

City of Detroit

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TO: City Planning Commission

FROM: M. Rory Bolger, City Planner

RE: High/Medium-impact industrial uses in B2, B4 text amendment

DATE: October 15, 2024

On October 17, 2024, the City Planning Commission will hold a 6:00 PM public hearing regarding a text amendment to Chapter 50, *Zoning*, related to the permissibility of and the standards related to High/Medium-impact industrial uses on land zoned B2 and B4.

BACKGROUND

This very brief text amendment is necessitated by the discovery of a substantive error in the wording of Sec. 50-12-362(a), 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.

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.

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 on a designated Traditional Main Street 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.”

However, the text that was ultimately passed in Sec. 50-12-362(a) is not faithful to the original intent, 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.

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]

(b) In the SD1 and SD2 Districts, high/medium-impact manufacturing or processing facilities 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 may be permitted as a conditional use and are limited to furniture making facilities.

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

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

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

- (1) Canning factories, excluding fish products;
- (2) Brewing or distilling of liquors; and
- (3) Brewing of 20,000 or more barrels of beer or malt beverage per year.

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

SPECIAL LAND USE HEARING OF SEPTEMBER 25, 2024

The unfortunate effect of this erroneous specific use standard 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 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.

SCOPE OF THE PROPOSED ORDINANCE

To correct the error in Sec. 50-12-362(a), which 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 by right only if~~ may be permitted where 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.*”

Additionally, the B2 and B4 zoning district conditional use lists are amended to specify:

“High/medium-impact manufacturing or processing limited to furniture manufacturing, subject to Section 50-12-362 of this Code.”

Attachments

cc: Antoine Bryant, Director, PDD
Greg Moots, Lead Planner, PDD
David Bell, Director, BSEED
Jayda Philson, Hearing Officer, BSEED
Luke Polcyn, Senior Executive Mayor’s Office
Hasson Beydon, Group Executive Economic Development
Bruce Goldman, Chief Assistant Corp. Counsel
Daniel Arking, Assistant Corp. Counsel