

*For: Monday, **January 13, 2014**, City Council Meeting*

Advance Packet Information

Dated: January 3, 2014

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

PUBLIC HEARINGS/ORDINANCES

1. Public Hearing in the matter of File LDC-2-13, revisions to sections of the Brookings Municipal Code to include terms, standards and conditional uses for Cottage Industries. [Planning, pg. 2]
 - a. BMC Chapter 17.104 and Section 17.136.050 [pg. 4]
 - b. Final draft revisions. [pg. 5]
2. Ordinance 14-O-722, amending sections of the Brookings Municipal Code to include terms, standards and conditional uses for Cottage Industries. [Planning, pg. 8]
 - a. Ordinance 14-O-722 [pg. 9]
3. Public Hearing in the matter of File LDC-3-13, revisions to sections of Chapter 17.124 of the Brookings Municipal Code to conform to state laws regarding cemetery use, and to clarify sections regarding the keeping livestock. [Planning, pg. 12]
 - a. Final draft revisions [pg. 13]
 - b. Oregon Mortuary and Cemetery Board Fact Sheet. [pg. 15]
4. Ordinance 14-O-723, amending sections of Chapter 17.124 of the Brookings Municipal Code to conform to state laws regarding cemetery use, and to clarify sections regarding the keeping livestock. [Planning, pg. 16]
 - a. Ordinance 14-O-723 [pg. 17]
5. Public Hearing in the matter of File LDC-4-13, revisions to subsection 17.88.100(F) of the Brookings Municipal Code regarding sandwich board signs. [Planning, pg. 19]
 - a. Final draft revisions [pg. 20]
6. Ordinance 14-O-721, subsection 17.88.100(F) of Chapter 17.88, Signs, of the Brookings Municipal Code. [Planning, pg. 21]
 - a. Ordinance 14-O-721 [pg. 22]

*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.

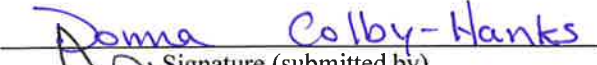
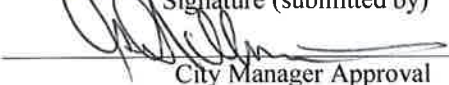
All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least ten days advance notification. Please contact 541-469-1102 if you have any questions regarding this notice.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: January 13, 2014

Originating Dept: PWDS-Planning


Signature (submitted by)

City Manager Approval

Subject: A hearing on File LDC-2-13 for consideration of the addition to Section 17.08.030 "C" Definitions to include Cottage Industry, addition of Section 17.124.220, Cottage Industry, to Chapter 17.124 Specific Standards Applying to Conditional Uses and the addition of Cottage Industries to conditional uses in Section 17.16.040 Suburban Residential (SR), Section 17.20.040 Single-family Residential (R-1), Section 17.24.040 Two-family Residential (R-2), and Section 17.32.040 Manufactured Home Residential (R-MH), Brookings Municipal Code (BMC).

Recommended Motion: A motion to approve amendments to the BMC as provided in File LDC-2-13.

Financial Impact: None.

Background/Discussion: BMC Chapter 17.104, Home Occupation provides for very limited, light commercial activity in dwellings in residential zones. Several criteria (**Attachment A, Chapter 17.104.030**) must be met for a home occupation to receive approval. One of which limits the business activity to only be performed by persons residing in the dwelling. The criteria ensures that the limited business use does not impact the neighborhood. There are no fees for a Home Occupation permit which receives approval from Staff.

The proposed Cottage Industry will provide for more intense commercial uses in residential zones. Applications will be reviewed for compliance with the criteria by the Planning Commission as a Conditional Use Permit. These applications must also meet the criteria in BMC 17.136.050(C), Conditional Use Permit (**Attachment A**). Notice will be mailed to all property owners within 250 feet of the property where the use is proposed as well as being published in the newspaper. This process allows for neighborhood concerns to be addressed while providing options to encourage economic growth.

The Planning Commission conducted a workshop, acting in their role of *Committee for Citizen Involvement*, to review and discuss Cottage Industries on November 5, 2013. Revisions were made to the draft to address their concerns. The Planning Commission held a public hearing on the matter at their December 3, 2013 meeting and recommended approval to City Council without any further revisions.

