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May 23, 2023

HONORABLE CITY COUNCIL

RE: Zoning Ordinance text amendment, Chapter 50 of the 2019 Detroit City Code – to bring the Code into alignment with the State of Michigan’s Cemetery Regulation Act (1968 PA 251), to reconcile the provision related to membership on the Board of Zoning Appeals with the same provision in the Detroit City Charter, and to remove provisions related to demolitions that are being newly added to Chapter 8, Article II of the 2019 Detroit City Code. **(RECOMMEND APPROVAL)**

BACKGROUND AND PROPOSAL

This proposed amendment revises regulations, procedures, and definitions in the Zoning Ordinance related to three matters: crematories, the Board of Zoning Appeals, and demolitions.

- The revisions with respect to crematories respond to recent mortuary science graduates (Breonna Ray and Aletia Holloway, Petition 1099), who alerted CPC staff just before the pandemic that our zoning provisions from 2014 related to funeral homes and crematories were inconsistent with state law.
- The BZA provisions are prompted by City Council’s intention to expand the BZA from seven to nine members, symmetrical to Council’s seven districts and two at-large members.
- The Law Department and the Buildings, Safety Engineering and Environmental Department (BSEED) have recommended that the “demolition” review provisions related to the Planning and Development Department and BSEED be removed from Chapter 50, *Zoning*, and moved to Chapter 8, *Building Construction and Property Maintenance*.

Each issue is described in the following section.

SUMMARY OF PROPOSED REVISIONS

Crematories

The state of Michigan is one of two states in the country that have “anti-combo” laws which prohibit funeral home owners from owning crematoriums. State law also prohibits the co- locating of funeral homes and crematories. The Michigan Cemetery Regulation Act (1968 PA 251) states that a crematory falls within the definition of “cemetery,” and the Michigan Occupational Code regulates the ownership and locating of crematories.

Pertinent excerpts of the Cemetery Regulation Act (1968 PA 251) are provided below:

456.522 Definitions, Section 2

- (a) “Cemetery” means 1 or a combination of more than 1 of the following:
 - (i) A burial ground for earth interments.
 - (ii) A mausoleum for crypt entombments.
 - (iii) A crematory for the cremation for human remains.
 - (iv) A columbarium for the interment of cremated remains.
- ...
- (i) “Crematory” means a building or structure, within which the remains of deceased persons are or are intended to be cremated.
- (j) “Cremation” means the incineration of the body of the deceased person.
- ...
- (r) “Cemetery owner” means a person who has title to the cemetery.

Pertinent excerpts from the Michigan Occupational Code (1980 PA 299) are listed below:

339.1812 Owning and conducting cemetery or burial ground and owning or maintaining funeral establishment prohibited; exception; owning or conducting funeral establishment on property owned or leased by cemetery prohibited; owner of private burial ground owning or maintaining funeral establishment.

Sec. 1812. (1) An individual, partnership, association, municipal corporation, body politic, or corporation which owns or conducts, either directly or indirectly, a cemetery or burial ground in this state shall not own, manage, supervise, operate, or maintain, either directly or indirectly, a funeral establishment, or permit an officer, agent, or employee to own or maintain a funeral establishment. This subsection shall not apply to an elected official of a city, village, township, or county who serves as an ex officio member of a local cemetery board as a result of holding that office.

(2) An individual, partnership, association, municipal corporation, body politic, or corporation which owns or conducts a cemetery in this state shall not allow a funeral establishment to be owned or conducted on property owned or leased by the cemetery and used for cemetery purposes or designated as a cemetery.

(3) This section shall not prohibit the owner of a private burial ground used for the interment of the owner’s family or the owner’s descendants [*sic*] to own or maintain a funeral establishment under this article.

...

As part of the 2014 Zoning Ordinance Text Amendment, crematory regulations and procedures were changed. A report submitted to the City Planning Commission contained the following information:

In recent years, permit applicants have noted that crematories are prohibited except where they are accessory to cemeteries. Cemeteries are only permitted on

land zoned R1, R2, and R3. CPC staff understands that current technology is such that crematories can operate off-site without off-site impacts. Many more people are opting for cremation for cultural, religious, and economic reasons...

With the passage of the 2014 Zoning Ordinance Text Amendment, the fourteen instances where the land use “Mortuary or Funeral home” was mentioned, were amended to read: “Mortuary or funeral home, including those containing a crematory.” Crematories were then allowed as accessory uses to both cemeteries and mortuaries/funeral homes, however they remained prohibited as stand-alone, principal uses of the land. This created a discrepancy between state and city regulations, which the proposed text amendment aims to correct.

To bring the 2019 Detroit City Code into alignment with state law, while allowing the development of more crematories in the city, the text amendment proposes to:

- Remove “crematories” as an allowed accessory use to mortuary and funeral homes, by amending all instances where the land use, “Mortuary or funeral home, including those containing a crematory,” is mentioned, to read “Mortuary or funeral home.” (*Secs. 50-9-52, 50-9-82, 50-9-106, 50-9-136, 50-9-166, 50-10-16, 50-10-46, 50-10-76, 50-10-106, 50-11-116, 50-11-266, 50-12-70, Appendix A, Divisions 3 and 13*)
- Amend the specific use standard for “Mortuary or funeral home,” which currently reads, “Mortuaries and funeral homes may contain a crematory on the premises as an accessory use,” to read, “Mortuaries and funeral homes may not contain a crematory on the premises.” (*Sec. 50-12-234*)
- Create a new principal land use, “Crematory or pet crematory,” which will allow for stand-alone crematories by right in the following zoning districts: M1 (Limited Industrial), M2 (Restricted Industrial), M3 (General Industrial), and M4 (Intensive Industrial). (*Secs. 50-10-17, 50-10-47, 50-10-77, 50-10-107, 50-10-137, 50-12-81, Appendix A, Divisions 3 and 16*)
- Adding the following definitions
 - *Crematory*: A building or structure, within which the remains of deceased persons are or are intended to be cremated, whether as a stand-alone facility as a principal use, or within a cemetery as an accessory use. (*Sec. 50-16-153*)
 - *Pet Crematory*: Any land, place, structure, or facility used or intended to be used for the cremation of pets. (*Sec. 50-16-341*)
- Adding a specific use standard for crematories, “Crematories, whether as a principal use, or accessory to a cemetery, shall be located not less than 150 feet from the nearest residential property line.” (*Sec. 50-12-234*)

The proposed amendment will not impact the current provision that allows crematories as an accessory use to cemeteries. In Detroit cemeteries are permitted only on land zoned R1, R2, and R3. Similarly, state law allows any or all of the four features that fall under the definition of cemetery (burial ground, mausoleum, crematory, columbarium), to collocate on the same land.

BOARD OF ZONING APPEALS

The Michigan Zoning Enabling Act (MCL 125.3601) states that a municipality's Board of Zoning Appeals must have at least five members where the population exceeds 5,000 people. It also requires the Zoning Ordinance to specify the number of members.

As recently modified, the Detroit City Charter (Sec. 4-201) says that "The Board of Zoning Appeals shall be composed of at least seven members, one each from the non at- large districts." No maximum number of BZA members is mentioned.

The Zoning Ordinance, however, perhaps unintentionally, caps the number of BZA members at seven where it states, "...the membership of the Board shall consist of one member from each non-at-large district. (*Sec. 50-2-63(b)*).

Given City Council's intent to expand the size of the BZA from seven to nine members, the eighth and the ninth members would necessarily violate the one-member-per-district rule. The proposed remedy is to amend this section to say, "...the membership of the Board shall consist of at least one member from each non-at-large district." The resulting BZA membership would then be comparable to that of the City Planning Commission, which includes a commissioner for each district and two commissioners "at large."

DEMOLITIONS

Two Zoning Ordinance amendments since 2005 have aspired, where possible, to protect buildings from demolition in certain situations:

- **Traditional Main Street Overlay (TMSO)** areas have been identified and specially regulated because of their long-standing character as walkable retail corridors. TMSOs have been a part of the Zoning Ordinance since 2005. In hopes of retaining existing commercial buildings built at the sidewalk's edge over their replacement by strip malls, the TMSO regs have required demolition permits for buildings along a designated Traditional Main Street to be referred to P&DD for review in hopes that new development might be facilitated without removal of existing structures. Since 2020, there are 12 designated TMSOs (*Sec. 50-11-382*):

(1) **West Seven Mile.** All zoning lots abutting West Seven Mile Road between the zoning lots at the four corners of John R Avenue and the center line of Woodward Avenue.

(2) **Grand River/Lasher Road.** All zoning lots abutting Grand River Avenue between the center line of Greenfield Road and the zoning lots at the four corners of Lahser Road and all zoning lots abutting Lahser Road between West McNichols Road and Santa Clara Avenue.

(3) **Bagley/Vernor.** All zoning lots abutting Bagley Avenue between the center line of 16th Street and the center line of 24th Street; and all zoning lots abutting West Vernor Highway between the center line of Newark Avenue and the center line of Clark Street.

- (4) **Livernois/West McNichols.** All zoning lots abutting Livernois Avenue between the center line of the John C. Lodge Freeway and the center line of West Eight Mile Road; and all zoning lots abutting West McNichols Road between the center line of Lawton Avenue and the zoning lots at the four corners of Wyoming Avenue.
- (5) **East Jefferson.** All zoning lots abutting East Jefferson Avenue between the center lines of Dickerson Avenue/Gray Avenue and the city limits of Grosse Pointe Park.
- (6) **Woodward.** All zoning lots abutting Woodward Avenue between the center line of Temple Avenue/Alfred Street and the city limits of Highland Park.
- (7) **Grand Boulevard.** All zoning lots abutting West Grand Boulevard/East Grand Boulevard between the John C. Lodge Freeway (M- 10) and the eastern edge of Cameron Street (extended).
- (8) **Michigan Avenue.** All zoning lots abutting Michigan Avenue between the John C. Lodge Freeway (M-10) and the zoning lots at the four corners of Vinewood Avenue.
- (9) **Vernor/Springwells.** All zoning lots abutting West Vernor Highway between the center line of Clark Street and the zoning lots at the four corners of Woodmere Avenue; and all zoning lots abutting Springwells Avenue between the four corners of West Vernor Highway and the four corners of the Fisher Freeway (I-75) service drives.
- (10) **East Warren Avenue.** All zoning lots abutting East Warren Avenue between Audubon Avenue and the four corners of Radnor Street.
- (11) **West Warren Avenue.** All zoning lots abutting West Warren Avenue between the Southfield Freeway and Greenfield Road.
- (12) **Van Dyke Street.** All zoning lots abutting Van Dyke Street between East Seven Mile and East Eight Mile Roads.

- The **School Building Adaptive Re-use (SBAR)** text amendment, adopted in 2012, aimed at preserving and reviving buildings that were originally built as schools but subsequently have gone vacant by allowing certain uses to be permitted within their confines on a conditional basis even where the zoning district regulations would ordinarily prohibit such uses and where redevelopment would be prevented without a rezoning. The SBAR amendment required additional, separate review of a proposed re-use where demolition was proposed as part of the adaptive re-use. (*Sec. 50-12-138(b)(3)*)

This proposed text amendment would remove the TMSO demolition provision from Sec. 50-11-385(b) in Chapter 50, *Zoning*, and move it to the Property Maintenance Code

within Chapter 8 of the 2019 Detroit City Code, *Building Construction and Property Maintenance*. This amendment would also remove the SBAR demolition provision from Sec. 50-12-138(b)(3) in Chapter 50 and move it to Chapter 8.

