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October 15, 2021

HONORABLE CITY COUNCIL

RE: A text amendment to amend Chapter 50 of the Detroit City Code, *Zoning*, Article VIII, *Residential Zoning Districts*, Article IX, *Business Zoning Districts*, Article XI, *Special Purpose Zoning District and Overlay Areas*, Article XII, *Use Regulations*, Article XIV, *Development Standards*, and Article XVI, *Definitions and Rules of Construction*, to revise shelters for survivors of domestic violence as a by-right use in R2 zoning districts; to add use regulations for shelters for survivors of domestic violence; and to make certain non-substantive corrections (**RECOMMEND APPROVAL**)

The City Planning Commission (CPC) has completed its review and deliberations on the proposed text amendments pertaining to shelters for victims of domestic violence. Please see the attached copy of the public hearing notice showing the summary of the ordinance as published for the CPC proceedings.

BACKGROUND

Among the many emergency service providers and supportive services organizations the City of Detroit licenses, permits, and regulates, emergency shelters and shelters for victims of domestic violence are among those that provide the greatest level of wraparound services for our city's most vulnerable populations.

Regulations for shelters for victims of domestic violence have been codified in the City Code as early as 1995. From 1992 to 1995, there were protracted, in-depth discussions about shelters within the City of Detroit and the manner in which they should be regulated. The Consumer Affairs Department was deeply involved with shelter licensing, heading the Shelter Task Force which tried to balance the concerns of proponents and objectors to such uses.

Ord. No. 23-94 amended Chapter 44 of the 1984 Detroit City Code and provided for the licensing of emergency shelters (but not domestic violence shelters). At the time of enactment, there was no provision in the Zoning Ordinance for such a land use, although many emergency shelters had already been established under other land use labels. The Zoning Ordinance amendment which first codified "emergency shelter" and "domestic violence shelter" definitions, processes, and regulations was Ord. No. 8-95.

While these uses are permitted at the local level, they are heavily regulated and monitored by the State of Michigan. The Michigan Domestic and Sexual Violence Prevention and Treatment Board, which regulates and authorizes such facilities, was established in 1978 by state legislation that

created the Governor-appointed board responsible for focusing state activity on domestic violence. The Board's offices are administratively housed within the Michigan Department of Health and Human Services. The Board develops and recommends policy; develops and provides technical assistance and training to the criminal justice system and child welfare agencies; and, administers state and federal funding for domestic and sexual violence services.

The Michigan Domestic and Sexual Violence Prevention and Treatment Board has recently been petitioned by a Detroit-based non-profit organization, the Islamic Center of North Detroit, to establish a new shelter for victims of domestic violence in the underserved neighborhood of Campau/Banglatown in Council District 3.

In the process of reviewing the initial request from the Islamic Center of North Detroit for a rezoning, Commission staff questioned the appropriateness of the continuation of the term "victim" when referring to survivors of sexual abuse and/or domestic violence.

In preparing this text, Commission staff has consulted with several stakeholders, including Neighborhood Legal Services, Neighborhood Service Organization, YWCA, the Housing and Revitalization Department, and the Michigan Domestic and Sexual Violence Prevention and Treatment Board to determine if there might be any adverse effects to amending the language of the zoning ordinance beyond the land use permissibility.

It has been communicated that some grantmakers and funders prefer the term "*victim*" over "*survivor*" as a victim might signify someone as needing help. "*Survivor*" is typically associated with someone who has overcome their current situation and may not need assistance rendered. While this may be the preferred language in some sectors of the grantmaking philanthropic community, many if not all of the service providers in the City of Detroit utilize the term "*survivor*" as a part of their promotional materials and day-to-day operations.

PROPOSED ZONING PROVISIONS

Below is an analysis and summary of the provisions of the proposed text amendments to Chapter 50.

Article VIII, Residential Zoning District Amendments

The proposed ordinance amends Article VIII, Divisions 3, 4, 5, 6, and 7, which comprise the use lists for the R2 – Two-family Residential District, R3 – Low-Density Residential District, R4 – Thoroughfare Residential District, R5 – Medium Density Residential District, and R6 – High-Density Residential District zoning classification by adding shelters for survivors of domestic violence as a by-right use in the R2 zoning classification and amending the term, "victim," to state "survivor" in the land use, "shelters for survivors of domestic violence."

Presently, such uses are only permitted by reference in the R1 (Single-family Residential District) and the R2 zoning classifications where they are duly recognized by the State of Michigan Domestic Violence Prevention and Treatment Board; have been established in either the R1 or R2 zoning district; have been in operation as a shelter prior to April 26, 1995; and, have secured an occupancy or change of use permit for a shelter for victims of domestic abuse no later than October 26, 1999, Per Section 50-12-65(c). Shelters meeting this narrow requirement are permitted to continue as a nonconforming use. While shelters located in the R1 and R2 do not presently appear

on the use list for either zoning district they are subject to the restrictions set forth in Article XV – *Nonconformities* of the zoning ordinance and are subject to other provisions of the City Code.

