



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

05/24/2011

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Detroit Plan Amendment  
DLCD File Number 001-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, June 07, 2011

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Marjorie Mattson, City of Detroit  
Gloria Gardiner, DLCD Urban Planning Specialist  
Steve Oulman, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DEPT OF

MAY 18 2011

LAND CONSERVATION  
AND DEVELOPMENT  
For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Detroit**

Local file number: **DCTA 2011-01**

Date of Adoption: **5/12/2011**

Date Mailed: **5/17/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 2/23/2011

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **inclusion of 2 comp plan maps**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The amendments revise regulations applicable to the temp. placement & use of recreational vehicles & tent camping on individual properties, reduce min. lot size for single-family (SF) dwellings from the current 12,000 to 10,000 square feet, require a min. living space for site built SF dwellings as 700 square feet, reduce the max. lot coverage for SF dwellings on commercial zoned property from 70% to 60%, & provide consistency in the code indicating a "significant tree" as 8 inches in diameter.

Does the Adoption differ from proposal? Yes, Please explain below:

Additional changes include adding requirements for property pins to be visible at the time of building permit, allowing variances for access permits, and inclusion of the 2009 Comprehensive Plan and Zone District and the 2008 Slope Maps (previously adopted in the City's TSP) to within the Comp. Plan.

Plan Map Changed from: **3.63 for SF**

to: **4.3 for SF**

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1  2  3  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

DLCD File No. 001-11 (18731) [16647]

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

DLCD, Parks and Recreation, Building Code Division

Local Contact: **Marjorie Mattson, MWVCOG**

Phone: **(503) 588-6177** Extension:

Address: **105 High Street SE**

Fax Number: **503-588-6094**

City: **Salem**

Zip: **97301-**

E-mail Address: **mmattson@mwvcog.org**

## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

## Mailing list for Public Hearing Continuance

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ORDINANCE NO. 223

AN ORDINANCE ADOPTING TEXT AMENDMENTS TO THE CITY OF DETROIT DEVELOPMENT CODE AND INCLUDING THE ADDITION OF TWO MAPS TO THE CITY OF DETROIT COMPREHENSIVE PLAN

WHEREAS, the City of Detroit determined the need to amend the text of the Detroit Development Code to revise regulations applicable to the temporary placement and use of recreational vehicles on individual properties, reduce minimum lot size for single-family dwellings from the current 12,000 to 10,000 square feet, require a minimum living space for site built single-family dwellings as 700 square feet, reduce the maximum lot coverage for single-family dwellings located on commercially zoned property from 70 to 60 percent, require identifying property markers for building permits, allow filing for specified variance for property access, and provide consistency in the code indicating a "significant tree" as eight (8) inches in diameter; and to add the Comprehensive Plan Map and Zoning Map and provide a slope map to the Comprehensive Plan (that were previously adopted as part of the Transportation System Plan in 2009); and

WHEREAS, the Planning Commission conducted a public hearing to consider the requests on March 22 & March 29, 2011, at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, at the close of the public hearing, the Planning Commission voted to recommend that the City Council approve the new and revised documents at the public hearing; and

WHEREAS, the City Council conducted a public hearing to consider the requests on March 22 & March 29, 2011, at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, at the close of the public hearing on March 29, 2011, the City Council voted to approve the requests subject to any revisions stated at the public hearing; and

WHEREAS, proper notice of the said public hearings was given to the public pursuant to applicable state statutes; and

WHEREAS, the City Council of the City of Detroit hereby adopts the findings of fact set forth in the staff report dated March 14, 2011, for the March 22 & March 29, 2011, Council meetings;

NOW THEREFORE, THE CITY OF DETROIT ORDAINS AS FOLLOWS:

Section 1. The amendments to the City of Detroit Development Code; as provided in Attachment A (attached) and

Section 2. The City Council for the City of Detroit completed its first reading on April 12, 2011; and completed the 2<sup>nd</sup> reading on May 10, 2011, the City of Detroit notes that this Ordinance takes effect within thirty (30) days, and therefore, this Ordinance shall be in full force and effect May 12, 2011.