The Law Department and BSEED advise that by reciting these demolition review provisions in Chapter 8, staff that receive and review demolition permit applications and work with the Building Code every day are more likely to note the need for special review than if the provisions remain in Zoning. A separate amendment to the City Code for these proposed Chapter 8 provisions is being prepared for consideration by City Council. (Unlike Chapter 50 amendments, City Council can proceed with an amendment to Chapter 8 without review and recommendation by the CPC.)

CPC MEETINGS

Presentation – May 4, 2023

On May 4, 2023, the City Planning Commission (CPC) heard a presentation on the proposed text amendment, given by CPC staff.

Public Hearing, with same day Recommendation & Action – May 18, 2023

On May 18, 2023, the City Planning Commission (CPC) held a public hearing on this proposed text amendment. The public hearing notice was mailed to our city-wide mailing list of 1,500 people who have expressed an interest in zoning amendments. It was published in the Detroit Legal News on May 3, 2023. It was also sent to our email subscriber list of slightly over 4,000.

There were no public comments on this matter at the public hearing. No correspondence has been received in support or opposition.

The CPC asked a number of clarifying questions, specifically regarding the portion of the amendment relating to crematories. A request was made that staff provide information on the typical size of a building used for cremation purposes.

Finally, the CPC opted to take same day action, no waiver was necessary. The City Planning Commission voted unanimously to recommend approval of the proposed text amendment.

CONCLUSION & RECOMMENDATION

On May 18, 2023, the City Planning Commission voted to recommend approval of the proposed text amendment to Chapter 50 of the 2019 Detroit City Code to change the permissibility of crematories as accessory uses to funeral establishments, to create a stand-alone and pet crematory use, to address the number of members on the BZA, and to remove provisions related to demolitions.

Respectfully submitted,
LAUREN HOOD, CHAIRPERSON



Marcell R. Todd, Jr., Director
M. Rory Bolger, City Planner
Timarie A. Szwed, City Planner

Attachments: Draft Text Amendment (Unsigned)

Cc: Antoine Bryant, Director, PDD
Katy Trudeau, Deputy Director, PDD
Karen Gage, PDD
Greg Moots, PDD
David Bell, Director, BSEED
James Foster, BSEED
Daniel Arking, Law Department

S U M M A R Y

This ordinance amends Chapter 50 of the Detroit City Code, ‘Zoning,’ by deleting Article XIV, *Development Standards*, Division 3, *Architectural and Site Design Standards*, Subdivision C, *Traditional Main Street Overlay Areas*, Section 50-14-448, *Building design standards—Vacant structures*, and by adding Article XII, *Use Regulations*, Division 3, *Specific Use Standards*, Subdivision F, *Manufacturing and Industrial Uses*, Section 50-12-367, *Crematory*, and by amending Article II, *Review and Decision-Making Bodies*, Division 5, *Board of Zoning Appeals*, Section 50-2-63, *Membership; terms of office; compensation; vacancies; removal*, Article IX, *Business Zoning Districts*, Division 3, *B2 Local Business and Residential District*, Section 50-9-52, *Conditional retail, service, and commercial uses*, Division 4, *B3 Shopping District*, Section 50-9-82, *Conditional retail, service, and commercial uses*, Division 5, *B4 General Business District*, Section 50-9-106, *By-right retail, service, and commercial uses*, Division 6, *B5 Major Business District*, Section 50-9-136, *By-right retail, service, and commercial uses*, Division 7, *B6 General Services District*, Section 50-9-166, *By-right retail, service, and commercial uses*, Article X, *Industrial Zoning Districts*, Division 2, *M1 Limited Industrial District*, Section 50-10-16, *By-right retail, service, and commercial uses*, Section 50-10-17, *By-right manufacturing and industrial uses*, Division 3, *M2 Restricted Industrial District*, Section 50-10-46, *By-right retail, service, and commercial uses*, Section 50-10-47, *By-right manufacturing and industrial uses*, Division 4, *M3 General Industrial District*, Section 50-10-76, *By-right retail, service, and commercial uses*, Section 50-10-77, *By-right manufacturing and industrial uses*, Division 5, *M4 Intensive Industrial District*, Section 50-10-106, *By-right retail, service, and commercial uses*, Section 50-10-107, *By-right manufacturing and industrial uses*, Division 6, *M5 Special Industrial*

District, Section 50-10-137, By-right manufacturing and industrial uses, Article XI, Special Purpose Zoning Districts and Overlay Areas, Division 6, Transitional-Industrial District, Section 50-11-116, By-right retail, service, and commercial uses, Division 11, SD2—Special Development District, Mixed-Use, Section 50-11-266, By-right retail, service, and commercial uses, Division 14, Overlay Areas, Subdivision B, Traditional Main Street Overlay Areas, Section 50-11-385, Applicability of design standards; exception, Article XII, Use Regulations, Division 1, Use Table, Subdivision D, Retail, Service and Commercial Uses, Section 50-12-70, Retail sales and service, service-oriented, Subdivision E, Manufacturing and Industrial Uses, Section 50-12-81, Industrial service, Division 2, General Use Standards, Section 50-12-138, School building adaptive reuse provision, Division 3, Specific Use Standards, Subdivision C, Retail, Service, and Commercial Uses; Generally Section 50-12-234, Mortuary or funeral home, Article XVI, Rules of Construction and Definitions, Division 2, Words and Terms Defined, Subdivision D, Letter “C”, Section 50-16-153, Words and terms (Cn—Cs), Subdivision N, Letter “P”, Section 50-16-341, Words and terms (Pa—Pg), Appendix A, Assignment of Specific Use Types to General Use Categories, Division 3, Letter “C,” Division 13, Letter “M,” Division 16, Letter “P,” to bring this Chapter of the 2019 Detroit City Code into alignment with the State of Michigan’s Cemetery Regulation Act (1968 PA 251) by removing crematories as an allowed accessory use to mortuaries and funeral homes, to create a “Crematory or pet crematory” principal land use label and designate appropriate zoning districts for such use, to add definitions for “crematory” and “pet crematory,” to define specific use regulations for the “Crematory or pet crematory” principal use; to reconcile the provision related to membership on the Board of Zoning Appeals with the same provision in the Detroit City Charter; and to remove provisions related to demolitions that are being newly added to Chapter 8, Article II of the 2019 Detroit City Code.

1 **BY COUNCIL MEMBER _____** :

2 **AN ORDINANCE** to amend Chapter 50 of the Detroit City Code, ‘Zoning,’ by deleting
3 Article XIV, *Development Standards*, Division 3, *Architectural and Site Design Standards*,
4 Subdivision C, *Traditional Main Street Overlay Areas*, Section 50-14-448, *Building design*
5 *standards—Vacant structures*, and by adding Article XII, *Use Regulations*, Division 3, *Specific*
6 *Use Standards*, Subdivision F, *Manufacturing and Industrial Uses*, Section 50-12-367, *Crematory*,
7 and by amending Article II, *Review and Decision-Making Bodies*, Division 5, *Board of Zoning*
8 *Appeals*, Section 50-2-63, *Membership; terms of office; compensation; vacancies; removal*,
9 Article IX, *Business Zoning Districts*, Division 3, *B2 Local Business and Residential District*,
10 Section 50-9-52, *Conditional retail, service, and commercial uses*, Division 4, *B3 Shopping*
11 *District*, Section 50-9-82, *Conditional retail, service, and commercial uses*, Division 5, *B4 General*
12 *Business District*, Section 50-9-106, *By-right retail, service, and commercial uses*, Division 6, *B5*
13 *Major Business District*, Section 50-9-136, *By-right retail, service, and commercial uses*, Division
14 7, *B6 General Services District*, Section 50-9-166, *By-right retail, service, and commercial uses*,
15 Article X, *Industrial Zoning Districts*, Division 2, *M1 Limited Industrial District*, Section 50-10-
16 16, *By-right retail, service, and commercial uses*, Section 50-10-17, *By-right manufacturing and*
17 *industrial uses*, Division 3, *M2 Restricted Industrial District*, Section 50-10-46, *By-right retail,*
18 *service, and commercial uses*, Section 50-10-47, *By-right manufacturing and industrial uses*,
19 Division 4, *M3 General Industrial District*, Section 50-10-76, *By-right retail, service, and*
20 *commercial uses*, Section 50-10-77, *By-right manufacturing and industrial uses*, Division 5, *M4*
21 *Intensive Industrial District*, Section 50-10-106, *By-right retail, service, and commercial uses*,
22 Section 50-10-107, *By-right manufacturing and industrial uses*, Division 6, *M5 Special Industrial*
23 *District*, Section 50-10-137, *By-right manufacturing and industrial uses*, Article XI, *Special*

1 *Purpose Zoning Districts and Overlay Areas*, Division 6, *Transitional-Industrial District*, Section
2 50-11-116, *By-right retail, service, and commercial uses*, Division 11, *SD2—Special Development*
3 *District, Mixed-Use*, Section 50-11-266, *By-right retail, service, and commercial uses*, Division
4 14, *Overlay Areas*, Subdivision B, *Traditional Main Street Overlay Areas*, Section 50-11-385,
5 *Applicability of design standards; exception*, Article XII, *Use Regulations*, Division 1, *Use Table*,
6 Subdivision D, *Retail, Service and Commercial Uses*, Section 50-12-70, *Retail sales and service*,
7 *service-oriented*, Subdivision E, *Manufacturing and Industrial Uses*, Section 50-12-81, *Industrial*
8 *service*, Division 2, *General Use Standards*, Section 50-12-138, *School building adaptive reuse*
9 *provision*, Division 3, *Specific Use Standards*, Subdivision C, *Retail, Service, and Commercial*
10 *Uses*; Generally Section 50-12-234, *Mortuary or funeral home*, Article XVI, *Rules of Construction*
11 *and Definitions*, Division 2, *Words and Terms Defined*, Subdivision D, *Letter “C”*, Section 50-16-
12 153, *Words and terms (Cn—Cs)*, Subdivision N, *Letter “P”*, Section 50-16-341, *Words and terms*
13 *(Pa—Pg)*, Appendix A, *Assignment of Specific Use Types to General Use Categories*, Division 3,
14 *Letter “C,”* Division 13, *Letter “M,”* Division 16, *Letter “P,”*.

15 **IT IS HEREBY ORDAINED BY THE PEOPLE FO THE CITY OF DETROIT**
16 **THAT:**

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

18 **CHAPTER 50. ZONING**

19 **ARTICLE II. REVIEW AND DECISION-MAKING BODIES**

20 **DIVISION 5. BOARD OF ZONING APPEALS**

21 **Sec. 50-2-63. Membership; terms of office; compensation; vacancies; removal.**

- 1 (a) The Board of Zoning Appeals shall be composed of not fewer than five or more than nine
2 members who, in accordance with Section 601(1) of the Michigan Zoning Enabling Act,
3 being MCL 125.3601(1), are appointed by a majority vote of City Council members serving.
4 The members shall be residents of the City of Detroit and, as provided for in Section 601(4)
5 of the Michigan Zoning Enabling Act, being MCL 125.3601(4), not more than one member
6 may also be a member of the City Planning Commission.
- 7 (b) In accordance with Section 601(10) of the Michigan Zoning Enabling Act, being MCL
8 125.3601(10), the members shall have staggered terms of three years each. Pursuant to
9 Section 4-201 of the Charter, the membership of the Board shall consist of at least one
10 member from each non at-large district.
- 11 (c) In accordance with Section 601(8) of the Michigan Zoning Enabling Act, being MCL
12 125.3601(8), compensation of members may be paid at a reasonable per diem rate and
13 members may be reimbursed for expenses actually incurred in the discharge of their duties.
14 Compensation of members shall be fixed by City Council through adoption of a resolution.
- 15 (d) In accordance with Section 601(11) of the Michigan Zoning Enabling Act, being MCL
16 125.3601(11), a vacancy on the Board shall be filled by the City Council for the remainder of
17 the unexpired term in the same manner as the original appointment.
- 18 (e) In accordance with Section 601(9) of the Michigan Zoning Enabling Act, being MCL
19 125.3601(9):
- 20 (1) A member may be removed for cause by the City Council for misfeasance, malfeasance,
21 or nonfeasance in office upon written charges and after public hearing;

1 (2) A member shall disqualify himself or herself from a vote in which the member has a
2 conflict of interest; and

3 3) Failure of a member to disqualify himself or herself from a vote in which the member has
4 a conflict of interest constitutes malfeasance in office.