Policy Considerations: N/A

Attachment(s):

- A. BMC Chapter 17.104 and Section 17.136.050
- B. Final draft BMC Section 17.08.030, Section 17.124.220, Section 17.16.040, Section 17.20.040, Section 17.24.040, and Section 17.32.040.

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. 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.

Chapter 17.136 Conditional Use Permits**17.136.050 Action by the planning commission.**

C. Findings of Fact. In order to grant any conditional use, the planning commission must find, based upon factual evidence, provided by the applicant, that:

- 1. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this code;
- 2. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use;
- 3. The proposed use will have minimal adverse impact upon adjoining properties. In making this determination, the commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and bulk of buildings, walls and fences, landscaping, screening, exterior lighting and signing;
- 4. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complementary to the surrounding area;
- 5. The proposal is in compliance with the comprehensive plan.

Proposed new text is **bold**.

Revisions from Planning Commission Workshop (11-05-13)

Additional new text is **underlined bold**.

Text deleted is ~~underlined strikethrough~~.

17.08.030 "C" Definitions

"Cottage Industry" means a small-scale commercial venture operation conducted at a residence that is more intense than allowed in BMC 17.104, Home Occupations requiring a Conditional Use Permit. ~~as a home occupation, where the creation of products and services is conducted at a residence,~~

Chapter 17.16.040 Suburban Residential (SR) District Conditional Uses

U. Cottage Industries subject to BMC 17.124.220.

Chapter 17.20.040 Single-Family Residential (R-1) District Conditional Uses

T. Cottage Industries subject to BMC 17.124.220.

Chapter 17.24.040 Two-Family Residential (R-2) District Conditional Uses

U. Cottage Industries subject to BMC 17.124.220.

Chapter 17.32.040 Manufactured Home Residential (R-MH) District, Conditional Uses

U. Cottage Industries subject to BMC 17.124.220.

17.124.220 Cottage Industry

A. ~~The cottage industry must be conducted by the person residing in the dwelling.~~ A person residing in the dwelling shall be engaged in the operations of the cottage industry. The business may employ individuals not residing in the dwelling.

B. The operation of the Cottage Industry shall be conducted between the hours of 8:00 a.m. to 6:00 p.m. and during the normal work week of Monday through Friday, unless otherwise approved by the Planning Commission.

C. Materials and/or mechanical equipment not recognized as being part of the normal residence shall be screened from view of the street and adjacent residential parcels.

D. There shall be no retail sales of products or services not directly produced on the premises.

E. The activity shall not require or involve the use of heavy commercial or industrial vehicles with more than two (2) axles and six (6) tires for delivery of materials to or from the premises.

F. The exterior residential appearance of all structures shall be preserved, and the use is clearly secondary to the use of the dwelling for residential purposes.

G. Additional parking required for the activity shall be provided on the premises pursuant to Chapter 17.92 and the activity shall not require on-street parking. The required two off-street parking spaces for each residential unit shall not be utilized for the cottage industry. The Planning Commission shall determine the appropriate parking requirements for uses not listed in Chapter 17.92.

H. There shall be no emission or 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 so as to produce a public nuisance or hazard.

I. All Cottage Industries shall be evaluated to determine if additional System Development Charges (SDC) are applicable. All additional SDCs shall be paid to the City prior to operation of the Cottage Industry.

J. No more than 50% of the dwelling shall be used for the Cottage Industry. Any accessory structure may be used in conducting the activity. If the property contains a carport or garage it shall not be converted to create a non-conforming residence.

K. Manufacturing, processing, and similar operations shall be conducted entirely within a completely enclosed structure, unless otherwise approved by the Planning Commission.

L. Proof of a current city business license unless exempt shall be provided.

M. All State and Federal laws and regulations must be adhered to and copies of all required permits and licenses shall be provided to the City.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: January 13, 2014

Originating Dept: PWDS - Planning

4p Donna Colby-Hanks
Signature (submitted by)

City Manager Approval

Subject: Ordinance amending Section 17.08.030, and adding Subsection U of Section 17.16.040, Subsection T of Section 17.20.040, Subsection U of Section 17.24.040, Subsection U of Section 17.32.040 and Section 17.124.220, Cottage Industry of Title 17, Land Development Code, of the Brookings Municipal Code.

