

**SUMMARY**

This Ordinance amends Chapter 50 of the 2019 Detroit City Code, *Zoning*, by...

DRAFT

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

2 AN ORDINANCE to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by...

3

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

5 **THAT:**

6 **Section 1.** Chapter 50 of the Detroit City Code, *Zoning*, is amended as follows:

7 **CHAPTER 50. ZONING**

8 **ARTICLE I. INTRODUCTORY PROVISIONS**

9 **Sec. 50-1-3. Applicability and jurisdiction.**

10 (a) The provisions of this chapter shall apply to all land within the City, including land owned  
11 by local, County, state, or federal agencies, except where such land is determined to be  
12 exempt from local zoning regulations.

13 (b) The development of solar generation stations by or on behalf of the City, located on land  
14 owned by the City or a City agency, and approved by City Council through adoption of a  
15 resolution, shall be considered an essential government function exempt from this chapter.

16 **ARTICLE III. REVIEW AND APPROVAL PROCEDURES (PART 1)**

17 **DIVISION 5. SITE PLAN REVIEW**

18 **Subdivision A. In General**

19 **Sec. 50-3-113. Applicability.**

20 Applications for proposed developments that meet any one or more of the applicability criteria  
21 in this section shall be reviewed through the site plan review process. Developments that do not  
22 meet any of the applicability criteria in this section shall be reviewed by the Buildings, Safety  
23 Engineering, and Environmental Department through its permitting process, provided, that a site

1 plan review is not required for the construction or alteration of an individual single- or two-family  
2 dwelling.

3 (1) New construction that involves any one of the following:

- 4 a. Any new development that has more than 20,000 square feet of gross floor area,  
5 except that, on land zoned M1, M2, M3, M4 or M5, the threshold for industrial  
6 uses shall be 50,000 square feet of gross floor area;
- 7 b. Projects with multiple principal structures on one zoning lot;
- 8 c. Any multiple-family residential or loft development with more than 12 dwelling  
9 units;
- 10 d. Site condominium developments;
- 11 e. Projects in a 100-year floodplain;
- 12 f. Any parking structure as defined in Section 50-16-341 of this Code; or
- 13 g. Projects located in the portion of the MKT Market and Distribution District  
14 described in Section 50-13-157(a) of this Code.

15 (2) Additions or major structural alterations that involve any of the following:

- 16 a. Any development that has not more than 20,000 square feet of gross floor area  
17 where the addition or alteration results in a cumulative total of more than 20,000  
18 square feet of gross floor area, considering existing floor area and proposed  
19 additions, except that, on land zoned M1, M2, M3, M4 or M5, the threshold for  
20 industrial uses shall be 50,000 square feet of gross floor area;
- 21 b. An increase of 25 percent or more in gross square footage to an existing building  
22 that contains more than 20,000 square feet of gross floor area, except that, on land

- 1           zoned M1, M2, M3, M4 or M5, the threshold for industrial uses shall be 50,000  
2           square feet of gross floor area;
- 3           c. Projects in a 100-year floodplain; or
- 4           d. Projects located in the portion of the MKT Market and Distribution District  
5           described in Section 50-13-157(a) of this Code.
- 6       (3) Any development with a lot area of more than one acre in cumulative total considering  
7           existing lot area and any proposed additional lot area, except that, on land zoned M1, M2,  
8           M3, M4, or M5, the threshold for industrial uses shall be three acres.
- 9       (4) Substantial changes in use within any building that has more than 20,000 square feet of  
10           gross floor area or of any use with a lot area of more than one acre, except that, on land  
11           zoned M1, M2, M3, M4, or M5, the threshold for industrial uses shall be 50,000 square  
12           feet of gross floor area and three acres. For purposes of site plan review, a substantial  
13           change in use is one that involves the establishment of a use from one of the major land  
14           use classifications that are set out in Article XII of this chapter, which are residential,  
15           public/civic/institutional, retail/service/commercial, manufacturing/industrial, and other,  
16           where the use immediately preceding the new use was from a different major land use  
17           classification.
- 18       (5) Any conditional, regulated, or controlled land use and any case before the Board of  
19           Zoning Appeals as the body of first jurisdiction.
- 20       (6) Any use that has drive-up or drive-through facilities or a walk-up component.
- 21       (7) Projects within any PD, SD1, SD2, or SD5 District, provided that in the SD1, SD2, and  
22           SD5 Districts, alterations to an existing structure that do not involve additions or major

1 structural alterations qualify for “expedited review” as provided for in Section 50-3-  
2 131(b) of this Code.

3 (8) Projects within the SD4 District that involve the following four utility uses: electric  
4 transformer station; gas regulator station; telephone exchange building; water works,  
5 reservoir, pumping station, or filtration plant.

6 (9) Projects seeking approval under the Alternative Residential Development Options  
7 provisions of Article XIII, Division 3 of this chapter.

8 (10) Urban farms and all other agricultural uses specified as conditional use in Section 50-12-  
9 109 of this Code.

10 (11) Any new or newly established motor vehicle salesroom or sales lot for the sale of used  
11 vehicles.

12 (12) Development projects which meet the post-construction stormwater management  
13 applicability thresholds described at Sec. 48-2-101 of this Code.

14 (13) Any type of medical marijuana facility or adult-use marijuana establishment.

15 (14) Solar generation stations.

