 1996, as amended ("Act 381"); and

WHEREAS, the City Council of the City of Detroit ("City Council") is the governing body (as that term is defined by Act 381) of the DBRA; and

WHEREAS, on October 19, 2005, the DBRA Board of Directors approved the Art Center Town and Carriage Homes North, L.L.C.-Phase 2 Brownfield Plan (the "Plan") and recommended the approval of the Plan to City Council; and

WHEREAS, on November 16, 2005, City Council approved the Plan; and

WHEREAS, on November 21, 2005, the Mayor of the City of Detroit approved the Plan; and

WHEREAS, Section 14(8)(a) of Act 381 of 1996, as amended, permits a governing body to abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished; and

WHEREAS, on October 10, 2017, City Council delegated developer termination notices to the DBRA; and

WHEREAS, the "developer" for the Plan is Art Center Town and Carriage Homes North, L.L.C. (the "Developer"); and

WHEREAS, the DBRA has determined that the project identified in the Plan has been completed and the purposes for which the Plan was established have been accomplished; and

WHEREAS, the DBRA Board of Directors desires to recommend abolishment of the Plan to City Council.

NOW THEREFORE, BE IT RESOLVED, subject to the notice authority delegated to the DBRA by the City Council, the DBRA Board of Directors hereby authorizes a written termination notice to the Developer; and

BE IT FURTHER RESOLVED, subject to the completion of the notice requirement described in Section 14(8)(b)(i) of Act 381 and the provision to the Developer of an opportunity to be heard at a public meeting pursuant to Section 14(8)(b)(ii) of Act 381, the DBRA Board of Directors hereby recommends termination of the Plan to City Council; and

BE IT FURTHER RESOLVED, subject to the abolishment of the Plan by City Council, that the DBRA Board of Directors hereby authorizes the termination of any other agreements or contracts between the Developer and the DBRA that were executed in conjunction with the Plan; and

BE IT FINALLY RESOLVED that any two Officers, or any one of the Officers and any one of the Authorized Agents of the DBRA, shall hereafter have the authority to negotiate and execute any and all documents, contracts, or other papers necessary to implement the provisions and intent of this resolution on behalf of the DBRA.

August 28, 2019

Exhibit C  
Notice of Termination



January 6, 2020

SENT VIA CERTIFIED MAIL

Joel S. Welber  
Art Center Town and Carriage Homes North, L.L.C.  
460 W. Canfield – Suite 101  
Detroit, MI 48201

Richard Barr  
Honigman LLP  
660 Woodward Ave., Suite 2290  
Detroit, MI 48226

**RE: Notice of Intent to Abolish Brownfield Plan for the Art Center Town and Carriage Homes North, L.L.C.-Phase 2 Redevelopment Project**

To whom it may concern:

Per the DBRA's communication to you dated September 10, 2019, this letter is to inform you that the Detroit City Council has authorized this notice to inform you that abolishment of the Brownfield Plan for the Art Center Town and Carriage Homes North, L.L.C.-Phase 2 Redevelopment Project (the "Plan") will be considered in no less than thirty ("30") days.

It is our understanding that the project as described in the Plan has been completed, the associated Single Business Tax Credit has been utilized, and the purposes for which the plan was established have been accomplished. Because the project has been completed, the Brownfield Plan will be abolished for the subject project per Act 381 of 1996 Section 14(8)(a). While you are welcome to speak at any public meeting of City Council regarding the proposed abolishment, the following public meetings have been tentatively scheduled at the Coleman A. Young Municipal Center, 2 Woodward Avenue, 13<sup>th</sup> Floor, Detroit, MI 48226 regarding the abolishment of the Plan where, should you desire, you will also have an opportunity to be heard:

- Thursday, February 13, 2020 at 10:00 AM – Detroit City Council Planning & Economic Development Standing Committee
- Tuesday, February 18, 2020 at 10:00 AM – Detroit City Council of the Whole Meeting

In no event would any abolishment be effective until at least 30 days after the date of this notice. Should you have any questions please feel free to contact Cora Capler at (313) 294-5827 or [ccapler@degc.org](mailto:ccapler@degc.org).

Sincerely,

Jennifer Kanalos  
Authorized Agent

CC: Rebecca Navin, DEGC  
Brian Vosburg, DEGC/DBRA  
Ngozi Nwaesei, Lewis & Munday  
Brittney Hoszkiw, MEDC  
Rob Garza, MEDC

# USPS Tracking®

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**Tracking Number:** 70182290000086907135

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### Delivery Attempt

January 9, 2020 at 12:53 pm  
Notice Left (No Authorized Recipient Available)  
DETROIT, MI 48201

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### Tracking History

**January 9, 2020, 12:53 pm**  
Notice Left (No Authorized Recipient Available)  
DETROIT, MI 48201

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**January 9, 2020, 7:10 am**  
Out for Delivery  
DETROIT, MI 48202

Fee

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<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

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Postage  
\$  
Total  
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Sent  
Street  
City

Joel S. Weber  
460 W. Canfield – Suite 101  
Detroit, MI 48201

PS Form 3800, April 2015 PSN 7530 02-000 6047 See Reverse for Instructions

7018 2290 0000 8690 7135

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\$ \_\_\_\_\_

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

Postmark  
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Postage  
\$ \_\_\_\_\_  
Total  
\$ \_\_\_\_\_  
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\$ \_\_\_\_\_  
Street  
City, State

Richard Barr  
Honigman LLP  
660 Woodward Ave., Suite 2290  
Detroit, MI 48226

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Richard Barr  
Honigman LLP  
660 Woodward Ave., Suite 2290  
Detroit, MI 48226



9590 9402 4309 8190 5436 46

2. Article Number (Transfer from service label)

7018 2290 0000 8690 7128

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
*[Signature]*  Addressee

B. Received by (Printed Name) C. Date of Delivery  
David Billings 1-9-20

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type
- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                         | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery     | <input type="checkbox"/> Registered Mail™                           |
| <input type="checkbox"/> Certified Mail®                         | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery      | <input type="checkbox"/> Return Receipt for Merchandise             |
| <input type="checkbox"/> Collect on Delivery                     | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Mail Restricted Delivery                |   |

Domestic Return Receipt

PS Form 3811, July 2015 PSN 7530-02-000-9053

Exhibit D  
City Council Resolution



**RESOLUTION  
ABOLISHING THE BROWNFIELD PLAN  
OF THE CITY OF DETROIT BROWNFIELD REDEVELOPMENT AUTHORITY  
FOR THE ART CENTER TOWN AND CARRIAGE HOMES NORTH, L.L.C.-PHASE 2  
REDEVELOPMENT PROJECT;**

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City of Detroit  
County of Wayne, Michigan

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**WHEREAS**, pursuant to 381 PA 1996, as amended (“Act 381”), the City of Detroit Brownfield Redevelopment Authority (“Authority”) has been established by resolution of the City Council of the City of Detroit (the “City Council”) for the purpose of promoting the revitalization of eligible properties in the City of Detroit; and

**WHEREAS**, on November 16, 2005, City Council approved the Art Center Town and Carriage Homes North, L.L.C.-Phase 2 Brownfield Redevelopment Plan (the “Plan”); and

**WHEREAS**, the eligible property described in Exhibit A, attached hereto, is the eligible property subject to the Plan; and