Recommended Motion: Motion to adopt Ordinance 14-O-722.

Financial Impact: None.

Background/Discussion: The revisions to these sections were approved by the City Council at their January 13, 2014 meeting.

Policy Considerations: N/A

Attachment(s): Adopting Ordinance 14-O-722.

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 14-O-722**

IN THE MATTER OF ORDINANCE 14-O-722, AN ORDINANCE AMENDING SECTION 17.08.030 AND ADDING SUBSECTIONS 17.16.040(U), 17.20.040(T), 17.24.040(U), 17.32.040(U), AND SECTION 17.124.220, COTTAGE INDUSTRY TO TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE.

Sections:

Section 1. Ordinance Identified.

Section 2. Amends Sections 17.08.030.

Section 3. Adds Subsections 17.16.040 (U), 17.20.040 (T), 17.24.040 (U), 17.32.040 (U) and Section 17.124.220

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Section 17.08.030, and adds Subsections 17.16.040 (U), 17.20.040 (T), 17.24.040 (U), 17.32.040 (U) and Section 17.124.220, Cottage Industry to Title 17, Land Development Code, of the Brookings Municipal Code.

Section 2. Amends Sections 17.08.030. Section 17.08.030 is amended to read as follows:

17.08.030 C terms.

“City” means the city of Brookings, Oregon, as represented by the city manager or designated representative.

“City engineer” means the city engineer of the city of Brookings, Oregon.

“City manager” means the city manager of the city of Brookings, Oregon.

“Clinic” means a place for group medical services not involving overnight housing of patients.

“Club” means an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not groups organized primarily to render a service carried as a business for profit.

“Code” means the city of Brookings land development code.

“Collocation” means the placement of two or more antenna systems or platforms by separate FCC license holders (“providers”) on a structure such as a tower, building, water tank or utility pole.

“Commercial service drive” means an accessway for a shopping center containing four or more businesses having common parking areas.

“Commission” or “planning commission” means the planning commission of the city of Brookings, Oregon.

“Comprehensive plan” means the comprehensive plan of the city of Brookings, Oregon.

“Condominiums” means a type of residential, commercial or industrial development offering individual ownership of units and common ownership of open spaces and other amenities and facilities, and regulated, in part, by state law (ORS 94.004 through 94.480).

“Construct” means to build, form, or erect by fitting parts together systematically. For the purposes of this code, “construct” shall also include the preparation of a site for building by the clearing of brush and grading of land for roads, driveways, utilities and foundations.

“Contiguous” means the same as “abutting.”

"Cottage Industry" means a small-scale commercial operation conducted at a residence that is more intense than allowed in BMC 17.104, Home Occupations requiring a Conditional Use Permit.

“Council, city” or “common council” means the city council of the city of Brookings, Oregon.

“Courtyard” means an open, unoccupied space of one lot or parcel on which a group of dwelling units face or front.

“Cul-de-sac” means a short street which has one end open to traffic and is terminated by a vehicular turn-around.

Section 3. Adds Subsections 17.16.040 (U), 17.20.040 (T), 17.24.040 (U), 17.32.040 (U) and Section 17.124.220. Subsections 17.16.040 (U), 17.20.040 (T), 17.24.040 (U), 17.32.040 (U) and Section 17.124.220 are added to read as follows:

Chapter 17.16.040 Suburban Residential (SR) District Conditional Uses

U. Cottage Industries subject to BMC 17.124.220.

Chapter 17.20.040 Single-Family Residential (R-1) District Conditional Uses

T. Cottage Industries subject to BMC 17.124.220.

Chapter 17.24.040 Two-Family Residential (R-2) District Conditional Uses

U. Cottage Industries subject to BMC 17.124.220.

Chapter 17.32.040 Manufactured Home Residential (R-MH) District, Conditional Uses

U. Cottage Industries subject to BMC 17.124.220.

Section 17.124.220 Cottage Industry

A. A person residing in the dwelling shall be engaged in the operations of the cottage industry. The business may employ individuals not residing in the dwelling.