5 (Code 1984, § 61-2-42; Ord. No. 11-05, § 1(61-2-42), eff. 5-28-2005; Ord. No. 44-06, § 1(61-2-
6 42), eff. 12-21-2006; Ord. No. 24-08, § 1(61-2-42), eff. 11-1-2008)

7 **ARTICLE IX. BUSINESS ZONING DISTRICTS**

8 **DIVISION 3. B2 LOCAL BUSINESS AND RESIDENTIAL DISTRICT**

9 **Section 50-9-52. – Conditional retail, service, and commercial uses.**

10 Conditional retail, service, and commercial uses in the B2 Local Business and Residential
11 District are as follows:

12 (1) Automated teller machine not accessory to another use on the same zoning lot,
13 which is stand-alone, with drive-up or drive-through facilities.

14 (2) Bank with drive-up or drive-through facilities.

15 (3) Banquet facility.

16 (4) Bed and breakfast inn.

17 (5) Cabaret, subject to Section 50-12-218 of this Code.

18 (6) Customer service center with drive-up or drive-through facilities.

- 1 (7) Establishment for the sale of beer or alcoholic liquor for consumption on the
2 premises, subject to Section 50-12-220 of this Code.
- 3 (8) Financial services center.
- 4 (9) Food stamp distribution center.
- 5 (10) Hotel.
- 6 (11) Mortuary or funeral home, ~~including those containing a crematory.~~
- 7 (12) Motel.
- 8 (13) Plasma donation center, except such use is not permitted on any zoning lot
9 abutting a Gateway Radial Thoroughfare.
- 10 (14) Printing or engraving shops with building size not exceeding 6,000 square feet.
- 11 (15) Private club, lodge, or similar use.
- 12 (16) Radio or television station.
- 13 (17) Recording studio or photo studio or video studio, no assembly hall.
- 14 (18) Restaurant, fast-food without drive-up or drive-through facilities.
- 15 (19) Restaurant, standard, with the sale of beer or alcoholic liquor for consumption on
16 the premises and without drive-up or drive-through facilities, as provided in Sec.
17 50-12-311 of this Code.
- 18 (20) Specially designated distributor's (SDD) or specially designated merchant's
19 (SDM) establishment.

1 (21) Youth hostel/hostel.

2 **DIVISION 4. B3 SHOPPING DISTRICT**

3 **Section 50-9-82. – Conditional retail, service, and commercial uses.**

4 Conditional retail, service, and commercial uses in the B3 Shopping District are as
5 follows:

6 (1) Arcade.

7 (2) Automated teller machine not accessory to another use on the same zoning lot,
8 which is stand-alone, with drive-up or drive-through facilities.

9 (3) Bank with drive-up or drive-through facilities.

10 (4) Banquet facility.

11 (5) Business college or commercial trade school.

12 (6) Brewpub or microbrewery or small distillery or small winery, subject to Section
13 50-12-217 of this Code.

14 (7) Cabaret.

15 (8) Customer service center with drive-up or drive-through facilities.

16 (9) Dance hall, public.

17 (10) Establishment for the sale of beer or alcoholic liquor for consumption on the
18 premises.

19 (11) Financial services center.

- 1 (12) Firearms dealership.
- 2 (13) Firearms target practice range, indoor.
- 3 (14) Food stamp distribution center.
- 4 (15) Hotel.
- 5 (16) Mortuary or funeral home, ~~including those containing a crematory.~~
- 6 (17) Motel.
- 7 (18) Motor vehicle filling station.
- 8 (19) Motor vehicles, new, salesroom or sales lot.
- 9 (20) Plasma donation center.
- 10 (21) Pool hall.
- 11 (22) Private club, lodge, or similar use.
- 12 (23) Restaurant, carry-out with drive-up or drive-through facilities.
- 13 (24) Restaurant, fast-food with or without drive-up or drive-through facilities.
- 14 (25) Restaurant, standard, subject to Section 50-12-311 of this Code.
- 15 (26) Specially designated distributor's (SDD) or specially designated merchant's
- 16 (SDM) establishment.

17 **DIVISION 5. B4 GENERAL BUSINESS DISTRICT**

18 **Section 50-9-106. By-right retail, service, and commercial uses.**

1 By-right retail, service, and commercial uses in the B4 General Business District are as
2 follows:

- 3 (1) Animal-grooming shop.
- 4 (2) Art gallery.
- 5 (3) Assembly hall.
- 6 (4) Automated teller machine not accessory to another use on the same zoning lot,
7 which is stand-alone, without drive-up or drive-through facilities.
- 8 (5) Bake shop, retail.
- 9 (6) Bank without drive-up or drive-through facilities.
- 10 (7) Barber or beauty shop.
- 11 (8) Brewpub or microbrewery or small distillery or small winery, inside the Central
12 Business District.
- 13 (9) Business college or commercial trade school.
- 14 (10) Cabaret, inside the Central Business District.
- 15 (11) Commissary.
- 16 (12) Customer service center without drive-up or drive-through facilities.
- 17 (13) Dance hall, public, inside the Central Business District.
- 18 (14) Dry cleaning, laundry, or laundromat.

- 1 (15) Establishment for the sale of beer or alcoholic liquor for consumption on the
2 premises, inside the Central Business District.
- 3 (16) Hotel, inside the Central Business District.
- 4 (17) Medical or dental clinic, physical therapy clinic, or massage facility.
- 5 (18) Mortuary or funeral home, ~~including those containing a crematory.~~
- 6 (19) Motor vehicles, new, salesroom or sales lot.
- 7 (20) Motor vehicles, new, storage lot accessory to a salesroom or sales lot for new
8 motor vehicles.
- 9 (21) Nail salon.
- 10 (22) Office, business or professional.
- 11 (23) Parking lots or parking areas for operable private passenger vehicles subject to
12 Section 50-12-299 of this Code.
- 13 (24) Parking structure.
- 14 (25) Pet shop.
- 15 (26) Private club, lodge, or similar use.
- 16 (27) Radio or television station.
- 17 (28) Radio, television, or household appliance repair shop, except such use is not
18 permitted on any zoning lot abutting a Gateway Radial Thoroughfare.
- 19 (29) Recreation, indoor commercial and health club.

- 1 (30) Recording studio or photo studio or video studio, no assembly hall.
- 2 (31) Restaurant, carry-out, without drive-up or drive-through facilities, except such use
3 is prohibited on any zoning lot abutting the Woodward Avenue Gateway Radial
4 Thoroughfare where not located in a multi-story building and integrated into a
5 mixed-use or multi-tenant development.
- 6 (32) Restaurant, fast-food, without drive-up or drive-through facilities, where located
7 in a multi-story building and integrated into a mixed use or multi-tenant
8 development.
- 9 (33) Restaurant, standard, without drive-up or drive-through facilities.
- 10 (34) Retail sales and personal service in business and professional offices.
- 11 (35) Retail sales and personal service in multiple-residential structures, as provided for
12 in Section 50-12-312 of this Code.
- 13 (36) School or studio of dance, gymnastics, music, art, or cooking.
- 14 (37) Shoe repair shop.
- 15 (38) Stores of a generally recognized retail nature whose primary business is the sale of
16 new merchandise with or without drive-up or drive-through facilities.
- 17 (39) Veterinary clinic for small animals.

18 **DIVISION 6. B5 MAJOR BUSINESS DISTRICT**

19 **Section 50-9-136. By-right retail, service, and commercial uses.**

1 By-right retail, service, and commercial uses within the B5 Major Business District are as
2 follows:

- 3 (1) Animal-grooming shop.
- 4 (2) Art gallery.
- 5 (3) Assembly hall.
- 6 (4) Automated teller machine not accessory to another use on the same zoning lot,
7 which is stand-alone, without drive-up or drive-through facilities.
- 8 (5) Bake shop, retail.
- 9 (6) Bank without drive-up or drive-through facilities.
- 10 (7) Banquet facility.
- 11 (8) Barber or beauty shop.
- 12 (9) Body art facility.
- 13 (10) Brewpub or microbrewery or small distillery or small winery, inside the Central
14 Business District.
- 15 (11) Business college or commercial trade school.
- 16 (12) Cabaret, inside the Central Business District.
- 17 (13) Commissary.
- 18 (14) Customer service center without drive-up or drive-through facilities.
- 19 (15) Dance hall, public, inside the Central Business District.

- 1 (16) Dry cleaning, laundry, or laundromat.
- 2 (17) Employee recruitment center.
- 3 (18) Establishment for the sale of beer or alcoholic liquor for consumption on the
4 premises, inside the Central Business District.
- 5 (19) Financial services center without drive-up or drive-through facilities.
- 6 (20) Food stamp distribution center without drive-up or drive-through facilities.
- 7 (21) Hotel, inside the Central Business District.
- 8 (22) Medical or dental clinic, physical therapy clinic, or massage facility.
- 9 (23) Mortuary or funeral home, ~~including those containing a crematory.~~
- 10 (24) Motor vehicles, new, salesroom or sales lot.
- 11 (25) Motor vehicles, new, storage lot accessory to a salesroom or sales lot for new
12 motor vehicles.
- 13 (26) Nail salon.
- 14 (27) Office, business or professional.
- 15 (28) Parking lots or parking areas for operable private passenger vehicles.
- 16 (29) Parking structure having ground floor commercial space or other space oriented to
17 pedestrian traffic.
- 18 (30) Pet shop.
- 19 (31) Pool hall.

- 1 (32) Printing or engraving shops.
- 2 (33) Private club, lodge, or similar use.
- 3 (34) Radio or television station.
- 4 (35) Radio, television, or household appliance repair shop.
- 5 (36) Recording studio or photo studio or video studio, no assembly hall.
- 6 (37) Recreation, indoor commercial and health club.
- 7 (38) Rental hall.
- 8 (39) Restaurant, carry-out and fast-food as provided for in Section 50-12-310(7) of this
9 Code.
- 10 (40) Restaurant, standard, without drive-up or drive-through facilities.
- 11 (41) Retail sales and personal service in business and professional offices.
- 12 (42) Retail sales and personal service in multiple-residential structures, as provided for
13 in Section 50-12-312 of this Code.
- 14 (43) School or studio of dance, gymnastics, music, art, or cooking.
- 15 (44) Shoe repair shop.
- 16 (45) Stores of a generally recognized retail nature whose primary business is the sale
17 of new merchandise without drive-up or drive-through facilities.
- 18 (46) Theater and concert café, excluding drive-in theaters.
- 19 (47) Veterinary clinic for small animals.

1 **DIVISION 7. – B6 GENERAL SERVICES DISTRICT**

2 **Section 50-9-166. – By-right retail, service, and commercial uses**

3 By-right retail, service, and commercial uses within the B6 General Services District are as
4 follows:

5 (1) Assembly hall.

6 (2) Art gallery.

7 (3) Automated teller machine not accessory to another use on the same zoning lot,
8 which is stand-alone.

9 (4) Bake shop, retail.

10 (5) Bank.

11 (6) Banquet facility.

12 (7) Barber or beauty shop.

13 (8) Body art facility.

14 (9) Brewpub or microbrewery or small distillery or small winery, inside the Central
15 Business District.

