



City of Detroit

COUNCILMAN SCOTT R. BENSON

MEMORANDUM

TO: David Whitaker, Director, LPD
FROM: Hon. Scott Benson, City Council District 3

CC: Hon. Gabriela Santiago Romero, Chair, Public Health & Safety
Standing Committee
Hon. James Tate, Chair, Planning & Economic Development
Standing Committee
Hon. Janice Winfrey, City Clerk
Conrad Mallett, Corporation Counsel
Malik Washington, Mayor's Liaison

VIA: Hon. Council President Mary Sheffield
DATE: 11 July 2024

**RE: REQUEST FOR TEXT AMENDMENTS TO THE CITY CODE
AND ZONING ORDINANCE**

As noted in the Memorandum to City Council dtd. 27 June 2024 from the Legislative Policy Division Staff (LPD Memo):

Whether the City's use of land to generate renewable energy is a governmental function that would exempt it from the Zoning Ordinance is a new issue for Michigan courts. There is a strong argument that investing in renewable energy on formerly blighted property benefits the public, but a court could decide otherwise. Alternatively, the City could avoid such a review by providing an exemption for City-owned solar facilities in the Zoning Ordinance.

To ensure the City's solar initiative is recognized as a governmental function and to move it forward for the residents of Gratiot-Findlay, State Fair, and Van Dyke-Lynch, I am requesting that LPD draft text amendments, as suggested below, to chapter 50 of the Detroit City Zoning Ordinance and chapter 16 of the Detroit City Code. As previously discussed in committee, I plan to move these amendments forward on separate and simultaneous pathways to the phase one solar farm development documents. The goal is to have these "belt and suspender" ordinance changes approved prior to a, community directed, second phase of solar farm development.

The ordinances will need to be amended as follows:

Amendment 1

The definition of Chapter 16, Article I, Section 16-1-1 of the 2019 City Code for "Essential Services" to include solar projects undertaken by the City of Detroit.

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Sec. 16-1-1. - Definitions.

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

Essential services means:

The erection, construction, alteration, or maintenance by public utilities, municipal departments or commissions, any governmental agencies, or any private-public partnership of street or right-of-way facilities, underground or overhead gas, electrical, steam, water, solar projects undertaken by the City, located on City-owned property, and approved by City Council or other transmission or distribution system, collection communication, supply or disposal system, including poles, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of utility service by such public utilities, municipal departments or commissions, government agencies, or public-private partnerships, or for the public health, safety, or welfare; and

Amendment 2

Include a narrow exemption from Chapter 50 for essential services, utilizing the Chapter 16-1-1 “Essential Services” definition, as modified above, that includes solar projects undertaken by the City, located on City-owned property, and approved by City Council.

If you have any questions, do not hesitate to contact my office at 313-224-1198.

SRB