B. The operation of the Cottage Industry shall be conducted between the hours of 8:00 a.m. to 6:00 p.m. and during the normal work week of Monday through Friday, unless otherwise approved by the Planning Commission.

C. Materials and/or mechanical equipment not recognized as being part of the normal residence shall be screened from view of the street and adjacent residential parcels.

D. There shall be no retail sales of products or services not directly produced on the premises.

E. The activity shall not require or involve the use of heavy commercial or industrial vehicles with more than two (2) axles and six (6) tires for delivery of materials to or from the premises.

F. The exterior residential appearance of all structures shall be preserved, and the use is clearly secondary to the use of the dwelling for residential purposes.

- G. Additional parking required for the activity shall be provided on the premises pursuant to Chapter 17.92 and the activity shall not require on-street parking. The required two off-street parking spaces for each residential unit shall not be utilized for the cottage industry. The Planning Commission shall determine the appropriate parking requirements for uses not listed in Chapter 17.92.
- H. There shall be no emission or 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 so as to produce a public nuisance or hazard.
- I. All Cottage Industries shall be evaluated to determine if additional System Development Charges (SDC) are applicable. All additional SDCs shall be paid to the City prior to operation of the Cottage Industry.
- J. No more than 50% of the dwelling shall be used for the Cottage Industry. Any accessory structure may be used in conducting the activity. If the property contains a carport or garage it shall not be converted to create a non-conforming residence.
- K. Manufacturing, processing, and similar operations shall be conducted entirely within a completely enclosed structure, unless otherwise approved by the Planning Commission.
- L. Proof of a current city business license unless exempt shall be provided.
- M. All State and Federal laws and regulations must be adhered to and copies of all required permits and licenses shall be provided to the City.

First Reading: _____ Passage: _____
Second Reading: _____ Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2014

ATTEST:

Mayor Ron Hedenskog

City Recorder Joyce Heffington

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: January 13, 2014

Originating Dept: PWDS-Planning

4 Donna Colby-Hanks
Signature (submitted by)
City Manager Approval

Subject: A hearing on File LDC-3-13 for consideration of revisions to Section 17.124.070 Kennels, riding academies and public stables, Section 17.124.090 Cemetery, crematory, mausoleum, columbarium, and Section 17.124.190 Keeping of livestock of Chapter 17.124 Specific Standards Applying to Conditional Uses, Brookings Municipal Code (BMC).

Recommended Motion: A motion to approve the revisions to Section 17.124.070 Kennels, riding academies and public stables, Section 17.124.090 Cemetery, crematory, mausoleum, columbarium, and Section 17.124.190 Keeping of livestock of Chapter 17.124 Specific Standards Applying to Conditional Uses, BMC.

Financial Impact: None.

Background/Discussion: The State of Oregon Mortuary Board recently sent out an email requesting information on the local code requirements for cemeteries within the City of Brookings. During following conversations, Staff became aware of state requirements that property owners considering cemetery use should be aware of. The proposed additional criteria will alert applicants that the State of Oregon has laws and regulations pertaining to cemetery use.

Following this report is the draft version of Section 17.124.090, Cemetery, crematory, mausoleum, columbarium (**Attachment A**) as well as a *fact sheet* provided by the Oregon Mortuary & Cemetery Board (**Attachment B**).

Chapter 8.15, Nuisances, contains language regarding the control of livestock and not allowing the animals to wander at large. This is confusing as livestock are only allowed with the approval of a conditional use permit confirming all criteria have been met. The proposed draft revisions (**Attachment A**) to Section 17.124.070, Kennels, riding academies, and public stables and Section 17.124.190 Keeping of livestock are to clarify under what conditions livestock are allowed while still prohibiting them from wandering at large. Chapter 8.15, Nuisances, will be revised in the future to clarify that it only pertains to pets wandering at large.

Site Plan Committee reviewed the proposed revisions and found them to be consistent with City ordinances and policies. The Planning Commission considered these revisions at their December 3, 2013 meeting and recommended approval to City Council without further revisions.