16 **Subdivision B. Submission Requirements**

17 **Sec. 50-3-139. Additional submittal requirements for solar generation stations.**

18 In addition to the submittal requirements listed in this subdivision, solar generation station  
19 applications shall include the following:

20 (1) Equipment and unit renderings;

21 (2) Elevation drawings showing the height of all existing and proposed buildings/structures  
22 and solar arrays and panels at maximum tilt (i.e., most vertical position);

23 (3) Location of power lines and all equipment;

1 (4) Maintenance plan;

2 (5) Decommissioning plan. The plan shall include the following:

- 3 a. State the anticipated life of the project;
- 4 b. At least one (1) cost estimates from qualified contractors for full removal and  
5 disposal of equipment, foundations, and structures associated with the system in  
6 current dollars and provide that this figure will be updated every tenth (10th)  
7 year after commercial operation of the system;
- 8 c. Be signed by the party responsible for decommissioning;
- 9 d. Define the conditions upon which decommissioning will be initiated (e.g.: end of  
10 land lease, no power generation/storage for 12 months, etc.);
- 11 e. State that all equipment, conduit, structures, fencing, roads, and foundations will  
12 be removed to a depth of three feet by the end of the decommissioning period;
- 13 f. Require property to be restored as near as reasonably possible to the condition it  
14 was in prior to the development of the system, not including restoration of any  
15 improvements previously on the property or vegetation planted pursuant to this  
16 chapter;
- 17 g. Describe the timeframe for completion of decommissioning activities not to  
18 exceed twelve (12) months;
- 19 h. Describe any agreement (e.g., lease) with the landowner regarding  
20 decommissioning.
- 21 i. State the party currently responsible for decommissioning,
- 22 j. Describe any plans or circumstances requiring an update of the decommissioning  
23 plan, and

- 1 k. Provide a recorded copy of the Memorandum of Decommissioning Plan to the
- 2 City prior to construction.
- 3 (6) Preliminary Fire Response Plan that satisfies Section 225(q) of the Clean and
- 4 Renewable Energy and Energy Waste Reduction Act, as amended;
- 5 (7) A Groundcover and Vegetation Establishment and Management Plan shall be provided
- 6 as part of the site plan. Vegetation establishment must include native species and natural
- 7 seed mixes (except for areas containing urban agriculture uses) and may not include
- 8 invasive plant species or noxious weeds;
- 9 (8) Equipment specification sheet(s) for the system components, if available;
- 10 (9) Site plan which shows distances from all existing and proposed structures/buildings and
- 11 fencing on the site to all lot lines including to all boundaries of a leased site, where
- 12 applicable, and to all structures/buildings on adjacent nonparticipating properties; and
- 13 (10) Anticipated life expectancy of the system components including the estimated schedule
- 14 for battery replacement to maintain megawatts over the system's lifetime.

15 **ARTICLE VII. ZONING DISTRICTS (IN GENERAL)**

16 **Sec. 50-7-6. Overlay Areas.**

17 As provided for in Article XI, Division 14, of this chapter, certain areas of the City, while  
18 classified within certain zoning districts, are geographically subclassified as overlay areas. Overlay  
19 areas include the following:

- 20 (1) Gateway Radial Thoroughfare Overlay Areas;
- 21 (2) Traditional Main Street Overlay Areas;
- 22 (3) Major Corridor Overlay Areas;
- 23 (4) Grand Boulevard Overlay Area;

1 (5) Downtown and Riverfront Overlay Areas;~~and~~

2 (6) Development Improvement Area; and

3 (7) Solar Station Overlay Areas.

4 **ARTICLE X. INDUSTRIAL ZONING DISTRICTS**

5 **DIVISION 2. M1 LIMITED INDUSTRIAL DISTRICT**

6 **Sec. 50-10-15. By-right public, civic, and institutional uses.**

7 By-right public, civic, and institutional uses within the M1 Limited Industrial District are as  
8 follows:

9 (1) Armory.

10 (2) Auditoriums, public.

11 (3) Electric transformer station.

12 (4) Fire or police station, post office, courthouse, and similar public building.

13 (5) Gas regulator station.

14 (6) Governmental service agency.

15 (7) Library.

16 (8) Museum.

17 (9) Neighborhood center, non-profit.

18 (10) Outdoor entertainment facility.

19 (11) Outdoor recreation facility.

20 (12) Power or heating plant with fuel storage on site.

21 (13) Religious institution.

22 (14) Solar generation station.

23 (15) Stadium or sports arena.



- 1 (16) Substance abuse service facilities.
- 2 (17) Telephone exchange building.
- 3 (18) Water works, reservoir, pumping station, or filtration plant.

4 **DIVISION 3. M2 RESTRICTED INDUSTRIAL DISTRICT**

5 **Sec. 50-10-45. By-right public, civic, and institutional uses.**

6 By-right public, civic, and institutional uses within the M2 Restricted Industrial District are  
7 as follows:

- 8 (1) Armory.
- 9 (2) Auditoriums, public.
- 10 (3) Electric transformer station.
- 11 (4) Fire or police station, post office, courthouse, and similar public building.
- 12 (5) Gas regulator station.
- 13 (6) Governmental service agency.
- 14 (7) Library.
- 15 (8) Museum.
- 16 (9) Neighborhood center, non-profit.
- 17 (10) Outdoor entertainment facility.
- 18 (11) Outdoor recreation facility.
- 19 (12) Power or heating plant with fuel storage on site.
- 20 (13) Religious institution.
- 21 (14) Solar generation station.
- 22 (15) Stadium or sports arena.
- 23 (16) Substance abuse service facilities.

1 (17) Telephone exchange building.

2 (18) Water works, reservoir, pumping station, or filtration plant.

3 **DIVISION 4. M3 GENERAL INDUSTRIAL DISTRICT**

4 **Sec. 50-10-75. By-right public, civic, and institutional uses.**

5 By-right public, civic, and institutional uses within the M3 General Industrial District are as  
6 follows:

7 (1) Armory.

8 (2) Electric transformer station.

9 (3) Fire or police station, post office, courthouse, and similar public building.

10 (4) Gas regulator station.

11 (5) Governmental service agency.

12 (6) Power or heating plant with fuel storage on site.

13 (7) Solar generation station.

14 (8) Telephone exchange building.

15 (9) Water works, reservoir, pumping station, or filtration plant.

16 **DIVISION 5. M4 INTENSIVE INDUSTRIAL DISTRICT**

17 **Sec. 50-10-105. By-right public, civic, and institutional uses.**

18 By-right public, civic, and institutional uses within the M4 Intensive Industrial District are as  
19 follows:

20 (1) Armory.

21 (2) Electric transformer station.

22 (3) Fire or police station, post office, courthouse, and similar public building.

23 (4) Gas regulator station.

- 1 (5) Governmental service agency.
- 2 (6) Power or heating plant with fuel storage on site.
- 3 (7) Solar generation station.
- 4 (8) Steam generating plant.
- 5 (9) Telephone exchange building.
- 6 (10) Water works, reservoir, pumping station, or filtration plant.

