

City of Detroit

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TO: City Planning Commission

FROM: Jamie Murphy, Staff
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RE: Zoning Ordinance text amendment, Chapter 50 of the 2019 Detroit City Code—to change the permissibility of motor vehicle sales and repair uses including junkyards and towing service storage yards, to implement a spacing requirement between such uses, to re-define several motor vehicle repair uses, and to update the use regulations for such uses as requested by the Buildings, Safety Engineering, and Environmental Department

DATE: May 31, 2022

On June 2, 2022, the City Planning Commission (CPC) will hold a 6:00pm public hearing on the subject text amendment. Please see the attached copy of the public hearing notice showing the summary of the ordinance.

BACKGROUND

The City of Detroit has a proliferation of all types of auto-related uses—junkyards, auto repair facilities, used auto sales lots, towing yards, used tire sales, scrap tire processing, etc. Many of these uses are not compliant with zoning regulations, property maintenance standards, or licensing requirements resulting in a blighting influence on the city. Some of the most common violations are cars parked on the sidewalk, inadequate screening of junk vehicles, outdoor tire storage, excessive signage, and overall poor upkeep.

As a result of this issue, Mayor Duggan issued a moratorium in November 2019 on all applications for new or expanded auto-related uses. Temporarily halting the establishment of new uses and the expansion of existing ones would give the city time to review existing policies, develop a compliance strategy, and advance new regulations for these uses. The moratorium has been extended several times and currently expires on August 1, 2022.

Over the past several years, city departments have worked collaboratively to develop proposed changes to the zoning ordinance to better regulate these uses. The Buildings, Safety Engineering, and Environmental Department (BSEED), the Planning & Development Department (PDD), the Law Department, and the CPC staff have participated in this effort. BSEED compiled an initial draft of their recommended changes as they have the most in-depth knowledge of these uses

through their permitting, business license, and enforcement responsibilities. CPC staff then composed the subject text amendment incorporating feedback from the other departments.

The currently-ongoing Zone Detroit project (the CPC staff led re-write of the entire zoning ordinance) has identified the regulation of auto-related uses as an area that needs improvement. Feedback from community engagement sessions emphasized the detrimental effect these uses have on quality of life for residents. As a result, the Zoning Analytic (the recommendations on how to fix the zoning ordinance) included a page on the issue and those suggestions influenced this proposed text amendment.

SUMMARY OF PROPOSED ZONING PROVISIONS

Below is a summary of the provisions of the proposed text amendment divided into five major categories. As the proposals are extensive and complicated, staff from both CPC and other departments are still discussing and considering potential impacts. At the end of each section, unresolved issues and possible changes are noted.

• **Restrict the Zoning Districts where Auto Uses are allowed**

In order to reduce the impact of auto-related uses, the proposed ordinance would reduce the number of zoning districts where each use is allowed. The following tables show the proposed changes by striking through those proposed to be eliminated and underlining proposed additions. “R” signifies that a use is allowed “by-right” (a permit is required to establish the use and conformance with certain standards such as setbacks and parking) and “C” signifies that a use is allowed “conditionally” (a public hearing is required for which residents within 300’ will be notified, and the use must meet the 15 approval criteria regarding the impact on neighboring uses).

This action of newly prohibiting uses in certain zoning districts will render those existing uses non-conforming. The status of being a non-conforming use can be onerous for a business as any expansion or intensification is difficult. Also, insurance companies can be hesitant to insure them as there is no guarantee that they could re-establish in the event of damage or destruction. On the positive side, they face less competition as new similar businesses are prohibited. Generally, staff avoids making existing businesses non-conforming, but this extraordinary step seems justified due to the extreme situation.