First Reading: April 12, 2011

Second Reading: May 10, 2011

**PASSED** and adopted by the City Council of the City of Detroit on this 10th day of May, 2011, by the following votes and providing an **effective date of May 12, 2011.**

Ayes 7 Nays 0 Absent 0

Signed:

Jeanette Hartwell  
Jeanette Hartwell, Mayor

Attest:

Christine Pavoni  
Christine Pavoni, City Recorder

## **Chapter 1.2 - General Administration**

### **Sections:**

- 1.2.1 Purpose**
- 1.2.2 Severability**
- 1.2.3 Compliance and Scope**
- 1.2.4 Consistency with Plan and Laws**
- 1.2.5 Use of a Development**
- 1.2.6 Pre-Existing Approvals**
- 1.2.7 Building Permit and Certificate of Occupancy**
- 1.2.8 Official Action**
- 1.2.9 Conflicting Ordinances**
- 1.2.10 Repealing Conflicting Ordinances**

### **REQUIRING PROPERTY MARKERS (SURVEY PINS) TO BE VISIBLE AT TIME OF BUILDING PERMIT**

#### **1.2.7 Building Permit and Certificate of Occupancy**

A. Building permit. The City shall not issue a building permit until:

(1) the City has issued a development permit in accordance with the provisions of Chapter 4 - Administration of Land Use and Development Review, or otherwise found that a development permit is not required, and

(2) the property owner provides for property survey stakes to be visible for use during building and site work inspections for new construction or remodeling that changes the “footprint” of the structure.

B. Certificate of occupancy required. To ensure completion of a development or use in the manner approved, a development shall not be occupied and a use shall not begin until the Building Official has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable land use and building permits.

C. Prior to final completion. Before the completion of all work, the Building Official may issue a certificate of occupancy for a portion of the structure conditioned upon completion of further work by a date certain.

## **Chapter 2.1 – Residential Single Family (RS) Zone**

### **Sections:**

- 2.1.1 Purpose**
- 2.1.2 Permitted Uses**
- 2.1.3 Transitional Uses**
- 2.1.4 Conditional Uses**
- 2.1.5 Dimensional Standards**
- 2.1.6 Development Standards**
- 2.1.7 Special Standards for Certain Uses**

## **MINIMUM LOT SIZE FOR SINGLE-FAMILY DWELLINGS**

### **2.1.1 Purpose**

To provide for single-family dwellings and their accessory uses and to permit with conditional use approval certain other uses that are necessary or compatible to single-family residential living.

The Single-Family Residential (RS) Zone is intended to preserve existing single-family residential areas and provide for future single-family residential housing opportunities. The RS Zone is consistent with the Single Family Residential Comprehensive Plan designation.

### **2.1.5 Dimensional Standards**

#### **A. Minimum Lot Area**

1. Single Family dwellings: ~~12,000~~ 10,000 square feet
2. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.

## **Chapter 2.2 – Residential Multi-family (RM) Zone**

### **Sections:**

#### **2.2.1 Purpose**

#### **2.2.2 Permitted Uses**

#### **2.2.3 Conditional Uses**

#### **2.2.4 Dimensional Standards**

#### **2.2.5 Development Standards**

## **MINIMUM LOT SIZE FOR SINGLE-FAMILY DWELLINGS**

### **2.2.1 Purpose**

To provide for multiple family dwellings and other residentially oriented uses within and adjacent to single-family residential areas. It is the intent of the RM zone to act as a buffer between commercial and industrial uses and single-family residential development.

### **2.2.4 Dimensional Standards**

#### **A. Minimum Lot Area**

1. Single Family dwellings: ~~12,000~~ 10,000 square feet
2. Duplex: 14,000 square feet
3. Multi-family dwelling, 3 unit: ~~165,000~~ square feet  
plus 3,000 square feet per unit in excess 3 units

4. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks

## **Chapter 2.1 – Residential Single Family (RS) Zone**

### **Sections:**

- 2.1.1 Purpose**
- 2.1.2 Permitted Uses**
- 2.1.3 Transitional Uses**
- 2.1.4 Conditional Uses**
- 2.1.5 Dimensional Standards**
- 2.1.6 Development Standards**
- 2.1.7 Special Standards for Certain Uses**

### **MINIMUM SQUARE FOOTAGE FOR SINGLE-FAMILY DWELLINGS**

#### **R-1 Zone District**

##### **2.1.1 Purpose**

To provide for single-family dwellings and their accessory uses and to permit with conditional use approval certain other uses that are necessary or compatible to single-family residential living.

The Single-Family Residential (RS) Zone is intended to preserve existing single-family residential areas and provide for future single-family residential housing opportunities. The RS Zone is consistent with the Single Family Residential Comprehensive Plan designation.

