

City of Detroit

Donovan Smith
Chairperson
Melanie Markowicz
Vice Chair/Secretary

Marcell R. Todd, Jr.
Director

CITY PLANNING COMMISSION
208 Coleman A. Young Municipal Center
Detroit, Michigan 48226
Phone: (313) 224-6225 Fax: (313) 224-4336
e-mail: cpc@detroitmi.gov

Adrian-Keith Bennett
Kenneth R. Daniels
David Esparza, AIA, LEED
Ritchie Harrison
Gwen Lewis
Frederick E. Russell, Jr.
Rachel M. Udabe

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Detroit City Planning Commission in the Committee of the Whole Room, 13th Floor, Coleman A. Young Municipal Center, 2 Woodward Avenue, Detroit, Michigan 48226 at the date and time listed below. Both in-person and virtual attendance are options to participate. Pursuant to public health guidelines and limited room capacity, if anyone has cold, flu, or COVID symptoms, virtual attendance is strongly encouraged. To attend the meeting virtually, please use the link toward the end of this notice.

THURSDAY, OCTOBER 17, 2024 AT 6:00 PM

to consider a text amendment that would amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, with respect to High/Medium-impact manufacturing and processing uses on land zoned B2 and B4, specifically in:

Article IX, *Business Zoning Districts*, Division 3, *B2 Local Business and Residential District*, Section 50-9-53, *Conditional Manufacturing and Industrial uses*, Division 5, *B4 General Business District*, Section 50-9-113, *Conditional Manufacturing and Industrial uses*;

Article XII, *Use Regulations*, Division 3, *Specific Use Standards*, Subdivision F. *Manufacturing and Industrial Uses*, Section 50-12-362. *High/medium-impact manufacturing or processing facilities*.

Zoning Ordinance amendments require approval by the City Council following a separate public hearing conducted by the Council. The Council considers the matter upon receipt of a report and recommendation from the City Planning Commission. This Zoning Ordinance map amendment request is being considered consistent with the provisions of Article III, Divisions 2, 3 and 4 of Chapter 50 of the 2019 Detroit City Code, the Detroit Zoning Ordinance.

All interested persons are invited to be present and be heard as to their views. Persons making oral presentations are encouraged to submit written copies, for the record, to the City Planning Commission via U.S. Mail at the above address or e-mail at cpc@detroitmi.gov. Public comment/testimony may be given at the appropriate times when called for during the meeting. If you desire to speak and are attending the meeting online, press the “raise your hand” icon at the bottom of the screen or press ALT-Y for a PC or OPT-Y for a MAC to raise your hand virtually. If attending by phone press *-9 to raise your hand.

If interpretation or translation services are needed, including for the hearing impaired, call the Department of Civil Rights, Inclusion & Opportunity at (313) 224-4950. For further information on this proposal or the public hearing, please call (313) 224-6225.

To participate virtually in the CPC meeting, please use the following options:

Online:

<https://cityofdetroit.zoom.us/j/96355593579?pwd=TTloMzN5M3pmU1RKNXp1MjJlczN3UT09>

Or iPhone one-tap:

US: +12678310333,96355593579# or +13017158592,96355593579#

Or by Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 267 831 0333 or +1 301 715 8592 or +1 312 626 6799 or +1 213 338 8477 or +1 253 215 8782 or +1 346 248 7799 Webinar ID: 963 5559 3579

S U M M A R Y

This ordinance amends Chapter 50 of the 2019 Detroit City Code, *Zoning*, to clarify the permissibility of the high/medium-impact manufacturing or processing use in B2 Local Business and Residential and B4 General Business zoning districts as limited to certain furniture-making facilities by amending Article XII, *Use Regulations*, Division 3, *Specific Use Standards*, Subdivision F, *Manufacturing and Industrial Uses*, Section 50-12-362, *High/medium-impact manufacturing or processing facilities*.

1 **BY COUNCIL MEMBER _____** :

2 AN ORDINANCE to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, to clarify
3 the permissibility of the high/medium-impact manufacturing or processing use in B2 Local
4 Business and Residential and B4 General Business zoning districts as limited to certain furniture-
5 making facilities by amending Article XII, *Use Regulations*, Division 3, *Specific Use Standards*,
6 Subdivision F, *Manufacturing and Industrial Uses*, Section 50-12-362, *High/medium-impact*
7 *manufacturing or processing facilities*.