**WHEREAS**, Section 14(8)(a) of Act 381 permits a governing body to abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished, provided that the governing body first does both of the following: (i) gives 30 days’ prior written notice to the developer at its last known address by certified mail or other method that documents proof of delivery attempted, and (ii) provides the developer an opportunity to be heard at a public meeting; and

**WHEREAS**, the City Council is the governing body (as that term is defined by Act 381) of the Authority; and

**WHEREAS**, the Authority’s staff has confirmed that the project for which eligible activities were identified in the Plan has been completed and the purposes for which the Plan was established have been accomplished; and

**WHEREAS**, on August 28, 2019, the Board of Directors of the Authority adopted a resolution recommending abolishment of the Plan; and

**WHEREAS**, on October 3, 2017, City Council authorized the Authority, on behalf of City Council, to manage and/or administer the notices required by Act 381 in connection with any brownfield plan or plan amendment terminations; and

**WHEREAS**, the required notice of the termination of the Plan was given in accordance with Section 14(8)(b)(i) of Act 381, a copy of which is attached as Exhibit B; and

**WHEREAS**, in accordance with Section 14(8)(b)(ii) of Act 381, the developer identified in the Plan was provided with an opportunity to be heard at a public meeting on July 18, 2019.

**NOW, THEREFORE, BE IT RESOLVED, THAT:**

1. The Plan is hereby abolished by City Council in accordance with Section 14(8)(a) of Act 381.
2. City Council hereby ratifies the abolishment, if any, of any agreements or contracts between the developer of the Plan and the Authority that were executed in conjunction with the Plan, including, but not limited to, the reimbursement agreement.

The City Clerk is requested to submit one (1) certified copies of this Resolution to the DBRA, 500 Griswold Street, Suite 2200, Detroit, MI 48226

AYES:       Members

---

NAYS:       Members

---

RESOLUTION DECLARED ADOPTED.

---

Janice Winfrey, City Clerk  
City of Detroit  
County of Wayne, Michigan

WAIVER OF RECONSIDERATION IS REQUESTED

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Detroit, County of Wayne, State of Michigan, at a regular meeting held on \_\_\_\_\_, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

---

Janice Winfrey, City Clerk  
City of Detroit  
County of Wayne, Michigan



47

February 5, 2020

Honorable City Council  
City of Detroit  
1340 Coleman A. Young Municipal Center  
Detroit, MI 48226

**Re: Abolishment of the University Lofts Brownfield Redevelopment Plan**

Dear Honorable Council Members:

The University Lofts Brownfield Redevelopment Plan (the "Plan") was approved by City Council more than two years ago in 2003. The legal descriptions for the property included in the Plan are attached (Exhibit A).

Over the years, the Detroit City Council has approved Brownfield Plans which describe projects that have been completed. University Lofts is a Plan approved by Council on June 20, 2003. The project, developed by University Lofts L.L.C., proposed the redevelopment of the Mortuary Science Building located at 627-635 West Alexandrine into 11 residential units in the Midtown area of Detroit. The estimated total investment under the Plan was \$1.67 million. The project has been completed and the maximum allowable Credit has been received by the Developer. The purposes for which the Plan was established have been accomplished. Section 14(8)(b) of Act 381 of 1996, as amended, allows City Council to abolish the plan as a result.

It is the opinion of DBRA staff that the University Lofts Plan should be abolished due to the fact that the project described in the Plan has been completed and the purposes for which the Plan was established have been accomplished. Abolishing the Plan will allow City and State staff to end ongoing administrative requirements for the Plan and officially complete and close out this tax incentive.

At the regularly scheduled August 28, 2019 DBRA Board of Directors meeting, DBRA staff recommended abolishment of the Plan on the basis that the project has been completed and the purposes for which the Plan was established have been accomplished in accordance with Section 14(8)(a) of Act 381. The DBRA subsequently adopted a resolution (Exhibit B) approving the abolishment of the Plan and authorizing the submission of a copy of its resolution to request that City Council adopt a resolution abolishing the Plan.

The DBRA, as authorized by City Council, sent a notification of termination of the Plan (Exhibit C) in accordance with Section 14(8)(b)(i).

Authority's Request

The Authority is respectfully requesting the following action from the City Council:

- a.) February 11, 2020

Referral of the resolution terminating the Plan to Detroit City Council Planning and Economic Development Standing Committee on February 13, 2020.

- b.) February 13, 2020  
Consideration of the City Council's Planning and Economic Development Standing Committee to terminate the Plan and opportunity for the Developer to be heard during public comment.
- c.) February 18, 2020  
City Council adoption of the Resolution (Exhibit D), terminating the Plan.

Sincerely,



Jennifer Kanalos  
Authorized Agent

- C: Detroit City Council  
City Clerk  
Marcel Todd  
Irvin Corley, Jr.  
David Whitaker  
Malinda Jensen  
Allen Rawls  
Brian Vosburg  
Stephanie Washington  
DeAndree Watson

Exhibit A  
Legal Descriptions of Plans to be Terminated

**ATTACHMENT B**

The property is located in Detroit's Greater Downtown District, on the west side of Detroit, bounded by Woodward to the East, West Willis/Calumet to the North, Forth Street to the West and Alexandrine to the South.

The eligible property will include all tangible personal property to be located on the real property. Parcel information is outlined below.

The parcels and all tangible personal property located thereon will comprise the eligible property and is referred to herein as the "Property."

Address	627-635 West Willis
Tax ID	Ward 4, Item 789&790
Owner	Under Purchase Contract Wayne State University
Legal Description	Lots 13 and 14, Block 94 Subdivision of Blocks 89 to 119 of CASS Farm, according to the plat thereof recorded in Libber 1 of Plats, pages 175,176 and 177 of Wayne County Records.

Exhibit B  
DBRA Resolution





**CODE DBRA 19-08-129-03**

**UNIVERSITY LOFTS BROWNFIELD PLAN: RECOMMENDATION TO CITY COUNCIL TO ABOLISH PLAN**

WHEREAS, the City of Detroit Brownfield Redevelopment Authority (the "DBRA") was created pursuant to Michigan Public Act 381 of 1996, as amended ("Act 381"); and

WHEREAS, the City Council of the City of Detroit ("City Council") is the governing body (as that term is defined by Act 381) of the DBRA; and

WHEREAS, on May 7, 2003, the DBRA Board of Directors approved the University Lofts Brownfield Plan (the "Plan") and recommended the approval of the Plan to City Council; and

WHEREAS, on June 20, 2003, City Council approved the Plan; and

WHEREAS, on July 1, 2003, the Mayor of the City of Detroit approved the Plan; and

WHEREAS, Section 14(8)(a) of Act 381 of 1996, as amended, permits a governing body to abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished; and

WHEREAS, on October 10, 2017, City Council delegated developer termination notices to the DBRA; and

WHEREAS, the "developer" for the Plan is University Lofts, L.L.C. (the "Developer"); and

WHEREAS, the DBRA has determined that the project identified in the Plan has been completed and the purposes for which the Plan was established have been accomplished; and

WHEREAS, the DBRA Board of Directors desires to recommend abolishment of the Plan to City Council.