16 (10) Business college or commercial trade school.

17 (11) Cabaret, inside the Central Business District.

18 (12) Commissary.

19 (13) Customer service center.

- 1 (14) Dance hall, public, inside the Central Business District.
- 2 (15) Dry cleaning, laundry, or laundromat.
- 3 (16) Employee recruitment center.
- 4 (17) Establishment for the sale of beer or alcoholic liquor for consumption on the
5 premises, inside the Central Business District.
- 6 (18) Financial services center.
- 7 (19) Food stamp distribution center.
- 8 (20) Hotel, inside the Central Business District.
- 9 (21) Kennel, commercial.
- 10 (22) Medical or dental clinic, physical therapy clinic, or massage facility.
- 11 (23) Mortuary or funeral home, ~~including those containing a crematory.~~
- 12 (24) Motor vehicle filling station as provided for in Section 50-12-252(2) of this Code.
- 13 (25) Motor vehicle washing and steam cleaning.
- 14 (26) Motor vehicles, new, salesroom or sales lots.
- 15 (27) Motor vehicles, new, storage lot accessory to a salesroom or sales lot for new motor
16 vehicles.
- 17 (28) Nail salon.
- 18 (29) Office, business or professional.
- 19 (30) Parking lots or parking areas for operable private passenger vehicles.

- 1 (31) Parking structure.
- 2 (32) Pet shop.
- 3 (33) Pool hall.
- 4 (34) Private club, lodge, or similar use.
- 5 (35) Produce or food markets, wholesale.
- 6 (36) Radio or television station.
- 7 (37) Radio, television, or household appliance repair shop.
- 8 (38) Recording studio or photo studio or video studio, no assembly hall.
- 9 (39) Recreation, indoor commercial and health club.
- 10 (40) Rental hall.
- 11 (41) Restaurant, carry-out or fast-food.
- 12 (42) Restaurant, standard, subject to Section 50-12-311 of this Code.
- 13 (43) Retail sales and personal service in business and professional offices.
- 14 (44) Shoe repair shop.
- 15 (45) Storage or killing of poultry or small game for direct, retail sale on the premises or
16 for wholesale trade.
- 17 (46) Stores of a generally recognized retail nature whose primary business is the sale of
18 new merchandise with or without drive-up or drive-through facilities.
- 19 (47) Taxicab dispatch and/or storage facility.

1 (48) Trailer coaches or boat sale or rental, open air display.

2 (49) Trailers, utility—sales, rental or service; moving truck/trailer rental lots.

3 **ARTICLE X. – INDUSTRIAL ZONING DISTRICTS**

4 **DIVISION 2. – M1 LIMITED INDUSTRIAL DISTRICT**

5 **Section 50-10-16. – By-right retail, service, and commercial uses.**

6 By-right residential uses within the M1 Limited Industrial District are as follows:

7 (1) Animal-grooming shop.

8 (2) Arcade.

9 (3) Art gallery.

10 (4) Assembly hall.

11 (5) Automated teller machine not accessory to another use on the same zoning lot,
12 which is stand-alone.

13 (6) Bake shop, retail.

14 (7) Bank without drive-up or drive-through facilities.

15 (8) Banquet facility.

16 (9) Barber or beauty shop.

17 (10) Body art facility.

- 1 (11) Brewpub or microbrewery or small distillery or small winery, subject to Section 50-
2 12-217 of this Code.
- 3 (12) Business college or commercial trade school.
- 4 (13) Commissary.
- 5 (14) Customer service center.
- 6 (15) Dry cleaning, laundry, or laundromat.
- 7 (16) Employee recruitment center.
- 8 (17) Financial services center without drive-up or drive-through facilities.
- 9 (18) Food stamp distribution center.
- 10 (19) Go-cart track.
- 11 (20) Golf course, miniature.
- 12 (21) Kennel, commercial.
- 13 (22) Medical or dental clinic, physical therapy clinic, or massage facility.
- 14 (23) Mortuary or funeral home, ~~including those containing a crematory.~~
- 15 (24) Motor vehicle filling station as provided for in Section 50-12-252(2) of this Code.
- 16 (25) Motor vehicle washing and steam cleaning.
- 17 (26) Motor vehicles, new, salesroom or sales lot.
- 18 (27) Motor vehicles, new, storage lot accessory to a salesroom or sales lot for new motor
19 vehicles.

- 1 (28) Nail salon.
- 2 (29) Office, business or professional.
- 3 (30) Parking lots or parking areas for operable private passenger vehicles.
- 4 (31) Parking structure.
- 5 (32) Pet shop.
- 6 (33) Pool hall.
- 7 (34) Precious metal and gem dealer.
- 8 (35) Printing or engraving shops.
- 9 (36) Private club, lodge, or similar use.
- 10 (37) Produce or food markets, wholesale.
- 11 (38) Radio or television station.
- 12 (39) Radio, television, or household appliance repair shop.
- 13 (40) Rebound tumbling center.
- 14 (41) Recording studio or photo studio or video studio, no assembly hall.
- 15 (42) Recreation, indoor commercial and health club.
- 16 (43) Rental hall.
- 17 (44) Restaurant, standard, subject to Section 50-12-311 of this Code.
- 18 (45) Retail sales and personal service in business and professional offices.

- 1 (46) School or studio of dance, gymnastics, music, art, or cooking.
- 2 (47) Shoe repair shop.
- 3 (48) Stores of a generally recognized retail nature whose primary business is the sale of
- 4 new merchandise, with or without drive-up or drive-through facilities.
- 5 (49) Taxicab dispatch and/or storage facility.
- 6 (50) Theater and concert café, excluding drive-in theaters.
- 7 (51) Trailer coaches or boat sale or rental, open air display.
- 8 (52) Trailers, utility—sales, rental or service; moving truck/trailer rental lots.
- 9 (53) Used goods dealer.
- 10 (54) Veterinary clinic for small animals.

11 **Section 50-10-17. – By-right manufacturing and industrial uses.**

12 By-right manufacturing and industrial uses within the M1 Limited Industrial District are as
13 follows:

- 14 (1) Blueprinting shop.
- 15 (2) Contractor, yard, landscape or construction.
- 16 (3) Crematory or pet crematory.
- 17 ~~(34)~~ Food catering establishment.
- 18 ~~(45)~~ Jewelry manufacture.
- 19 ~~(56)~~ Lumber yard.

- 1 (67) Newspaper, daily, publishing or printing.
- 2 (7) ~~Pet crematory.~~
- 3 (8) Research or testing laboratory.
- 4 (9) Trade services, general.
- 5 (10) Vending machine commissary.
- 6 (11) Wholesaling, warehousing, storage buildings, or public storage facilities.

7 **DIVISION 3. – M2 RESTRICTED INDUSTRIAL DISTRICT**

8 **Section 50-10-46. – By-right retail, service, and commercial uses.**

9 By-right retail, service and commercial uses within the M2 Restricted Industrial District are
10 as follows:

- 11 (1) Animal-grooming shop.
- 12 (2) Arcade.
- 13 (3) Art gallery.
- 14 (4) Assembly hall.
- 15 (5) Automated teller machine not accessory to another use on the same zoning lot,
16 which is stand-alone.
- 17 (6) Bake shop, retail.
- 18 (7) Bank.
- 19 (8) Banquet facility.

- 1 (9) Barber or beauty shop.
- 2 (10) Body art facility.
- 3 (11) Brewpub or microbrewery or small distillery or small winery, subject to Section 50-
4 12-217 of this Code.
- 5 (12) Business college or commercial trade school.
- 6 (13) Commissary.
- 7 (14) Customer service center.
- 8 (15) Dry cleaning, laundry, or laundromat.
- 9 (16) Employee recruitment center.
- 10 (17) Financial services center.
- 11 (18) Food stamp distribution center.
- 12 (19) Go-cart track.
- 13 (20) Golf course, miniature.
- 14 (21) Kennel, commercial.
- 15 (22) Medical or dental clinic, physical therapy clinic, or massage facility.
- 16 (23) Mortuary or funeral home, ~~including those containing a crematory.~~
- 17 (24) Motor vehicle filling station as provided for in Section 50-12-252(2) of this Code.
- 18 (25) Motor vehicle washing and steam cleaning.
- 19 (26) Motor vehicles, new, salesroom or sales lot.

- 1 (27) Motor vehicles, new, storage lot accessory to a salesroom or sales lot for new motor
- 2 vehicles.
- 3 (28) Motorcycles, retail sales, rental or service.
- 4 (29) Nail salon.
- 5 (30) Office, business or professional.
- 6 (31) Parking lots or parking areas for operable private passenger vehicles.
- 7 (32) Parking structure.
- 8 (32) Pet shop.
- 9 (34) Pool hall.
- 10 (35) Precious metal and gem dealer.
- 11 (36) Printing or engraving shops.
- 12 (37) Private club, lodge, or similar use.
- 13 (38) Produce or food markets, wholesale.
- 14 (39) Radio or television station.
- 15 (40) Radio, television, or household appliance repair shop.
- 16 (41) Rebound tumbling center.
- 17 (42) Recording studio or photo studio or video studio, no assembly hall.
- 18 (43) Recreation, indoor commercial and health club.
- 19 (44) Rental hall.

- 1 (45) Restaurant, carry-out or fast-food with or without drive-up or drive-through
2 facilities.
- 3 (46) Restaurant, standard, subject to Section 50-12-311 of this Code.
- 4 (47) Retail sales and personal service in business and professional offices.
- 5 (48) School or studio of dance, gymnastics, music, art, or cooking.
- 6 (49) Shoe repair shop.
- 7 (50) Stores of a generally recognized retail nature whose primary business is the sale of
8 new merchandise, with or without drive-up or drive-through facilities.
- 9 (51) Taxicab dispatch and/or storage facility.
- 10 (52) Theater and concert café, excluding drive-in theaters.
- 11 (53) Trailer coaches or boat sale or rental, open air display.
- 12 (54) Trailers, utility—sales, rental, or service; moving truck/trailer rental lots.
- 13 (55) Used goods dealer.
- 14 (56) Veterinary clinic for small animals.

15 **Section 50-10-47. – By-right manufacturing and industrial uses.**

16 By-right manufacturing and industrial uses within the M2 Restricted Industrial District are
17 as follows:

- 18 (1) Baling of waste paper or rags.
- 19 (2) Blueprinting shop.

- 1 (3) Boiler repairing.
- 2 (4) Cold storage plant.
- 3 (5) Confection manufacture.
- 4 (6) Contractor yard, landscape or construction.
- 5 (~~67~~) Crematory or pet crematory.
- 6 (~~78~~) Dental products, surgical, or optical goods manufacture.
- 7 (~~89~~) Food catering establishment.
- 8 (~~910~~) Ice manufacture.
- 9 (~~1011~~) Jewelry manufacture.
- 10 (~~1112~~) Laundry, industrial.
- 11 (~~1213~~) Lithographing and sign shops.
- 12 (~~1314~~) Low/medium-impact manufacturing or processing.
- 13 (~~1415~~) Low-impact manufacturing or processing.
- 14 (~~1516~~) Lumber yard.
- 15 (~~1617~~) Newspaper, daily, publishing or printing.
- 16 (~~17~~)—~~Pet crematory.~~
- 17 (18) Railroad transfer or storage tracks.
- 18 (19) Research or testing laboratory.