Policy Considerations: N/A

Attachment(s):

- A. Final draft BMC Section 17.124.070, Section 17.124.090, and Section 17.124.190.
- B. Oregon Mortuary & Cemetery Board *Fact Sheet*

Original text to be deleted is ~~stricken~~.

Proposed new text is **bold**.

Chapter 17.124 Specific Standards Applying to Conditional Uses

17.124.070 Kennels, riding academies and public stables.

- A. Kennels, riding academies, and public stables shall be located not less than 200 feet from any property line, shall provide automobile and truck ingress and egress, and shall also provide parking and loading spaces so designed as to minimize traffic hazards and congestion.
- B. Applicants shall show that odor, dust, noise, and drainage shall not constitute a nuisance, hazard, or health problem to adjoining property or uses. [Ord. 08-O-616 § 2; Ord. 98-O-446.DD § 11; Ord. 89-O-446 § 1.]
- C. **No animals shall be permitted to leave the property and wander at large.**

17.124.090 Cemetery, crematory, mausoleum, columbarium.

- A. A cemetery, crematory, mausoleum, or columbarium shall have its principal access on a street adequate to serve the use with ingress and egress so designed as to minimize traffic congestion. **A traffic impact statement pursuant to Section 17.170.090 may be required. and shall provide required** ~~Off-street parking spaces shall be provided pursuant to Chapter 17.92.~~
- B. Cemeteries located within any "R" district or abutting an "R" district shall establish and maintain **a landscape buffer five feet in width as well as a sight obscuring fence, hedge or planting appropriate landscaping and screening** ~~to minimize the conflict with abutting residential use.~~ No mortuary or crematorium can be within 100 feet of an adjacent street or within 200 feet of a residential lot.
- C. **All laws and regulations of the State of Oregon must be adhered to and copies of all required permits and licenses shall be provided to the City.**

17.124.190 Keeping of livestock.

- A. No horses, cattle, sheep, or other livestock shall be kept on a lot less than three acres in area. No more than two head may be kept on the first three acres; however, one additional animal may be kept for each acre over three acres.
- B. All animals must be confined to an area on the property and said area of confinement shall not be located closer than 125 feet to a dwelling on any contiguous property. Barns, stables and other buildings and structures to house livestock shall not be located closer than 50 feet to any property line.
- C. Odor, dust, noise, flies or drainage shall not be permitted to create or become a nuisance to surrounding property. [Ord. 08-O-616 § 2.]
- D. No horses, cattle, sheep, or other livestock shall be permitted to leave the property and wander at large.**

Death Care in Oregon
Fact Sheet: Burial of Human Remains on Private Property

Q: I own property in the State of Oregon. Is it legal for me to bury a family member on the property?

A. Yes, as long as certain conditions are met. Oregon Revised Statute 97 allows for the use of private property for family burial grounds as long as the following is true:

- You are the owner of the property or you have consent of all the owners of the property;
- You have contacted the local planning commission in your area and you have met their requirements for land use, if any; and have their written consent;
- You agree to maintain accurate, permanent records of the burial, and;
- You agree to disclose the burial upon sale of the property.

You must also meet all State requirements for the completion of the death certificate and acquire all transport permits or other documentation required by the Office of Vital Statistics.

Q: Can I offer burial or scattering of ashes on my own land to others?

A: Anyone engaged in the sale of rights of interment (i.e. burial plot/niche or crypt or burial services), scattering of remains, or for establishing a permanent memorial, must be licensed with the State of Oregon Mortuary & Cemetery Board. Furthermore, land used for this purpose must be dedicated as a cemetery and cannot be used for other purposes. So, you may not offer your land for this purpose generally, or charge for this right, unless you have your property dedicated for this purpose, and you secure the appropriate license with the State.

Q: What other considerations should I keep in mind for private burial?

A: Remember that the descendants of the person or persons being buried on your property may wish to continue to visit the grave or memorial many years in the future. This is the value of using cemetery property that has been permanently dedicated to this purpose. If you complete a home burial, please keep in mind and plan to negotiate the long term access rights to the grave site through an easement or other agreement. Otherwise, the new owner of the property is under no obligation to allow access.