NOW THEREFORE, BE IT RESOLVED, subject to the notice authority delegated to the DBRA by the City Council, the DBRA Board of Directors hereby authorizes a written termination notice to the Developer; and

BE IT FURTHER RESOLVED, subject to the completion of the notice requirement described in Section 14(8)(b)(i) of Act 381 and the provision to the Developer of an opportunity to be heard at a public meeting pursuant to Section 14(8)(b)(ii) of Act 381, the DBRA Board of Directors hereby recommends termination of the Plan to City Council; and

BE IT FURTHER RESOLVED, subject to the abolishment of the Plan by City Council, that the DBRA Board of Directors hereby authorizes the termination of any other agreements or contracts between the Developer and the DBRA that were executed in conjunction with the Plan; and

BE IT FINALLY RESOLVED that any two Officers, or any one of the Officers and any one of the Authorized Agents of the DBRA, shall hereafter have the authority to negotiate and execute any and all documents, contracts, or other papers necessary to implement the provisions and intent of this resolution on behalf of the DBRA.

August 28, 2019

Exhibit C  
Notice of Termination



January 6, 2020

SENT VIA CERTIFIED MAIL

Robert Slattery  
University Lofts L.L.C.  
4147 Cass Ave., Suite 200  
Detroit, MI 48201

**RE: Notice of Intent to Abolish Brownfield Plan for the University Lofts Redevelopment Project**

Mr. Slattery:

Per the DBRA's communication to you dated September 10, 2019, this letter is to inform you that the Detroit City Council has authorized this notice to inform you that abolishment of the Brownfield Plan for the University Lofts Redevelopment Project (the "Plan") will be considered in no less than thirty ("30") days.

It is our understanding that the project as described in the Plan has been completed, the associated Single Business Tax Credit has been utilized, and the purposes for which the plan was established have been accomplished. Because the project has been completed, the Brownfield Plan will be abolished for the subject project per Act 381 of 1996 Section 14(8)(a). While you are welcome to speak at any public meeting of City Council regarding the proposed abolishment, the following public meetings have been tentatively scheduled at the Coleman A. Young Municipal Center, 2 Woodward Avenue, 13<sup>th</sup> Floor, Detroit, MI 48226 regarding the abolishment of the Plan where, should you desire, you will also have an opportunity to be heard:

- Thursday, February 13, 2020 at 10:00 AM – Detroit City Council Planning & Economic Development Standing Committee
- Tuesday, February 18, 2020 at 10:00 AM – Detroit City Council of the Whole Meeting

In no event would any abolishment be effective until at least 30 days after the date of this notice. Should you have any questions please feel free to contact Cora Capler at (313) 294-5827 or [ccapler@degc.org](mailto:ccapler@degc.org).

Sincerely,



Jennifer Kanalos  
Authorized Agent

CC: Rebecca Navin, DEGC  
Brian Vosburg, DEGC/DBRA  
Ngozi Nwaesei, Lewis & Munday  
Brittney Hoszkiw, MEDC  
Rob Garza, MEDC

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<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	

Postmark  
Here

Robert Slattery  
 University Lofts L.L.C.  
 4147 Cass Ave., Suite 200  
 Detroit, MI 48201

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Robert Slattery  
 University Lofts L.L.C.  
 4147 Cass Ave., Suite 200  
 Detroit, MI 48201



9590 9402 4309 8190 5438 82

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 *Robert Slattery*  Agent  
 Addressee

B. Received by (Printed Name) *Robert Slattery* C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- |  |   |
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| <input type="checkbox"/> Adult Signature                         | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery     | <input type="checkbox"/> Registered Mail™                           |
| <input type="checkbox"/> Certified Mail®                         | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery      | <input type="checkbox"/> Return Receipt Merchandise                 |
| <input type="checkbox"/> Collect on Delivery                     | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
- 1c Return Receipt

PS

Exhibit D  
City Council Resolution

**RESOLUTION  
ABOLISHING THE BROWNFIELD PLAN  
OF THE CITY OF DETROIT BROWNFIELD REDEVELOPMENT AUTHORITY  
FOR THE UNIVERSITY LOFTS REDEVELOPMENT PROJECT;**

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City of Detroit  
County of Wayne, Michigan

---

**WHEREAS**, pursuant to 381 PA 1996, as amended (“Act 381”), the City of Detroit Brownfield Redevelopment Authority (“Authority”) has been established by resolution of the City Council of the City of Detroit (the “City Council”) for the purpose of promoting the revitalization of eligible properties in the City of Detroit; and

**WHEREAS**, on June 20, 2003, City Council approved the University Lofts Brownfield Redevelopment Plan (the “Plan”); and

**WHEREAS**, the eligible property described in Exhibit A, attached hereto, is the eligible property subject to the Plan; and

**WHEREAS**, Section 14(8)(a) of Act 381 permits a governing body to abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished, provided that the governing body first does both of the following: (i) gives 30 days’ prior written notice to the developer at its last known address by certified mail or other method that documents proof of delivery attempted, and (ii) provides the developer an opportunity to be heard at a public meeting; and

**WHEREAS**, the City Council is the governing body (as that term is defined by Act 381) of the Authority; and

**WHEREAS**, the Authority’s staff has confirmed that the project for which eligible activities were identified in the Plan has been completed and the purposes for which the Plan was established have been accomplished; and

**WHEREAS**, on August 28, 2019, the Board of Directors of the Authority adopted a resolution recommending abolishment of the Plan; and

**WHEREAS**, on October 3, 2017, City Council authorized the Authority, on behalf of City Council, to manage and/or administer the notices required by Act 381 in connection with any brownfield plan or plan amendment terminations; and

**WHEREAS**, the required notice of the termination of the Plan was given in accordance with Section 14(8)(b)(i) of Act 381, a copy of which is attached as Exhibit B; and

**WHEREAS**, in accordance with Section 14(8)(b)(ii) of Act 381, the developer identified in the Plan was provided with an opportunity to be heard at a public meeting on July 18, 2019.

**NOW, THEREFORE, BE IT RESOLVED, THAT:**

1. The Plan is hereby abolished by City Council in accordance with Section 14(8)(a) of Act 381.
2. City Council hereby ratifies the abolishment, if any, of any agreements or contracts between the developer of the Plan and the Authority that were executed in conjunction with the Plan, including, but not limited to, the reimbursement agreement.

The City Clerk is requested to submit one (1) certified copies of this Resolution to the DBRA, 500 Griswold Street, Suite 2200, Detroit, MI 48226

AYES:           Members

---

NAYS:           Members

---

RESOLUTION DECLARED ADOPTED.

---

Janice Winfrey, City Clerk  
City of Detroit  
County of Wayne, Michigan

WAIVER OF RECONSIDERATION IS REQUESTED



I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Detroit, County of Wayne, State of Michigan, at a regular meeting held on \_\_\_\_\_, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

---

Janice Winfrey, City Clerk  
City of Detroit  
County of Wayne, Michigan



48

February 5, 2020

Honorable City Council  
City of Detroit  
1340 Coleman A. Young Municipal Center  
Detroit, MI 48226

**Re: Abolishment of the Property at 41-47 Burroughs Brownfield Redevelopment Plan**

Dear Honorable Council Members:

The Property at 41-47 Burroughs Brownfield Redevelopment Plan (the "Plan") was approved by City Council more than two years ago in 2002. The legal descriptions for the property included in the Plan are attached (Exhibit A).