##### **2.1.2 Permitted Uses**

Within the RS zone, no building, structure or premise shall be used, arranged or designed to be used, erected, structurally altered, or enlarged except for the following uses and activities:

- A. Single-family dwellings including manufactured homes complying with the definitional requirements in Chapter 1.3 and 2.1.7 Section A. **Single-family dwellings shall not have less than 700 square feet of living space on newly developed properties. “Newly developed” shall be determined as not having a single-family structure or manufactured home on the property six months prior to date of filing a building permit application.**

##### **2.1.7 Special Standards for Certain Uses**

This section supplements the standards contained in Sections 2.1.1 through 2.1.6. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the RS Zone:

- A. **Manufactured homes on individual lots.** Manufactured homes are permitted on individual lots, subject to all of the following design standards, consistent with ORS 197.307(5). Exception: The following standards do not apply to units that existed within the City before the effective date of this Code.
  1. **Floor Plan.** The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 700 square feet;



## **Chapter 2.2 – Residential Multi-Family (RM) Zone**

### **Sections:**

- 2.2.1 Purpose**
- 2.2.2 Permitted Uses**
- 2.2.3 Conditional Uses**
- 2.2.4 Dimensional Standards**
- 2.2.5 Development Standards**

### **MINIMUM SQUARE FOOTAGE FOR SINGLE-FAMILY DWELLINGS**

#### **2.2.1 Purpose**

To provide for multiple family dwellings and other residentially oriented uses within and adjacent to single-family residential areas. It is the intent of the RM zone to act as a buffer between commercial and industrial uses and single-family residential development.

#### **2.2.2 Permitted Uses**

Within the RM zone, no building, structure or premise shall be used, arranged or designed to be used, erected, structurally altered, or enlarged except for the following uses and activities:

- A. Dwellings, including single-family dwellings, manufactured homes complying with the definitional requirements in Chapter 1.3 and 2.1.7 Section A., duplexes and multifamily dwellings, detached or attached. **Single-family dwellings shall not have less than 700 square feet of living space.**

## **Chapter 2.3 – Commercial General (CG) Zone**

### **Sections:**

- 2.3.1 Purpose**
- 2.3.2 Permitted Uses**
- 2.3.3 Conditional Uses**
- 2.3.4 Limitations on Use**
- 2.3.5 Dimensional Standards**
- 2.3.6 Development Standards**
- 2.3.7 Detroit Avenue Corridor Design Standards**

### **LOT COVERAGE FOR SINGLE-FAMILY DWELLINGS WITHIN COMMERCIAL DISTRICT**

#### **Commercial Zone District**

#### **2.3.1 Purpose**

To provide areas for a wide range of retail, wholesale, transportation and service uses. To assure compatibility between these uses and adjacent residential and industrial uses, special standards are specified.

### 2.3.2 Permitted Uses

The following uses are permitted in the General Commercial (CG) Zone, subject to a Site Design Review in accordance with Chapter 4.2.

- N. Dwelling units accessory to a permitted use or above a permitted use in accordance with Multi-Family Residential (RM) development standards.

### 2.3.6 Development Standards

#### B. Lot Coverage and Landscaping

- 1. Commercial Uses in the Commercial General Zone may use the entire parcel unless a portion of the parcel is devoted to landscaping. For residential uses other than dwelling units accessory to permitted uses in the Commercial General Zone, the maximum lot coverage, including the main building and any accessory structures, shall be ~~70~~ 60 percent.

## Chapter 1.0 - Introduction

### TREE DIAMETER

#### 1.3.2 Definitions

The following words and phrases, when used in this Code, shall have the meanings set forth in this Chapter, except in those instances where the context clearly indicates a different meaning. Definitions marked with a # are further illustrated in Appendix A.

**Significant Tree:** Any living, standing, woody plant, having a trunk eight inches or more in diameter or 25 inches in circumference, measured at a point four (4) feet above grade at the base of the trunk.

## Chapter 3.2 - Landscaping, Street Trees, Fences and Walls

### Sections:

#### 3.2.1 Purpose

#### 3.2.2 Landscape Conservation

#### 3.2.3 New Landscaping

#### 3.2.4 Street Trees

#### 3.2.5 Fences and Walls

### TREE DIAMETER

#### 3.2.1 Purpose

This chapter is organized into the following sections:

**Section 3.2.2 - Landscape Conservation** prevents the indiscriminate removal of significant trees and other vegetation, including vegetation associated with streams, wetlands and other protect natural resource areas. This section cross-references Chapter 3.7, which regulates development of sensitive lands.

### 3.2.2 Landscape Conservation

- A. **Applicability.** All development sites containing Significant Vegetation, as defined below, shall comply with the standards of this Section. The purpose of this Section is to incorporate significant native vegetation into the landscapes of development and protect vegetation that is subject to requirements for Sensitive Lands (Chapter 3.7). The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems.
- B. **Significant Vegetation.** “Significant vegetation” means:
1. **Significant Trees and Shrubs.** Individual trees and shrubs with a trunk diameter of ~~four (4)~~ **eight (8)** inches or ~~greater~~ **more or 25 inches in circumference**, as measured four (4) feet above the ground (DBH), and all plants within the drip line of such trees and shrubs, shall be protected. Other trees may be deemed significant, when nominated by the property owner and designated by the City as “Heritage Trees” (i.e., by virtue of site, rarity, historical significance, etc.)
  2. **Sensitive Lands.** Trees and shrubs on sites that have been designated “Sensitive Lands”, in accordance with Chapter 3.7 (e.g., due to slope, natural resource areas, wildlife habitat, etc.) shall be protected.
  3. **Exception.** Protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for Marion County.
- C. **Mapping and Protection Required.** Significant vegetation shall be mapped as required by Chapter 4.2 - Site Design Review and Chapter 3.7 - Sensitive Lands. Significant trees shall be mapped individually and identified by species and size (diameter ~~at four (4)~~ **of eight (8) inches or greater more or 25 inches in circumference, as measured** four (4) feet above grade, or “DBH”). A “protection” area shall be defined around the edge of all branches (drip-line) of each tree (drip lines may overlap between trees). The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.