- 1 (20) Storage or killing of poultry or small game for direct, retail sale on the premises or
2 for wholesale trade.
- 3 (21) Tank storage of bulk oil or gasoline.
- 4 (22) Toiletries or cosmetic manufacturing.
- 5 (23) Tool sharpening or grinding.
- 6 (24) Tool, die, and gauge manufacturing, small items.
- 7 (25) Trade services, general.
- 8 (26) Trucking terminals, transfer buildings, recreational vehicle storage lots, and open
9 areas for the parking of semi-trailers, buses, and other operable commercial
10 vehicles, not including limousines and taxicabs.
- 11 (27) Vending machine commissary.
- 12 (28) Wearing apparel manufacturing.
- 13 (29) Wholesaling, warehousing, storage buildings, or public storage facilities.

14 **DIVISION 4. – M3 GENERAL INDUSTRIAL DISTRICT**

15 **Section 50-10-76. – By-right retail, service, and commercial uses.**

16 By-right retail, service, and commercial uses within the M3 General Industrial District are
17 as follows:

- 18 (1) Animal-grooming shop.
- 19 (2) Arcade.

- 1 (3) Art gallery.
- 2 (4) Assembly hall.
- 3 (5) Automated teller machine not accessory to another use on the same zoning lot,
4 which is stand-alone.
- 5 (6) Bake shop, retail.
- 6 (7) Bank.
- 7 (8) Banquet facility.
- 8 (9) Barber or beauty shop.
- 9 (10) Body art facility.
- 10 (11) Brewpub or microbrewery or small distillery or small winery, subject to Section 50-
11 12-217 of this Code.
- 12 (12) Business college or commercial trade school.
- 13 (13) Commissary.
- 14 (14) Customer service center.
- 15 (15) Dry cleaning, laundry, or laundromat.
- 16 (16) Employee recruitment center.
- 17 (17) Financial services center.
- 18 (18) Food stamp distribution center.
- 19 (19) Go-cart track.

- 1 (20) Golf course, miniature.
- 2 (21) Kennel, commercial.
- 3 (22) Medical or dental clinic, physical therapy clinic, or massage facility.
- 4 (23) Mortuary or funeral home, ~~including those containing a crematory.~~
- 5 (24) Motor vehicle filling station as provided for in Section 50-12-252(2) of this Code.
- 6 (25) Motor vehicle washing and steam cleaning.
- 7 (26) Motor vehicles, new, salesroom or sales lot.
- 8 (27) Motor vehicles, new, storage lot accessory to a salesroom or sales lot for new motor
9 vehicles.
- 10 (28) Motorcycles, retail sales, rental or service.
- 11 (29) Nail salon.
- 12 (30) Office, business or professional.
- 13 (31) Parking lots or parking areas for operable private passenger vehicles.
- 14 (32) Parking structure.
- 15 (33) Pet shop.
- 16 (34) Pool hall.
- 17 (35) Precious metal and gem dealer.
- 18 (36) Printing or engraving shops.
- 19 (37) Private club, lodge, or similar use.

- 1 (38) Produce or food markets, wholesale.
- 2 (39) Radio or television station.
- 3 (40) Radio, television, or household appliance repair shop.
- 4 (41) Rebound tumbling center.
- 5 (42) Recording studio or photo studio or video studio, no assembly hall.
- 6 (43) Recreation, indoor commercial and health club.
- 7 (44) Rental hall.
- 8 (45) Restaurant, carry-out or fast-food with or without drive-up or drive-through
9 facilities.
- 10 (46) Restaurant, standard, subject to Section 50-12-311 of this Code.
- 11 (47) Retail sales and personal service in business and professional offices.
- 12 (48) School or studio of dance, gymnastics, music, art, or cooking.
- 13 (49) Shoe repair shop.
- 14 (50) Stores of a generally recognized retail nature whose primary business is the sale of
15 new merchandise, with or without drive-up or drive-through facilities.
- 16 (51) Taxicab dispatch and/or storage facility.
- 17 (52) Theater and concert café, excluding drive-in theaters.
- 18 (53) Trailer coaches or boat sale or rental, open air display.
- 19 (54) Trailers, utility—sales, rental or service; moving truck/trailer rental lots.

1 (55) Used goods dealer.

2 (56) Veterinary clinic for small animals.

3 **Section 50-10-77. – By-right manufacturing and industrial uses.**

4 By-right manufacturing and industrial uses within the M3 General Industrial District are as
5 follows:

6 (1) Baling of waste paper or rags.

7 (2) Blueprinting shop.

8 (3) Boiler repairing.

9 (4) Chemical materials blending or compounding but not involving chemicals
10 manufacturing.

11 (5) Cold storage plant.

12 (6) Confection manufacture.

13 (7) Containerized freight yard.

14 (8) Contractor, yard, landscape or construction.

15 (9) Crematory or pet crematory.

16 (10) Dental products, surgical, or optical goods manufacture.

17 (11) Food catering establishment.

18 (12) High/medium-impact manufacturing or processing.

19 (13) Ice manufacture.

- 1 (14) Jewelry manufacture.
- 2 (15) Laundry, industrial.
- 3 (16) Lithographing and sign shops.
- 4 (17) Low/medium-impact manufacturing or processing.
- 5 (18) Low-impact manufacturing or processing.
- 6 (19) Lumber yard.
- 7 (20) Machine shop.
- 8 (21) Newspaper, daily, publishing or printing.
- 9 ~~(21)~~ Pet crematory.
- 10 (22) Railroad transfer or storage tracks.
- 11 (23) Research or testing laboratory.
- 12 (24) Steel warehousing.
- 13 (25) Storage or killing of poultry or small game for direct, retail sale on the premises or
14 for wholesale trade.
- 15 (26) Tank storage of bulk oil or gasoline.
- 16 (27) Toiletries or cosmetic manufacturing.
- 17 (28) Tool sharpening or grinding.
- 18 (29) Tool, die, and gauge manufacturing, small items.
- 19 (30) Trade services, general.

1 (31) Trucking terminals, transfer buildings, recreational vehicle storage lots, and open
2 areas for the parking of semi-trailers, buses, and other operable commercial
3 vehicles, not including limousines and taxicabs.

4 (32) Vending machine commissary.

5 (33) Wearing apparel manufacturing.

6 (34) Welding shops.

7 (35) Wholesaling, warehousing, storage buildings, or public storage facilities.

8 **DIVISION 5. – M4 INTENSIVE INDUSTRIAL DISTRICT**

9 **Section 50-10-106. – By-right retail, service, and commercial uses.**

10 By-right retail, service, and commercial uses within the M4 Intensive Industrial District are
11 as follows:

12 (1) Animal-grooming shop.

13 (2) Arcade.

14 (3) Art gallery.

15 (4) Assembly hall.

16 (5) Automated teller machine not accessory to another use on the same zoning lot,
17 which is stand-alone.

18 (6) Bake shop, retail.

19 (7) Bank.

- 1 (8) Banquet facility.
- 2 (9) Barber or beauty shop.
- 3 (10) Body art facility.
- 4 (11) Brewpub or microbrewery or small distillery or small winery, subject to Section 50-
5 12-217 of this Code.
- 6 (12) Business college or commercial trade school.
- 7 (13) Commissary
- 8 (14) Customer service center.
- 9 (15) Dry cleaning, laundry, or laundromat.
- 10 (16) Employee recruitment center.
- 11 (17) Financial services center.
- 12 (18) Food stamp distribution center.
- 13 (19) Go-cart track.
- 14 (20) Golf course, miniature.
- 15 (21) Kennel, commercial.
- 16 (22) Medical or dental clinic, physical therapy clinic, or massage facility.
- 17 (23) Mortuary or funeral home, ~~including those containing a crematory.~~
- 18 (24) Motor vehicle filling station as provided for in Section 50-12-252(2) of this Code.
- 19 (25) Motor vehicle washing and steam cleaning.

- 1 (26) Motor vehicles, new, salesroom or sales lot.
- 2 (27) Motor vehicles, new, storage lot accessory to a salesroom or sales lot for new motor
3 vehicles.
- 4 (28) Motorcycles, retail sales, rental or service.
- 5 (29) Nail salon.
- 6 (30) Office, business or professional.
- 7 (31) Parking lots or parking areas for operable private passenger vehicles.
- 8 (32) Parking structure.
- 9 (33) Pet shop.
- 10 (34) Pool hall.
- 11 (35) Precious metal and gem dealer.
- 12 (36) Printing or engraving shops.
- 13 (37) Private club, lodge, or similar use.
- 14 (38) Produce or food markets, wholesale.
- 15 (39) Radio or television station.
- 16 (40) Radio, television, or household appliance repair shop.
- 17 (41) Rebound tumbling center.
- 18 (42) Recording studio or photo studio or video studio, no assembly hall.
- 19 (43) Recreation, indoor commercial and health club.

- 1 (44) Rental hall.
- 2 (45) Restaurant, carry-out or fast-food with or without drive-up or drive-through
- 3 facilities.
- 4 (46) Restaurant, standard, subject to Section 50-12-311 of this Code.
- 5 (47) Retail sales and personal service in business and professional offices.
- 6 (48) School or studio of dance, gymnastics, music, art, or cooking.
- 7 (49) Shoe repair shop.
- 8 (50) Stores of a generally recognized retail nature whose primary business is the sale of
- 9 new merchandise, with or without drive-up or drive-through facilities.
- 10 (51) Taxicab dispatch and/or storage facility.
- 11 (52) Theater and concert café, excluding drive-in theaters.
- 12 (53) Trailer coaches or boat sale or rental, open air display.
- 13 (54) Trailers, utility—sales, rental or service; moving truck/trailer rental lots.
- 14 (55) Used goods dealer.
- 15 (56) Veterinary clinic for small animals.

16 **Section 50-10-107. – By-right manufacturing and industrial uses.**

17 By-right manufacturing and industrial uses within the M4 Intensive Industrial District are
18 as follows:

- 19 (1) Baling of waste paper or rags.

- 1 (2) Blueprinting shop.
- 2 (3) Boiler repairing.
- 3 (4) Chemical materials blending or compounding but not involving chemicals
- 4 manufacturing.
- 5 (5) Cold storage plant.
- 6 (6) Confection manufacture.
- 7 (7) Containerized freight yard.
- 8 (8) Contractor yard, landscape or construction.
- 9 (9) Crematory or pet crematory.
- 10 (10) Dental products, surgical, or optical goods manufacture.
- 11 (11) Elevators, grain.
- 12 (12) Feed or grain mill.
- 13 (13) Food catering establishment.
- 14 (14) High/medium-impact manufacturing or processing.
- 15 (15) High-impact manufacturing or processing.
- 16 (16) Ice manufacture.
- 17 (17) Jewelry manufacture.
- 18 (18) Laundry, industrial.
- 19 (19) Lithographing and sign shops.

- 1 (20) Low/medium-impact manufacturing or processing.
- 2 (21) Low-impact manufacturing or processing.
- 3 (22) Lumber yard.
- 4 (23) Machine shop.
- 5 (24) Newspaper, daily, publishing or printing.
- 6 (25) Outdoor operations of permitted land uses specified in the Manufacturing and
7 Production use category, Section 50-12-82 of this Code, or in the Warehouse and
8 Freight Movement use category, Section 50-12-83 of this Code.
- 9 (26) Outdoor storage yards.
- 10 ~~(27) — Pet crematory.~~
- 11 (27) Railroad transfer or storage tracks.
- 12 (28) Research or testing laboratory.
- 13 (29) Sewage disposal plant.
- 14 (30) Steel warehousing.
- 15 (31) Storage or killing of poultry or small game for direct, retail sale on the premises or
16 for wholesale trade.
- 17 (32) Tank storage of bulk oil or gasoline.
- 18 (33) Toiletries or cosmetic manufacturing.
- 19 (34) Tool sharpening or grinding.