7 **DIVISION 6. M5 SPECIAL INDUSTRIAL DISTRICT**

8 **Sec. 50-10-135. By-right public, civic, and institutional uses.**

9 By-right public, civic, and institutional uses within the M5 Special Industrial District are as  
10 follows:

- 11 (1) Electric transformer station.
- 12 (2) Gas regulator station.
- 13 (3) Power or heating plant with fuel storage on site.
- 14 (4) Solar generation station.
- 15 (5) Steam generating plant.
- 16 (6) Telephone exchange building.
- 17 (7) Water works, reservoir, pumping station, or filtration plant.

18 **ARTICLE XI. SPECIAL PURPOSE ZONING DISTRICTS AND OVERLAY AREAS**

19 **DIVISION 7. PR PARKS AND RECREATION**

20 **Sec. 50-10-151. Conditional public, civic, and institutional uses.**

21 Conditional public, civic, and institutional uses within the PR Parks and Recreation District  
22 are as follows:

- 23 (1) Outdoor entertainment facility.

1       ~~(2) Solar generation station.~~

2       (3) Water works, reservoir, pumping station, or filtration plant.

3                               **DIVISION 14. OVERLAY AREAS**

4                               **Subdivision G. Solar Station Overlay Areas**

5       **Sec. 50-11-491. Description.**

6       (a) Solar Station Overlay Areas allow for the development of solar generation stations as a  
7       principal use in nonindustrial zoning districts. Areas designated by City Council as Solar  
8       Station Overlay Areas shall be listed in Section 50-11-492 of this Code.

9       (b) Designated Solar Station Overlay Areas are subject to development standards as specified  
10       in Section 50-14-481 through Section 50-14-489 of this Code in order to address solar  
11       generation station placement, design, construction, operation, monitoring, modification,  
12       and removal in the interest of public safety, while minimizing negative impacts on  
13       adjacent and area property and neighborhoods.

14       **Sec. 50-11-492. Boundaries.**

15       The following areas are designated as Solar Station Overlay Areas as defined in Article XVI  
16       of this chapter:

17       (1) O'Shea Solar Station. All zoning lots bound by Interstate 96 on the north; Greenfield  
18       Road on the east; Capitol Street on the south; and Rutherford Street, extended to Interstate  
19       96, on the west.

20       **Sec. 50-11-493. Consistency with design standards required.**

21       The Buildings, Safety Engineering, and Environmental Department shall not approve a permit  
22       application for any work relating to a zoning lot within a Solar Station Overlay Area unless the

1 Planning and Development Department shall have verified such work is consistent with the  
2 development standards in Section 50-14-481 through Section 50-14-489 of this Code.

3 **Sec. 50-11-494. Applicability of design standards.**

4 The Buildings, Safety Engineering, and Environmental Department shall forward to the  
5 Planning and Development Department all permit applications related to a designated Solar Station  
6 Overlay Area.

7 **Sec. 50-11-495. Site plan review.**

8 Site plan review is required for solar generation stations. See Article III, Division 5, of this  
9 chapter.

10 **ARTICLE XII. USE REGULATIONS**

11 **DIVISION 1. USE TABLE**

12 **Subdivision C. Public, Civic and Institutional Uses**

1 **Sec. 50-12-50. Utility, basic.**

2 Regulations regarding basic utility uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)		
		R 1	R 2	R 3	R 4	R 5	R 6	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	M K T	S D 1	S D 2		S D 4	S D 5
Utility, basic	Electric transformer station					C	C	C	C	C	C	R	R	R	R	R	R	L					R	R		C	C	C	R		Section 50-12-192
	Gas regulator station					C	C	C	C	C	C	R	R	R	R	R	R	L					R	R		C	C	C	R		Section 50-12-192
	Residential-area utility facilities, public	C	C	C	C													L						R							Section 50-12-192
	Solar generation station															R	R	R	R	R	L				E						Section 50-12-192
	Telephone exchange building					C	C	C	C	C	C	R	R	R	R	R	R	L					R	R			C	C	R		Section 50-12-192
	All other																		L					R					C		Section 50-12-192

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1 **DIVISION 3. SPECIFIC USE STANDARDS**

2 **Subdivision B. Public, Civic, and Institutional Uses**

3 **Sec. 50-12-192. Utilities, basic; utilities, major.**

4 Basic utility facilities and major utility facilities shall be subject to the following  
5 requirements:

6 (1) Service or storage yards for any electric transformer station, gas regulator station,  
7 telephone exchange building, water work, reservoir, pumping station, or filtration plant,  
8 shall not be permitted, except in the B5, B6, M1, M2, M3, M4, M5 and TM Districts;

9 (2) In the R1, R2, R3, R4, R5, R6, residential PD, PR and SD1 Districts:

10 a. Basic utilities shall be permitted only when operating requirements mandate that  
11 they be located within the district in order to serve the immediate vicinity; and

12 b. Outdoor service or storage yards shall not be permitted;

13 (3) In the SD4 District, the following uses shall be subject to site plan review as provided for  
14 in Section 50-3-113(8) of this Code, and subject to review as to the appropriateness of  
15 exterior design:

16 a. Electric transformer stations;

17 b. Gas regulator stations;

18 c. Telephone exchange buildings; and

19 d. Water works, reservoirs, pumping stations, and filtration plants.

20 (4) In the PR District, the only major utility that shall be permitted is a pumping station  
21 without on-site employees.