Over the years, the Detroit City Council has approved Brownfield Plans which describe projects that have been completed. Property at 41-47 Burroughs is a Plan approved by Council on July 17, 2002. The project, developed by Farbman Group, proposed the redevelopment of a former manufacturing facility into 40 residential units located in the New Amsterdam Area of Detroit. The project has been completed and the maximum allowable Credit has been received by the Developer. The purposes for which the Plan was established have been accomplished. Section 14(8)(b) of Act 381 of 1996, as amended, allows City Council to abolish the plan as a result.

It is the opinion of DBRA staff that the Property at 41-47 Burroughs Plan should be abolished due to the fact that the project described in the Plan has been completed and the purposes for which the Plan was established have been accomplished. Abolishing the Plan will allow City and State staff to end ongoing administrative requirements for the Plan and officially complete and close out this tax incentive.

At the regularly scheduled August 28, 2019 DBRA Board of Directors meeting, DBRA staff recommended abolishment of the Plan on the basis that the project has been completed and the purposes for which the Plan was established have been accomplished in accordance with Section 14(8)(a) of Act 381. The DBRA subsequently adopted a resolution (Exhibit B) approving the abolishment of the Plan and authorizing the submission of a copy of its resolution to request that City Council adopt a resolution abolishing the Plan.

The DBRA, as authorized by City Council, sent a notification of termination of the Plan (Exhibit C) in accordance with Section 14(8)(b)(i).

Authority's Request

The Authority is respectfully requesting the following action from the City Council:

- a.) February 11, 2020

Referral of the resolution terminating the Plan to Detroit City Council Planning and Economic Development Standing Committee on February 13, 2020.

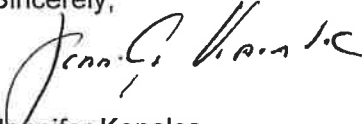
b.) February 13, 2020

Consideration of the City Council's Planning and Economic Development Standing Committee to terminate the Plan and opportunity for the Developer to be heard during public comment.

c.) February 18, 2020

City Council adoption of the Resolution (Exhibit D), terminating the Plan.

Sincerely,



Jennifer Kanalos  
Authorized Agent

C: Detroit City Council  
City Clerk  
Marcel Todd  
Irvin Corley, Jr.  
David Whitaker  
Malinda Jensen  
Allen Rawls  
Brian Vosburg  
Stephanie Washington  
DeAndree Watson

Exhibit A  
Legal Descriptions of Plans to be Terminated

## Exhibit A: Property Legal Description

Land in the City of Detroit, Wayne County, Michigan, described as follows:

### PARCEL I: 41-47 Burroughs

A part of Lots 4 and 5 of Park Lots 47 and 48 of the Estate of the late John R. Williams, described according to the plat thereof recorded in the office of the Register of Deeds in Wayne County, Michigan, in Liber 1 of Plats, Page 64 and described as follows: Beginning at a point in the Southerly line of Burroughs Avenue 170.14 feet measured along the Southerly line of Burroughs Avenue with the Easterly line of Cass Avenue; thence South 22 degrees 47 minutes East parallel to the Easterly line of Cass Avenue 163.46 feet to a point, said point being 20 feet Northerly from the Southerly line of the property of the General Motors Corporation measured at right angles thereto; thence North 60 degrees 26 minutes East, parallel to and 20 feet distant from said Southerly property line of General Motors Corporation 75 feet to a point; thence North 22 degrees 47 minutes West parallel to the Easterly line of Cass Avenue 163.38 feet to a point in the Southerly line of Burroughs Avenue; thence South 60 degrees 30 minutes West along the Southerly line of Burroughs Avenue 75 feet to a place of beginning.

Exhibit B  
DBRA Resolution



**CODE DBRA 19-08-25-03**

**PROPERTY AT 41-47 BURROUGHS BROWNFIELD PLAN: RECOMMENDATION TO CITY COUNCIL TO ABOLISH PLAN**

WHEREAS, the City of Detroit Brownfield Redevelopment Authority (the "DBRA") was created pursuant to Michigan Public Act 381 of 1996, as amended ("Act 381"); and

WHEREAS, the City Council of the City of Detroit ("City Council") is the governing body (as that term is defined by Act 381) of the DBRA; and

WHEREAS, on May 1, 2002, the DBRA Board of Directors approved the Property at 41-47 Burroughs Brownfield Plan (the "Plan") and recommended the approval of the Plan to City Council; and

WHEREAS, on July 17, 2002, City Council approved the Plan; and

WHEREAS, on July 24, 2002, the Mayor of the City of Detroit approved the Plan; and

WHEREAS, Section 14(8)(a) of Act 381 of 1996, as amended, permits a governing body to abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished; and

WHEREAS, on October 10, 2017, City Council delegated developer termination notices to the DBRA; and

WHEREAS, the "developer" for the Plan is Farbman Group (the "Developer"); and

WHEREAS, the DBRA has determined that the project identified in the Plan has been completed and the purposes for which the Plan was established have been accomplished; and

WHEREAS, the DBRA Board of Directors desires to recommend abolishment of the Plan to City Council.

NOW THEREFORE, BE IT RESOLVED, subject to the notice authority delegated to the DBRA by the City Council, the DBRA Board of Directors hereby authorizes a written termination notice to the Developer; and

BE IT FURTHER RESOLVED, subject to the completion of the notice requirement described in Section 14(8)(b)(i) of Act 381 and the provision to the Developer of an opportunity to be heard at a public meeting pursuant to Section 14(8)(b)(ii) of Act 381, the DBRA Board of Directors hereby recommends termination of the Plan to City Council; and

BE IT FURTHER RESOLVED, subject to the abolishment of the Plan by City Council, that the DBRA Board of Directors hereby authorizes the termination of any other agreements or contracts between the Developer and the DBRA that were executed in conjunction with the Plan; and

BE IT FINALLY RESOLVED that any two Officers, or any one of the Officers and any one of the Authorized Agents of the DBRA, shall hereafter have the authority to negotiate and execute any and all documents, contracts, or other papers necessary to implement the provisions and intent of this resolution on behalf of the DBRA.

August 28, 2019



Exhibit C  
Notice of Termination



January 6, 2020

SENT VIA CERTIFIED MAIL

Farbman Group  
28400 Northwestern Highway, 4<sup>th</sup> Floor  
Southfield, MI 48086

Zachary and Associates, Inc.  
76 E. Forest  
Detroit, MI 48201

**RE: Notice of Intent to Abolish Brownfield Plan for the Property at 41-47 Burroughs Redevelopment Project**

To whom it may concern:

Per the DBRA's communication to you dated September 10, 2019, this letter is to inform you that the Detroit City Council has authorized this notice to inform you that abolishment of the Brownfield Plan for the Property at 41-47 Burroughs Redevelopment Project (the "Plan") will be considered in no less than thirty ("30") days.

It is our understanding that the project as described in the Plan has been completed, the associated Single Business Tax Credit has been utilized, and the purposes for which the plan was established have been accomplished. Because the project has been completed, the Brownfield Plan will be abolished for the subject project per Act 381 of 1996 Section 14(8)(a). While you are welcome to speak at any public meeting of City Council regarding the proposed abolishment, the following public meetings have been tentatively scheduled at the Coleman A. Young Municipal Center, 2 Woodward Avenue, 13<sup>th</sup> Floor, Detroit, MI 48226 regarding the abolishment of the Plan where, should you desire, you will also have an opportunity to be heard:

- Thursday, February 13, 2020 at 10:00 AM – Detroit City Council Planning & Economic Development Standing Committee
- Tuesday, February 18, 2020 at 10:00 AM – Detroit City Council of the Whole Meeting

In no event would any abolishment be effective until at least 30 days after the date of this notice. Should you have any questions please feel free to contact Cora Capler at (313) 294-5827 or [ccapler@degc.org](mailto:ccapler@degc.org).