## Chapter 1.0 - Introduction

### RECREATIONAL VEHICLES

#### 1.3.2 Definitions

**Recreational Vehicle (RV)** - A vehicular-type structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to travel trailers, truck campers, ~~watercraft~~, and self-propelled motor homes.

**For the purpose of recreational vehicles self-contained is defined as a complete and independent unit with such built-in equipment as kitchen units or fixtures and toilet rooms.**

## **Chapter 3.6 - Other Standards**

### **Sections:**

**3.6.1 Density Transfer**

**3.6.2 Signs**

**3.6.3 Recreational Vehicles**

**3.6.4 Open Camping**

### **RECREATIONAL VEHICLES AND OPEN CAMPING**

#### **3.6.3 RECREATIONAL VEHICLES (RV)**

**A. Recreational Vehicles (RV) on Developed Single Family Zoned Land - RV may be parked for human occupancy on the property under the following conditions:**

#### **OWNER/LESSEE OCCUPIED**

1. **From April 1<sup>st</sup> through October 31st, two (2) RVs may be parked on the property.**
  - a. **RV must be the property of the owner or full time lessee of the property or have permission of the owner or full time lessee.**
2. **From November 1<sup>st</sup> through March 31st, two (2) RVs may be parked on the property up to the maximum of 30 days.**
  - a. **RV must be the property of the owner or full time lessee of the property or have permission of the owner or full time lessee.**
3. **RV must be parked at least five (5) feet from the front, side, and rear property lines and ten (10) feet from a structure when unit is fully extended. Note: Parking of RVs shall also comply with requirements for clear vision areas.**
4. **RV may be connected to the owner or lessee power with a Marion County Public Works Department, Building Inspection Program approved RV connection box ONLY. Connections using extension cords are NOT allowed.**
5. **RV may be self-contained; however, black and grey water holding tanks shall be emptied only at an authorized RV dump station.**
6. **Recreational Vehicle shall not be connected to the septic/sewer without proof of a Septic Authorization Notice from Marion County Public Works Department. Discharge of “grey water” and/or toilet facilities directly onto the ground is prohibited.**

#### **ADDITIONAL UNITS**

7. **Any additional RV parking requires a permit issued by the City Recorder with approval of two (2) City Councilors when meeting the following.**
  - a. **Permit is subject to a fee established by Resolution of the Detroit City Council.**

ATTACHMENT A –Amendments/City of Detroit Development Code – 2011  
ORDINANCE NO. 223

- b. Permit applies to property owner/lessee requesting the permit and it is not transferable with the property.
- c. Adequate on-site parking shall be provided for additional vehicles allowing for setback from side and rear property lines and between vehicles a minimum of three (3) feet in width. No parking is permitted within a front yard setback unless located within an approved driveway.

**B. Recreational Vehicle parking on Developed Multi-family (RM) Zoned Property – An RV may be parked for human occupancy on developed multi-family zoned unit of land under the following conditions:**

- 1. If there is only one single-family dwelling on the multifamily zoned property, Section A (Numbers 1 through 6), Developed Single Family Zoned Land, regulations shall apply.
- 2. If there is more than one single-family residence on the property, property owner may allow one (1) RV per dwelling unit for a resident-owner's or renter's personal use, however, more than one (1) RV on the property requires City approval under the following conditions:
  - a. RV must be parked at least five (5) feet from the front, side, and rear property lines. Each RV must be located a minimum of 10 feet from any other structure when unit is fully extended. (Note: Parking of RVs shall also comply with requirements for clear vision areas.)
  - b. RV may be connected to the owner or lessee power with a Marion County Public Works Department, Building Inspection Program, approved RV connection box ONLY. Connections using extension cords are NOT allowed.
  - c. RV may be self-contained; however, black and grey water holding tanks shall be emptied only at an authorized RV dump station.
  - d. Adequate on-site parking shall be provided for additional vehicles allowing for setback from side and rear property lines and between vehicles a minimum of three (3) feet in width. No parking is permitted within a front yard setback unless located within an approved driveway.

