

ORDINANCE NO. 47

AN ORDINANCE CREATING A PLANNING COMMISSION AND PROVIDING FOR ITS ORGANIZATION, ITS POWERS AND DUTIES.

THE CITY OF DETROIT ORDAINS AS FOLLOWS:

47-1 PLANNING COMMISSION. The Detroit Planning Commission is hereby created. The commission shall consist of nine members to be appointed by the mayor, not more than two of whom shall be non-residents of the City, not more than two members of the commission may be city officers, who if appointed by the mayor, shall serve as ex officio non voting members; and such commission shall have the powers and duties hereinafter set forth and such further and additional powers and duties as may be conferred on such commission by the constitution and laws of the State of Oregon, by the Charter of the City of Detroit, or by ordinances or orders of the common council. The term of office of the appointive members shall be four years, or until their successors are appointed and qualified, and their terms shall be staggered so that the term of office of not more than two will expire in the same year. No appointive members shall serve more than two consecutive terms. At the first meeting the seven appointed members shall choose their term by lot as follows: One for one year, two for two years, two for three years and two for four years. Any vacancy in said commission shall be filled by appointment made by the mayor for the unexpired portion of the term. Members of the commission shall qualify by taking and subscribing an oath to office to uphold the constitution of the United States and of the State of Oregon and to faithfully and impartially perform the duties of said office to the best of his or her ability. The members of the commission shall receive no compensation.

47-2 ORGANIZATION.

(a) The commission shall elect a president and a vice president, who shall be members appointed by the mayor, and shall hold office during the pleasure of the commission. The commission shall elect a secretary who need not be a member of the commission.

(b) Five members of the commission shall constitute a quorum, provided however, at least four members appointed by the mayor shall at all times constitute a part of such quorum.

(c) The commission shall meet at least once each month and the regular meeting place of the commission shall be at the city hall.

(d) The commission may make, establish, and alter rules and regulations for its government and procedure consistent with the laws of the State of Oregon and with the charter and ordinances of the City of Detroit.

47-3 ANNUAL REPORT TO COUNCIL. The commission shall, on or before the first day of October of each year make and file with the council a report of all transactions of the commission for the preceding fiscal year.



47-4 FOWERS AND DUTIES. It shall be the duty of the commission, and it shall have the power, except as otherwise provided by law, to recommend and make suggestions to the council and to all other public authorities concerning the laying out, widening, extending, parking and location of streets, sidewalks, and boulevards, the relief of traffic congestion, the betterment of housing and sanitation conditions and the establishment of zones or districts limiting the use of premises and the use, height, area, and bulk of buildings and structures; to recommend to the council the establishment and alteration from time to time of building setback lines on private property adjacent to any alley, street, or other public way; to recommend to the council and all other public authorities plans for the regulations of the future growth, development, and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds, vacant lots, and plans consistent with the future growth and development of the city, in order to secure to the city and its inhabitants sanitation, proper services of all public utilities, harbor, shipping, and transportation facilities; to do and perform any and all other acts and things necessary or property to carry out the provisions of this ordinance; to recommend to the council and all other public authorities plans for promotion development and regulation of the industrial and economic needs of the community in respect to private and public enterprises engaged in industrial advantages and opportunities of the municipality and the availability of real estate within the municipality for industrial settlement, and on the encouragement of industrial settlement within the municipality; to study the needs of existing local industries with a view to strengthening and developing the local industries and stabilizing employment conditions; to exercise any and all powers, functions and authority to delegated to or conferred upon the commission by the laws of Oregon, the charter of the City of Detroit, this ordinance, or any other ordinances of this city; and in general to study and propose such measures as may be advisable for the promotion of the public interest, health, morals, safety, comfort, convenience and welfare of said city and the area for six (6) miles adjacent thereto, except where by law such powers and duties devolve upon some other public body as to the area outside of the city.

47-5 APPROVAL OF PLATS, STREET, VACATION PROCEEDINGS IN CITY. All maps, plats and replats of land laid out in building lots, and the streets, alleys or other portions of the same intended to be dedicated for public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto and located within the city limits, and all petition plans, or plats for vacating or laying and widening, extending parking, and locating streets, or plans for public buildings, shall first be submitted to the commission by the proper city officer, and a report thereon from the commission shall be secured in writing before approval shall be given by any municipal officer, and a copy of such report shall be forwarded by the secretary to the common council.

47-6 PLATS AND SUBDIVISIONS OUTSIDE THE CITY LIMITS. The Detroit Planning Commission hereby is designated the authority or commission having the power and duty to examine and approve plans, or replats of lands laid out in lots, plats,



47-8 (Cont.)

the commission may hold a hearing in its discretion, at such time and place as the commission may select; and before final action shall be taken by the council, or any department of the city government, on the location or design of any public building, bridge, statue, park, parkway, boulevard, playground, or public ground, the same shall be submitted to the commission for consideration and report.

