

# MEMO

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**DATE:** May 24, 2024  
**TO:** Detroit City Council  
**FROM:** Elizabeth Decker, JET Planning  
**CC:** Margaret Raimann, SERA Architects  
**SUBJECT:** Downtown Detroit Code Updates Overview

## I. PURPOSE & BACKGROUND

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The City of Detroit is working to rebuild the community including its core commercial area following the 2020 wildfires, and has developed a Downtown Detroit Vision Plan. The proposed zoning code updates, attached, have been developed as part of implementation of the vision. Additional implementation measures are detailed in the Vision Plan to support robust community development.

The Detroit Development Code (DDC) was comprehensively updated and adopted in 2023. DDC provisions address uses, design, development and procedural standards for development in the downtown core, which is zoned Commercial General and subject to additional Detroit Corridor design standards. An expanded Detroit Avenue Corridor (DAC) overlay zone is proposed that expands the scope of downtown-specific regulations and includes a few additional properties along the south side of Forest Avenue.

The proposed code was developed based on review of existing code relative to the desired Downtown Detroit Vision, discussion of initial code concepts with the Project Advisory Committee, and review of draft code by the City Council. Review by the City's contract planner at the Mid-Willamette Valley COG has also informed code specifics to ensure usability and clarity. *The next step is for the City to begin the code adoption process to resolve a few refinement questions highlighted here and to formally adopt the code. This memo is intended to inform the adoption process by explaining the rationale for the proposed code updates as they relate to the Vision Plan.*

## II. CODE APPROACH

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The Downtown Detroit Vision Plan incorporates both a short-term and long-term vision to reflect capacity for development, based on utility and funding availability. The extent of downtown regulations and the uses permitted (Section III.A and B) will be the same for both short- and long-term opportunities, but zoning code standards are proposed that allow both “permanent” development consistent with the long-term vision, and additional interim development strategies to allow development to activate downtown that are not dependent on permanent structures or utilities (Section III.I).

## III. CODE OVERVIEW

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### A. Extent of Downtown-Specific Regulations

**Section 2.3.7:** Expand applicability of downtown-specific standards, as further described throughout this memo, beyond those fronting Detroit Ave to include lots fronting on Forest Ave between Highway 22 and half block west of Detroit Ave. Note that the lots zoned Public within the overlay (former City Hall site) are excluded from the overlay, as the overlay only applies to commercial sites. Staying focused on a relatively small geographic area is intended to concentrate development activity and fuel a central ‘heart’ of downtown. The proposed extent is shown within the text as Figure 2.3.7-1, and should also be added to the City’s Zoning Map.

### B. Downtown Uses

**Section 2.3.7(C):** Narrow the allowed uses within the downtown code to a targeted range of retail, service and entertainment-oriented commercial uses that serve residents and visitors, and generate activity throughout the week including weekends. Specifically:

- Prohibit auto-oriented uses such as gas stations and drive-throughs, large-format uses like storage and bulk sales, and RV and tiny home parks.
- Limit office uses to accessory uses and upper stories in order to focus ground-floor uses on more active, tourism-oriented uses like retail and lodging. Permit government offices outright such as the existing post office.
- Permit food carts and food cart pods outright as one form of interim development.
- Permit residential uses on upper stories to encourage workforce housing options in Detroit that could be useful for the right development, though with the understanding that mixed-use development can be difficult to finance and construct in smaller towns.

### C. Building and Site Dimensions

**Section 2.3.7(D):** Apply a combination of CG zone standards and overlay standards to encourage a more consistent scale complementary to existing development.

- No minimum lot size or lot width.
- Maintain 35-foot height limit, consistent with vision for 1-2 story buildings. Introduce a minimum height of 15 feet to encourage building massing that creates more of a sense of presence. Buildings could incorporate a false front if needed to meet the minimum height.
- Tailor minimum setbacks to context and introduce maximum setbacks that ensure buildings are brought up to the front property line:
  - Maintain 5-foot setbacks from residentially zoned properties, primarily the Multi-Family Residential zone located west of Detroit Ave. Eliminate setback from Highway 22 given the extensive ODOT right-of-way that already exists between the rear property lines and the travel lanes.
  - Allow 0-foot setbacks from Detroit Ave, Forest Ave and other downtown parcels.
  - Introduce maximum 5-foot setback from Detroit Ave and Forest Ave. Allow up to a 20-ft setback where the intervening space is used for active use areas such as outdoor seating.
- Introduce a maximum size for uses in downtown core, permitting uses up to 10,000 square feet outright, with any larger uses permitted conditionally, to reflect the existing lot size and to promote the desired scale of development.