22 (5) Solar generation stations are limited to the PD and ~~PR~~ industrial zoning districts, except  
23 where located in a designated Solar Station Overlay Area. Solar generation stations are

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1 subject to development standards as specified in Section 50-14-481 through Section 50-  
2 14-489 of this Code.; ~~reasonable and appropriate conditions relative to the following~~  
3 ~~factors may be attached to any approval:~~

- 4 a. ~~Height of installation;~~
- 5 b. ~~Setback from rights of way and adjacent properties and uses;~~
- 6 c. ~~Screening from rights of way and adjacent properties and uses;~~
- 7 d. ~~Landscaping;~~
- 8 e. ~~Glare mitigation;~~
- 9 f. ~~Noise;~~
- 10 g. ~~Safety/access; site security;~~
- 11 h. ~~Location of on-site power lines;~~
- 12 i. ~~Lighting;~~
- 13 j. ~~Notice for the purpose of identification and warning;~~
- 14 k. ~~Removal requirements upon abandonment/decommissioning;~~
- 15 l. ~~Stormwater management;~~
- 16 m. ~~Construction period impacts;~~
- 17 n. ~~General site maintenance;~~
- 18 o. ~~Off-street parking.~~

## 19 **DIVISION 5. ACCESSORY USES AND STRUCTURES**

### 20 **Subdivision A. In General**

#### 21 **Sec. 50-12-465. Accessory urban gardens or farms.**

22 Urban gardens or urban farms may be permitted as a by-right accessory use to any solar  
23 generation station.



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1                                   **ARTICLE XIV. DEVELOPMENT STANDARDS**

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

3                                   **Subdivision F. Solar Generation Station Development**

4                                   **Sec. 50-14-481. In general.**

5                                   The design standards of this subdivision shall apply to all solar generation station development  
6 which is subject to this chapter.

7                                   **Sec. 50-14-482. Massing and cross-access.**

8                                   (a) The objective of this section is to permit public access through large, contiguous solar  
9 generation stations to avoid having to walk excessive distances.

10                                  (b) The provision of public access should consider the existing vehicular or pedestrian  
11 network, connectivity to nearby amenities, such as schools, recreation centers, and  
12 business areas, and any paths of desire that may exist that could be disrupted by access  
13 limitations created by a solar station.

14                                  (c) To achieve the objectives of this section, solar stations must provide public access through  
15 the solar station a minimum of every 1,320 feet in any direction.

16                                  **Sec. 50-14-483. Setbacks.**

17                                  Solar arrays and panels shall be setback at least the 15 feet. (See figures 50-14-487(a). (b).  
18 (c), label “B”).

19                                  **Sec. 50-14-484. Height.**

20                                  Solar arrays and panels shall not exceed 20 feet in height measured from the ground to the top  
21 array at maximum height. Any above-ground wiring within the footprint of the solar generation  
22 station shall not exceed 20 feet in height.

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1 **Sec. 50-14-485. Glare and reflection.**

2 The exterior surfaces of solar panels shall be generally neutral in color and substantially non-  
3 reflective of light. Panels shall be designed, installed, located, and oriented such that glare is not  
4 directed into adjacent dwellings.

5 **Sec. 50-14-486. Noise.**

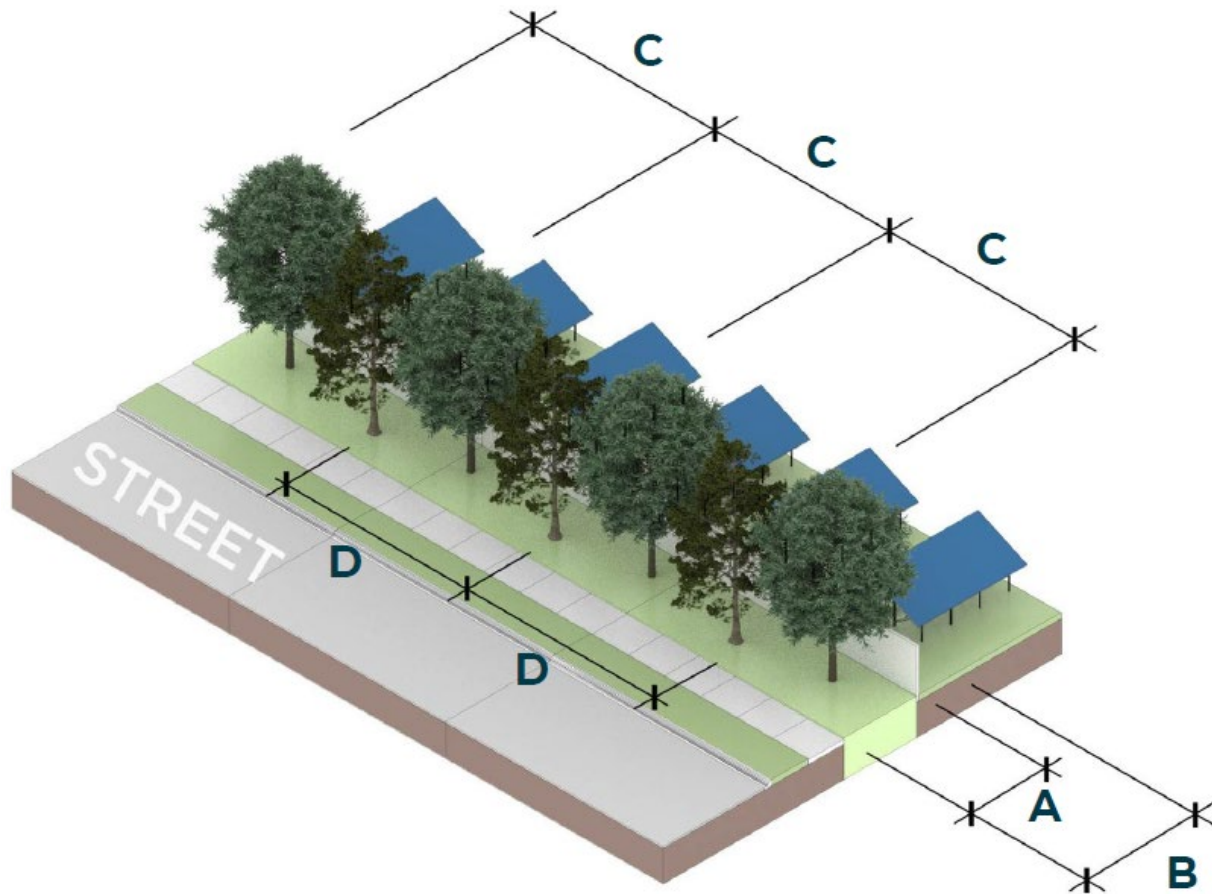
6 Solar generation station shall not generate a maximum sound in excess of 65 average hourly  
7 decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent  
8 nonparticipating property. Decibel modeling shall use the “A-weighted scale” as designed by the  
9 American National Standards Institute.