- 1 (35) Tool, die, and gauge manufacturing, small items.
- 2 (36) Trade services, general.
- 3 (37) Trucking terminals, transfer buildings, recreational vehicle storage lots, and open
4 areas for the parking of semi-trailers, buses, and other operable commercial
5 vehicles, not including limousines and taxicabs.
- 6 (38) Vending machine commissary.
- 7 (39) Wearing apparel manufacturing.
- 8 (40) Welding shops.
- 9 (41) Wholesaling, warehousing, storage buildings, or public storage facilities.

10 **DIVISION 6. – M5 SPECIAL INDUSTRIAL DISTRICT**

11 **Section 50-10-137. – By-right manufacturing and industrial uses.**

12 By-right manufacturing and industrial uses within the M5 Special Industrial District are as
13 follows:

- 14 (1) Baling of waste paper or rags.
- 15 (2) Blueprinting shop.
- 16 (3) Boiler repairing.
- 17 (4) Chemical materials blending or compounding but not involving chemicals
18 manufacturing.
- 19 (5) Cold storage plant.

- 1 (6) Confection manufacture.
- 2 (7) Containerized freight yard.
- 3 (8) Contractor, yard, landscape or construction.
- 4 ~~(9) Crematory or pet crematory~~
- 5 (10) Dental products, surgical, or optical goods manufacture.
- 6 (11) Elevators, grain.
- 7 (12) Feed or grain mill.
- 8 (13) Food catering establishment.
- 9 (14) High/medium-impact manufacturing or processing.
- 10 (15) High-impact manufacturing or processing.
- 11 (16) Ice manufacture.
- 12 (17) Intermodal freight terminal.
- 13 (18) Jewelry manufacture.
- 14 (19) Laundry, industrial.
- 15 (20) Lithographing and sign shops.
- 16 (21) Low/medium-impact manufacturing or processing.
- 17 (22) Low-impact manufacturing or processing.
- 18 (23) Lumber yard.

- 1 (24) Machine shop.
- 2 (25) Newspaper, daily, publishing or printing.
- 3 (26) Outdoor operations of permitted land uses specified in the Manufacturing and
4 Production use category, Section 50-12-82 of this Code, or in the Warehouse and
5 Freight Movement use category, Section 50-12-83 of this Code.
- 6 (27) Outdoor storage yards.
- 7 ~~(28)~~ — Pet crematory.
- 8 (28) Railroad transfer or storage tracks.
- 9 (29) Research or testing laboratory.
- 10 (30) Sewage disposal plant.
- 11 (31) Steel warehousing.
- 12 (32) Storage or killing of poultry or small game for direct, retail sale on the premises or
13 for wholesale trade.
- 14 (33) Tank storage of bulk oil or gasoline.
- 15 (34) Toiletries or cosmetic manufacturing.
- 16 (35) Tool sharpening or grinding.
- 17 (36) Tool, die, and gauge manufacturing, small items.
- 18 (37) Trade services, general.

1 (38) Trucking terminals, transfer buildings, recreational vehicle storage lots, and open
2 areas for the parking of semi-trailers, buses, and other operable commercial
3 vehicles, not including limousines and taxicabs.

4 (39) Vending machine commissary.

5 (40) Wearing apparel manufacturing.

6 (41) Welding shops.

7 (42) Wholesaling, warehousing, storage buildings, or public storage facilities.

8 **ARTICLE XI. – SPECIAL PURPOSE ZONING DISTRICTS AND OVERLAY AREAS**

9 **DIVISION 6. – TM TRANSITIONAL-INDUSTRIAL DISTRICT**

10 **Section 50-11-116. – By-right retail, service, and commercial uses.**

11 By-right retail, service, and commercial uses within the TM Transitional-Industrial District
12 are as follows:

13 (1) Animal-grooming shop.

14 (2) Arcade.

15 (3) Assembly hall.

16 (4) Automated teller machine not accessory to another use on the same zoning lot,
17 which is stand-alone.

18 (5) Bake shop, retail.

19 (6) Bank.

- 1 (7) Banquet facility.
- 2 (8) Barber or beauty shop.
- 3 (9) Body art facility.
- 4 (10) Brewpub or microbrewery or small distillery or small winery, subject to Section 50-
5 12-217 of this Code.
- 6 (11) Business college or commercial trade school.
- 7 (12) Commissary.
- 8 (13) Customer service center.
- 9 (14) Dry cleaning, laundry, or laundromat.
- 10 (15) Employee recruitment center.
- 11 (16) Financial services center.
- 12 (17) Food stamp distribution center.
- 13 (18) Go-cart track.
- 14 (19) Golf course, miniature.
- 15 (20) Kennel, commercial.
- 16 (21) Medical or dental clinic, physical therapy clinic, or massage facility.
- 17 (22) Mortuary or funeral home, ~~including those containing a crematory.~~
- 18 (23) Motor vehicle filling station as provided for in Section 50-12-252(2) of this Code.

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- 1 (24) Motor vehicle washing and steam cleaning.
- 2 (25) Motor vehicles, new, salesroom or sales lot.
- 3 (26) Motor vehicles, new, storage lot accessory to a salesroom or sales lot for new motor
4 vehicles.
- 5 (27) Motorcycles, retail sales, rental or service.
- 6 (28) Nail salon.
- 7 (29) Office, business or professional.
- 8 (30) Parking lots or parking areas for operable private passenger vehicles.
- 9 (31) Parking structure.
- 10 (32) Pet shop.
- 11 (33) Pool hall.
- 12 (34) Precious metal and gem dealer.
- 13 (35) Printing or engraving shops.
- 14 (36) Private club, lodge, or similar use.
- 15 (37) Produce or food markets, wholesale.
- 16 (38) Radio or television station.
- 17 (39) Radio, television, or household appliance repair shop.
- 18 (40) Rebound tumbling center.
- 19 (41) Recording studio or photo studio or video studio, no assembly hall.

- 1 (42) Recreation, indoor commercial and health club.
- 2 (43) Rental hall.
- 3 (44) Restaurant, carry-out or fast-food.
- 4 (45) Restaurant, standard, subject to Section 50-12-311 of this Code.
- 5 (46) Retail sales and service in business and professional offices.
- 6 (47) Shoe repair shop.
- 7 (48) Stores of a generally recognized retail nature whose primary business is the sale of
8 new merchandise, with or without drive-up or drive-through facilities.
- 9 (49) Taxicab dispatch and/or storage facility.
- 10 (50) Theater and concert café, excluding drive-in theaters.
- 11 (51) Trailer coaches or boat sale or rental, open air display.
- 12 (52) Trailers, utility—sales, rental or service; moving truck/trailer rental lots.
- 13 (53) Used goods dealer.
- 14 (54) Veterinary clinic for small animals.

15 **DIVISION 10. – SD2 – SPECIAL DEVELOPMENT DISTRICT, MIXED-USE**

16 **Section 50-11-266. – By-right retail, service, and commercial uses.**

17 By-right retail, service, and commercial uses within the SD2 Special Development District
18 are as follows:

- 19 (1) Animal-grooming shop.

- 1 (2) Art gallery.
- 2 (3) Assembly hall.
- 3 (4) Automated teller machine not accessory to another use on the same zoning lot,
4 which is stand-alone, without drive-up or drive-through facilities.
- 5 (5) Bake shop, retail.
- 6 (6) Bank without drive-up or drive-through facilities.
- 7 (7) Banquet facility.
- 8 (8) Barber or beauty shop.
- 9 (9) Brewpub or microbrewery or small distillery or small winery.
- 10 (10) Dry cleaning, laundry, or laundromat.
- 11 (11) Establishment for the sale of beer or alcoholic liquor for consumption on the
12 premises.
- 13 (12) Medical or dental clinic, physical therapy clinic, or massage facility.
- 14 (13) Mortuary or funeral home, ~~including those containing a crematory.~~
- 15 (14) Nail salon.
- 16 (15) Office, business or professional.
- 17 (16) Parking lots or parking areas, accessory, for operable private passenger vehicles, not
18 farther than the maximum distance specified in Article XIV, Division 1, of this
19 chapter.

- 1 (17) Pet shop.
- 2 (18) Printing or engraving shops not exceeding 5,000 square feet of gross floor area with
3 a minimum of ten percent of the gross floor area being used as a retail store for the
4 sale of the goods produced.
- 5 (19) Radio or television station.
- 6 (20) Recording studio or photo studio or video studio, no assembly hall.
- 7 (21) Recreation, indoor commercial and health club, excluding golf dome.
- 8 (22) Rental hall.
- 9 (23) Restaurant, carry-out or fast-food, located in a multi-story building and integrated
10 into a mixed-use or multi-tenant development, and without drive-up or drive-
11 through facilities.
- 12 (24) Restaurant, standard, without drive-up or drive-through facilities.
- 13 (25) Retail sales and personal service in business and professional offices.
- 14 (26) Retail sales and personal service in multiple-residential structures, subject to
15 Section 50-12-312 of this Code.
- 16 (27) School or studio of dance, gymnastics, music, art, or cooking.
- 17 (28) Shoe repair shop.
- 18 (29) Stores of a generally recognized retail nature whose primary business is the sale of
19 new merchandise, without drive-up or drive-through facilities.
- 20 (30) Theater, excluding concert café and drive-in theaters, not exceeding 150 fixed seats.

1 (31) Veterinary clinic for small animals.

2 **DIVISION 14. OVERLAY AREAS**

3 **Subdivision B. Traditional Main Street Overlay Areas**

4 **Sec. 50-11-385. Applicability of design standards; exceptions.**

5 ~~(a)~~ The Buildings, Safety Engineering, and Environmental Department shall forward to the
6 Planning and Development Department all permit applications related to land zoned other
7 than R1, R2, R3, R4, R5, R6 or residential PD and located in a designated Traditional Main
8 Street Overlay Area, except those permit applications for interior alterations or other such
9 permit applications which, in the concurrence of both departments, would have no bearing on
10 the exterior appearance of the building.

11 ~~(b) The Planning and Development Department's review of demolition permits is limited to five~~
12 ~~business days during which time alternatives to demolition might be explored with the~~
13 ~~applicant and/or owner. The Planning and Development Department may waive the five-day~~
14 ~~review period where no good purpose would be served by deferring demolition.~~

15 (Code 1984, § 61-11-315; Ord. No. 20-05, § 1(61-11-315), eff. 5-29-2005; Ord. No. 2022-12,
16 §1(50-11-385), eff. 5-31-2022)

17 **ARTICLE XII. – USE REGULATIONS**

18 **DIVISION 1. – USE TABLE**

19 **Subdivision D. – Retail, Service and Commercial Uses**

20 **Section 50-12-70. Retail sales and service, service-oriented.**

21 Regulations regarding service-oriented retail sales and service 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
Retail sales and service; service-oriented	Animal-grooming shop							R	R	R	R			R	R	R	R		L				R			R	R	R			Section 50-12-212
	Automated teller machine, without drive-up or drive-through facilities							R	R	R	R	C/R	R	R	R	R	R	R	L				R	R		R	R	R	R		
	Automated teller machine, with drive-up or drive-through facilities							C	C	C	C	R	R	R	R	R	R	R	L				C	R					C		Article XIV, Division 1, Subdivision H; Section 50-11-318
	Bank, without drive-up or drive-through facilities							R	R	R	R	R	R	R	R	R	R		L				R	R		R	R	R	R		
	Bank, with drive-up or drive-through facilities							C	C	C	C		R	C	R	R	R		L				C	R				R	C		Article XIV, Division 1, Subdivision H; Section 50-11-318
	Barber or beauty shop							R	R	R	R	R	R	R	R	R	R		L				R	R		C/R	R	R	R		Section 50-12-518
	Body art facility										C	R	R	R	R	R	R		L				R			R	C				Section 50-12-300
	Business college or commercial trade school					R					C	R	R	R	R	R	R		L				R	R		C			R		Section 50-12-318
Retail sales and service; service-oriented (cont'd)	Customer service center, with drive-up or drive-through facilities							C	C	C	C		R	R	R	R	R		L				R								Article XIV, Division 1, Subdivision H
	Customer service center, without drive-up or drive-through facilities							R	R	R	R	R	R	R	R	R	R		L				R			C	C				
	Dry cleaning, laundry, or laundromat							R	R	R	R	R	R	R	R	R	R		L				R	R		R	R	R	R		Section 50-12-221
	Employee recruitment center										C	R	R	R	R	R	R		L				R								
	Financial services center, with drive-up or drive-through facilities							C	C	C		R	C	R	R	R			L				C	R							Section 50-12-222; Article XIV, Division 1, Subdivision H