**C. Recreational Vehicle on Commercial General (CG) zoned unit of land that contains one single family dwelling shall conform to the conditions in Section A (Letters 1 through 6), Developed Residential Single Family Zoned Land.**

**D. Recreational Vehicle on Commercial General (CG) zoned land that contains multi-family dwellings shall conform to the conditions in Section B, Developed Multi-family Zoned Land.**

**E. Recreational Vehicle parking on Developed Commercial General Zoned Property (CG) that contains an active business within a building structure is allowed if RV is parked for human occupancy on the property upon meeting all of the following conditions.**

- 1. One (1) RV may be parked for human occupancy on the property up to the maximum of 14 consecutive days in a 30 day period.
  - a. RV must be the property of the owner or full-time lessee of the property.

- b. RV must be parked at least five (5) feet from the front, side, and rear property lines and ten (10) feet from a structure when unit is fully extended. Note: Parking of RVs shall also comply with requirements for clear vision areas.
- c. RV may be connected to the owner or lessee power with a Marion County Public Works Department, Building Inspection Program, approved RV connection box ONLY. Connections using extension cords are NOT allowed.
- d. RV may be self-contained; however, black and grey water holding tanks shall be emptied only at an authorized RV dump station.
- e. Adequate on-site parking shall be provided for additional vehicles allowing for setback from side and rear property lines and between vehicles a minimum of three (3) feet in width. No parking is permitted within a front yard setback unless located within a driveway.

F. Recreational Vehicles on Undeveloped Residential (RS) & Multi-family (RM) Zoned Property – Two (2) RVs may be parked for human occupancy on undeveloped Single Family or Multi-family zoned unit of land upon meeting all of the following conditions:

1. The property shall have City-approved access driveway. Adequate on-site parking shall be provided for additional vehicles allowing for setback from side and rear property lines and between vehicles a minimum of three (3) feet in width. No parking is permitted within a front yard setback unless located within a driveway.
2. The property shall have a City-approved and installed water meter and a water line, going from the meter to a hose bib on the property. During use of the property, the water must be turned on and a hose must be available for fire dousing in the fire pits and for fire protection.
3. The RV may be hooked up to electrical power with a Marion County Public Works Department, Building Inspection Program, approved RV connection box. Connections using extension cords are not allowed.
4. The RV shall either be self-contained or toilet facilities shall be provided. Property owner must obtain approval for a porta-potty from the City, or provide proof of an acceptable sanitation system approved by the City. For self contained units, black and grey water holding tanks shall be emptied only at an authorized RV dump station.
5. From April 1<sup>st</sup> through October 31st, the property may be used by the property owner for placement of two (2) RVs.
6. From November 1<sup>st</sup> through March 31st, two (2) RVs may be parked for human occupancy on the property for property owner’s personal use up to the maximum of a 30 days.
7. If residency in RV exceeds two (2) weeks, the owner of the RV/property must subscribe with the municipality’s contract sanitary disposal company for garbage collection.
8. Rental or leasing land or space for one (1) RV is allowed based upon the established time period indicated in Section 3.6.3., Letter F., Numbers 5 and 6. (Note: A residency 30 days or less is subject to Ordinance 214, Transient Occupancy Tax.)

9. The property shall have adequate space for on-site vehicle parking. The RV shall be parked at least five (5) feet from the front, side, and rear property lines and at least ten (10) feet from a structure when unit is fully extended. Note: Parking of RVs shall also comply with requirements for clear visions areas.
10. Additional RV parking for human occupancy requires a permit issued by the city Recorder with approval of two (2) City Councilors when meeting the following:
  - a. Permit is subject to a fee established by Resolution of to the Detroit City Council.
  - b. Permit applies to property owner/lessee requesting the permit and it is not transferable with the property.

**G. Recreational Vehicles on Undeveloped Commercial Zoned Land.**

1. Parking RV's on undeveloped commercially zoned property for human occupancy is prohibited.

**H. Recreational Vehicles (RV) Storage.**

1. Storage of two (2) Recreational Vehicles (RV) on Developed Single Family, Multi-Family or Commercial General zoned property that contains a single-family dwelling is permitted based upon the RVs being parked a minimum of ten (10) feet from the front, and five (5) feet from the side and rear property lines. Note: Parking of RVs shall also comply with requirements for clear vision areas.
2. RV/boat storage on Undeveloped Single Family and Multi-Family zoned property is prohibited unless the RV/boat is the personal property of the property owner up to a maximum of two (2) in number.
3. RV storage may be allowed on Developed Commercial zoned property with an existing commercial use as an accessory use if:
  - a. City Council approves the RV storage,
  - b. The property owner of the storage area has a business license from the City to operate the existing (principal use) business,
  - c. The storage is accessory to the primary use on the property and the storage is only for RVs, boats, and boat/watercraft trailers, and
  - d. The property is not located in the Detroit Avenue Business Corridor (properties abutting Detroit Avenue and zoned Commercial General (CG)).
4. RV/Boat storage on Undeveloped Commercially zoned property is prohibited unless:
  - a. Property owner completes and receives approval of a land-use application based upon the required application type, procedure, and process applicable to RV/boat storage pursuant to Detroit Development Code, Chapter 2.3—Commercial General Zone Requirements, and

ATTACHMENT A –Amendments/City of Detroit Development Code – 2011  
ORDINANCE NO. 223

- b. Property owner applies for and is granted a business license from the City to operate a designated RV storage facility on the property.