**Refinement question:** Should the 10,000-square-foot limit apply per building or per business? The size limit can help to address both the physical scale of development (in which case, the per building limit would be more effective), and/or the business structure to promote locally owned business rather than larger corporate or franchise uses (in which case a per business limit would more effectively address the goal). The recommendation is to limit based on total building size; larger buildings with multiple tenants could still be proposed and approved through a conditional use review.

## D. Site Design

**Section 2.3.7(F)(1):** Introduce requirements to enhance building presence along the street and locate any parking areas to the side of rear of the side to create a more vibrant, coherent environment along Detroit Ave and Forest Ave.

- Require that buildings occupy at least 50% of the width of the lot along the front property line between the minimum and maximum setbacks; allow for other activating components like planters and outdoor seating areas to meet this standard where smaller buildings are proposed that do not fully occupy the space. Require that any

setback areas between the building and the street be developed with furnishings, plaza areas, landscaping or similar civic amenities.

- Require parking areas to be located to the side or rear of the site, and to not take up more than 50% of the lot width or more than 50% of the total lot area; prohibiting parking lots between the building and the street.

## E. Building Design Elements

**Section 2.3.7(F)(2) to (7):** Focus on key functional building design elements that align with the long-term vision and engage with pedestrians along the street:

- Retain existing 50% window coverage requirement, with additional specificity of locating windows at pedestrian eye level between 3-7 feet tall. The window coverage was noted as a potential privacy concern for certain uses like hotels, however, the two existing motels are existing uses that would be ‘grandfathered’ in without any required changes, and further, any use with specific privacy concerns could apply for an alternative design as discussed below.
- Require a main entrance facing Detroit Ave or Forest Ave with enhancement features such as a covered porch, differentiated paving materials, or landscaping planters.
- Requirement for awning or canopy over entrances and windows extending a minimum of 50% of the building façade, to provide shade and gathering places. Deep, continuous coverage of sidewalks is not recommended as it can obscure businesses and create a more cramped feel, as well as conflict with street trees.
- Revise standard for rear facades facing Highway 22 with requirement for a mural, window coverage or landscaping to prevent blank walls. Options are intended to provide flexibility while increasing visibility and interest from the highway. Trees are not required, although remain an option with landscaping, to avoid creating conflicts with potential septic drain fields on properties or within adjacent ODOT right-of-way.

**Refinement question:** Do these options address previous concerns about rear façades? Note also that any parking lots or outdoor storage areas adjacent to the highway will also require fencing or landscape screening.

- Building materials standards are focused on prohibiting less durable or desirable materials like vinyl siding, and limiting concrete bricks, corrugated metal and stucco to access uses, rather than specifically requiring materials. While the long-term vision details a ‘heavy timber’ theme for building design, the recommendation is to encourage the style through downtown promotional materials and to allow building styles to evolve more naturally.

Finally, the standards include an alternative, discretionary review (Type III with Planning Commission hearing) for alternative design proposals that otherwise achieve the design intent for downtown.

## F. Landscaping & Street Trees

**Section 2.3.7(E)(1):** Exempt downtown developments from any overall site landscaping requirement in favor of the recommended design concepts that reduce minimum setbacks where front yard landscaping would otherwise be expected, and integrate landscaping elements as design options along the front façade and near entrances. Targeted landscaping that does a “job” is more likely to contribute to the downtown atmosphere including:

- Required plaza, seating areas, planters or other amenities within any front setbacks.
- 5-ft landscaping buffers around parking areas, if proposed.

Additional streetscape elements in the Vision Plan include planters and street trees within the right-of-way, which will further contribute to landscaping within downtown.

## G. Parking Options

**Section 2.3.7(E)(3) and (4):** Lift all off-street vehicle and bicycle parking requirements within the downtown core, freeing limited space downtown to prioritize business and building development, and avoiding the inefficiencies of multiple small parking areas that could be infeasible on individual sites. This change is consistent with the vision for active, pedestrian-scale streetscapes along Detroit Ave and Forest Ave.