1 **Subdivision E. – Manufacturing and Industrial Districts**

2 **Section 50-12-81.- Industrial service.**

3 Regulations regarding industrial service 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
Industrial service	Blueprinting shop							C		R	R	R	R	R	R	R	R	L			R	R								C	Section 50-12-333
	Boiler repairing												C	R	R	R	R	L													Section 50-12-458
	Contractor yard, landscape or construction											R	R	R	R	R	R	L				R									Section 50-12-458
	<u>Crematory or pet crematory</u>												R	R	R	R	R														Section 50-12-367
	Junkyard																														GRT; SPC; SWFRC; Section 50-12-341
	Laundry, industrial												C	R	R	R	R	L				R									
	Lumber yard											R	R	R	R	R	R	L				R									Section 50-12-343
	Machine shop							C		C				C	R	R	R	L									C	C			Sections 50-12-363, 50-12-458
	Outdoor storage yard														C	R	R	L													Sections 50-12-344, 50-12-458
	Pet crematory												R	R	R	R	R														
	Research facilities																		L												
Tires, used; sales and/or service															C	C	L													GRT; SPC; Section 50-12-350	

1 **DIVISION 2. GENERAL USE STANDARDS**

2 **Sec. 50-12-138. School building adaptive reuse provision.**

3 (a) *Purpose.* The purpose of this provision is to provide for the adaptive reuse and preservation
4 of existing school buildings. Any of the 19 uses included in the definition of "school building
5 adaptive reuses," as provided in Section 50-16-381 of this Code, may be permitted on a
6 conditional basis, subject to the provisions of Article III, Division 7, of this chapter, in those
7 residential zoning districts where they are otherwise prohibited. Any of the 19 uses
8 established under the "school building adaptive reuse" provision is subject to all applicable
9 use regulations of Article XII of this chapter, applicable intensity and dimensional standards
10 of Article XIII of this chapter, and applicable general development standards of Article XIV
11 of this chapter for that use.

12 (b) Demolition restrictions. In order to promote maximum preservation of existing school
13 buildings and the City's architectural heritage, the demolition of existing buildings under the
14 school building adaptive reuse provision shall be subject to the following:

15 (1) School building adaptive reuses shall only be established in buildings originally
16 constructed as schools where at least 75 percent of the gross floor area of all buildings
17 on the school site is retained.

18 (2) Notwithstanding Subsection (b)(1) of this section, the following buildings and
19 additions shall not be included in the calculation of the minimum 75 percent of the
20 school site gross floor area that must be retained:

1 a. Accessory buildings that have not been identified by the Historic Designation
2 Advisory Board as contributing resources to school buildings that are eligible
3 for the National Register of Historic Places.

4 b. Additions to original principal school structures that do not contribute to the
5 historic character of the property, as determined by the Buildings, Safety
6 Engineering, and Environmental Department, in consultation with the Historic
7 Designation Advisory Board.

8 ~~(3) The Buildings, Safety Engineering, and Environmental Department shall review~~
9 ~~requests for demolition. The review shall be combined with the special land use~~
10 ~~hearing for a conditional use. However, if the request for demolition is made~~
11 ~~subsequent to obtaining a permit for school building adaptive reuse, then a separate~~
12 ~~review is required.~~

13 ~~(4)~~ (3) If a school has been designated as a local historic district according to Chapter 21
14 of this Code, History, then the evaluation of any request for demolition shall be
15 conducted by the Historic District Commission.

16 (Code 1984, § 61-12-99; Ord. No. 21-12, § 1(61-12-99), eff. 11-2-2012)

17 **DIVISION 3. – SPECIFIC USE STANDARDS**

18 **Subdivision C. – Retail, Service, and Commercial Uses; Generally**

19 **Section 50-12-234. Mortuary or funeral home.**

20 Mortuaries and funeral homes may not contain a crematory on the premises as an accessory
21 use.

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Subdivision F. – Manufacturing and Industrial Uses

Section 50-12-367. – Crematory.

Crematories, whether as a principal use, or accessory to a cemetery, shall be located not less than 150 feet from the nearest residential property line.

ARTICLE XIV. DEVELOPMENT STANDARDS

DIVISION 3. ARCHITECTURAL AND SITE DESIGN STANDARDS

Subdivision C. Traditional Main Street Overlay Areas

~~Sec. 50-14-448. Building design standards—Vacant structures.~~ [RESERVED]

~~(a) The objectives of this section are:~~

~~(1) To translate vacant structures into an economic asset; and~~

~~(2) To improve the physical condition of vacant structures while unoccupied and inactive.~~

~~(b) The standards of Subsection (c) of this Section do not apply on the East Warren, West~~

~~Warren, Van Dyke Street, Grand River between Evergreen and Lahser or between Woodmont and Greenfield, or Lahser Road Traditional Main Street Overlay Areas.~~

~~(c) To achieve the objectives of this section, and as provided for in Section 50-11-385 of this Code, the Buildings, Safety Engineering, and Environmental Department shall refer applications for demolition permits to the Planning and Development Department for review consideration. (Code 1984, § 61-14-298; Ord. No. 20-05, § 1(61-14-298), eff. 5-29-2005; Ord. No. 23-13, § 1(61-14-298), eff. 8-28-2013; Ord. No. 2020-21, § 1(50-14-448), eff. 8-8-2020)~~

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

2 **DIVISION 2. – WORDS AND TERMS DEFINED**

3 **Subdivision D. – Letter “C”**

4 **Section 50-16-153. – Words and terms (Cn – Cs).**

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

Term	Definition
Coffee house	Any room, place, or building where the serving of coffee is the principal business and where tables and chairs are provided for the use of patrons to play table games and for other similar activities, but where alcoholic liquor is not provided.
Coal	Has the meaning as likewise defined in Section 42-1-2 of this Code.
Coke	Has the meaning as likewise defined in Section 42-1-2 of this Code.
Co-location (marijuana)	A practice where more than one licensee is authorized by the state of Michigan to operate a medical marijuana facility or an adult-use marijuana establishment in one building, in accordance with the applicable rules promulgated by the state of Michigan and the license requirements of Chapter 20, Article VI, of this Code.
Commercial parking	See <i>Parking, commercial</i> .
Commercial vehicle	See <i>Vehicle, commercial</i> .
Common area, general	That portion of a site condominium project designed and intended for joint ownership and maintenance by the condominium association as described in the condominium master deed.
Common area, limited	That portion of a site condominium project designed and intended for separate ownership, but outside the building setbacks for the zoning district the property is located in as described in the master deed.

Term	Definition
Community service (use category)	<p>Uses of a public, non-profit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community services or facilities that have membership provisions are open to the general public to join at any time, for instance, any senior citizen could join a senior center. The use may provide special counseling, education, or training of a public, non-profit or charitable nature.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> • Customs office; • Fire or police station, post office, courthouse and similar public building; • Governmental service agency; • Neighborhood center, non-profit; • Substance abuse service facility; <p>Private lodges, private clubs, and private or commercial athletic or health clubs are classified as retail sales and service. Public parks and recreation are classified as parks and open space.</p>
Compost	<p>Relatively stable decomposed organic matter for use in agricultural and other growing practices, usually consisting of materials such as grass, leaves, yard waste, worms, and also including raw and uncooked kitchen food wastes, but specifically excluding bones, meat, fat, grease, oil, raw manure, and milk products.</p>
Concert café	<p>Any establishment, which provides food with music or entertainment, but does not serve alcoholic liquor. Concert cafés shall be regulated the same as "theaters" for zoning purposes.</p>
Condominium Act	<p>MCL 559.101 <i>et seq.</i></p>
Condominium master deed	<p>The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.</p>
Condominium project, commercial, office or industrial	<p>A plan or project consisting of not less than two condominium units if established and approved in conformance with the Condominium Act, being MCL 559.101 <i>et seq.</i></p>
Condominium subdivision	<p>A division of land on the basis of condominium ownership, pursuant to the Condominium Act and which is not subject to the Michigan Land Division Act, being MCL 560.101 <i>et seq.</i>, as amended. Also known as a site condominium.</p>
Condominium subdivision plan	<p>The drawings attached to the condominium master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location, and size of common elements.</p>
Condominium unit	<p>That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the condominium master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot," for purposes of determining compliance of the site condominium subdivision with the provisions of this chapter pertaining to minimum lot size, minimum lot width, and maximum lot coverage.</p>

Term	Definition
Conforming land uses	Any land use located in a zoning district where the land use is permitted either by-right or as a conditional use and not otherwise prohibited in that district.
Conical surface	A surface sloping upward and outward to an altitude of 150 feet above the established heliport elevation at a slope ratio of one to eight beginning at the heliport elevation on the perimeter of a circle of 200 feet radius centered on each helipad.
Construction refuse	Waste from building construction, alteration, demolition or repair, and dirt from excavations.
Contractor yard, landscape or construction	A yard used for the outdoor storage of a construction or landscape contractor's vehicles, equipment, and materials, including plant materials and contained soil.
Controlled uses	Any of the following: (1) Arcades; (2) Specially designated merchant's (SDM) establishments and/or specially designated distributor's (SDD) establishments; and (3) Pool halls.
Convalescent, nursing, or rest home	Establishments primarily engaged in the providing of in-patient nursing care, other than a private home, where seven or more older adults or disabled persons receive on-going care and supervision. (Same as "convalescent home" or "rest home.") These are facilities that provide a full range of 24-hour direct medical, nursing, and other health services by registered nurses, licensed practical nurses, and nurses' aides prescribed by a resident's physician. They are designed for older adults or disabled persons who need health care supervision, but not hospitalization. Emphasis is on nursing care, but restorative therapies may be provided. Specialized nursing services such as intravenous feeds or medication, tube feeding, injected medication, daily wound care, rehabilitation services, and monitoring of unstable conditions may also be provided.
<u>Crematory</u>	<u>A building or structure, within which the remains of deceased persons are or are intended to be cremated, whether as a stand-alone facility as a principal use, or within a cemetery as an accessory use.</u>

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Subdivision N. – Letter “P”

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Section 50-16-341. – Words and terms (Pa – Pg).

4

For the purposes of this chapter, the following words and phrases beginning with the letters

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"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.
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.
Park 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"> • Cemeteries, including mausoleums, crematories, or columbaria; • Golf course; • Skating rink; • Park, playfield, playground, parklot, parkway and playlot; • Swimming pool; • Tennis court.
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"> • Parking lots or parking areas for operable private passenger vehicles; • Park-and-ride facilities (transit-based); • Parking structure.
Parking garage, private	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.
Parking structure	A structure, typically having at least two levels of parking, for the storage of more than five operable, licensed private passenger vehicles.
Parking, valet	Parking where the vehicle is parked and retrieved by an attendant.
Parklot	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.
Parkway	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.
Passenger vehicle, private	See <i>Vehicle, private passenger</i> .
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.