**I. Other**

8. RV/boat storage or overnight use of RV on City streets and City right-of-ways is prohibited.
9. Owners of Vacation Rental properties are responsible for compliance by their renters/tenants of these regulations. (Vacation rentals are as defined within the Transient Tax Ordinance and may include the following as examples: tourist home or house, bed & breakfast, lodging house, rooming house, and apartment house, public or private dormitory, and space in mobile home or trailer parks.)
10. Any RV parking conditions not specifically addressed requires a permit issued by the City Recorder with approval of two (2) City Councilors when meeting the following.
  - a. Permit is subject to a fee established by Resolution of the Detroit City Council.
  - b. Permit applies to property owner/lessee requesting the permit and it is not transferable with the property.



**~~3.63. Recreational Vehicles~~**

~~A. Recreational vehicles parked on developed Single Family, Multi Family or Commercial General zoned land, shall conform to the following regulations:~~

~~1. Recreational vehicle must be parked on a graveled or paved driveway, side yard or back yard.~~

~~2. Recreational vehicle must be property of temporary visitors or the owner/renter of the developed property.~~

~~3. Recreational vehicle must be self-contained.~~

~~4. Recreational vehicle shall not be connected to septic/sewer.~~

~~5. Developed Property may be used for residential recreational vehicle use from May 1st through September 30th, and a total of 14 out of 30 consecutive days during the rest of the year.~~

~~6. The provisions stated above apply to property zoned Commercial General (CG) that contain single family dwellings.~~

~~B. Recreational vehicles parked on undeveloped Single Family, Multifamily zoned land, shall conform to the following regulations:~~

~~1. Recreational Vehicle must be self-contained.~~

~~2. Recreational Vehicle must not be connected to septic/sewer.~~

~~3. Undeveloped Property may be used for residential recreational vehicle use from May 1<sup>st</sup> through September 30<sup>th</sup>, and a total of fourteen (14) out of thirty (30) consecutive days during the rest of the year.~~

~~4. If residency in a recreational vehicle exceeds two (2) weeks, the recreational vehicle occupant must subscribe with the municipality's contracted sanitary disposal company for garbage collection.~~

~~C. Residential, recreational vehicle use or storage of a recreational vehicle on undeveloped property zoned Commercial General (CG) or Industrial Commercial (IC) is prohibited except in a recreational vehicle (RV) park or a commercial storage area/lot.~~

~~D. Recreational vehicle storage or overnight use is prohibited on City streets and right of way.~~

~~E. Recreational vehicle storage in Single Family or Multi-Family Zones must be on a graveled or paved driveway, side yard, or back yard.~~

## Chapter 5.1 - Variances

### Sections:

#### 5.1.1 Purpose

#### 5.1.2 Minor Variance

#### 5.1.3 Major Variance

#### 5.1.4 Variance Application and Appeals

#### 5.1.5 Expiration of Approval – Standards for Extension of Time

#### 5.1.6 Transfer of Variance

### 5.1.1 Purpose

Flexibility, adaptability, and reasonableness in the application and administration of development standards is necessary where special conditions exist. For lands, or uses with unique characteristics, the intent and purpose of the development standard may be maintained while allowing adjustments to requirements. No variance shall be approved which permits the establishment of a use, or activity not identified in a zone.

Because some variances are granted using “clear and objective standards,” they can be granted by means of a Type I procedure. Other variances, as identified below, require a Type II or Type III procedure because they involve discretionary decision-making.

### **ALLOWING VARIANCES FOR THE PURPOSE OF PROPERTY ACCESS**

#### 5.1.2 Class A Variance

A. **Class A Variances.** The following variances are reviewed using a Type I procedure, as governed by Chapter 4.1, using the approval criteria in Subsection B, below:

1. Front yard setbacks. Up to a ten (10) percent change to the front yard setback standard in the land use zone.
2. Interior setbacks. Up to a ten (10) percent reduction of the dimensional standards for the side and rear yard setbacks required in the base land use zone.
3. Lot coverage. Up to ten (10) percent increase of the maximum lot coverage required in the base zone.
4. Landscape area. Up to ten (10) percent reduction in landscape area (overall area or interior parking lot landscape area).
5. Access.
  - a. Temporary access for RV parking during the time period of May 1<sup>st</sup> through September 30<sup>th</sup> based upon a City approved location.
  - b. Access for turn-around driveway based upon a maximum driveway and approach width of 10<sup>th</sup> feet.

