

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 16-O-752

IN THE MATTER OF ORDINANCE 16-O-752, AN ORDINANCE ADDING SECTION 17.124.230, AMATEUR RADIO FACILITIES, AND AMATEUR RADIO FACILITIES AS CONDITIONAL USES IN APPLICABLE ZONING DISTRICTS, TO TITLE 17, LAND DEVELOPMENT CODE OF THE BROOKINGS MUNICIPAL CODE.

Sections:

Section 1. Ordinance Identified.

Section 2. Adds Section 17.124.230.

Section 3. Adds amateur radio facilities as Conditional Uses in applicable zoning districts.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. Adds Section 17.124.230, Amateur Radio Facilities, and Amateur Radio Facilities as Conditional Uses in applicable Zoning Districts, to Title 17, Land Development Code of the Brookings Municipal Code.

Section 2. Adds Section 17.124.230. Section 17.124.230 is hereby added to Chapter read as follows:

17.124.230 Amateur radio facilities.

Amateur radio facilities are private, non-commercial wireless communication facilities consisting of antennas, towers, and/or support structures. The City recognizes the importance of amateur radio operators and their service to the community especially in the event of emergencies.

Amateur radio facilities are considered an accessory use to a residential dwelling. Chapter 17.128.020(B) provides for exceptions to height limitations for masts, aerials and antenna.

The following siting criteria shall apply to amateur radio facilities that do not meet the provisions of Chapter 17.128.020(B) and/or the applicable zoning district. The criteria are intended to maximize public safety and minimize visual impacts to promote and protect the residential characteristics of the residential zoning districts consistent with federal and state law. Public notice shall be provided to all property owners within 1000 feet of a proposed amateur radio facility requesting approval with a conditional use permit (CUP).

A. Height. The maximum tower/antenna height shall not exceed 70 feet from the finished grade at the base of the tower. A narrative must be submitted with the application providing justification of the need for the requested height. The narrative need not be complex but must provide an explanation as to why a taller tower/antenna is needed to obtain the reliable communications desired by the applicant.

B. Front, Side and Rear Yard Setbacks. All components of the facility, including guy wires, antennas, and footings shall meet the minimum setbacks of the applicable zone.

C. Construction. A building permit shall be obtained for the construction or erection of the amateur radio facility. Plans and calculations shall be provided and shall comply with the provisions of Section 3108 of the Oregon Structural Specialty Code.

D. Finish (paint/surface). The facility shall have a finish, tone or color that reduces its visibility. In most circumstances this condition may be satisfied by painting the facility with a flat light haze gray paint. The owner shall maintain the finish, painted or unpainted. Red and white or orange and white finish is not allowed. If these colors are required by the FAA (Federal Aviation Administration) or ODA (Oregon Department of Aviation), the height shall be reduced to a level that it is not required.

E. Fencing and Security. For security purposes, towers and accessory facilities shall be enclosed by a minimum six-foot fence or be equipped with anti-climb devices. If this conflicts with TIA-222 or other agencies, the most restrictive requirements shall prevail.

F. Lighting. No lighting shall be permitted on the facility. If required by the FAA or ODA, the facility shall be reduced to a level that does not require lighting.

G. Airport Overlay Zone. The facility shall comply with the requirements in BMC Chapter 17.76, Airport Overlay Zone.

H. Advertising/Signs. No advertising or signs of any type are to be placed on the tower at any time except those required or necessary for safety and warnings. Safety and warning signs shall be less than two square feet and be placed on the facility at a height of less than six feet.

I. License. The owner of the facility shall possess and provide a copy of a current FCC license to the City. After six (6) months with no valid license, the facility shall be considered abandoned and shall be removed by the property owner within 60 days thereafter. The owner shall provide a copy of a valid FCC license every three (3) years.

J. Abandonment. The property owner shall provide annual written documentation that the facilities are functioning. Amateur radio facilities that do not have functioning antennas for a period of six months shall be considered abandoned and shall be removed by the owner of the facility within 60 days thereafter. Upon written application, prior to the expiration of the six-month period, the planning commission if approved with a CUP or staff if permitted outright may, in writing, grant a six-month time extension for reuse of the facility. Additional extensions beyond the first six-month extension may be granted by the planning commission subject to any conditions required to bring the project or facility into compliance with current regulation(s).

K. Maintenance. Amateur radio facilities shall be maintained in good order and repair at all time so to not constitute any danger or hazard to adjacent properties. All facilities 25 years or older must be inspected by an Oregon structural engineer every three (3) years and a report provided to the City. The Building Official may request an inspection of a facility of any age where signs of

deterioration or instability are observed. If repairs are needed, they must be completed within six (6) months, reinspected, and a report provided to the City.

L. Unrelated equipment. Equipment and antenna for other than amateur radio facilities shall comply with height and setback requirements of Chapter 17.128.020(B) and the underlying zone.

M. Hazardous Building Sites. Construction or erection of amateur radio facilities shall comply with Chapter 17.100 Hazardous Building Site Protection.

N. Permanent structures must not be located in any easement.

O. The City must be notified if the property is sold. The City will provide the new property owner a copy of the final order with conditions of approval of the Conditional Use Permit granting approval.

P. The amateur radio facilities must be located, designed and installed so as to minimize conflicts with scenic views to the extent possible and to not endanger the safety of persons or property.

Section 3. Adds amateur radio facilities as Conditional Uses in applicable zoning districts: The following subsections are hereby added as follows:

17.16.040(V). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.20.040(U). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.24.040(V). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.28.040(T). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.32.040(V). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.36.040(L). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.40.040(D). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.44.040(D). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.48.040(J). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.52.040(O). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.56.040(J). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.64.040(I). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.68.040(G). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

First Reading:

Second Reading:

Signed by me in authentication of its passage this

Passage:

Effective Date:

, day of , 2016

ATTEST:

Mayor Ron Hedenskog

City Recorder Joyce Heffington