In addition to amending the term “victim” to “survivor” throughout the entirety of Zoning Ordinance, the Commission is recommending the amendment of Section 50-8-110, *Conditional residential uses*, Division 6, *R4 Thoroughfare Residential District* by striking “shelter for victims of domestic violence” from the conditional land use list. The definition of this use as well as industry standards and best practices dictate that such facilities be cited as by-right uses in order to maintain the facility's anonymity. Division 6 presently shows the subject land use as both by-right and conditional.

Article IX, Business Zoning District Amendments

The proposed ordinance amends Article IX, Divisions 2, 3, 5, and 6, which comprise the use lists for the B1 – Restricted Business District, B2 – Local Business and Residential District, B4 – General Business District, B5 – Major Business District, and B6 - General Services District zoning classifications by amending the term, “victim” to “survivor.”

Article XI, Special Purpose Zoning District Amendments

Article XI, *Special Purpose Zoning District and Overlay Areas*, Division 9, *SD1 – Special Development District, Small-Scale, Mixed-Use* is being amended by revising the term, “victim” to “survivor.”

Article XII, Use Regulations Amendments

Section 50-12-21, *Group living*, Division 1, *Use Table*, Subdivision B, *Residential Uses* is being amended by adding the land use, "shelters for survivors of domestic violence" as a by-right use in the R2 zoning classification. The use table is being further revised by striking "shelters for survivors of domestic violence" as a conditional use in the R4 zoning classification.

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	S D 1	S D 2	S D 3		S D 4	S D 5	
Group living	Adult foster care facility			C	C	C	C	R	R										L												SPC; Section 50-12-151	
	Assisted living facility				C	R	R	R	R		R	R							L							C					Section 50-12-152	
	Convalescent, nursing, or rest home				R	R	R	R	R		R	R							L							C	C				Section 50-12-155	
	Emergency shelter				C	C	C				C	C							L												SPC; GRT Section 50-12-156	
	Fraternity or sorority house			C	R	R	R	C	C		C								L							C	C					
	Home for the aged			C	C	C	C	R	R										L													SPC; Section 50-12-158
	Religious residential facility	C	C	R	R	R	R	R	R		R	R	R						L			C				R	R					
	Residential substance abuse service facility			C	C	C		C	C	C	C	C							L													
	Rooming house				R	R	R	C	C		C	C							L							C	C					Section 50-12-164
	Shelter for victims of domestic violence			R	C/R	R	R	R	R		R	R							L							R						Section 50-12-165
	All other				C	C	C	C	C		C	C							L							C						

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)						
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	PD	P1	P2	PCA	TCM	PR	W1	SD1	SD2	SD3		SD4	SD5				
Group living	Adult foster care facility			C	C	C	C	R	R											L														SPC; Section 50-12-151	
	Assisted living facility				C	R	R	R	R		R	R								L							C							Section 50-12-152	
	Convalescent, nursing, or rest home				R	R	R	R	R		R	R								L							C	C						Section 50-12-155	
	Emergency shelter				C	C	C				C	C								L														SPC; GRT Section 50-12-156	
	Fraternity or sorority house			C	R	R	R	C	C		C									L							C	C							
	Home for the aged			C	C	C	C	R	R											L															SPC; Section 50-12-158
	Religious residential facility	C	C	R	R	R	R	R	R		R	R	R							L		C				R	R								
	Residential substance abuse service facility			C	C	C		C	C	C	C	C								L							C	C							
	Rooming house				R	R	R	C	C		C	C								L							C	C							Section 50-12-164

Division 3, *Specific Use Standards*, Subdivision A, *Residential Uses*, Section 50-12-165, *Shelters for victims of domestic violence* is being revised to reflect the following changes:

- 1) Striking the term, "victims," and replacing it with "survivors" in subsection (a), also specifying that Buildings Safety Engineering and Environmental Department (BSEED) has the authority to determine the maximum capacity for such uses in the R2, R3, R4, R5, R6, B1, B2, B4, B5, and SD1 zoning classifications.
- 2) Striking the current R3 and R4 limitation in subsection (b): that shelters for survivors of domestic violence only be permitted by-right where the shelter is adjacent to, or across an alley or street from land zoned in a business or industrial district classification, and that the zoning lot of the shelter abut a major thoroughfare as designated in the Master Plan.