Retain flexibility for businesses to elect to provide off-street parking, subject to standards intended to minimize conflicts with pedestrians and interruption to the core downtown activity, including:

- Limit new driveways along Detroit Avenue and only permit new curb cuts for parking areas with 10 spaces or more, with authority to require shared driveways or cross-access easements. The City retains approval authority over any new driveways per Chapter 3.1.
- Limit parking areas to no more than 50% of the lot width or 50% of the total site area, with an exception for public parking lots.
- Require a minimum 5-foot setback for off-street parking areas with landscaping and/or a low wall to screen parking areas.

Outside of the code, the City should pursue a mix of parking strategies that are detailed in the Vision Plan action items to meet short-term visitor and long-term resident and employee parking needs, including:

- Pursue development of a city-owned or operated parking lot in or near downtown, such as the former City Hall site.
- Provide on-street parking with future street improvements to Detroit Ave. Continue to explore configurations of on-street parking that integrate with development patterns, meet parking demand, and fit within the right-of-way.
- Identify available public parking at sites near downtown that could be used during peak periods like summer weekends, such as Detroit City Park or the City Hall/Community Center.

## H. Review Required

**Section 2.3.6(A):** Continue to require Site Design Review downtown developments that meet the proposed downtown standards, and streamline the review procedure. Change to a Type II process with public notice and opportunity to submit written comments, and final decision issued by staff with limited discretion, rather than the existing Type III review by Planning Commission with public hearing.

A discretionary Type III review would be an option for applicants proposing an alternative design to equally or better meet the intent and vision for downtown, and a Type III conditional use would be required for developments over 10,000 square feet floor area.

## I. Interim Development Opportunities

**Section 2.3.7(G) and Section 3.5.5:** Several opportunities for interim development are proposed to allow site development without permanent utilities as Detroit rebuilds, which could take the form of:

- **Food and beverage carts** permitted as Mobile Food Units individually or in pods, per Section 3.5.5; or
- **Temporary trailers or prefabricated structures** permitted as Interim Development, per Section 2.3.7(G).

Detroit has unique needs and opportunities for interim uses due to both the number of currently vacant properties in post-fire downtown Detroit and septic system limitations on development until a sewer system is constructed. Some types of permanent development may not be feasible due to utility constraints for five or more years, which is too long for key downtown properties to remain vacant. The City has seen development of food carts at several downtown locations that have been positively received, and which are identified as short- and long-term contributors to the Downtown Vision.

The proposed standards are intended to support various creative approaches for near-term development:

- Permit a range of uses, including but not limited to food and beverage carts. For example, an outdoor mini-golf course could be developed with some temporary pedestrian amenities along the frontage such as seating or landscape planters.
- Permit development in a variety of structures, including vehicles (food trucks), mobile units (trailers with wheels), and temporary trailers or prefabricated buildings. No limitations on modified shipping containers are proposed. Individual units permitted up to 200 square feet.

**Refinement question:** Food trucks are limited in size based on vehicle regulations. Is it important to limit the size of temporary trailers or prefabricated buildings to 200 square feet? Allowing only smaller temporary structures would focus this option on small, flexible, low-barrier developments, while channeling larger developments towards permanent buildings and site development that may be more appropriate for the scale and budget of such projects.

- Require functional site improvements for safety and comfort, while limiting costly improvement requirements. Require provision of electrical connections rather than generators, trash facilities, access to restrooms either on site or within 500 feet, gravel or paving where units are placed, and site improvements such as seating, covered areas, planters or other amenities scaled based on the number of units placed on site.
- Establish maintenance standards to keep less durable features in good repair such as faded or torn canopies, dead planters, or splintering picnic tables. The City can use code enforcement to apply these standards and informal review at the time of annual business license renewals.
- Establish permitting requirements:
  - Individual food carts allowed outright without land use review, consistent with existing City practice.
  - Pods of two or more food carts allowed through Type II Site Plan Review.
  - Temporary trailers or prefabricated structures allowed through Type II Site Plan Review.