10 **Sec. 50-14-487. Screening.**

11 (a) Solar generation stations that are adjacent to a public street or across the alley from or  
12 adjacent to land zoned R1 through R6, PR, residential PD, B1 through B6, PC, PCA, W1,  
13 MKT, SD1, SD2, SD4, or SD5 shall include a landscape buffer depth of a minimum width  
14 of 10 feet adjacent to the right-of-way or the land zoned R1 through R6, PR, residential  
15 PD B1 through B6, PC, PCA, W1, MKT, SD1, SD2, SD4, or SD5 (See figures 50-14-  
16 487(a) and (b), label “A”). The following standards shall apply:

- 17 1. Trees: At least one deciduous shade or ornamental tree and at least one coniferous  
18 tree shall be provided for each 25 linear feet of landscape buffer. Trees shall be  
19 planted in the landscape buffer. Trees must have a minimum nonpaved planting  
20 area of 18 square feet. In cases where there is an existing pattern of trees along the  
21 street, new deciduous trees shall be the same species and planted according to the  
22 existing tree spacing and pattern to the greatest extent possible, except where such  
23 existing trees are included in the list of prohibited tree species in Section 50-14-





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**Figure 50-14-487(b)**

3

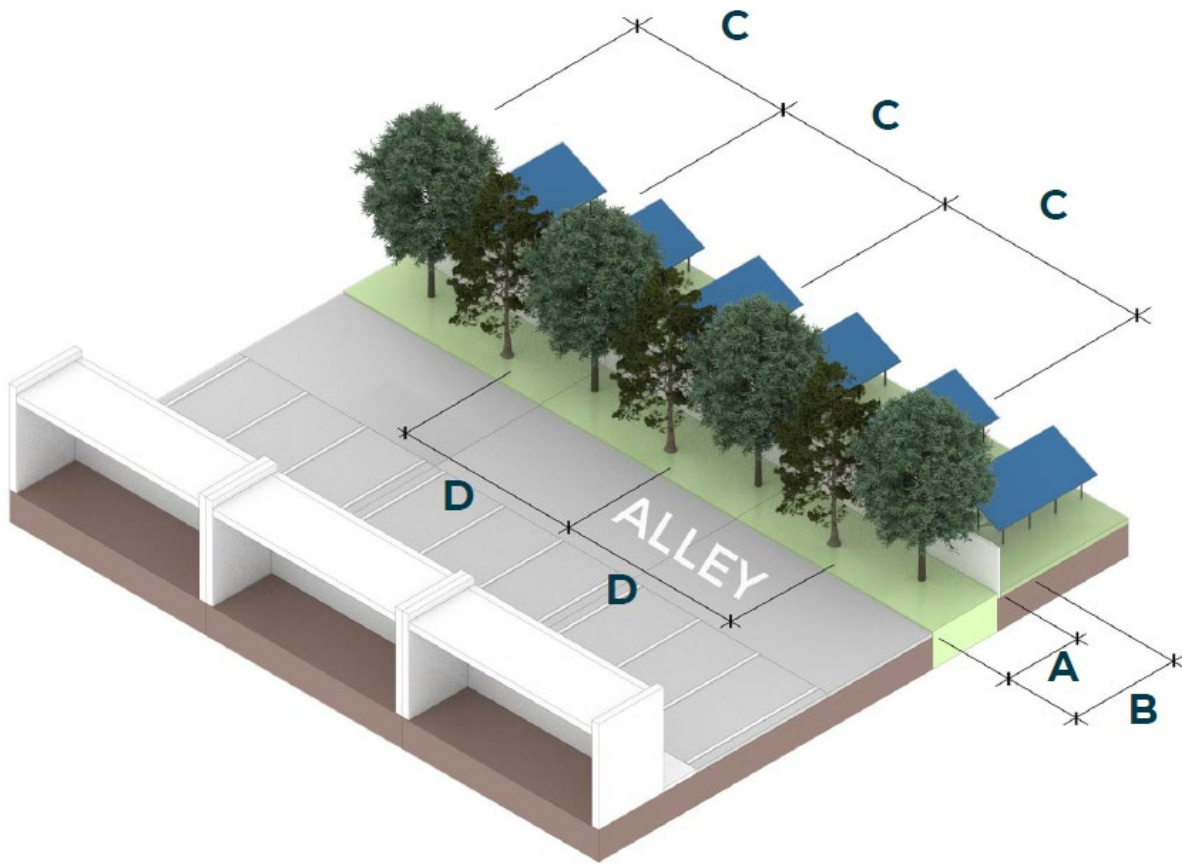
**Isometric View of Public Street, Residential, Business or Special District Screening, alley**

4

**adjacent**

5

(For Informational Purposes Only)



1

2 (b) Solar generation stations that are across the alley from or adjacent to land zoned M1, M2,  
3 M4, M5, TM, industrial PD, railroad right-of-way, a freeway, or freeway ramp shall  
4 include a landscape buffer with a minimum depth of 10 feet adjacent to the alley or the  
5 land zoned M1, M2, M3, M4, M5, TM, industrial PD, railroad right-of-way, a freeway, or  
6 freeway ramp. (See figure 50-14-487(c), label “B”). The following standards shall apply:

- 7 1. Trees: At least one deciduous shade or ornamental tree shall be provided for each  
8 25 linear feet of landscape buffer and at least one coniferous tree shall be provided  
9 for each 50 linear feet of landscape buffer. Trees shall be planted in the buffer .  
10 Trees must have a minimum nonpaved planting area of 18 square feet. In cases  
11 where there is an existing pattern of trees along the street, new deciduous trees  
12 shall be the same species and planted according to the existing tree spacing and

