

**CITY OF DETROIT
JOINT CITY COUNCIL/PLANNING COMMISSION HEARING
JULY 9, 2019**

STAFF REPORT

REPORT DATE: July 2, 2019

FILE NUMBER: LA 2019-01

HEARING DATE: July 9, 2018

APPLICANT: City of Detroit

REQUEST: Development Code amendments including those associated with recreational vehicles, open camping, accessory structures, and hillside grading/excavation. Code corrections to identified errors and inconsistencies.

LOCATION: Citywide

CRITERIA: Detroit Development Code (DDC)
Section 4.1.6: Type IV Procedure (Legislative)
Section 4.7: Land Use Zoning Map and Text Amendments
City of Detroit Comprehensive Plan

ATTACHMENTS: Exhibit A: Proposed Code Language (Strike-through Draft)

I. PROCESS:

A text amendment to the Detroit Development Code is a Legislative Amendment. Legislative amendments are policy decisions made by City Council. They are reviewed using the Type IV procedure in Chapter 4.1.6. The Planning Commission will make a recommendation to City Council regarding the proposed text amendment.

On September 11, 2018, the Detroit City Council voted to initiate amendments to the Development Code including recreational vehicles, accessory structures, hillside excavation and grading plans, and vacant commercial property in the City of Detroit.

Notice of the Planning Commission and City Council hearings was published in a newspaper of general circulation in the city on June 28, 2019, at least 10 days before the scheduled public hearings of the Detroit City Council and Planning Commission, per the requirements of Section 4.1.6 of the Detroit Development Code.

The Department of Land Conservation and Development (DLCD) was provided notice on May 16, 2019.

II. BACKGROUND:

Over the past several years, the City of Detroit has recognized a need to update its Development Code. Particular areas of concern include: recreational vehicles and open camping, development standards for accessory structures, and developer requirements for hillside excavation and grading plans when there is no associated land use action. Additional minor changes were identified as code errors and inconsistencies.

III. ANALYSIS OF APPLICABLE CRITERIA

Section 4.1.6(G): Decision-Making Consideration. *The decision by the City Council shall be based on consideration of the following factors:*

1. *The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197 (for comprehensive plan amendments only);*
Findings: Because this proposal is for a text amendment to the Development Code and not the Comprehensive Plan of the City of Detroit, staff finds this criterion is not applicable.
2. *Comments from any applicable federal or state agencies regarding applicable statutes or regulations;*
Findings: No comment has been received from any applicable federal or state agencies regarding this proposal or applicable statutes or regulations.
3. Any applicable intergovernmental agreements; and
Findings: No intergovernmental agreements were identified as being applicable to this proposal.
4. Any applicable comprehensive plan policies and provisions of this Code that implement the comprehensive plan. Compliance with Chapter 4.7 shall be required for Comprehensive Plan Amendments, and Land Use Zone Map and Text Amendments.

Findings: The proposed amendments to the Development Code are in compliance with Chapter 4.7 of the Detroit Development Code. The Comprehensive Plan for the City of Detroit includes the following land use goals and policies:

LAND USE

7. Development shall not be permitted in areas identified as having severe development restrictions. To help determine one category of severe development restrictions, the City adopted a slope map in 2009. Development within these areas shall provide an engineering analysis toward assessing the suitability for development.

The proposal requires a permit for grading/excavating on land within Level 2 and 3 slope areas, whether or not a land use decision is associated with the development.

Residential Land:

1. The City of Detroit will encourage residential development of a density at or near the maximum densities as described in the Development Code

2. Residential development should be diversified to provide for a variety of housing opportunities.

The Detroit Development Code, Section 2.1.6 requires a minimum density of 4.0 dwelling units per acre for all new subdivisions and planned unit developments. The proposed amendments aim to encourage residential development in the Single Family Residential (RS) zone by limiting the use of temporary housing in recreational vehicles.

HOUSING

Goal: The City of Detroit shall encourage the development of a range of housing types and cost levels to adequately meet the needs of its citizens.

Policy 1: The City of Detroit will provide adequate amounts of residential land within the urban growth boundary to permit development of housing for families of all income levels

Goal: The City of Detroit shall encourage upgrading of the existing housing stock.

As buildable land in Detroit is limited by natural constraints, these amendments are proposed to help to increase the housing supply available to current and future residents by limiting the use of temporary housing in recreational vehicles.

IV. RECOMMENDATION:

Based on the findings outlined in this report, staff recommends **APPROVAL** of Legislative Amendment LA 2019-01 to the Detroit Planning Commission and City Council.

PLANNING COMMISSION ACTION

- A. I move that the Planning Commission recommend approval of the Legislative Amendment, LA 2019-01, based upon the findings as presented in the staff report, or
- B. I move that the Planning Commission recommend approval of the Legislative Amendment, LA 2019-01, with modifications as determined by the Planning Commission (stating the modifications as part of the motion), or
- C. I move that the Planning Commission recommend denial of the Legislative Amendment, LA 2019-01 (stating the reasons/findings as to why the application should be denied), or
- D. I move to continue the request to a time certain or indefinitely, stating at what point the Planning Commission would consider reopening the hearing.

CITY COUNCIL ACTION

- B. I move that the City Council approve Legislative Amendment, LA 2019-01, based upon the findings as presented in the staff report, or

- B. I move that the City Council approve Legislative Amendment, LA 2019-01, with modifications as determined by the City Council (stating the modifications as part of the motion), or

- C. I move that the City Council deny Legislative Amendment, LA 2019-01(stating the reasons/findings as to why the application should be denied), or

- D. I move to continue the request to a time certain or indefinitely, stating at what point the City Council would consider reopening the hearing.

Note: The City Council adopts an ordinance through procedures as required by the City of Detroit to grant final approval of amendments to the Detroit Development Code.