Over time, this language was found to be unnecessarily restrictive in terms of situating such facilities. The manner in which these facilities have historically operated within the City of Detroit has had a minimal impact on the host communities. In preparing this text amendment, the Commission has mapped the communities in which these types of facilities currently operate. In order to ensure that the impact of such uses on traditionally single-family and two-family residential neighborhoods is minimized, the following language is being proposed to be added to subsection (b):

“In the R2 District, such uses may be established only in former religious residential structures, nonconforming multi-family residential structures, or a former school building under the adaptive reuse provisions of this Chapter.”

- 3) Striking the term, "victims," and replacing it with "survivors" in subsection (c).

Section 50-12-492, *Prohibited uses and activities* are being revised by striking the term "victims" and replacing it with "survivors" in subsection (c).

Article XIV, *Development Standards*, Division 1, *Off-Street Parking, Loading, and Access*, Section 50-14-33, *Group living* is revised by striking the term, "victims," and replacing it with "survivors."

Article XVI, *Definitions and Rules of Construction*, Division 2, *Words and Terms Defined*, Subdivision F. *Letter "G,"* Section 50-16-222, *Words and terms (Gn—Gz)* is being revised by striking the term, "victims," and replacing it with "survivors" in the body of the definition of "Group living."

Additionally, Subdivision R, *Letter "S,"* Section 50-16-382, *Words and terms (Se—Sh)* is being revised by striking the term "victims" and replacing it with "survivors" in the definition of "shelter for victims of domestic violence" so that it reads as follows:

"Shelter for survivors of domestic violence - A residential facility providing temporary accommodation and support to survivors of domestic violence.

COMMUNITY CONCERNS AND RECOMMENDATIONS

On June 3, 2021, CPC staff provided the Commission with an informational presentation on the subject text amendment. Following this presentation, the Commission received additional comments and concerns from several stakeholders including Neighborhood Legal Services and Neighborhood Service Organization pertaining to use standards and regulations for shelters for survivors of domestic violence. Among those concerns expressed was the lack of a requirement that such facilities provide an onsite generator in the instance of a black-out-event. It was communicated that such a requirement would be best placed in the City's building code, rather than the zoning ordinance. Secondly, the question was raised as to whether or not the newly revised definition for shelters for survivors of domestic violence would extend to survivors of human trafficking seeking transitional housing. At present, this determination would be left up to a similar use interpretation issued by the Zoning Division of the Buildings Safety, Engineering, and Environmental Department. It was requested by various stakeholders that either the definition of shelters for survivors of domestic violence be expanded to include shelters for survivors of human trafficking or that an alternative definition and land use designation be considered.

PUBLIC HEARING RESULTS

On Thursday, June 17, 2021, CPC held the statutorily required public hearing on this matter. There were no members of the public in attendance who expressed a desire to speak to this matter. CPC staff reiterated the comments and concerns expressed by various stakeholders regarding the possible expansion of the definition of shelters for survivors of domestic violence to include shelters for survivors of human trafficking, or carving out a separate definition and use regulations for such a use. CPC staff was instructed to conduct additional research into the matter and report back to the Commission at the earliest opportunity.

RECOMMENDATION

On Thursday, June 17, 2021, the City Planning Commission voted 7-0 to recommend approval of the proposed text amendments pertaining to Shelters of Survivors of Domestic Violence, that is – to revise shelters for survivors of domestic violence as a by-right use in an R2 zoning district; to add use regulations for shelters for survivors of domestic violence; and, to make certain non-substantive corrections; specifically to amend Chapter 50 of the Detroit City Code, *Zoning*, Article VIII,

Residential Zoning Districts. Division 3, R2 Two-family Residential District, Section 50-8-44, By-right residential uses, Division 4, R3 Low Density Residential District, Sec. 50-8-74, By-right residential uses, Division 5, R4 Thoroughfare Residential District, Sec. 50-8-104, By-right residential uses, Section 50-8-110, Conditional residential uses, Division 6, R5 Medium Density Residential District, Section 50-8-134, By-right residential uses, Division 7, R6 High Density Residential District, Section 50-8-164, By-right residential uses, Article IX, Business Zoning Districts, Division 2, B1 Restricted Business District, Section 50-9-14, By-right residential uses, Division 2, B2 Local Business and Residential District, Section 50-9-44, By-right residential uses, Division 5, B4 General Business District, Section 50-9-104, By-right residential uses, Division 6, B5 Major Business District, Section 50-9-134, By-right residential uses, Article XI, Special Purpose Zoning District and Overlay Areas, Division 9, SD1 – Special Development District, Small-Scale, Mixed-Use, Section 50-11-204, By-right residential uses, Article XII, Use Regulations, Division 1, Use Table, Subdivision B, Residential Uses, Section 50-12-21, Group living, Division 3, Specific Use Standards, Subdivision A, Residential Uses, Section 50-12-165, Shelters for victims of domestic violence, Section 50-12-492, Prohibited uses and activities, Article XIV, Development Standards, Division 1, Off-Street Parking, Loading, and Access, Section 50-14-33, Group living, Article XVI, Definitions and Rules of Construction, Division 2, Words and Terms Defined, Subdivision F. Letter "G," Section 50-16-222, Words and terms (Gn—Gz), Subdivision R, Letter "S," Section 50-16-382, Words and terms (Se—Sh).