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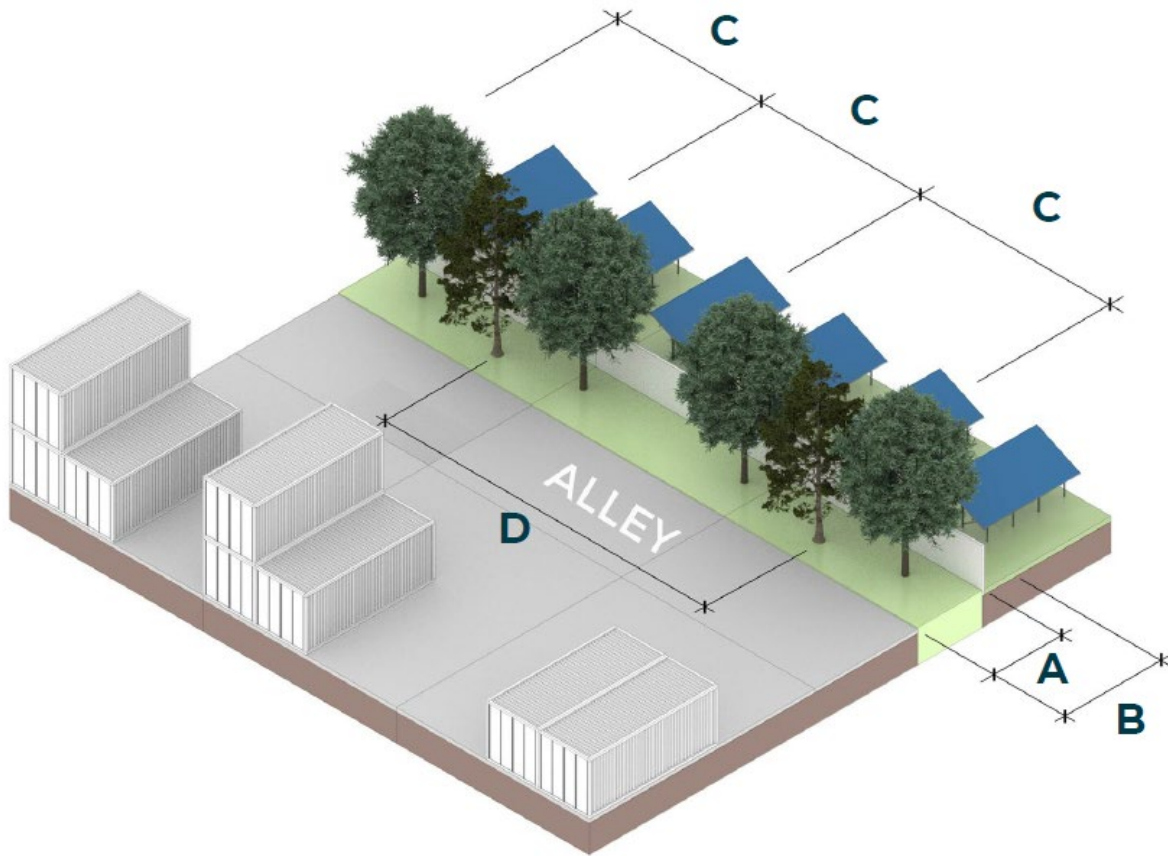
1 pattern to the greatest extent possible, except where such existing trees are  
2 included in the list of prohibited tree species in Section 50-14-324 of this Code or  
3 where the height of the tree species will block solar access to the solar station. (See  
4 Figure 50-14-382(c) labels “C” and “D”)

- 5 2. Fencing: If a fence is provided, the maximum height permitted is 10 feet and chain  
6 link fence is prohibited. Fence materials permitted include decorative wrought-  
7 iron -style, vinyl or PVC-coated mini-mesh, expanded metal mesh, or wire mesh  
8 fencing. Fencing may be added within the landscape buffer provided such fencing  
9 is at least 10 feet from the property line. (See Figure 50-14-382(c), label “A”)

10 **Figure 50-14-487(c)**

11 **Isometric View of Industrial District Screening**

12 (For Informational Purposes Only)



1  
2 (c) All ground treatment within the above landscape buffer areas shall be in accordance with  
3 Sections 50-14-326 and 50-14-327.

4 **Sec. 50-14-488. Vegetation.**

5 All vegetation underneath a solar generation station, with the exception of urban agriculture  
6 uses, shall be properly maintained at a height not to exceed 24 inches so as to not block access to  
7 solar collectors or create a nuisance. Trees planted within the buffer strip shall be maintained so as  
8 not to block or interfere with the solar station or operation of the solar generation equipment.

9 **Sec. 50-14-489. Maintenance plan.**

10 The system shall be properly maintained in accordance with the manufacturer's  
11 recommendations and so as to be operable as designed as evidenced by a maintenance plan and  
12 schedule submitted with the conditional land use application. If the maintenance procedures

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1 include the use of detergents or other non-organic substances to clean the solar collector panels  
2 and/or any other apparatus, the intended use of such products shall be disclosed in the conditional  
3 land use and/or site plan review application, with appropriate details on the type of product, the  
4 frequency and quantity of use, and the soil/water quality protection measures to be utilized as part  
5 of the maintenance plan

## 6 **DIVISION 8. PERFORMANCE GUARANTEE**

### 7 **Sec. 50-14-612. General requirements.**

8 The performance guarantee shall meet the following requirements:

- 9 (1) The performance guarantee shall be in the form of a certified check, surety bond, or  
10 performance bond which names the property owner as the obligor and the City as the  
11 obligee;
- 12 (2) The performance guarantee shall be submitted at the time of issuance of the permit that  
13 authorizes the activity or project. Where appropriate, based on the type of performance  
14 guarantee that is submitted, the City shall deposit the funds in an interest-bearing account  
15 in a financial institution where the City regularly conducts business;
- 16 (3) The amount of the performance guarantee shall be sufficient to cover the estimated cost of  
17 the improvements for which the performance guarantee is required. The applicant shall  
18 provide an itemized schedule of estimated costs to complete all such improvements;
- 19 (4) A performance guarantee may also be required for junkyards, solar generation stations,  
20 towing service storage yards, and those waste-related uses that are specified in Section 50-  
21 12-84 of this Code in an amount sufficient to abate any nuisances which remain in the event  
22 of abandonment. The exact amount of the performance guarantee shall be determined by  
23 the Buildings, Safety Engineering, and Environmental Department;



(5) The entire performance guarantee, including interest accrued, shall be returned to the applicant following inspection by the Buildings, Safety Engineering, and Environmental Department and a determination that the required improvements have been completed satisfactorily. The performance guarantee may be released to the applicant in proportion to the work that is completed on various elements, provided, that a minimum of ten percent shall be held back on each element until satisfactory completion of the entire project, provided further, that in the case of a performance guarantee which is required under Subsection (4) of this section, the performance guarantee may be retained by the City until the use is changed or abandoned, and the Buildings, Safety Engineering, and Environmental Department has determined that any nuisances that remain on the property have been abated.

