

*For: Monday, **September 12, 2016**, City Council Meeting*

Advance Packet Information

Included in this packet is documentation to support the following Agenda items:

PUBLIC HEARINGS/ORDINANCES



1. A Public Hearing on File LDC-2-16 for consideration of revisions to allow approval of a one room bed and breakfast with a home occupation permit.
[PWDS-Planning, Pg. 2]
 - a. Draft text of Chapter 17.104 Revisions [Pg. 4]
2. Ordinance 16-O-762 amending Section 17.104.030 of Chapter 17.104, Home Occupations and amending Section 17.124 Specific Standards Applying to Conditional Uses, Title 17, Land Development Code, of the Brookings Municipal Code. [PWDS-Planning, Pg. 6]
 - a. Ordinance 16-O-762 [Pg. 7]

*Obtain Public Comment Forms and view the agenda and packet information on-line at www.brookings.or.us, or at City Hall. Return completed Public Comment Forms to the City Recorder before the start of meeting or during regular business hours.

All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least fourteen days advance notification. Please contact 541-469-1102 if you have any questions regarding this notice.

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: September 12, 2016

Donna Colby-Hanks 
Signature (submitted by)


City Manager Approval


Originating Dept: PWDS-Planning

Subject: A hearing on File LDC-2-16 for consideration of revisions to allow approval of a one room bed and breakfast with a home occupation permit.

Recommended Motion:

1. Motion to approve revisions proposed by LDC-2-16 to revise Section 17.104.030 Home Occupation Criteria to include a one room bed and breakfast.

2. Motion to revise Section 17.124.140 Specific Standards Applying to Conditional Uses, Bed and breakfast facilities, to clarify the section applies to bed and breakfast facilities with rental of more than one bedroom.

Financial Impact: Future loss of Conditional Use Permit fees.
Approved by Finance & Human Resources Director: 

Background/Discussion: City Council discussed the fees for land use applications at their May 23, 2016 meeting. Council directed staff to draft and process a code revision for consideration for a one room bed and breakfast to obtain approval to operate with a home occupation permit (HOP). All bed and breakfast facilities currently are required to obtain approval to operate with a conditional use permit (CUP). The fee for a CUP is \$2,649.00, the fee for a HOP is \$41.00.

A bed and breakfast is defined as the rental of one or more bedrooms in an owner-occupied single-family residence. The use requires one off-street parking space per rental room as well as two spaces for the owner.

The intent of the home occupation permit for residential zones is to provide for limited cottage industry activity which is conducted in such a manner that the residential character of the neighborhood is preserved. Home occupations include handicrafts, specialty food items, catering, offices for small businesses as well as instruction such as music and dancing when limited to attendance of no more than five pupils at a time.

There are several uses that are excluded. They include beauty shops, barber shops, pet grooming, and photo studios. These uses impact the city's sewer system more than ordinary residential uses. The headquarters for the assembly of employees is also not allowed with a HOP. The impact on traffic and parking is greater than that created by residential use.

HOP applications are approved as a administrative land use action by staff. There is no notice published in the newspaper or provided to the adjacent neighbors. Staff reviews the proposal in

regards to the criteria found in Chapter 17.104.030 and approves, approves with conditions, or denies the permit. The administrative decision may be appealed to the Planning Commission. Home occupation permits are renewed annually. The permit is not transferrable whereas CUPs are transferred upon sale of the property. In the case where the use evolves and is not in compliance with the criteria, the permit may be revoked or the matter resolved pursuant to Chapter 17.160, Enforcement and Penalties.

There are approximately 103 active home occupation permits within the city. The majority are mobile businesses such as landscaping, contractors, or cleaning services that use the home for storing a few materials and conducting their record keeping activities. Home occupations generate very few violation investigations.

A one room bed & breakfast would have a total of two vehicle trips if rented on consecutive days. This would be in addition to vehicular trips generated by the residents. The vehicular impact would be less than some of the other uses authorized under the HOP chapter. With bed and breakfast facilities, the owners reside in the home and are available to resolve any conflicts that may arise.

Although not currently included as criteria, historically conditions of approval have required the applicant to obtain a business license and submit transient room tax. These requirements have been added as criteria in Chapter 17.124.140.

The Planning Commission considered the proposed revisions at their August 2, 2016 meeting. After receiving comments of support from two citizens, the Planning Commission unanimously recommended approval.

Policy Considerations: The code revisions will provide small opportunities to attract tourists to Brookings.

Attachment(s): A. Draft text of Chapter 17.104 Home Occupations and Section 17.124.140 Bed and breakfast facilities

Chapter 17.104

HOME OCCUPATIONS

17.104.030 Criteria.

The home occupation proposal must conform to the following criteria:

- A. The activity must be conducted entirely within the dwelling, garage, or accessory structure.
- B. The activity must be conducted only by persons residing in the dwelling.
- C. The outward residential appearance of all buildings must be preserved, and the use is clearly incidental and secondary to the use of the dwelling for residential purposes.
- D. Not more than 50 percent of the floor area of the individual dwelling unit may be utilized for the intended purposes. Any part of a garage or accessory structure may be used provided off-street parking requirements are met.
- E. No merchandising or sale of commodities may be conducted on the premises, except such as is produced by the occupants on the premises.
- F. A sign may be maintained in conjunction with the home occupation activity, provided it is nonlighted, indicates only the name and trade of the property owner, and is no greater than two square feet in area.
- G. **With the exception of the bed and breakfast in 17.104.030(J), ¶the use requires no additional off-street parking spaces.**
- H. There shall be no emission of odorous, toxic, noxious matter nor any use causing electrical or telecommunication interference, vibration, noise, heat or glare in such quantities as to be readily detectable at any point along or outside property lines of a home occupation so as to produce a public nuisance or hazard.
- I. Proof of a current business license unless exempt must be provided.
- J. **A bed and breakfast limited to the rental of one bedroom in an owner-occupied single-family residence may be approved as a home occupation. A breakfast meal may be served during the a.m. hours only. One off-street parking space in addition to two spaces for the homeowner shall be provided. A transient room tax will be applied pursuant to Chapter 3.10 BMC.**