Respectfully submitted,

LAURAN HOOD, MCD, CHAIRPERSON



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Attachments: Ordinance

cc: Lawrence Garcia, Corp. Counsel
Kimberly James, Law
Daniel Arking, Law
David Bell, Director, BSEED
Antoine Bryant, Director, PDD
Katy Trudeau, Deputy Director, PDD
Julie Schneider, Director HRD
Nicole Sherard-Freeman, Group Executive for Jobs, Econmony and Detroit At Work

SUMMARY

This Ordinance amends Chapter 50 of the Detroit City Code, *Zoning*, by amending Article VIII, *Residential Zoning Districts*. Division 3, *R2 Two-Family Residential District*, Section 50-8-44, *By-right residential uses*, Division 4, *R3 Low Density Residential District*, Sec. 50-8-74, *By-right residential uses*, Division 5, *R4 Thoroughfare Residential District*, Sec. 50-8-104, *By-right residential uses*, Section 50-8-110, *Conditional residential uses*, Division 6, *R5 Medium Density Residential District*, Section 50-8-134, *By-right residential uses*, Division 7, *R6 High Density Residential District*, Section 50-8-164, *By-right residential uses*, Article IX, *Business Zoning Districts*, Division 2, *B1 Restricted Business District*, Section 50-9-14, *By-right residential uses*, Division 2, *B2 Local Business and Residential District*, Section 50-9-44, *By-right residential uses*, Division 5, *B4 General Business District*, Section 50-9-104, *By-right residential uses*, Division 6, *B5 Major Business District*, Section 50-9-134, *By-right residential uses*, Article XI, *Special Purpose Zoning District and Overlay Areas*, Division 9, *SD1 – Special Development District, Small-Scale, Mixed-Use*, Section 50-11-204, *By-right residential uses*, Article XII, *Use Regulations*, Division 1, *Use Table*, Subdivision B, *Residential Uses*, Section 50-12-21, *Group living*, Division 3, *Specific Use Standards*, Subdivision A, *Residential Uses*, Section 50-12-165, *Shelters for victims of domestic violence*, Section 50-12-492, *Prohibited uses and activities*, Article XIV, *Development Standards*, Division 1, *Off-Street Parking, Loading, and Access*, Section 50-14-33, *Group living*, Article XVI, *Definitions and Rules of Construction*, Division 2, *Words and Terms Defined*, Subdivision F. *Letter "G,"* Section 50-16-222, *Words and terms (Gn—Gz)*, Subdivision R, *Letter "S,"* Section 50-16-382, *Words and terms (Se—Sh)*, to revise shelters for survivors of domestic violence as a by-right use in R2 zoning districts; to add use regulations for shelters for survivors of domestic violence; and to make certain non-substantive corrections.

1 **BY COUNCIL MEMBER** _____ :

2 **AN ORDINANCE** to amend Chapter 50 of the Detroit City Code, *Zoning*, by amending
3 Article VIII, *Residential Zoning Districts*. Division 3, *R2 Two-Family Residential District*, Section
4 50-8-44, *By-right residential uses*, Division 4, *R3 Low Density Residential District*, Sec. 50-8-74,
5 *By-right residential uses*, Division 5, *R4 Thoroughfare Residential District*, Sec. 50-8-104, *By-*
6 *right residential uses*, Section 50-8-110, *Conditional residential uses*, Division 6, *R5 Medium*
7 *Density Residential District*, Section 50-8-134, *By-right residential uses*, Division 7, *R6 High*
8 *Density Residential District*, Section 50-8-164, *By-right residential uses*, Article IX, *Business*
9 *Zoning Districts*, Division 2, *B1 Restricted Business District*, Section 50-9-14, *By-right residential*
10 *uses*, Division 2, *B2 Local Business and Residential District*, Section 50-9-44, *By-right*
11 *residential uses*, Division 5, *B4 General Business District*, Section 50-9-104, *By-right residential*
12 *uses*, Division 6, *B5 Major Business District*, Section 50-9-134, *By-right residential uses*, Article
13 XI, *Special Purpose Zoning District and Overlay Areas*, Division 9, *SD1 – Special Development*
14 *District, Small-Scale, Mixed-Use*, Section 50-11-204, *By-right residential uses*, Article XII, *Use*
15 *Regulations*, Division 1, *Use Table*, Subdivision B, *Residential Uses*, Section 50-12-21, *Group*
16 *living*, Division 3, *Specific Use Standards*, Subdivision A, *Residential Uses*, Section 50-12-165,
17 *Shelters for victims of domestic violence*, Section 50-12-492, *Prohibited uses and activities*,
18 Article XIV, *Development Standards*, Division 1, *Off-Street Parking, Loading, and Access*,
19 Section 50-14-33, *Group living*, Article XVI, *Definitions and Rules of Construction*, Division 2,
20 *Words and Terms Defined*, Subdivision F. *Letter "G,"* Section 50-16-222, *Words and terms (Gn—*
21 *Gz)*, Subdivision R, *Letter "S,"* Section 50-16-382, *Words and terms (Se—Sh)*, to revise shelters
22 for survivors of domestic violence as a by-right use in R2 zoning districts; to add use regulations
23 for shelters for survivors of domestic violence; and to make certain non-substantive corrections.