**c. Access to a second subdivided parcel or lot under the same ownership (or for such parcels or lots combined based upon City approval of a lot consolidation or lot line adjustment application.)**

B. **Class A Variance Approval Criteria.** A Class A Variance shall be granted if the applicant demonstrates compliance with all of the following criteria:

1. The variance requested is required due to the lot configuration, or other conditions of the site;
2. The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;
3. The variance will not result in violation(s) of Chapter 3, or other design standards.

**5.1.3 Variance Application and Appeals**

The variance application shall conform to the requirements for Type I, II, or III applications (Chapter 4.1.3, 4.1.4, 4.1.5), as applicable. In addition, the applicant shall provide a narrative or letter explaining the reason for their request, alternatives considered, and why the subject standard cannot be met without the variance. Appeals to variance decisions shall be processed in accordance with the provisions of Chapter 4.1.

**5.1.6 Expiration of Approval--Standards for Extension of Time**

- A. Variance approval shall be effective for a period of one (1) year from the date of approval. If the variance request has not been implemented within the one (1) year period, the approval shall expire.
- B. Variance approval shall be voided immediately if the use established on site does not substantially conform to the approval granted by the City.
- C. The City Recorder shall, upon request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six (6) months. Requests for extension of approval shall be submitted in writing thirty (30) days before the expiration date of the approval period.

**COMPREHENSIVE PLAN MAPS**

1. **City of Detroit Comprehensive Plan and Zoning Map, 2009, to replace 2002 version of map**
2. **City of Detroit Slope Map: 2008**

ORDINANCE NO 224

AN ORDINANCE ADOPTING TEXT AMENDMENTS TO THE CITY OF DETROIT DEVELOPMENT CODE

WHEREAS, the City of Detroit determined the need to amend the text of the Detroit Development Code to revise regulations to Chapter 3.6.4 Open Camping/Tents on individual properties, and

WHEREAS, the Planning Commission conducted a public hearing to consider the requests on March 22, 2011, at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, at the close of the public hearing, the Planning Commission voted to recommend that the City Council approve the revised document at the public hearing; and

WHEREAS, the City Council conducted a public hearing to consider the request on March 22, 2011; at which time the public was given full opportunity to be present and heard on the matter; and continued to March 29, 2011; and continued to April 12, 2011; for Council deliberation; and

WHEREAS, at the close of the public hearing, the City Council voted to approve the request subject to the revisions stated at the public hearing; and

WHEREAS, proper notice of the said public hearing and continuations were given to the public pursuant to applicable state statutes; and

WHEREAS, the City Council of the City of Detroit hereby adopts the findings of fact set forth in the staff report dated March 14, 2011, for the March 22, 2011 Council hearing;

NOW THEREFORE THE CITY OF DETROIT ORDAINS AS FOLLOWS:

**Section 1.** The amendments to the City of Detroit Development Code; as provided in Exhibit A (attached); and

**Section 2.** The City Council for the City of Detroit completed its first reading on May 10, 2011; and completed its 2<sup>nd</sup> reading, by title only, on May 10, 2011; and declared an emergency. The City of Detroit notes that this Ordinance shall be in full force and effect May 12, 2011.

**Section 3. Emergency Clause.** The Council desires and deems it necessary for the preservation of the health, peace, and safety of the City of Detroit that this ordinance take effect immediately, and therefore, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect after its passage by the Council with an effective date of May 12, 2011.

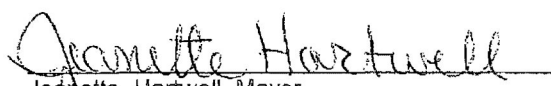
First Reading: May 10, 2011

Second Reading By Title Only: May 10, 2011

**PASSED** and adopted by the City Council of the City of Detroit on this 10th day of May, 2011, by the following votes and providing an effective date of May 12, 2011.