| Specific Land Use | Business | | | | | | Industrial | | | | | Special and Overlay | | | | | | | | | | Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3) | | |
|---|----------|-----|----------|----------|-----|----------|------------|----------|----------|----------|----------|---------------------|-----|-----|-------|----------|-----|-----|-------|-------|-------|--|----------|--|
| | B 1 | B 2 | B 3 | B 4 | B 5 | B 6 | M 1 | M 2 | M 3 | M 4 | M 5 | P D | P 1 | P C | P C A | T M | P R | W 1 | S D 1 | S D 2 | S D 3 | | S D 4 | S D 5 |
| Motor vehicles, used, salesroom or sales lots | | | <u>G</u> | <u>G</u> | | <u>R</u> | <u>R</u> | <u>R</u> | <u>R</u> | <u>R</u> | <u>C</u> | L | | | | <u>R</u> | | | | | | | <u>C</u> | <u>SPC</u> : Sections 50-12-293, 50-12-517 |

| Specific Land Use | Business | | | | | | Industrial | | | | | Special and Overlay | | | | | | | | | | Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3) | | | | | | | |
|--|----------|----|----|----|----|----|------------|----|----|----|----|---------------------|----|----|----|----|----|---|---|---|---|--|---|---|---|---|---|---|--------------------------|
| | B1 | B2 | B3 | B4 | B5 | B6 | M1 | M2 | M3 | M4 | M5 | P | P1 | P2 | P3 | P4 | P5 | T | M | R | W | | S | S | S | S | S | S | |
| Motor vehicle collision and services, major repair | | | | € | | € | € | € | € | € | € | € | € | € | € | € | L | | | € | | | | | | | | | SPC; Section 50-12-294 |
| Motor vehicle repair | | | | | | | € | € | € | € | € | € | € | € | € | € | € | | | € | | | | | | | | | SPC; Section 50-12-294.5 |
| Motor vehicle repair over 10,000 pounds and heavy equipment repair | | | | | | | | | | | | € | € | € | € | € | € | | | | | | | | | | | | SPC; Section 50-12-295 |
| Motor vehicle services, minor | | | | € | € | € | € | € | € | € | € | € | € | € | € | € | € | | | € | | | € | | | | | | SPC; Section 50-12-295.5 |
| Motor vehicles, new, Storage lot accessory to salesroom or sales lots for new motor vehicles | | | | € | € | € | € | € | € | € | € | € | € | € | € | € | € | € | | € | | | | | | € | | | Section 50-12-291 |
| Motor vehicles, used, Storage lot accessory to salesroom or sales lots for used motor vehicles | | | | € | € | € | € | € | € | € | € | € | € | € | € | € | € | | | € | | | | | | € | | | SPC; Section 50-12-291 |

| Specific Land Use | Business | | | | | | Industrial | | | | | Special and Overlay | | | | | | | | | | Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3) | | | | | | | |
|--|----------|----|----|----|----|----|------------|----|----|----|----|---------------------|----|----|----|----|----|---|---|---|---|--|---|---|---|---|---|---|-------------------------------|
| | B1 | B2 | B3 | B4 | B5 | B6 | M1 | M2 | M3 | M4 | M5 | P | P1 | P2 | P3 | P4 | P5 | T | M | R | W | | S | S | S | S | S | S | |
| Construction equipment, agricultural implements, and other heavy equipment repair or service | | | | | | | | € | € | € | € | € | € | € | € | € | € | | | € | | | | | | | | | Section 50-12-458 |
| Junkyard | | | | | | | | | | | | € | € | € | € | € | € | | | € | | | | | | | | | SPC; SWFRC; Section 50-12-341 |
| Tires, used; sales and/or service | | | | | € | € | € | € | € | € | € | € | € | € | € | € | € | | | € | | | | | | | | | SPC; Section 50-12-350 |
| Towing service storage yard | | | | | | | € | € | € | € | € | € | € | € | € | € | € | | | € | | | | | | | | | SPC; Section 50-12-352 |
| Used vehicle parts sales | | | | | | | | € | € | € | € | € | € | € | € | € | € | | | | | | | | | | | | Section 50-12-356 |

| Specific Land Use | Business | | | | | | Industrial | | | | | Special and Overlay | | | | | | | | | | Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3) | | | | | | | |
|---|----------|----|----|----|----|----|------------|----|----|----|----|---------------------|----|----|----|----|----|---|---|---|---|--|---|---|---|---|---|---|-----------------------------|
| | B1 | B2 | B3 | B4 | B5 | B6 | M1 | M2 | M3 | M4 | M5 | P | P1 | P2 | P3 | P4 | P5 | T | M | R | W | | S | S | S | S | S | S | |
| Scrap tire storage, processing, or recycling facility | | | | | | | | | | | | € | € | € | € | € | € | | | € | | | | | | | | | IRC; SPC; Section 50-12-349 |

Still under discussion: Staff is undecided about whether the regulation of several of the uses is too strict such as junkyards being allowed only in M5 districts. Staff is partly concerned because of the limited land zoned as M5 may potentially cause a disparate impact on residents in those areas.