**ARTICLE XVI. RULES OF CONSTRUCTION AND DEFINITIONS**

**DIVISION 2. WORDS AND TERMS DEFINED**

**Subdivision M. Letters "N" Through "O"**

**Sec. 50-16-322. Words and terms (Nn—Nz).**

For the purposes of this chapter, the following words and phrases beginning with the letters "Nn" through "Nz," shall have the meaning respectively ascribed to them by this section:

Term	Definition
Non-instrument approach surface having a runway with a length of 2,000 feet or more up to, but not including, 5,000 feet in length	A plane longitudinally centered on the extended runway centerline beginning at each end of the runway and extending 500 feet outward at the elevation of the approach end of the runway and then sloping upward at a slope ratio of one to 40 to an altitude of 150 feet above the established airport elevation. The non-instrument approach area surface is 500 feet wide for the first 500 feet and then expands uniformly to a width of 2,600 feet at a distance of 6,500 feet from the end of the runway.

Term	Definition
Nonconforming lots	Lots or land parcels that were legally created but which no longer comply with the minimum area or width standards of the underlying zoning district. (See <u>Article XIII</u> of this chapter.)
Nonconforming structure	Structures that were legally established but which no longer comply with the intensity and dimensional standards in <u>Article XIII</u> of this chapter.
Nonconforming use	Uses that were legally established but which do not appear in, or are specifically excluded from, the listings of uses permitted by right or conditionally in the zoning district where they are located. Also, uses that were legally established but were subsequently prohibited through the provisions of an overlay area as indicated in <u>Article XI, Division 14</u> , of this chapter shall be considered nonconforming uses.
Nonconformity	A "nonconforming use," nonconforming structure," or "nonconforming lot."
Non-participating property	<u>A property that is adjacent to a solar energy generation station and that is not a participating property</u>
Non-profit	See <i>Not-for-profit</i> .
Non-profit neighborhood center	See <i>Neighborhood center (non-profit)</i> .
Not-for-profit	An organization recognized by the United States Internal Revenue Service as holding a non-profit tax-exempt status.
Nudity	The showing of the human male or female genitals, pubic area, vulva, anus, or anal area with less than a fully opaque covering.
Nursing home	See <i>Convalescent, nursing or rest home</i> .

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**Subdivision N. Letter "P"**

**Sec. 50-16-341. Words and terms (Pa—Pg).**

For the purposes of this chapter, the following words and phrases beginning with the letters "Pa" through "Pg," shall have the meaning respectively ascribed to them by this section:

Term	Definition
Parcel	A continuous portion of land that is assigned a unique identification number by the Office of the Assessor.

Term	Definition
Park	Land that is improved for, or intended to be improved for, passive or recreational uses, or to be preserved as open spaces, including, but not limited to, major parks and small (neighborhood) parks, is so designated, and is under the jurisdiction and control of the Recreation Department.
Parks and open space (use category)	<p>Uses of land involving natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, or public squares. Lands tend to have few structures.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>• Cemeteries, including mausoleums, crematories, or columbaria;</li> <li>• Golf course;</li> <li>• Skating rink;</li> <li>• Park, playfield, playground, parklot, parkway and playlot;</li> <li>• Swimming pool;</li> <li>• Tennis court.</li> </ul>
Park, major	A large open area which preserves the natural scenic beauty of a woodland, meadow, river valley or lake front, is so designated, and is under the control of the Recreation Department.
Park, small (or neighborhood)	A heavily landscaped area intended for ornamental rather than active recreation or picnic use.
Parking	The temporary standing or placement of operable motor vehicles, bearing valid and current license plate or registration sticker as required by the Michigan Secretary of State, that are currently used to transport people, goods, or materials in the conduct of normal daily activities.
Parking, accessory	<p>A parking lot or parking area shall be deemed "accessory" where: such lot is operated in conjunction with a specific land use; and no fee is charged for parking in the lot or area; and it is located no farther than the maximum distance specified in Article XIV, Division 1, Subdivision B, of this chapter and Article XIV, Division 1, Subdivision C, of this chapter for said land use.</p> <p>A parking lot or parking area shall likewise be deemed "accessory" where: such lot is operated in conjunction with a specific land use; and a fee is charged for parking in the lot or area; and not more than 110 percent of parking spaces required for that land use in Article XIV, Division 1, Subdivision B, of this chapter and Article XIV, Division 1, Subdivision C, of this chapter is actually provided; and it is located no farther than the maximum distance specified in Article XIV, Division 1, Subdivision B, of this chapter and Article XIV, Division 1, Subdivision C, of this chapter for said land use.</p>

Term	Definition
Parking, commercial (use category)	<p>For purposes of this chapter commercial parking may operate in three different manners:</p> <p>Facilities providing off-street parking that are not accessory to a specific use, and which do charge a fee, shall be deemed "commercial" parking.</p> <p>Paid accessory parking. A parking facility shall likewise be deemed "commercial" when: a fee is charged; and the parking facility is operated in conjunction with a specific land use; and when the accessory parking lot provides more than 110 percent of the off-street parking spaces required for that land use in Article XIV, Division 1, Subdivision B, of this chapter and Article XIV, Division 1, Subdivision C, of this chapter.</p> <p>Remote accessory parking. Where a parking lot or parking area is operated in conjunction with a specific land use but is located farther than the maximum distance specified for said land use in Article XIV, Division 1, Subdivision B, of this chapter and Article XIV, Division 1, Subdivision C, of this chapter, it shall likewise be deemed "commercial."</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>• Parking lots or parking areas for operable private passenger vehicles;</li> <li>• Park-and-ride facilities (transit-based);</li> <li>• Parking structure.</li> </ul>
Parking garage, private	<p>A structure or part thereof, designed, used or intended to be used for the parking and storage of fewer than six private passenger vehicles or recreational equipment items, as defined in Section 50-16-361 of this Code.</p>
Parking structure	<p>A structure, typically having at least two levels of parking, for the storage of more than five operable, licensed private passenger vehicles.</p>
Parking, valet	<p>Parking where the vehicle is parked and retrieved by an attendant.</p>
Parklot	<p>Landscaped triangles, street entrances or remnant parcels which have been landscaped for ornamental purposes, are generally dedicated for such purposes in subdivision plats, are so designated, and are under the jurisdiction and control of the Recreation Department.</p>
Parkway	<p>A broad roadway bordered and often divided with landscaped areas consisting of tree plants, bushes, and/or grass, is so designated, and is under the jurisdiction and control of the Recreation Department.</p>