8 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**
9 **THAT:**

10 **Section 1.** Chapter 50 of the Detroit City Code, *Zoning*, is amended by amending Article
11 XII, Division 3, Subdivision F, Section 50-12-362 as follows:

12 **CHAPTER 50. ZONING**

13 **ARTICLE XII. USE REGULATIONS**

14 **DIVISION 3. SPECIFIC USE STANDARDS**

15 **Subdivision F. Manufacturing and Industrial Uses**

16 **Sec. 50-12-362. High/medium-impact manufacturing or processing facilities.**

17 (a) In the B2 and B4 Districts, a high/medium-impact manufacturing or processing
18 facility is permissible ~~by right~~ only if:

19 (1) Its operations are limited to furniture manufacturing.

20 (2) It is located in a structure that does not exceed 4,000 square feet of gross floor area
21 with a minimum of ten percent of the gross floor area being used as a retail store
22 for the sale of the goods produced on the premises, and

23 (3) It ~~that~~ is located in a Traditional Main Street Overlay Area.

1 Otherwise, in the B2 and B4 Districts, a high/medium-impact manufacturing or processing facility
2 is prohibited.

3 (b) In the SD1 and SD2 Districts, high/medium-impact manufacturing or processing
4 facilities with a minimum of ten percent of the gross floor area being used as a retail store for the
5 sale of the goods produced on the premises may be permitted as a conditional use and are limited
6 to furniture making facilities.

7 (c) In the SD1 District, furniture making facilities shall not exceed 4,000 square feet in
8 gross floor area.

9 (d) In the SD2 District, furniture making facilities shall not exceed 5,000 square feet in
10 gross floor area.

11 (e) In the MKT District, high/medium impact manufacturing and processing uses are
12 limited to the following:

13 (1) Canning factories, excluding fish products;

14 (2) Brewing or distilling of liquors; and

15 (3) Brewing of 20,000 or more barrels of beer or malt beverage per year.

16 (f) The regulations set forth in this Section may not be modified or waived by the
17 Board of Zoning Appeals.

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

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

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

Approved as to form:

A handwritten signature in black ink, appearing to read "C. Mallett", written over a horizontal line.

Conrad L. Mallett
Corporation Counsel

City of Detroit

Donovan Smith
Chairperson
Melanie Markowicz
Vice Chair/Secretary

Marcell R. Todd, Jr.
Director
Christopher Gulock, AICP
Deputy Director

CITY PLANNING COMMISSION
208 Coleman A. Young Municipal Center
Detroit, Michigan 48226
Phone: (313) 224-6225 Fax: (313) 224-4336
e-mail: cpc@detroitmi.gov

Adrian-Keith Bennett
Kenneth R. Daniels
David Esparza, AIA, LEED
Ritchie Harrison
Gwendolyn A. Lewis, MBA
Frederick E. Russell, Jr.
Rachel M. Udabe

December 30, 2024

HONORABLE CITY COUNCIL

RE: High/Medium-impact industrial uses on land zoned B2 and B4, Chapter 50, Zoning, text amendment (**RECOMMEND APPROVAL**)

BACKGROUND

This very brief text amendment is necessitated by the discovery of a substantive error in the wording of Sec. 50-12-362(a) of the 2019 Detroit City Code, Zoning, which was codified with the passage of Ordinance No. 2020-21, a Zoning Ordinance text amendment mainly dealing with Traditional Main Street Overlay (TMSO) areas.

FLAWED PROVISION

The aforementioned “TMSO amendment” broke some new ground by recognizing that certain small-scale, light industrial uses might be appropriate and attractive as “maker” uses on land zoned SD1 and SD2 and within a designated Traditional Main Street Overlay area when combined with retail sales of products made on the premises. As spelled out in the *Journal of City Council*, November 26, 2019 (Pages 2814-2816), “Various ‘maker’ uses (light industrial) are newly permitted in TMSOs on land zoned B2, B3, and B4, where the goods made are sold on site.”

The specific “maker” use that was singled out for B2 and B4 TMSO areas was small-scale furniture manufacture—a use which is included under the heading of “High/medium-impact industrial uses.” However, the text that was ultimately passed in Sec. 50-12-362(a) is not faithful to the original intent, or the zoning district uses lists (Sec. 50-9-53, Sec. 50-9-113), or the Use Table (Sec. 50-12-82), which specify high/medium-impact uses in B2 and B4 as conditional. The adopted and inaccurate text reads as follows:

Sec. 50-12-362. High/medium-impact manufacturing or processing facilities.