- **Add Spacing Requirements between each type of use**

To further reduce the impact of auto-related uses, the proposed ordinance would institute spacing requirements for new auto-related uses. The proposed distances are listed in the tables below.

| Use Type | Minimum Distance from Same Use Type (Existing or Approved) | Minimum Distance from Other Use Types (Existing or Approved) | Comment |
|---|--|---|--------------------------------------|
| <u>Motor vehicle collision and major repair</u> | <u>1,000 radial feet</u> | - Any other motor vehicle service or repair use: <u>1,000 radial feet</u> | <u>Section 50-12-294</u> |
| <u>Motor vehicle repair</u> | <u>1,000 radial feet</u> | - Any other motor vehicle service or repair use: <u>1,000 radial feet</u> | <u>Section 50-12-294.5</u> |
| <u>Motor vehicle repair over 10,000 pounds and heavy equipment repair</u> | <u>1,000 radial feet</u> | - Any other motor vehicle service or repair use: <u>1,000 radial feet</u> | <u>Section 50-12-295</u> |
| <u>Motor vehicle service</u> | <u>1,000 radial feet</u> | - Any other motor vehicle service or repair use: <u>1,000 radial feet</u> | <u>Section 50-12-295.5</u> |
| <u>Motor vehicle, used, salesroom or sales lot</u> | <u>24,000 radial feet</u> | N/A | <u>Sections 50-12-293, 50-12-517</u> |
| <u>Motor vehicles, used, Storage lot accessory to salesroom or sales lots for used motor vehicles</u> | <u>N/A</u> | - Residentially zoned area: <u>250 radial feet</u> | <u>Section 50-12-291</u> |

| Use Type | Minimum Distance from Same Use Type (Existing or Approved) | Minimum Distance from Other Use Types (Existing or Approved) | Comment |
|--|--|--|--------------------------|
| <u>Junkyard</u> | <u>2,000 radial feet</u> | <ul style="list-style-type: none"> • <u>Zoning lot zoned R1, R2, R3, R4, R5, R6, residential PD: 1,000 radial feet;</u> • <u>Park, playlot, playfield, playground, recreation center, youth activity center: 1,000 radial feet</u> | <u>Section 50-12-341</u> |
| <u>Scrap tire storage, processing, or recycling facility</u> | <u>1,000 radial feet</u> | <u>Zoning lot zoned R1, R2, R3, R4, R5, R6, residential PD: 1,000 radial feet</u> | <u>Section 50-12-349</u> |
| <u>Tires, used; sales and/or service</u> | <u>1,000 radial feet</u> | <u>N/A</u> | <u>Section 50-12-350</u> |
| <u>Towing service storage yard</u> | <u>1,000 radial feet</u> | <u>N/A</u> | <u>Section 50-12-352</u> |

Still under discussion: Are any of the spacing restrictions so strict that no available parcels remain for the regulated use? Should spacing requirements from residentially-zoned land be added for some of the more intense uses? If spacing requirements from residentially-zoned land are added, would certain smaller parcels become virtually unusable due to the required setbacks?