47-9. TIME WITHIN WHICH COMMISSION MUST REPORT. Unless the council definitely names a longer period for the return of any report required of the commission under any provision of this ordinance of any matter referred to the commission. The approval of the commission on any matters so referred shall be deemed to have been given at the end of thirty days after the receipt of the same in writing unless the commission shall submit a difference report thereon prior to that time; provided, that the time within which the commission must file a report may be extended by the council; and provided further that in connection with petition for zone changes or reclassification of any property from one district or zone to another, or petitions seeking the modification, elimination or establishment of a setback line, the commission shall have such time within which to report as may be required and necessary in order to permit the commission to hold the hearings and to give the notices thereof as are in this ordinance required.

47-10. RECOMMENDATIONS REGARDING BUILDINGS AND REPORTS TO PRIVATE PARTIES. The commission may make recommendations to any person or public authority with reference to the location of buildings, structures, or works to be erected, constructed, or altered by or for such person or public authority, but such recommendation shall have the force or effect of a law or ordinance, except when so prescribed by the laws of the State of Oregon or by city ordinance. Any person or public authority having charge of the construction, placing or designing of buildings or other structures or improvements, or object of art, may call upon the commission for a report thereon.

47-11. EMPLOYEES AND EXPENSES. The commission may employ consulting advice on municipal problems, a secretary and such other clerks as may be necessary; and pay for their services, and for such other expenses as the commission may lawfully incur, including the necessary disbursements incurred by its members in the performance of their duties as members of the commission, out of funds at the disposal of the commission, as authorized by the city council.

47-12. ~~#####~~ ACCEPTANCE OF GIFTS. The commission may receive gifts, bequests, or devises of property to carry out any of the purposes of this ordinance, pursuant to the recommendation of the commission.



or subdivisions, including the streets, alleys, and other portions of the same intended to be dedicated for public or private use, and all plats or deeds dedicated to public use in that part of any county within six miles outside of the corporate limits of the City of Detroit, where such approval is required by law before the subdivision, plat, replat, or deed may be recorded; and the commission shall exercise such power and authority, and the power and authority to rename streets in the outside area until such time as some other public body may have superior power and authority to perform and do perform such powers and functions as to the areas outside of the corporate limits of the City of Detroit. The commission hereby is authorized to adopt regulations for the subdivision of land within or without the corporate limits of the city, provided that the jurisdiction of the commission shall cease over any outside areas whenever some other public body by law has superior jurisdiction and exercises the same over such outside area.

**47-7 PROCEDURE AND APPROVAL FOR RENAMING STREETS.** Within six miles of the limits of any city, the commission shall recommend to the city council the renaming of any existing street, highway or road, other than a county road or state highway, if in the judgment of the commission such renaming is in the best interest of the city and the six mile area. Upon receiving such recommendation the council shall afford persons particularly interested, and the general public, an opportunity to be heard, at a time and place to be specified in a notice of hearing published in a newspaper of general circulation within the municipality and the six mile area at least once within the week prior to the week within which the hearing is to be held. After such opportunity for hearing has been afforded, the city council by ordinance shall rename the street or highway in accordance with the recommendation or by resolution shall reject the recommendation.

**47-8 PLANNING AND ZONING MATTERS TO BE REFERRED TO COMMISSION BY COUNCIL.** Copies of all ordinances for the establishment of the boundaries of any zone or district provided by Section 47-4 of this ordinance, and all ordinances regulating or limiting the use of premises, and the use, height, area, bulk, and construction of buildings which are to be submitted to the council, or which have been introduced to the council, shall be submitted by the recorder to the commission for recommendation thereon in writing to the council. Before making any recommendation upon any ordinance which has for its purpose the adoption of a new planning and zoning code, or a comprehensive zoning plan the commission shall first hold a public hearing at such time and place as may be directed by the council, and make a careful and appropriate investigation thereon; and before making any recommendation upon any petition or proceeding or ordinance for the reclassification of any property from one district or zone to another, the commission shall hold such hearings as are provided for in this ordinance; and upon any other matters referred to the commission by the council, or by any other public group or body, or by any individuals or any matters initiated by the commission on its own motion; and for the handling whereof no particular procedure is provided in this ordinance.



47-13. EMERGENCY CLAUSE. Inasmuch as the objects to be obtained by this ordinance will be of benefit to the people of the City of Detroit, and there exists an urgent necessity that this ordinance shall take effect as soon as possible as that the peace, health and safety of the City of Detroit may be endangered, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect immediately upon its passage and approval by the mayor.

Dated this 21st. day of December 1970

Wm. G. Milligan  
Mayor

ATTEST:

Carolyn Gardner  
City Recorder