Although there was discussion about requiring periodic renewal of interim development, the recommended direction based on Council feedback was to review and permit uses up front and then use code enforcement if needed to address ongoing compliance on a case-by-case basis. All such uses should be reviewed when the City connects to a public sewer system, however, there are so many unknowns about timing and specifics that specific sunset or transition measures are not recommended here.

## J. Downtown Signs

**Section 3.5.2(G)(8):** Several refinements are proposed to the commercial sign code specific to the DAC overlay:

- Prohibiting free-standing signs for new development, based on initial direction at the April Council meeting, which tend to be auto- rather than pedestrian-oriented. However, many previous businesses had free-standing signs for greater visibility from the highway and the City itself is developing a free-standing messaging sign within the proposed downtown overlay that would be prohibited under the new code.

**Refinement question:** Is there a different approach that would permit some free-standing signs with limitations, such as a height limit or requiring conditional use permit review, or does Council continue to support prohibiting new freestanding signs?

- Allowing projecting signs, which extend perpendicular from the building face rather compared to wall signs that are placed parallel with the building wall. Projecting signs, limited to a maximum projection of 4 feet wide and located between 8 to 12 feet about the sidewalk, provide pedestrian-oriented signage that is particularly compatible with awnings and canopies required for downtown.
- Allowing A-frame (sandwich board) signs, one for each business, which are another form of pedestrian-oriented signage.
- Permitting murals, which are defined as a type of sign, to eliminate potential conflicts with mural option for rear façades along Highway 22.

## K. Additional Changes

**Chapter 2.3:** Minor clean-ups are proposed for the Commercial General standards, including updating cross-references and clarifying that the landscaping standards in Chapter 3.3 requiring 5% site landscaping applies to CG properties, but not to downtown. Food carts and pods are recommended as a permitted use in the CG zone, akin to the DAC.

**Section 2.4.2:** Add public parking lots as a permitted use within the Public zone, which applies to the former City Hall site, to support a future concept for a public parking and restroom facility on the site.

**Section 3.2.2:** Add cross-reference to clarify that off-street minimum parking requirements do not apply in the DAC overlay.

**Section 3.5.2:** Within the sign code, add Type I sign permit review for all permitted signs and limit Type III review to sign variances and conditional use permits.



**Section 3.5.5:** Add new section with food cart standards with other special uses, as a central reference.

**Table 4.1.2:** Update affected review types for consistency: Type III review for Alternative Design Review, Type II review for Site Design Review, and Type I review for sign permits.

**Chapter 4.2:** Change all Site Design Review to a Type II process rather than Type III, requiring Planning Commission review. These reviews are primarily for commercial and multifamily residential uses. The change to Type II for downtown makes sense for all other commercial as well. Multifamily residential should be reviewed through a ‘clear and objective’ procedure rather than a discretionary Type III review, so the proposed change also helps achieve compliance with state regulations. (ORS 197A.400). Most larger commercial and industrial uses, like lumber yards or gas stations, that may have off-site impacts would continue to require a Type III conditional use review by Planning Commission.

**Section 4.9.1:** Add cross-reference to clarify that interim development is not subject to temporary use standards.

**Section 5.1.2(A):** Refine exemption allowing nonconforming uses destroyed by wildfires to be rebuilt with greater specificity. Add date of approved ordinance as deadline to commence reconstruction, and specify that “commence” means a variety of actions to show serious intent to rebuild, including submittal of any land use, building or trade permit, or beginning of actual site construction if no permit is required.

**Zoning Map:** Not included in this package of code updates, the City should update the City’s Zoning Map to show the extent of the Detroit Avenue Corridor (DAC) overlay zone, mirroring Figure 2.3.7-1.

## IV. BEYOND THE CODE

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Zoning code is just one implementation tool for the Downtown Detroit Vision Plan: the zoning will help to establish a foundation for what can be built, but the essential ingredients for redevelopment will continue to be community enthusiasm, relationships with business owners, and financial investment in buildings and the public realm. The City should pursue the full range of strategies detailed in the Action Plan, including parking strategies detailed here.

Specific code-adjacent recommendations to aid zoning code implementation, in service of the larger vision, include:

- Update the City’s webpage with zoning and development information, including the adopted Zoning Map and details about downtown development opportunities.

- Develop and share materials related to downtown development opportunities on the webpage and provide to prospective developers.
- Update land use application forms for downtown development.