Sincerely,

Jennifer Kanalos  
Authorized Agent

CC: Rebecca Navin, DEGC  
Brian Vosburg, DEGC/DBRA  
Ngozi Nwaesei, Lewis & Munday  
Brittney Hoszkiw, MEDC  
Rob Garza, MEDC



Field Redevelopment Authority  
 Suite 2200  
 226

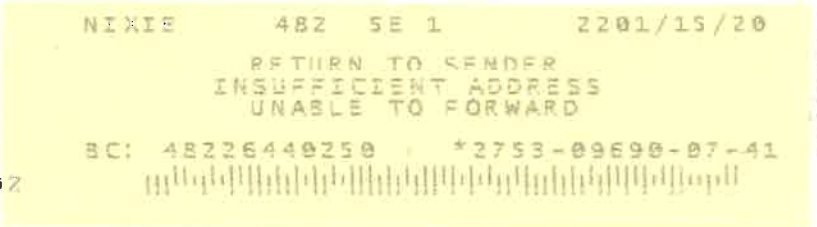
CERTIFIED MAIL



7018 2290 0000 8690 7159



Zachary and Associates, Inc.  
 76 E. Forest  
 Detroit, MI 48201



IA  
 48201-25449 Z

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> D. JACKSON <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery            01-13-20</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No            If YES, enter delivery address below: _____</p>
<p>1. Article Addressed to:</p> <p>Farbman Group            28400 Northwestern Highway, 4<sup>th</sup> Floor            Southfield, MI 48086</p> <p>9590 9402 4309 8190 5436 22</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery  <input type="checkbox"/> Insured Mail <input type="checkbox"/> Mail Restricted Delivery (D)</p>
<p>2. Article Number (Transfer from service label)            7018 2290 0000 8690 7142</p>	

PS Form 3811, July 2015 PSN 7530-02-000-9053

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<input type="checkbox"/> Certified Mail Restricted Delivery \$		
<input type="checkbox"/> Adult Signature Required \$		
<input type="checkbox"/> Adult Signature Restricted Delivery \$		
Postage	\$	
To	\$	
Se	\$	
St	\$	
City	\$	

Zachary and Associates, Inc.  
 76 E. Forest  
 Detroit, MI 48201

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7018 2290 0000 8690 7142

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<input type="checkbox"/> Return Receipt (hardcopy) \$		
<input type="checkbox"/> Return Receipt (electronic) \$		
<input type="checkbox"/> Certified Mail Restricted Delivery \$		
<input type="checkbox"/> Adult Signature Required \$		
<input type="checkbox"/> Adult Signature Restricted Delivery \$		
Postage	\$	
Total P	\$	
Sent To	\$	
Street	\$	
City, St	\$	

Farbman Group  
 28400 Northwestern Highway, 4<sup>th</sup> Floor  
 Southfield, MI 48086

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Exhibit D  
City Council Resolution

**RESOLUTION  
ABOLISHING THE BROWNFIELD PLAN  
OF THE CITY OF DETROIT BROWNFIELD REDEVELOPMENT AUTHORITY  
FOR THE PROPERTY AT 41-47 BURROUGHS REDEVELOPMENT PROJECT;**

---

City of Detroit  
County of Wayne, Michigan

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**WHEREAS**, pursuant to 381 PA 1996, as amended (“Act 381”), the City of Detroit Brownfield Redevelopment Authority (“Authority”) has been established by resolution of the City Council of the City of Detroit (the “City Council”) for the purpose of promoting the revitalization of eligible properties in the City of Detroit; and

**WHEREAS**, on July 17, 2002, City Council approved the Property at 41-47 Burroughs Brownfield Redevelopment Plan (the “Plan”); and

**WHEREAS**, the eligible property described in Exhibit A, attached hereto, is the eligible property subject to the Plan; and

**WHEREAS**, Section 14(8)(a) of Act 381 permits a governing body to abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished, provided that the governing body first does both of the following: (i) gives 30 days’ prior written notice to the developer at its last known address by certified mail or other method that documents proof of delivery attempted, and (ii) provides the developer an opportunity to be heard at a public meeting; and

**WHEREAS**, the City Council is the governing body (as that term is defined by Act 381) of the Authority; and

**WHEREAS**, the Authority’s staff has confirmed that the project for which eligible activities were identified in the Plan has been completed and the purposes for which the Plan was established have been accomplished; and

**WHEREAS**, on August 28, 2019, the Board of Directors of the Authority adopted a resolution recommending abolishment of the Plan; and

**WHEREAS**, on October 3, 2017, City Council authorized the Authority, on behalf of City Council, to manage and/or administer the notices required by Act 381 in connection with any brownfield plan or plan amendment terminations; and

**WHEREAS**, the required notice of the termination of the Plan was given in accordance with Section 14(8)(b)(i) of Act 381, a copy of which is attached as Exhibit B; and

**WHEREAS**, in accordance with Section 14(8)(b)(ii) of Act 381, the developer identified in the Plan was provided with an opportunity to be heard at a public meeting on July 18, 2019.

**NOW, THEREFORE, BE IT RESOLVED, THAT:**

1. The Plan is hereby abolished by City Council in accordance with Section 14(8)(a) of Act 381.
2. City Council hereby ratifies the abolishment, if any, of any agreements or contracts between the developer of the Plan and the Authority that were executed in conjunction with the Plan, including, but not limited to, the reimbursement agreement.

The City Clerk is requested to submit one (1) certified copies of this Resolution to the DBRA, 500 Griswold Street, Suite 2200, Detroit, MI 48226

AYES:           Members

---

NAYS:           Members

---

RESOLUTION DECLARED ADOPTED.

---

Janice Winfrey, City Clerk  
City of Detroit  
County of Wayne, Michigan

WAIVER OF RECONSIDERATION IS REQUESTED

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Detroit, County of Wayne, State of Michigan, at a regular meeting held on \_\_\_\_\_, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

---

Janice Winfrey, City Clerk  
City of Detroit  
County of Wayne, Michigan



249

February 5, 2020

Honorable City Council  
City of Detroit  
1340 Coleman A. Young Municipal Center  
Detroit, MI 48226

**Re: Abolishment of the Rocky DFD LLC Brownfield Redevelopment Plan**

Dear Honorable Council Members:

The Rocky DFD LLC Brownfield Redevelopment Plan (the "Plan") was approved by City Council more than two years ago in 2002. The legal descriptions for the property included in the Plan are attached (Exhibit A).

Over the years, the Detroit City Council has approved Brownfield Plans which describe projects that have been completed. Rocky DFD LLC is a Plan approved by Council on July 17, 2002. The project, developed by Rocky DFD LLC, proposed the rehabilitation of the former Detroit Fire Department repair shop/DPW Central Maintenance Building into over 30 loft residential units located in the Eastern Market area of Detroit. The project has been completed and the maximum allowable Credit has been received by the Developer. The purposes for which the Plan was established have been accomplished. Section 14(8)(b) of Act 381 of 1996, as amended, allows City Council to abolish the plan as a result.