(a) In the B2 and B4 Districts, a high/medium-impact manufacturing or processing facility is permissible **by-right** only if limited to furniture manufacturing, located in a structure not exceeding 4,000 square feet of gross floor area with a minimum of ten percent of the gross floor area being used as a

retail store for the sale of the goods produced on the premises, and located in a Traditional Main Street Overlay Area. Otherwise, in the B2 and B4 Districts a high/medium-impact manufacturing or processing facility is prohibited.
[Emphasis added]

SCOPE OF THE PROPOSED ORDINANCE

To correct the error in Sec. 50-12-362(a), which apparently escaped the proofreading of CPC staff, Planning and Development Department staff, and the Law Department in 2019, the following is proposed:

- (a) In the B2 and B4 Districts, a high/medium-impact manufacturing or processing facility is permissible only if:
- (1) Its operations are limited to furniture manufacturing,
 - (2) It is located in a structure that does not exceed 4,000 square feet of gross floor area with a minimum of ten percent of the gross floor area being used as a retail store for the sale of the goods produced on the premises, and
 - (3) It is located in a Traditional Main Street Overlay Area.
- Otherwise, in the B2 and B4 Districts, a high/medium-impact manufacturing or processing facility is prohibited.

WHAT ARE HIGH/MEDIUM-IMPACT MANUFACTURING OR PROCESSING USES

Sec. 50-16-242 of the Zoning Ordinance groups together 30 industrial land uses under the rubric of “High/Medium-Impact. Examples include:

- Automobile accessory manufacture, not including tires heat treating or foundry work;
- Automotive, agricultural or other heavy machinery manufacturing, not including heat treating;
- Bolt or nut manufacture, not including heat treating;
- Book publishing, printing or engraving;
- Brake debonding;
- Brewing or distilling of liquors;
- Brewery;
- Buffing shop;
- Business machines or equipment manufacture;
- Can, barrel, drum or pail manufacture;
- Canning factories, excluding fish products;
- Die casting;
- Disinfectant or insecticide manufacture;
- Distilling of alcoholic products not including small distillery or small winery, which are defined in Section 50-16-384 of this Code;
- Automatic screw machine operations;
- Electric fixtures, batteries, or other electrical apparatus manufacture but excluding battery rebuilding;
- Emery cloth or sandpaper manufacture;

- Furniture manufacture;
- Heating or ventilating apparatus manufacture or assembly;
- Mattress manufacture;
- Millwork, lumber or planing mills;
- Monument works;
- Painting or varnishing shops;
- Paper box or cardboard products manufacture;
- Plastic products manufacture;
- Plating or anodizing;
- Replating;
- Sheet metal works;
- Tire recapping; and
- Wrought iron, custom decorative shops.

High/medium-impact industrial uses are listed as Conditional Uses on land zoned B2, B4, SD1, and SD2. They are listed as By-right Uses on land zoned M3, M4, M5, TM, and MKT.

SPECIAL LAND USE HEARING OF SEPTEMBER 25, 2024

The unfortunate effect of this erroneous specific use standard for “High/Medium-impact industrial uses” was observed on September 25, 2024 when the Buildings, Safety Engineering and Environmental Department (BSEED) convened a special land use hearing to consider the establishment of an “Automobile accessory manufacture, not including tires heat treating or foundry work” facility on land zoned B4 on the former State Fair Grounds. “Automobile accessory manufacture” is one of the 30 listed high/medium-impact industrial uses.

Rather than limiting the use of this land zoned B4 to only one high/medium-impact industrial use, namely small-scale (<4,000 sq. ft.) furniture making with on-site retail sales in a Traditional Main Street Overlay area, BSEED proceeded consistent with a Law Department opinion, which viewed all high/medium-impact industrial uses as permissible in B4 and that furniture-making was an exception to the “conditional” rule and permissible by right.

To be clear, the parcel that was subject of the BSEED hearing was not located in a Traditional Main Street Overlay, and the proposed use was not small-scale furniture making, and did not involve on-site retail sales.

RESULTS OF CPC PUBLIC HEARING October 17, 2024

No member of the public was present for the 6:00 PM public hearing at the City Planning Commission’s meeting of October 17, 2024 when the proposed text amendment was heard and discussed. One virtual attendee commented without opposition or support. The Commission then voted unanimously to recommend approval of the proposed text amendment to City Council.

CONCLUSION

The proposed text amendment was submitted to the Law Department for review and approval and was modified and re-formatted to better clarify the original intent. The ordinance has been approved by the Corporation Counsel and is attached for Your Honorable Body's consideration.

Respectfully submitted,

DONOVAN SMITH, Chairperson

A handwritten signature in blue ink that reads "Marcell R. Todd, Jr." in a cursive script.

Marcell R. Todd, Jr, Director

M. Rory Bolger, City Planner

Attachments

cc: Dara O'Byrne, Deputy Director, PDD
Karen Gage, PDD
Greg Moots, PDD
David Bell, Director, BSEED
Jayda Philson, BSEED
Luke Polcyn, Mayor's Office