1 IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

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

3 CHAPTER 50. ZONING.

4 ARTICLE VIII. RESIDENTIAL ZONING DISTRICTS

5 DIVISION 3. - R2 TWO-FAMILY RESIDENTIAL DISTRICT

6 Sec. 50-8-44. - By-right residential uses.

7 By-right residential uses within the R2 Two-Family Residential District are as follows:

8 (1) Shelter for survivors of domestic violence, as limited by Section 50-12-165(b).

9 ~~(1)~~(2) Single-family detached dwelling.

10 ~~(2)~~(3) Two-family dwelling.

11 DIVISION 4. – R3 LOW DENSITY RESIDENTIAL DISTRICT

12 Sec. 50-8-74. - By-right residential uses.

13 By-right residential uses within the R3 Low Density Residential District are as follows:

14 (1) Boarding school and dormitory.

15 (2) Child caring institution.

16 (3) Loft.

17 (4) Multiple-family dwellings with fewer than 50 percent of the units in the structure
18 being efficiency units.

19 (5) Religious residential facilities.

20 (6) Shelter for ~~victims~~ survivors of domestic violence.

21 (7) Single-family detached dwelling.

22 (8) Townhouse.

23 (9) Two-family dwelling.

1 **DIVISION 5. – R4 THOROUGHFARE RESIDENTIAL DISTRICT**

2 **Sec. 50-8-104. - By-right residential uses.**

3 By-right residential uses within the R4 Thoroughfare Residential District are as follows:

- 4 (1) Boarding school and dormitory.
- 5 (2) Child caring institution.
- 6 (3) Convalescent, nursing or rest home.
- 7 (4) Fraternity or sorority house.
- 8 (5) Loft.
- 9 (6) Multiple-family dwelling.
- 10 (7) Religious residential facilities.
- 11 (8) Rooming house.
- 12 (9) Shelter for ~~victims~~ survivors of domestic violence.
- 13 (10) Single-family detached dwelling.
- 14 (11) Townhouse.
- 15 (12) Two-family dwelling.

16 **Sec. 50-8-110. - Conditional residential uses.**

17 Conditional residential uses within the R4 Thoroughfare Residential District are as follows:

- 18 (1) Adult foster care facility.
- 19 (2) Assisted living facility.
- 20 (3) Emergency shelter.
- 21 (4) Home for the aged.
- 22 (5) Pre-release adjustment center.
- 23 (6) Residential substance abuse service facility.

1 ~~(7)~~ Shelter for victims of domestic violence.

2 ~~(8)~~(7) Single-room-occupancy housing, non-profit.

3 **DIVISION 6. – R5 MEDIUM DENSITY RESIDENTIAL DISTRICT**

4 **Sec. 50-8-134. - By-right residential uses.**

5 By-right residential uses in the R5 Medium Density Residential District are as follows:

6 (1) Assisted living facility.

7 (2) Boarding school and dormitory.

8 (3) Child caring institution.

9 (4) Convalescent, nursing, or rest home.

10 (5) Fraternity or sorority house.

11 (6) Loft.

12 (7) Multiple-family dwelling.

13 (8) Religious residential facilities.

14 (9) Residential use combined in structures with permitted commercial use.

15 (10) Rooming house.

16 (11) Shelter for ~~victims~~ survivors of domestic violence.

17 (12) Single-family detached dwelling.

18 (13) Townhouse.

19 (14) Two-family dwelling.