Chapter 17.124


SPECIFIC STANDARDS APPLYING TO CONDITIONAL USES

17.124.140 Bed and breakfast facilities.

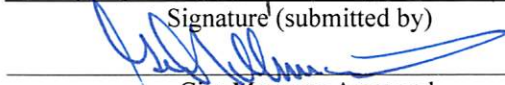
“Bed and breakfast” means the rental of ~~one or~~ more **than one bedrooms** in an owner-occupied single-family residence where a breakfast meal **may be** is served during the a.m. hours only. All residences proposed for bed and breakfast accommodations shall provide one off-street parking space per rental unit in addition to two spaces for the owner. In terms of eligibility and acceptability, preference will be given by the planning commission to residences applying for bed and breakfast accommodations which display significant architectural or historic character and quality. **The property owner shall obtain a business license from the City of Brookings. A transient room tax will be applied pursuant to Chapter 3.10 BMC.**

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: September 12, 2016

Donna Colby-Hanks 
Signature (submitted by)

Originating Dept: PWDS - Planning


City Manager Approval

Subject: Ordinance amending Section 17.104.030 of Chapter 17.104, Home Occupations and amending Section 17.124 Specific Standards Applying to Conditional Uses, Title 17, Land Development Code, of the Brookings Municipal Code.

Recommended Motion: Motion to adopt Ordinance 16-O-762.

Financial Impact: None.
Approved by Finance & Human Resources Director: _____

Background/Discussion: Revisions to add provisions to for owners of one room bed and breakfast to obtain approval to operate with a home occupation permit and to clarify bed and breakfast facilities with the rental of more than one room obtain approval with a conditional use permit were considered by the City Council at their September 12, 2016 meeting. City Council approved the revisions.

Policy Considerations: N/A

Attachment(s): Adopting Ordinance 16-O-762.

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 16-O-762

IN THE MATTER OF ORDINANCE 16-O-762, AN ORDINANCE AMENDING SECTION 17.104.030 OF CHAPTER 17.104, HOME OCCUPATIONS AND AMENDING SECTION 17.124.140 OF CHAPTER 17.124, SPECIFIC STANDARDS APPLYING TO CONDITIONAL USES, TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance Identified.
- Section 2. Amends Section 17.104.030.
- Section 3. Amends Section 17.124.140.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Section 17.104.030 of Chapter 17.104 Home Occupations, and Section 17.124.140 of Chapter 17.124 Specific Standards Applying to Conditional Uses, Title 17, Land Development Code, of the Brookings Municipal Code.

Section 2. Amends Section 17.104.030. Section 17.104.030 is amended to read as follows:

17.104.030 Criteria.

The home occupation proposal must conform to the following criteria:

- A. The activity must be conducted entirely within the dwelling, garage, or accessory structure.
- B. The activity must be conducted only by persons residing in the dwelling.
- C. The outward residential appearance of all buildings must be preserved, and the use is clearly incidental and secondary to the use of the dwelling for residential purposes.
- D. Not more than 50 percent of the floor area of the individual dwelling unit may be utilized for the intended purposes. Any part of a garage or accessory structure may be used provided off-street parking requirements are met.
- E. No merchandising or sale of commodities may be conducted on the premises, except such as is produced by the occupants on the premises.
- F. A sign may be maintained in conjunction with the home occupation activity, provided it is nonlighted, indicates only the name and trade of the property owner, and is no greater than two square feet in area.

G. With the exception of the bed and breakfast in 17.104.030(J), the use requires no additional off-street parking spaces.

H. There shall be no emission of odorous, toxic, noxious matter nor any use causing electrical or telecommunication interference, vibration, noise, heat or glare in such quantities as to be readily detectable at any point along or outside property lines of a home occupation so as to produce a public nuisance or hazard.

I. Proof of a current business license unless exempt must be provided.

J. A bed and breakfast limited to the rental of one bedroom in an owner-occupied single-family residence may be approved as a home occupation. A breakfast meal may be served during the a.m. hours only. One off-street parking space in addition to two spaces for the homeowner shall be provided. A transient room tax will be applied pursuant to Chapter 3.10 BMC.

Section 3. Amends Section 17.124.140. Section 17.124.140 is amended to read as follows:

17.124.140 Bed and breakfast facilities.

“Bed and breakfast” means the rental of more than one bedroom in an owner-occupied single-family residence where a breakfast meal may be served during the a.m. hours only. All residences proposed for bed and breakfast accommodations shall provide one off-street parking space per rental unit in addition to two spaces for the owner. In terms of eligibility and acceptability, preference will be given by the planning commission to residences applying for bed and breakfast accommodations which display significant architectural or historic character and quality. The property owner shall obtain a business license from the City of Brookings. A transient room tax will be applied pursuant to Chapter 3.10 BMC.

First Reading: _____ Passage: _____
Second Reading: _____ Effective Date: _____
Signed by me in authentication of its passage this _____, day of _____,

ATTEST:

Mayor Ron Hedenskog

City Recorder Teri Davis