It is the opinion of DBRA staff that the Rocky DFD LLC Plan should be abolished due to the fact that the project described in the Plan has been completed and the purposes for which the Plan was established have been accomplished. Abolishing the Plan will allow City and State staff to end ongoing administrative requirements for the Plan and officially complete and close out this tax incentive.

At the regularly scheduled August 28, 2019 DBRA Board of Directors meeting, DBRA staff recommended abolishment of the Plan on the basis that the project has been completed and the purposes for which the Plan was established have been accomplished in accordance with Section 14(8)(a) of Act 381. The DBRA subsequently adopted a resolution (Exhibit B) approving the abolishment of the Plan and authorizing the submission of a copy of its resolution to request that City Council adopt a resolution abolishing the Plan.

The DBRA, as authorized by City Council, sent a notification of termination of the Plan (Exhibit C) in accordance with Section 14(8)(b)(i).

Authority's Request

The Authority is respectfully requesting the following action from the City Council:

- a.) February 11, 2020



Referral of the resolution terminating the Plan to Detroit City Council Planning and Economic Development Standing Committee on February 13, 2020.

b.) February 13, 2020

Consideration of the City Council's Planning and Economic Development Standing Committee to terminate the Plan and opportunity for the Developer to be heard during public comment.

c.) February 18, 2020

City Council adoption of the Resolution (Exhibit D), terminating the Plan.

Sincerely,



Jennifer Kanalos  
Authorized Agent

C: Detroit City Council  
City Clerk  
Marcel Todd  
Irvin Corley, Jr.  
David Whitaker  
Malinda Jensen  
Allen Rawls  
Brian Vosburg  
Stephanie Washington  
DeAndree Watson

Exhibit A  
Legal Descriptions of Plans to be Terminated

## Exhibit 'A'

Land in the City of Detroit, County of Wayne, Michigan being part of Outlot 25 of "A Part of the Guion Farm North of the Gratiot Road as Subdivided at the request of the Corporation, October 19, 1834, A. Hathon, Surveyor", as recorded on April 20, 1836 in Liber 9, Page 83 of City Records, and being more particularly described as follows:

Commencing at the intersection of the easterly line of Russell Street, 86 feet wide, and the northerly line of Erskine, 56 feet wide, thence N.26°07'00"W., along said easterly line of Russell Street, 47.61 feet to the point of beginning; thence continuing N.26°07'00"W., along said easterly line of Russell Street, 217.39 feet; thence N.64°07'08"E., 306.92 feet to the westerly line of public alley, 15 feet wide, as platted; thence S.26°10'40"E., along said westerly line of public alley, 15 feet wide, 204.45 feet; thence S.63°54'20"W., 240.52 feet; thence S.26°05'40"E., 11.79 feet; thence S.63°54'20"W., 66.62 feet to the point of beginning containing 63,730 square feet or 1.4631 acres more or less.

Exhibit B  
DBRA Resolution



**CODE DBRA 19-08-20-03**

**ROCKY DFD LLC BROWNFIELD PLAN: RECOMMENDATION TO CITY COUNCIL TO ABOLISH PLAN**

WHEREAS, the City of Detroit Brownfield Redevelopment Authority (the "DBRA") was created pursuant to Michigan Public Act 381 of 1996, as amended ("Act 381"); and

WHEREAS, the City Council of the City of Detroit ("City Council") is the governing body (as that term is defined by Act 381) of the DBRA; and

WHEREAS, on May 1, 2002, the DBRA Board of Directors approved the Rocky DFD LLC Brownfield Plan (the "Plan") and recommended the approval of the Plan to City Council; and

WHEREAS, on July 17, 2002, City Council approved the Plan; and

WHEREAS, on July 24, 2002, the Mayor of the City of Detroit approved the Plan; and

WHEREAS, Section 14(8)(a) of Act 381 of 1996, as amended, permits a governing body to abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished; and

WHEREAS, on October 10, 2017, City Council delegated developer termination notices to the DBRA; and

WHEREAS, the "developer" for the Plan is Rocky DFD, L.L.C. (the "Developer"); and

WHEREAS, the DBRA has determined that the project identified in the Plan has been completed and the purposes for which the Plan was established have been accomplished; and

WHEREAS, the DBRA Board of Directors desires to recommend abolishment of the Plan to City Council.

NOW THEREFORE, BE IT RESOLVED, subject to the notice authority delegated to the DBRA by the City Council, the DBRA Board of Directors hereby authorizes a written termination notice to the Developer; and

BE IT FURTHER RESOLVED, subject to the completion of the notice requirement described in Section 14(8)(b)(i) of Act 381 and the provision to the Developer of an opportunity to be heard at a public meeting pursuant to Section 14(8)(b)(ii) of Act 381, the DBRA Board of Directors hereby recommends termination of the Plan to City Council; and

BE IT FURTHER RESOLVED, subject to the abolishment of the Plan by City Council, that the DBRA Board of Directors hereby authorizes the termination of any other agreements or contracts between the Developer and the DBRA that were executed in conjunction with the Plan; and

BE IT FINALLY RESOLVED that any two Officers, or any one of the Officers and any one of the Authorized Agents of the DBRA, shall hereafter have the authority to negotiate and execute any and all

documents, contracts, or other papers necessary to implement the provisions and intent of this resolution on behalf of the DBRA.

August 28, 2019

Exhibit C  
Notice of Termination



January 6, 2020

SENT VIA CERTIFIED MAIL

Rocky DFD, L.L.C.  
1545 Clay Street  
Detroit, MI 48211

**RE: Notice of Intent to Abolish Brownfield Plan for the Rocky DFD LLC Redevelopment Project**

To whom it may concern:

Per the DBRA's communication to you dated September 10, 2019, this letter is to inform you that the Detroit City Council has authorized this notice to inform you that abolishment of the Brownfield Plan for the Rocky DFD LLC Redevelopment Project (the "Plan") will be considered in no less than thirty ("30") days.

It is our understanding that the project as described in the Plan has been completed, the associated Single Business Tax Credit has been utilized, and the purposes for which the plan was established have been accomplished. Because the project has been completed, the Brownfield Plan will be abolished for the subject project per Act 381 of 1996 Section 14(8)(a). While you are welcome to speak at any public meeting of City Council regarding the proposed abolishment, the following public meetings have been tentatively scheduled at the Coleman A. Young Municipal Center, 2 Woodward Avenue, 13<sup>th</sup> Floor, Detroit, MI 48226 regarding the abolishment of the Plan where, should you desire, you will also have an opportunity to be heard:

- Thursday, February 13, 2020 at 10:00 AM – Detroit City Council Planning & Economic Development Standing Committee
- Tuesday, February 18, 2020 at 10:00 AM – Detroit City Council of the Whole Meeting

In no event would any abolishment be effective until at least 30 days after the date of this notice. Should you have any questions please feel free to contact Cora Capler at (313) 294-5827 or [ccapler@degc.org](mailto:ccapler@degc.org).

Sincerely,

Jennifer Kanalos  
Authorized Agent

CC: Rebecca Navin, DEGC  
Brian Vosburg, DEGC/DBRA  
Ngozi Nwaesei, Lewis & Munday  
Brittney Hoszkiw, MEDC  
Rob Garza, MEDC



# USPS Tracking®

## Track Another Package +

Remove X

**Tracking Number:** 70182290000086907289

We attempted to deliver your item at 10:04 am on January 10, 2020 in DETROIT, MI 48211 and a notice was left because an authorized recipient was not available.