20 **DIVISION 7. – R6 HIGH DENSITY RESIDENTIAL DISTRICT**

21 **Sec. 50-8-164. - By-right residential uses.**

22 By-right residential uses within the R6 High Density Residential District are as follows:

23 (1) Assisted living facility.

- 1 (2) Boarding school and dormitory.
- 2 (3) Child caring institution.
- 3 (4) Convalescent, nursing, or rest home.
- 4 (5) Fraternity or sorority house.
- 5 (6) Loft.
- 6 (7) Multiple-family dwelling.
- 7 (8) Religious residential facility.
- 8 (9) Residential use combined in structures with permitted commercial use.
- 9 (10) Rooming house.
- 10 (11) Shelter for ~~vietims~~ survivors of domestic violence.
- 11 (12) Townhouse.

12 **ARTICLE IX. BUSINESS ZONING DISTRICTS**

13 **DIVISION 2. – B1 RESTRICTED BUSINESS DISTRICT**

14 **Sec. 50-9-14. - By-right residential uses.**

15 By-right residential uses in the B1 Restricted Business District are as follows:

- 16 (1) Adult foster care facility.
- 17 (2) Assisted living facility.
- 18 (3) Boarding schools and dormitory.
- 19 (4) Child caring institutions.
- 20 (5) Convalescent, nursing, or rest home.
- 21 (6) Home for the aged.
- 22 (7) Religious residential facilities.
- 23 (8) Shelter for ~~vietims~~ survivors of domestic violence.

1 **DIVISION 2. – B2 LOCAL BUSINESS AND RESIDENTIAL DISTRICT**

2 **Sec. 50-9-44. - By-right residential uses.**

3 By-right residential uses in the B2 Local Business and Residential District are as follows:

- 4 (1) Adult foster care facility.
- 5 (2) Assisted living facility.
- 6 (3) Boarding school and dormitory.
- 7 (4) Child caring institution.
- 8 (5) Convalescent, nursing, or rest home.
- 9 (6) Home for the aged.
- 10 (7) Loft, subject to Section 50-12-159 of this Code.
- 11 (8) Religious residential facilities.
- 12 (9) Residential use combined in structures with permitted commercial or industrial
- 13 uses, subject to Section 50-12-159 of this Code.
- 14 (10) Shelter for ~~vietims~~ survivors of domestic violence.

15 **DIVISION 5. – B4 GENERAL BUSINESS DISTRICT**

16 **Sec. 50-9-104. - By-right residential uses.**

17 By-right residential uses in the B4 General Business District are as follows:

- 18 (1) Assisted living facility.
- 19 (2) Boarding school and dormitory.
- 20 (3) Child caring institution.
- 21 (4) Convalescent, nursing, or rest home.
- 22 (5) Lofts, inside the Central Business District.

- 1 (6) Multiple-family dwelling where located in a Traditional Main Street Overlay Area
- 2 and where combined with uses specified in Section 50-9-106 of this Code.
- 3 (7) Religious residential facilities.
- 4 (8) Residential use, where combined in structures with permitted commercial uses and
- 5 located in a Traditional Main Street Overlay Area.
- 6 (9) Shelter for ~~vietims~~ survivors of domestic violence.

7 **DIVISION 6. – B5 MAJOR BUSINESS DISTRICT**

8 **Sec. 50-9-134. - By-right residential uses.**

9 By-right residential uses within the B5 Major Business District are as follows:

- 10 (1) Assisted living facility.
- 11 (2) Boarding school and dormitory.
- 12 (3) Child caring institution.
- 13 (4) Convalescent, nursing, or rest home.
- 14 (5) Loft.
- 15 (6) Multiple-family dwelling having ground floor commercial space or other space
- 16 oriented to pedestrian traffic.
- 17 (7) Pre-release adjustment center.
- 18 (8) Religious residential facilities.
- 19 (9) Shelter for ~~vietims~~ survivors of domestic violence.

20 **ARTICLE XI. - SPECIAL PURPOSE ZONING DISTRICTS AND OVERLAY AREAS**

21 **DIVISION 9. – SD1 – SPECIAL DEVELOPMENT DISTRICT, SMALL-SCALE,**
22 **MIXED-USE**

23 **Sec. 50-11-204. - By-right residential uses.**

1 By-right residential uses in the SD1 Special Development District are as follows:

2 (1) Assisted living facility.

3 (2) Boarding school and dormitory.

4 (3) Loft.

5 (4) Multiple-family dwelling.

6 (5) Religious residential facilities (in conjunction with religious institutions in the
7 immediate vicinity).

8 (6) Residential use combined in structures with permitted (first-floor) commercial uses.

9 (7) Shelter for ~~victims~~ survivors of domestic violence.