AYES: 7 NAYS: 0 ABSENT: 0

Signed:

  
Jeanette Hartwell, Mayor

Attest:

  
Christine Pavoni, City Recorder

**3.6.4 OPEN CAMPING/TENTS**

**A. Developed Single Family (RS) Zoned Property, Multi-family (RM) Zoned Property with Single Family Residence, Commercial (CG) Zoned Property with Single Family Residence**

1. A maximum of four (4) tents may be placed on single-family, multi-family and commercial zoned property with single family residences, and a maximum of four (4) tents per unit may be placed on multi-family and commercial zoned unit of property with multiple dwellings and allowed:
  - a. from April 1<sup>st</sup> through October 31<sup>st</sup>,
  - b. from November 1<sup>st</sup> through March 31<sup>st</sup> up to the maximum of 14 consecutive days in a 30 day period, and
  - c. meeting the following conditions.
    - (1) Tents must be placed at least five (5) feet from the side and rear property lines and at least ten (10) feet from the front property line. Each tent must be located a minimum of five (5) feet from any other camping space or structure when the unit is fully extended.
2. Additional tents require a permit issued by the City Recorder and approval of two (2) Councilors when meeting the following.
  - a. Permit is subject to an applicable fee established by Resolution of the Detroit City Council.
  - b. Permit applies to property owner requesting the permit and is not transferable with the property.
3. Adequate on-site parking shall be made available for vehicles of all guests and family members allowing for a setback from the side and rear property lines and between vehicles a minimum of three (3) feet in width. No parking is permitted within a front yard setback unless located within a City-approved driveway.

**B. Residential Undeveloped property - Tent camping on residential undeveloped property must comply with the following regulations:**

1. Property must have an installed water meter and a water line going from the meter to a hose bib on the property. During use of the property the water must be turned on and a hose available for fire dousing in fire pits and fire protection.
2. The property must have a City approved access driveway.
3. Adequate on-site parking shall be provided for additional vehicles allowing for setback from side and rear property lines and between vehicles a minimum of three (3) feet in width. No parking is permitted within a front yard setback unless located within a driveway.

4. A maximum of four (4) tents are allowed.
  5. Camping is allowed from April 1<sup>st</sup> through October 30<sup>th</sup>
  6. Tents may be placed on the property up to the maximum of 14 consecutive days within a 30-day period.
  7. Tents must be placed at least five (5) feet from the side and rear property lines and at least ten (10) feet from the front property line. Each tent must be located a minimum of five (5) feet from any other camping space when the unit is fully extended.
  8. Toilet facilities must be provided. Property owner must obtain approval for a porta-potty from the City, or provide proof of an acceptable sanitation system approved by the City.
  9. All trash shall be removed from the site.
  10. Additional tents require a permit issued by the City Recorder and approval of two (2) Councilors when meeting the following.
    - a. Permit is subject to an applicable fee established by Resolution of the Detroit City Council.
    - b. Permit applies to property owner requesting the permit and is not transferable with the property.
- C. Commercial Undeveloped property - Camping is prohibited on undeveloped commercial property.
- D. Commercial Developed Property – Camping is prohibited on commercial developed property except for Motels as defined in Ordinance No. 215, Transient Occupancy Tax Ordinance, but excluding motels located in the Detroit Avenue Business Corridor (properties abutting Detroit Avenue and zoned Commercial General CG):
1. Motel (Definition): Any structure, or any portion of any structure, which is occupied or intended or designed for occupancy for 30 consecutive days or less for dwelling, lodging, or sleeping purposes, and includes, by way of illustration and not limitation, any motel, inn, tourist home or house, hotel, bed & breakfast, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, space in mobile home or trailer parks, or similar structure or portions thereof so occupied.
  2. The following conditions apply:
    - a. A maximum of four (4) guest tents are allowed.
    - b. Tents must be placed at least five (5) feet from the side and rear property lines and at least ten (10) feet from the front property line. Each tent must be located a minimum of five (5) feet from any other camping space or structure when the unit is fully extended.
    - c. Guest tent camping is allowed:

- from April 1<sup>st</sup> through October 31<sup>st</sup>, and
  - from November 1<sup>st</sup> through March 31<sup>st</sup> up to the maximum of 14 consecutive days in a 30 day period.
- d. Additional tents requires a permit issued by the City Recorder and approval of two (2) Councilors when meeting the following.
- Permit is subject to an applicable fee established by Resolution of the Detroit City Council.
  - Permit applies to property owner requesting the permit and is not transferable with the property.
  - Adequate on-site parking must be available for vehicles allowing for setback from side and rear property lines and between vehicles a minimum of three (3) feet in width. No parking is permitted within a front yard setback unless located within a driveway.

E. Other

1. Any Open Camping/Tent conditions not specifically addressed requires a permit issued by the City Recorder with approval of (2) Councilors when meeting the following.
  - a. Permit is subject to an applicable fee established by Resolution of the Detroit City Council
  - b. Permit applies to property owner requesting the permit and is not transferable with the property.

City of Detroit

Development Code

~~3.6.4. Open Camping. No open camping shall be permitted on vacant property.~~

06



MID - WILLAMETTE VALLEY  
**COUNCIL OF GOVERNMENTS**

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Salem, OR 97301-3667



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DLCD  
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