### Delivery Attempt

January 10, 2020 at 10:04 am  
Notice Left (No Authorized Recipient Available)  
DETROIT, MI 48211

Get Updates ▾

Text & Email Updates

### Tracking History

**January 10, 2020, 10:04 am**  
Notice Left (No Authorized Recipient Available)  
DETROIT, MI 48211

We attempted to deliver your item at 10:04 am on January 10, 2020 in DETROIT, MI 48211 and a notice was left because an authorized recipient was not available.

**January 9, 2020**  
In Transit to Next Facility

**January 9, 2020, 11:16 am**  
Out for Delivery

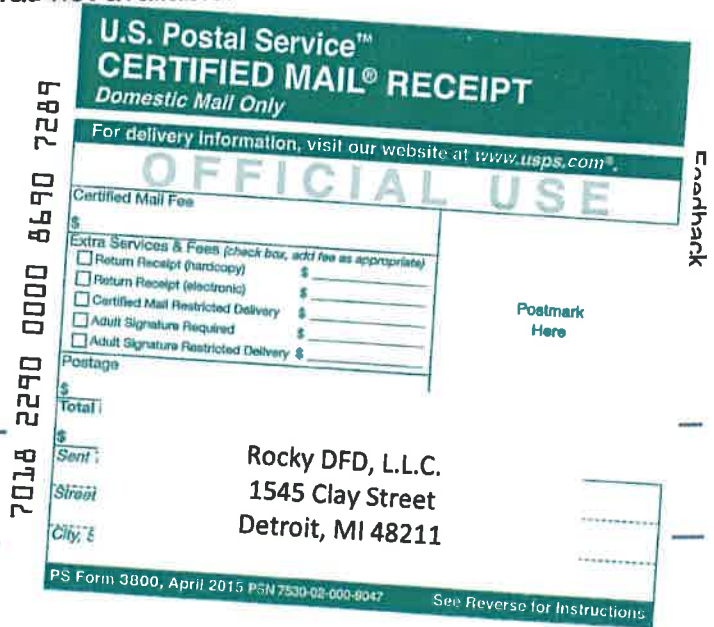


Exhibit D  
City Council Resolution

**RESOLUTION  
ABOLISHING THE BROWNFIELD PLAN  
OF THE CITY OF DETROIT BROWNFIELD REDEVELOPMENT AUTHORITY  
FOR THE ROCKY DFD LLC REDEVELOPMENT PROJECT;**

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City of Detroit  
County of Wayne, Michigan

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**WHEREAS**, pursuant to 381 PA 1996, as amended (“Act 381”), the City of Detroit Brownfield Redevelopment Authority (“Authority”) has been established by resolution of the City Council of the City of Detroit (the “City Council”) for the purpose of promoting the revitalization of eligible properties in the City of Detroit; and

**WHEREAS**, on July 17, 2002, City Council approved Rocky DFD LLC Brownfield Redevelopment Plan (the “Plan”); and

**WHEREAS**, the eligible property described in Exhibit A, attached hereto, is the eligible property subject to the Plan; and

**WHEREAS**, Section 14(8)(a) of Act 381 permits a governing body to abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished, provided that the governing body first does both of the following: (i) gives 30 days’ prior written notice to the developer at its last known address by certified mail or other method that documents proof of delivery attempted, and (ii) provides the developer an opportunity to be heard at a public meeting; and

**WHEREAS**, the City Council is the governing body (as that term is defined by Act 381) of the Authority; and

**WHEREAS**, the Authority’s staff has confirmed that the project for which eligible activities were identified in the Plan has been completed and the purposes for which the Plan was established have been accomplished; and

**WHEREAS**, on August 28, 2019, the Board of Directors of the Authority adopted a resolution recommending abolishment of the Plan; and

**WHEREAS**, on October 3, 2017, City Council authorized the Authority, on behalf of City Council, to manage and/or administer the notices required by Act 381 in connection with any brownfield plan or plan amendment terminations; and

**WHEREAS**, the required notice of the termination of the Plan was given in accordance with Section 14(8)(b)(i) of Act 381, a copy of which is attached as Exhibit B; and

**WHEREAS**, in accordance with Section 14(8)(b)(ii) of Act 381, the developer identified in the Plan was provided with an opportunity to be heard at a public meeting on July 18, 2019.

**NOW, THEREFORE, BE IT RESOLVED, THAT:**

1. The Plan is hereby abolished by City Council in accordance with Section 14(8)(a) of Act 381.
2. City Council hereby ratifies the abolishment, if any, of any agreements or contracts between the developer of the Plan and the Authority that were executed in conjunction with the Plan, including, but not limited to, the reimbursement agreement.

The City Clerk is requested to submit one (1) certified copies of this Resolution to the DBRA, 500 Griswold Street, Suite 2200, Detroit, MI 48226

AYES:           Members

---

NAYS:           Members

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RESOLUTION DECLARED ADOPTED.

---

Janice Winfrey, City Clerk  
City of Detroit  
County of Wayne, Michigan

WAIVER OF RECONSIDERATION IS REQUESTED

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Detroit, County of Wayne, State of Michigan, at a regular meeting held on \_\_\_\_\_, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

---

Janice Winfrey, City Clerk  
City of Detroit  
County of Wayne, Michigan



50

February 5, 2020

Honorable City Council  
City of Detroit  
1340 Coleman A. Young Municipal Center  
Detroit, MI 48226

**Re: Abolishment of the 1560 E. Jefferson Avenue Brownfield Redevelopment Plan**

Dear Honorable Council Members:

The Property at 1560 E. Jefferson Avenue Brownfield Redevelopment Plan (the "Plan") was approved by City Council more than two years ago in 2005. The legal descriptions for the property included in the Plan are attached (Exhibit A).

Over the years, the Detroit City Council has approved Brownfield Plans which describe projects that have been completed. 1560 E. Jefferson Avenue is a Plan approved by Council on January 12, 2005. The project, developed by SRM Associates, LLC, proposed the demolition and redevelopment of a commercial building located on the east side of Detroit. The estimated total investment under the Plan was \$1.6 million. The project has been completed and the maximum allowable Credit has been received by the Developer. The purposes for which the Plan was established have been accomplished. Section 14(8)(b) of Act 381 of 1996, as amended, allows City Council to abolish the plan as a result.

It is the opinion of DBRA staff that the 1560 E. Jefferson Avenue Plan should be abolished due to the fact that the project described in the Plan has been completed and the purposes for which the Plan was established have been accomplished. Abolishing the Plan will allow City and State staff to end ongoing administrative requirements for the Plan and officially complete and close out this tax incentive.

At the regularly scheduled August 28, 2019 DBRA Board of Directors meeting, DBRA staff recommended abolishment of the Plan on the basis that the project has been completed and the purposes for which the Plan was established have been accomplished in accordance with Section 14(8)(a) of Act 381. The DBRA subsequently adopted a resolution (Exhibit B) approving the abolishment of the Plan and authorizing the submission of a copy of its resolution to request that City Council adopt a resolution abolishing the Plan.

The DBRA, as authorized by City Council, sent a notification of termination of the Plan (Exhibit C) in accordance with Section 14(8)(b)(i).