Term	Definition
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 <i>et seq.</i>
Personal service establishment	Includes barber shops, beauty shops, dry cleaning or laundry pick-up stations, nail salons, shoe repair shops, shoeshine stand or parlor.
Pervious surface	Surface that allows infiltration of precipitation into the soil.
<u>Pet Crematory</u>	<u>Any land, place, structure, or facility used or intended to be used for the cremation of pets.</u>

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APPENDIX A. – ASSIGNMENT OF SPECIFIC USE TYPES TO GENERAL USE CATEGORIES

DIVISION 3. – LETTER “C”

Specific use types, beginning with the letter "C," assigned to general use categories are as follows:

Specific Land Use	Use Category
Cabaret	Recreation/entertainment, indoor
Cabinet-making shop	Industrial service (trade services, general)
Can, barrel, drum or pail manufacture	Manufacturing and production (high/medium-impact manufacturing or processing)
Candle manufacture	Manufacturing and production (high-impact manufacturing or processing)
Canning factories, excluding fish products	Manufacturing and production (high/medium-impact manufacturing or processing)
Canvas goods manufacture	Manufacturing and production (low/medium-impact manufacturing or processing)

Specific Land Use	Use Category
Car wash (motor vehicle washing and steam cleaning)	Vehicle sales, repair, and service
Carbide manufacture	Manufacturing and production (very high-impact manufacturing or processing)
Carbonaceous bulk solid material facility	Manufacturing and production (very high-impact manufacturing or processing)
Carbonic gas manufacture or storage	Manufacturing and production (high-impact manufacturing or processing)
Carbonic ice manufacture	Manufacturing and production (high-impact manufacturing or processing)
Carpenter's shop	Industrial service (trade services, general)
Casinos and casino complexes	Recreation/entertainment, indoor
Catering establishment (food catering establishment)	Manufacturing and production
Cattle or sheep dip manufacture	Manufacturing and production (high-impact manufacturing or processing)
Cellophane or celluloid manufacture	Manufacturing and production (high-impact manufacturing or processing)
Cement, lime, gypsum, or plaster of Paris manufacture	Manufacturing and production (very high-impact manufacturing or processing)
Cemeteries (including mausoleums, crematories, or columbaria)	Park and open space
Ceramic glaze or porcelain enamel frit manufacture	Manufacturing and production (very high-impact manufacturing or processing)
Ceramic products manufacture	Manufacturing and production (high-impact manufacturing or processing)
Charcoal or fuel briquette manufacture	Manufacturing and production (very high-impact manufacturing or processing)
Check advance center (see Financial services center)	Retail sales and service (service-oriented)
Check cashing store (see Financial services center)	Retail sales and service (service-oriented)
Chemical manufacture	Manufacturing and production (very high-impact manufacturing or processing)
Chemical materials blending or compounding, but not involving chemicals manufacturing	Manufacturing and production
Child care center	Day care
Child caring institution	Institutional living
Chlorine gas manufacture	Manufacturing and production (high-impact manufacturing or processing)

Specific Land Use	Use Category
Cigar or cigarette manufacture	Manufacturing and production (low/medium-impact manufacturing or processing)
Cinema production or development	Manufacturing and production (low/medium-impact manufacturing or processing)
Clay products manufacture	Manufacturing and production (high-impact manufacturing or processing)
Clock or watch manufacture	Manufacturing and production (low/medium-impact manufacturing or processing)
Coal yard	Manufacturing and production (very high-impact manufacturing or processing)
Coffee house (see Restaurant)	Food and beverage service
Coffee roasting	Manufacturing and production (low/medium-impact manufacturing or processing)
Coke oven	Manufacturing and production (very high-impact manufacturing or processing)
Cold storage plant	Warehouse and freight movement
Concert café (see Theater)	Recreation/entertainment, indoor
Concert hall (see Theater)	Recreation/entertainment, indoor
Concrete batching plants	Manufacturing and production (high-impact manufacturing or processing)
Concrete pipe or concrete pipe products manufacture	Manufacturing and production (high-impact manufacturing or processing)
Confection manufacture	Manufacturing and production
Containerized freight yard	Warehouse and freight movement
Convalescent, nursing, or rest home	Group living
Contractor's shop (see Trade services, general, for the shops of the following contractors: air conditioning, cabinet-making, carpenter, electrical, furniture cleaning, furniture repair, heating, plumbing, rug cleaning, upholstery)	Industrial service
Contractor, yard, landscape or construction	Industrial service
Convenience store (see Stores of a generally recognized retail nature for the sale of new merchandise)	Retail sales and service (sales-oriented)
Convention or exhibit building; office, public only	Auditorium or stadium
Correctional institution	Institutional living
Cosmetic manufacturing	Manufacturing and production
Creameries	Manufacturing and production (low-impact manufacturing or processing)

Specific Land Use	Use Category
Credit union (see Bank)	Retail sales and service (service-oriented)
Crematory (See Cemetery)	Park and open space
Crematory (See Mortuary or funeral home)	Retail sales and service (service-oriented)
<u>Crematory or pet crematory</u>	<u>Industrial service</u>
Crushing, grading, and screening of rock, stone, slag, clay, or concrete	Manufacturing and production (very high-impact manufacturing or processing)
Customer service center	Retail sales and service (service-oriented)
Customs office	Community service

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DIVISION 13. – LETTER “M”

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Specific use types, beginning with the letter "M," assigned to general use categories are as

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follows:

Specific Land Use	Use Category
Machine shop	Industrial service
Marijuana grower facility	Medical marijuana facilities and adult-use marijuana establishments
Marijuana processor facility	Medical marijuana facilities and adult-use marijuana establishments
Marijuana retail/provisioning facility	Medical marijuana facilities and adult-use marijuana establishments
Marijuana safety compliance facility	Medical marijuana facilities and adult-use marijuana establishments
Marijuana secure transporter facility	Medical marijuana facilities and adult-use marijuana establishments
Marinas	Water-related facilities
Massage facility	Office
Mattress manufacture	Manufacturing and production (high/medium-impact manufacturing or processing)
Mattress manufacturing, assembly of new materials only	Manufacturing and production (low/medium-impact manufacturing or processing)

Specific Land Use	Use Category
Meat products manufacturing or processing	Manufacturing and production (high-impact manufacturing or processing)
Medical or dental clinic, physical therapy clinic, or massage facility	Office
Mercado (see Stores of a generally recognized retail nature)	Retail sales and service (sales-oriented)
Millwork, lumber or planing mills	Manufacturing and production (high/medium-impact manufacturing or processing)
Mobile home park	Household living
Monument works	Manufacturing and production (high/medium-impact manufacturing or processing)
Mortuary or funeral home, including those containing a crematory	Retail sales and service (service-oriented)
Motel	Public accommodation
Motor vehicle detailing shop	Vehicle sales, repair, and service
Motor vehicle filling station	Vehicle sales, repair, and service
Motor vehicle washing and steam cleaning	Vehicle sales, repair, and service
Motor vehicles, new, salesroom or sales lot	Vehicle sales, repair, and service
Motor vehicles, new, storage lot accessory to a salesroom or sales lot for new motor vehicles	Vehicle sales, repair, and service
Motor vehicles, used, salesroom or sales lot	Vehicle sales, repair, and service
Motor vehicles, used, storage lot accessory to a salesroom or sales lot for used motor vehicles	Vehicle sales, repair, and service
Motorcycle club; a type of Private clubs, lodges or similar uses	Assembly
Motorcycles, retail sales, rental or service	Retail sales and service (sales-oriented)
Moving truck/trailer rental lots (see Trailers, utility— sales, rental, or service; moving truck/trailer rental lots)	Retail sales and service (sales-oriented)
Multiple-family dwelling	Household living
Museum	Museum

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Division 16. Letter "P."

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Specific use types, beginning with the letter "P," assigned to general use categories are as follows:

Specific Land Use	Use Category
Paint, enamel, oil, shellac, lacquer, varnish, or synthetic resin manufacture	Manufacturing and production (very high-impact manufacturing or processing)
Painting or varnishing shops	Manufacturing and production (high/medium-impact manufacturing or processing)
Paper box or cardboard products manufacture	Manufacturing and production (high/medium-impact manufacturing or processing)
Paper manufacturing or reclaiming	Manufacturing and production (very high-impact manufacturing or processing)
Paper or cardboard box forming or assembly	Manufacturing and production (low/medium-impact manufacturing or processing)
Park; a type of <i>Outdoor recreation facility</i>	Park and open space
Park, major; a type of <i>Outdoor recreation facility</i>	Park and open space
Park, small or neighborhood; a type of <i>Outdoor recreation facility</i>	Park and open space
Parklot; a type of <i>Outdoor recreation facility</i>	Park and open space
Parking lots or parking areas for operable private passenger vehicles	Parking, commercial
Parking structure	Parking, commercial
Parkway	Park and open space
Party store (where alcoholic liquor sales are involved, see <i>Specially designated merchant's (SDM) establishment</i> or <i>Specially designated distributor's (SDD) establishment</i> for retail establishments consisting of less than 15,000 square feet of gross floor area; see <i>Stores of a generally recognized retail nature whose primary business is the sale of new merchandise</i> for retail establishments consisting of 15,000 square feet or more of usable retail space)	Retail sales and service (sales-oriented)
Passenger transportation terminal	Aviation and surface transportation facilities
Pattern shop	Manufacturing and production (low/medium-impact manufacturing or processing)
Pawnshop	Retail sales and service (sales-oriented)
Payday lending center	Retail sales and service (service-oriented)
Peep show; a type of <i>Adult bookstore or adult video store</i>	Adult use/sexually-oriented business
Penal or correctional institution; detention facility	Institutional living

Specific Land Use	Use Category
Pet crematory (<u>see Crematory or pet crematory</u>)	Industrial service
Pet shop	Retail sales and service (sales-oriented)
Petroleum refining or processing	Manufacturing and production (very high-impact manufacturing or processing)
Pharmaceutical products manufacture	Manufacturing and production (high-impact manufacturing or processing)
Phenol manufacture	Manufacturing and production (high-impact manufacturing or processing)
Physical therapy clinic	Office
Photo studio	Office
Photocopying or computing, self-service	Retail sales and service (service-oriented)
Plasma donation center	Office
Plastic products forming or molding	Manufacturing and production (low/medium-impact manufacturing or processing)
Plastic products manufacture	Manufacturing and production (high/medium-impact manufacturing or processing)
Plating or anodizing	Manufacturing and production (high/medium-impact manufacturing or processing)
Playfield; a type of <i>Outdoor recreation facility</i>	Park and open space
Playground; a type of <i>Outdoor recreation facility</i>	Park and open space
Playlot; a type of <i>Outdoor recreation facility</i>	Park and open space
Plumbing (contractor) shop	Industrial service (trade services, general)
Police station	Community service
Pool hall	Recreation/entertainment, indoor
Poultry or small game—Storage or killing for direct, retail sale on the premises or for wholesale trade	Retail sales and service (sales-oriented)
Power or heating plant with fuel storage on site	Utility, major
Precious metal and gem dealer	Retail sales and service (service-oriented)

Specific Land Use	Use Category
Pre-release adjustment center	Institutional living
Printing or engraving shops, or sign shops	Retail sales and service (service-oriented)
Private club, lodge, or similar use	Assembly
Produce or food markets, wholesale	Retail sales and service (sales-oriented)
Public aquarium	Museum
Public bathhouse (see <i>Recreation, indoor commercial and health club</i>)	Recreation/entertainment, indoor
Public center limited sales and service	Retail sales and service (service-oriented)
Public storage house	Warehouse and freight movement
Pumping station	Utility, major
Pyroxylin plastic manufacture or processing	Manufacturing and production (high-impact manufacturing or processing)

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

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

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

Approved as to form:

Conrad L. Mallet
Corporation Counsel