Term	Definition
Participating property	Real property that either is owned by an applicant or that is the subject of an agreement that provides for the payment by an applicant to a landowner of monetary compensation related to a solar generation station regardless of whether any part of that solar generation station is constructed on the property.
Passenger vehicle, private	See Vehicle, private passenger.
Pawnshop	The premises at which a pawnbroker purchases personal property or other valuable thing on condition of selling the same back again at a stipulated price; also, the premises at which a pawnbroker loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness. Pawnbrokers are licensed in accordance with Chapter 41, Article II, of this Code.
PBB	Polybrominated biphenyl.
PCB	The class of Chlorinated Biphenyl, Terphenyl, Higher Polyphenyl, or mixtures of these compounds produced by replacing two or more Hydrogen Atoms on the biphenyl, Terphenyl, or Higher polyphenyl Molecule with Chlorine Atoms. "PCB" shall not include Chlorinated Biphenyls, Terphenyls, Higher Polyphenyls, or mixtures of these compounds that have functional groups attached other than Chlorine unless that functional group on the chlorinated Biphenyls, Terphenyls, Higher Polyphenyls, or mixtures thereof is determined to be dangerous to the public health, safety and welfare under Part 147, Subpart 1 of the Michigan Natural Resources and Environmental Protection Act, being MCL 324.14701 et seq.
Personal service establishment	Includes barber shops, beauty shops, dry cleaning or laundry pick-up stations, nail salons, shoe repair shops, shoeshine stand or parlor.
Pet Crematory	Any land, place, structure, or facility used or intended to be used for the cremation of pets.

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**Subdivision P. Letter "S"**

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**Sec. 50-16-384. Words and terms (Sm—Ss).**

1 For the purposes of this chapter, the following words and phrases beginning with the  
 2 letters "Sm" through "Ss," shall have the meaning respectively ascribed to them by this  
 3 section:

Term	Definition
Small distillery	A facility operated by a manufacturer of spirits licensed by the Michigan Liquor Control Commission as a small distiller, annually manufacturing in Michigan not more than 60,000 gallons of spirits, of all brands combined.
Small lot	Any residential lot less than 50 feet in width and 5,000 square feet in area.
Small winery	A facility operated by a small winemaker licensed by the Michigan Liquor Control Commission for the manufacturing or bottling of not more than 50,000 gallons of wine in one calendar year.
Smoking lounge, cigar	An establishment or area within an establishment that constitutes a “cigar bar” as defined by Section 12601 of the Michigan Smoke-Free Indoor Air Law, PA 188 of 2009, being MCL 333.12601. Smoking lounge, cigar, does not include smoking lounge, other, medical marijuana facilities, or adult-use marijuana establishments as defined by this article.
Smoking lounge, other	A retail establishment that constitutes a “tobacco specialty retail store” as defined by Section 12601 of the Michigan Smoke-Free Indoor Air Law, PA 188 of 2009, being MCL 333.12601 and that is designated wholly or in part for the on-premises smoking of tobacco products or nontobacco smoking products or substances, which may include the on-premise use of hookah as defined by this article. Smoking lounge, other, does not include tobacco retail store, smoking lounge, cigar, medical marijuana facilities, or adult-use marijuana establishments as defined by this article.
Snack food	Prepared and commercially prepackaged non-potentially hazardous food.
Solar array	A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy system that collects solar radiation.

Term	Definition
Solar generation station	<p><del>An energy generation facility in excess of one acre comprised of one or more freestanding, ground-mounted devices that capture solar energy and convert it to electrical energy for use in locations other than where it is generated. (Also known as "solar farm.")</del></p> <p><u>A ground-mounted solar energy system generating more than two megawatts of electricity, utilizing a solar array, for the primary purpose of off-site use through the electrical grid or export to the wholesale market. (Also known as a "solar farm or solar park.")</u></p>
Solid waste	Includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a re-user of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a re-user of slag or slag products.
Special effects	A combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere, and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment.
Specially designated distributor's (SDD) establishment	A retail establishment, consisting of less than 15,000 square feet of gross floor area, licensed by the Michigan Liquor Control Commission to distribute alcoholic liquor in the original package for consumption off the premises, which alcoholic liquor is other than beer and other than wine under 20 percent alcohol by volume; an SDD is also any retail establishment, regardless of size, where more than ten percent of the usable retail space is utilized for the display or distribution of alcoholic liquor other than beer and other than wine under 20 percent alcohol by volume, for consumption off the premises.

Term	Definition
Specially designated merchant's (SDM) establishment	A retail establishment, consisting of less than 15,000 square feet of gross floor area, utilized for the distribution of alcoholic liquor, licensed by the Michigan Liquor Control Commission to sell beer and/or wine for consumption off the premises; an SDM is also any retail establishment, regardless of size, where more than ten percent of the usable retail space is utilized for the display or distribution of alcoholic liquor and is licensed to sell beer and/or wine for consumption off the premises.
Specified anatomical areas	Specified anatomical areas means and includes less than completely and opaquely covered: (1) Female breasts below a point immediately above the top of the areola; (2) Male or female buttocks; (3) Male or female genitals and pubic area; and (4) A penis in a discernibly erect state, even if completely and opaquely covered.
Specified sexual activity	Specified sexual activity means any of the following: (1) Intercourse, oral copulation, masturbation or sodomy; or (2) Excretory functions as a part of or in connection with any of the activities described in Subsection (1) of this definition.

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

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

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

Approved as to Form:

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Conrad L. Mallett  
Corporation Counsel

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