Authority's Request

The Authority is respectfully requesting the following action from the City Council:

- a.) February 11, 2020

Referral of the resolution terminating the Plan to Detroit City Council Planning and Economic Development Standing Committee on February 13, 2020.

- b.) February 13, 2020  
Consideration of the City Council's Planning and Economic Development Standing Committee to terminate the Plan and opportunity for the Developer to be heard during public comment.
- c.) February 18, 2020  
City Council adoption of the Resolution (Exhibit D), terminating the Plan.

Sincerely,



Jennifer Kanalos  
Authorized Agent

- C: Detroit City Council  
City Clerk  
Marcel Todd  
Irvin Corley, Jr.  
David Whitaker  
Malinda Jensen  
Allen Rawls  
Brian Vosburg  
Stephanie Washington  
DeAndree Watson

Exhibit A  
Legal Descriptions of Plans to be Terminated



## ATTACHMENT B

### Legal Descriptions of Eligible Property to which the Plan Applies

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 3 thru 14, both inclusive, Block 10; "A Town Plat of the Farm of Antoine Dequindre", assigned by deed of trust to Peter Desnoyer drawn up by Anson E. Hathon at the request of the parties interested, for the purpose of being recorded February 4, 1840, A.E. Hathon, as recorded in Liber 10, Pages 715, 716 & 717, City Records, Wayne County Records, also, Lots 40 thru 42, both inclusive, Lots 49 thru 51, both inclusive; "Plat of the Subdivision of the Dominique Riopelle Farm", being the front of Private Claim No. 13, April 26, 1844, by A. E. Hathon, City Surveyor, as recorded in Liber 25, Pages 405, 406 & 407, of Deeds, Wayne County Records.

A/K/A 1504, 1514, 1522, 1534, 1560, 1574 E. Jefferson & 1501-1507 Woodbridge  
Ward 07 Items 73, 72, 70-1, 68-9, 55-7, 65 & 58

### GENERAL DESCRIPTION

The proposed development shall consist of the construction of a single story office building with approximately 210 space paved surface vehicle display parking lot and landscaping.

### ZONING, DEVELOPMENT PLAN

The proposed development lies in a SD-4 (Special Development District) zone. This use is permitted as a matter of right in a B-4 zone.

The City of Detroit's Master Plan of Policies has identified this area of the Near East River Front Sub-sector as "SC: (Special Commercial District) for future use of this area. The proposed project is not consistent with the provisions of the EDC Waterfront Reclamation and Casino Development Project Plan and Act 381 does not require conformance with such Project Plans. Additionally, the EDC is in the process of formally amending the EDC Project Plan for this area.

The Waterfront Reclamation and Casino Development Citizens District Council has jurisdiction over this area and there is a Waterfront Reclamation and Casino

Exhibit B  
DBRA Resolution



**CODE DBRA 19-08-87-03**

**1560 E. JEFFERSON AVENUE BROWNFIELD PLAN: RECOMMENDATION TO CITY COUNCIL TO ABOLISH PLAN**

WHEREAS, the City of Detroit Brownfield Redevelopment Authority (the "DBRA") was created pursuant to Michigan Public Act 381 of 1996, as amended ("Act 381"); and

WHEREAS, the City Council of the City of Detroit ("City Council") is the governing body (as that term is defined by Act 381) of the DBRA; and

WHEREAS, on November 17, 2004, the DBRA Board of Directors approved the 1560 E. Jefferson Avenue Brownfield Plan (the "Plan") and recommended the approval of the Plan to City Council; and

WHEREAS, on January 12, 2005, City Council approved the Plan; and

WHEREAS, on January 19, 2005, the Mayor of the City of Detroit approved the Plan; and

WHEREAS, Section 14(8)(a) of Act 381 of 1996, as amended, permits a governing body to abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished; and

WHEREAS, on October 10, 2017, City Council delegated developer termination notices to the DBRA; and

WHEREAS, the "developer" for the Plan is SRM Associates, LLC (the "Developer"); and

WHEREAS, the DBRA has determined that the project identified in the Plan has been completed and the purposes for which the Plan was established have been accomplished; and

WHEREAS, the DBRA Board of Directors desires to recommend abolishment of the Plan to City Council.

NOW THEREFORE, BE IT RESOLVED, subject to the notice authority delegated to the DBRA by the City Council, the DBRA Board of Directors hereby authorizes a written termination notice to the Developer; and

BE IT FURTHER RESOLVED, subject to the completion of the notice requirement described in Section 14(8)(b)(i) of Act 381 and the provision to the Developer of an opportunity to be heard at a public meeting pursuant to Section 14(8)(b)(ii) of Act 381, the DBRA Board of Directors hereby recommends termination of the Plan to City Council; and

BE IT FURTHER RESOLVED, subject to the abolishment of the Plan by City Council, that the DBRA Board of Directors hereby authorizes the termination of any other agreements or contracts between the Developer and the DBRA that were executed in conjunction with the Plan; and

BE IT FINALLY RESOLVED that any two Officers, or any one of the Officers and any one of the Authorized Agents of the DBRA, shall hereafter have the authority to negotiate and execute any and all documents, contracts, or other papers necessary to implement the provisions and intent of this resolution on behalf of the DBRA.

August 28, 2019

Exhibit C  
Notice of Termination



January 6, 2020

SENT VIA CERTIFIED MAIL

Mr. Michael Maxey  
SRM Associates, LLC  
16901 Mack Avenue  
Detroit, MI 48224

Mr. Matthew Hoffman  
The Traverse Group  
400 Monroe Avenue, Suite 410  
Detroit, MI 48226

**RE: Notice of Intent to Abolish Brownfield Plan for the 1560 E. Jefferson Avenue Redevelopment Project**

Mr. Maxey:

Per the DBRA's communication to you dated September 10, 2019, this letter is to inform you that the Detroit City Council has authorized this notice to inform you that abolishment of the Brownfield Plan for the 1560 E. Jefferson Avenue Redevelopment Project (the "Plan") will be considered in no less than thirty ("30") days.

It is our understanding that the project as described in the Plan has been completed, the associated Single Business Tax Credit has been utilized, and the purposes for which the plan was established have been accomplished. Because the project has been completed, the Brownfield Plan will be abolished for the subject project per Act 381 of 1996 Section 14(8)(a). While you are welcome to speak at any public meeting of City Council regarding the proposed abolishment, the following public meetings have been tentatively scheduled at the Coleman A. Young Municipal Center, 2 Woodward Avenue, 13<sup>th</sup> Floor, Detroit, MI 48226 regarding the abolishment of the Plan where, should you desire, you will also have an opportunity to be heard:

- Thursday, February 13, 2020 at 10:00 AM – Detroit City Council Planning & Economic Development Standing Committee
- Tuesday, February 18, 2020 at 10:00 AM – Detroit City Council of the Whole Meeting

In no event would any abolishment be effective until at least 30 days after the date of this notice. Should you have any questions please feel free to contact Cora Capler at (313) 294-5827 or [ccapler@degc.org](mailto:ccapler@degc.org).

Sincerely,

Jennifer Kanalos  
Authorized Agent

CC: Rebecca Navin, DEGC  
Brian Vosburg, DEGC/DBRA  
Ngozi Nwaesei, Lewis & Munday  
Brittney Hoszkiw, MEDC  
Rob Garza, MEDC