10 **ARTICLE XII. – USE REGULATIONS**

11 **DIVISION 1. – USE TABLE**

12 **Subdivision B. - Residential Uses**



1 Sec. 50-12-21. - Group living.

2 Regulation regarding shelters for shelters for survivors of domestic violence 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)												
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	PC	CA	TP	MR	W1		W2	W3	W4	W5	S1	S2	S3	S4	S5			
Group living	Adult foster care facility			C	C	C	C	R	R												L																			SPC; Section 50-12-151	
	Assisted living facility				C	R	R	R	R		R	R									L								C											Section 50-12-152	
	Convalescent, nursing, or rest home				R	R	R	R	R		R	R									L								C	C										Section 50-12-155	
	Emergency shelter				C	C	C					C	C								L																			SPC; GRT Section 50-12-156	
	Fraternity or sorority house			C	R	R	R	C	C		C										L								C	C											
	Home for the aged			C	C	C	C	R	R												L																				SPC; Section 50-12-158
	Religious residential facility	C	C	R	R	R	R	R	R		R	R	R	R	R						L			C				R	R												
	Residential substance abuse service facility			C	C	C		C	C	C	C	C									L								C	C											

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)					
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	PC	TA	TR	WR	S1		S2	S3	S4	S5	
	Rooming house				R	R	R	C	C		C	C											L									C	C	Section 50-12-164
	Shelter for victims survivors of domestic violence		R	R	C/R	R	R	R	R		R	R											L									R		Section 50-12-165
	All other				C	C	C	C	C		C	C											L									C		

1 institution, penal or correctional institution, detention facility, and prerelease adjustment
 2 center, may only be permitted as principal uses of the land in those zoning districts where
 3 such uses are permitted. In no instance shall such uses be considered as a home occupation
 4 accessory to a single-family dwelling, two-family dwelling, multiple-family dwelling,
 5 townhouse, or loft.

6 (d) Use of a dwelling to accommodate paid overnight guests is prohibited as a home
 7 occupation; notwithstanding this regulation, public accommodations, including bed and
 8 breakfast inns outside the R1 and R2 Districts, are permitted as provided for in Section 50-
 9 12-65 of this Code.

10 **ARTICLE XIV. – DEVELOPMENT STANDARDS**

11 **DIVISION 1. – OFF-STREET PARKING, LOADING, AND ACCESS**

12 **Sec. 50-14-33. - Group living.**

13 Off-street parking regulations for group living facilities are as follows:

Use Category	Specific Land Use	Off-Street Parking Spaces Required, Minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
	Adult foster care facility	1 space per each 4 persons based on maximum capacity as specified in state license	100
	Assisted living facility	0.50 per dwelling unit plus 1 per 2 employees	Same lot
	Convalescent, nursing, or rest home	1 per 4 beds	100; except where developed under the "school building

Group living			adaptive reuses" provision as defined in Section 50-16-381; same lot
	Emergency shelter	1 per 2 employees	100
	Fraternity or sorority house; dormitory	1 per 3 beds	100
	Home for the aged	1 space per each 4 persons based on maximum capacity as specified in state license	100
	Religious residential facility	2 per rectory or parsonage; 1 per convent or monastery plus 1 for each 10 residents	Same lot
	Residential substance abuse facility	1 per 2 employees	100
	Rooming house	2 per 3 guestrooms or 1 per 4 residents, whichever is greater + 1 per dwelling unit	100
	Shelter for vietims survivors of domestic violence	1 per 2 employees	100

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ARTICLE XVI. DEFINITIONS AND RULES OF CONSTRUCTION

DIVISION 2. WORDS AND TERMS DEFINED

Subdivision F. Letter "G"

1 **Sec. 50-16-222. - Words and terms (Gn—Gz).**

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

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Term	Definition
Governmental service agency	A facility, generally operated by an agency of the government, that provides assistance, benefits, licenses, or advisory services to members of the public. These services may include counseling, legal aid, vocational rehabilitation, aid to the handicapped, welfare, or other social services.
Grade, established	For purposes of regulating and determining the height or bulk of a building or structure, the term "established grade" shall mean the elevation of the sidewalk grade as fixed by the City. In those cases where no sidewalk exists or when the natural level of the ground is higher or lower than the grade established by the City Engineer, the average natural level of the ground shall be taken as the established grade.
Grade, existing or natural	The vertical elevation of the existing ground surface prior to excavation or filling.
Grade plane	A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.
Greenhouse	A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for personal use