- **Re-Classify Auto Uses to reduce confusion**

Currently, the zoning ordinance classifies motor vehicle repair into two categories—minor and major. The proposed ordinance would further divide motor vehicle repair into four categories:

- **Motor vehicle service:** an establishment providing primarily private passenger vehicle minor services completely within a building including quick lube businesses, car stereo alarm installation, auto detailing, glass/window repair or replacement. Auto detailing shops that also offer a "car wash" service to vehicles that are not in the shop for detailing service shall be classified as a "motor vehicle washing and steam cleaning" establishment.
- **Motor vehicle repair:** an establishment providing primarily private passenger vehicle minor repair within completely enclosed buildings. Motor vehicle repair includes brake and muffler shops, battery and tire service shops, and other vehicle maintenance that does not typically render vehicles inoperable overnight.
- **Motor vehicle collision and major repair:** an establishment providing primarily private passenger vehicle repair within completely enclosed buildings. Major motor vehicle services include body or fender bumping or painting shops, major motor repair including transmission work, and other vehicle repair services that do not meet the definition of "motor vehicle repair." Work is typically done over a several day period and vehicles are often left overnight for repair.
- **Motor vehicle repair over 10,000 pounds and heavy equipment repair:** an establishment providing repair to equipment or vehicles over 10,000 pounds, including body work, painting, engine work, and other vehicle repair and service.

Still under discussion: Is there enough distinction between the types of repair and service? There doesn't seem to be a bright-line distinction especially between the repair and service uses. Businesses in each of the categories could look similar and have equivalent impacts but be regulated very differently.

- **Definitions – Clarify, Update, and Add**

In addition to amending and/or adding the definitions for the previously-discussed auto repair and service uses, several other definitions are proposed to be amended, specifically:

- To eliminate the use "Construction equipment, agricultural implements, and other heavy equipment repair or service" as this activity will be regulated under the use "Motor vehicle repair over 10,000 pounds and heavy equipment repair".
- To eliminate the term "truck garages" from the use "Trucking terminals, transfer buildings, truck garages, recreational vehicle storage lots, and open areas for the parking of semi-trailers, buses, and other operable commercial vehicles, not including limousines and taxicabs" as truck garages will be regulated under the new use of "Motor vehicle repair over 10,000 pounds and heavy equipment repair".
- Add definitions for the previously-undefined terms: "Automobile dismantling or wrecking yard", "Scrap metal recycling facility", and "Scrap processing facility".
- Update the definition of "Used vehicle parts sales" for clarity.

- **Miscellaneous Changes**

Several proposed changes in the text amendment are merely clean-up of errors or inconsistencies, such as:

- Correct an inconsistent use of the term “Used auto parts sales” to “Used vehicle parts sales”.
- Eliminate the words “and salvage yards” from Section 50-2-165 as they are redundant.
- To newly prohibit the following uses on Gateway Radial Thoroughfares in all zoning districts: Junkyard, Motor vehicle collision and major repair, Motor vehicle repair, Motor vehicle repair over 10,000 pounds and heavy equipment repair, Motor vehicles, used, salesroom or sales lots, Motor vehicles, used, storage lot accessory to a salesroom or sales lot for used motor vehicles, Scrap tire storage, processing, or recycling facility, Tires, used: sales and/or service, and Towing service storage yard.
- Add specific regulations for “Used motor vehicle storage lots” that are currently required for “Used motor vehicle sales lots” such as screening, lighting, curb cuts, and paving.
- Add use regulations for the new use “Motor vehicle repair” that are similar to those for other auto repair uses.
- Require “Tire, used: sales and/or service establishments” to maintain a used tire disposal plan and three years of manifests for tires removed from the site.
- Prohibit the outdoor storage of used tires.
- Add “Junkyards” and “Used motor vehicle sales lots” to the list of uses that nonconforming uses cannot be changed to.
- Clarify the definition of “Recycling center” to exclude metal, vehicle parts, and vehicles.

POTENTIAL ADDITIONAL SECTIONS

The public hearing notice for a text amendment should list all of the sections of the zoning ordinance that are proposed to be amended. In the weeks since the notice for this amendment was published and mailed, suggestions have been made to change several additional sections that were not specifically identified in the notice. These additional sections can be added to the proposed text amendment by the Commission during the public hearing. Staff is currently considering whether these additional sections are indispensable and should be addressed at this time, or if a second follow-up amendment would be the better approach to take up these additions.

PRELIMINARY CONCLUSION

As staff continues to discuss and edit the proposed text amendment, a more detailed presentation and report will be forthcoming with further updates and analysis included.

Attachment: Public Hearing Notice

cc: Antoine Bryant, Director, PDD
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