	and/or for subsequent sale. A greenhouse may or may not be a permanent structure. Garden centers are not greenhouses. Garden centers, which may include a nursery or greenhouse as an accessory use, import most of the items sold—items such as plants, potting soil, and garden equipment. Garden centers shall be considered "stores of a generally recognized retail nature" for regulatory purposes.
Gross floor area	The sum of the gross horizontal floor areas including: Areas occupied by fixtures and equipment for display or sale of merchandise, and mezzanines and other partial floor areas. Such area shall be measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings or structures, excluding stairwells at each floor, elevator shafts at each floor, floors or parts of floors devoted exclusively to vehicular parking or loading, and all floors below the first or ground floor, except when used for or intended to be used for service by customers, patrons, clients, patients, or tenants.
Group "A" cabaret	An establishment open to the public which sells or serves alcoholic liquor for consumption on the premises with or without food, and either allows dancing with or without live entertainment, or provides three or more live entertainers at one time with or without dancing.
Group "B" cabaret	An establishment which sells or serves alcoholic liquor for consumption on the premises with or without food, and is a club, as defined within Section 107(5) of the Michigan Liquor Control Code of 1998, being MCL 436.1107(5), which is licensed by the Michigan Liquor Control Commission.
Group "C" cabaret	An establishment open to the public which sells or serves alcoholic liquor for consumption on the premises with or without food, provides only one or two entertainers at one time, and does not allow dancing.

<p>Group day care home</p>	<p>An accessory use to a private home, licensed by the Michigan Department of Human Services, where more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year. Notwithstanding its status as an accessory use, a group day care home requires a permit.</p>
<p>Group living (use category)</p>	<p>Residential occupancy of a dwelling unit by a group of people who do not meet the definition of the term "household living." The size of the group may be larger than the average size of a family. Tenancy is arranged on a monthly or longer basis. Uses where Tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the retail sales and service and community service categories). Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, as long as the care givers also reside at the site. Examples include the following uses: • Adult foster care facility; • Assisted living facility; • Convalescent, nursing, or rest home; • Emergency shelter; • Fraternity or sorority house; • Home for the aged; • Residential substance abuse service facility; • Rooming house; • Shelter for vietims <u>survivors</u> of domestic violence. Lodging where tenancy may be arranged for periods of less than 30 days is to be considered a hotel or motel use and classified in the retail sales and service category. Lodging where the residents meet the definition of a "family" and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as household living. Facilities for people who are under</p>

	judicial detainment and under the supervision of sworn officers are included in the detention facilities category.
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Subdivision R. – “S”

Sec. 50-16-382. - Words and terms (Se—Sh).

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

Term	Definition
Semi-nude or semi-nudity	The showing of the male or female buttocks, or the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, but does not mean the showing of any portion of the cleavage of female breasts exhibited by a bikini, dress, blouse, skirt, leotard, or similar wearing apparel.
Semi-nude model studio	A place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated: (1) By a college, junior college, or university supported entirely or partly by taxation; (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or (3) In a structure: a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and b. Where, in order to participate in a class, a student must enroll at least three days in advance of the class.
Semi-trailer	Every vehicle without motive power, other than a pole-trailer, which is designed for carrying persons or property and for being drawn by a motor vehicle and which is so

	constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
Setback	The required minimum horizontal distance between the nearest part of the structure or the building line and the related front, side, or rear lot lines. Setbacks are open from the ground to the sky, except as otherwise expressly allowed by this chapter.
Setback, front	A setback that is required from the front lot line, extending the full width of the lot.
Setback, rear	A setback that is required from the rear lot line (extending the full width of the lot). On a corner lot, the rear setback shall extend only to the side setback abutting the street.
Setback, side	A setback that is required from the side lot lines (extending from the front building line of the principal building to the rear building line of the principal building).
Sexually oriented business	An adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, or a semi-nude model studio.
Shade tree	A deciduous tree (rarely an evergreen) planted primarily for its high crown of foliage.
Shelter for victims <u>victims survivors</u> of domestic violence	A residential facility providing temporary accommodation and support to victims <u>survivors</u> of domestic violence with or without their minor children. Such shelter shall be operated by a non-profit, charitable, or religious agency that meets the pre-contract standards of the State of Michigan Domestic Violence Prevention and Treatment Board. Such shelter shall be considered a different land use than an adult foster care facility, a pre-release adjustment center and a substance abuse service facility. For confidentiality and security of their locations, such shelters shall be permitted on a matter of right basis in

	certain zoning districts. Shelters for victims <u>survivors</u> of domestic violence are subject to licensing by the Buildings, Safety Engineering, and Environmental Department Business License Center.
Show-cause hearings	A hearing before a designated hearing officer to show cause why a specific action should not be taken. (See also Section 50-5-73 of this Code.)
Shrub	A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

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

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

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

Approved as to Form:



Lawrence T. Garcia
Corporation Counsel