Q: What about scattering cremated remains on my property?

A: If you are the owner of the property or have the specific permission of the owner, you may scatter cremated remains. Please remember that there are restrictions on many State or Federal lands that do not allow the scattering of remains. Always check with the owner of the property. As stated above, if you want to charge to allow others to scatter remains on your property, then you must be licensed properly with the State of Oregon.

Q: I still have questions. Who can I call?

A: Please contact your local planning commission or county office for more information about restrictions or requirements in your specific area. For general questions about the laws relating to cemeteries, memorials, etc, please review ORS 97. You may contact the Oregon Mortuary & Cemetery Board at 971.673.1500 or see our website at www.oregon.gov/mortcem. Please contact the Center for Health Statistics for further information on death certificates and transportation permits. You can also contact your local funeral service practitioner for more information or assistance.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: January 13, 2014

Originating Dept: PWDS - Planning

4 Donna Colby-Hanks
Signature (submitted by)
City Manager Approval

Subject: Ordinance amending Sections 17.124.070, 17.124.090, and 17.124.190 of Chapter 17.124, Specific Standards Applying to Conditional Uses, Title 17, Land Development Code, of the Brookings Municipal Code.

Recommended Motion: Motion to adopt Ordinance 14-O-723.

Financial Impact: None.

Background/Discussion: The revisions to these sections were approved by the City Council at their January 13, 2014 meeting.

Policy Considerations: N/A

Attachment(s): Adopting Ordinance 14-O-723.

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 14-O-723

IN THE MATTER OF ORDINANCE 14-O-723, AN ORDINANCE AMENDING SECTIONS 17.124.070, 17.124.090, AND 17.124.190 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 Sections 17.124.070, 17.124.090, and 17.124.190.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Sections 17.124.070, 17.124.090, and 17.124.190 of Chapter 17.124, Specific Standards Applying to Conditional Uses, Title 17, Land Development Code, of the Brookings Municipal Code.

Section 2. Amends Sections 17.124.070, 17.124.090, and 17.124.190. Sections 17.124.070, 17.124.090, and 17.124.190 are amended to read as follows:

17.124.070 Kennels, riding academies and public stables.

- A. Kennels, riding academies, and public stables shall be located not less than 200 feet from any property line, shall provide automobile and truck ingress and egress, and shall also provide parking and loading spaces so designed as to minimize traffic hazards and congestion.
- B. Applicants shall show that odor, dust, noise, and drainage shall not constitute a nuisance, hazard, or health problem to adjoining property or uses.
- C. No animals shall be permitted to leave the property and wander at large.

17.124.090 Cemetery, crematory, mausoleum, columbarium.

- A. A cemetery, crematory, mausoleum, or columbarium shall have its principal access on a street adequate to serve the use with ingress and egress so designed as to minimize traffic congestion. A traffic impact statement pursuant to Section 17.170.090 may be required. Off-street parking spaces shall be provided pursuant to Chapter 17.92.
- B. Cemeteries located within any "R" district or abutting an "R" district shall establish and maintain a landscape buffer five feet in width as well as a sight obscuring fence, hedge or planting to minimize the conflict with abutting residential use. No mortuary or crematorium can be within 100 feet of an adjacent street or within 200 feet of a residential lot.
- C. All laws and regulations of the State of Oregon must be adhered to and copies of all required permits and licenses shall be provided to the City.

17.124.190 Keeping of livestock.

- A. No horses, cattle, sheep, or other livestock shall be kept on a lot less than three acres in area. No more than two head may be kept on the first three acres; however, one additional animal may be kept for each acre over three acres.
- B. All animals must be confined to an area on the property and said area of confinement shall not be located closer than 125 feet to a dwelling on any contiguous property. Barns, stables and other buildings and structures to house livestock shall not be located closer than 50 feet to any property line.
- C. Odor, dust, noise, flies or drainage shall not be permitted to create or become a nuisance to surrounding property.
- D. No horses, cattle, sheep, or other livestock shall be permitted to leave the property and wander at large.

First Reading: _____ Passage: _____
Second Reading: _____ Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2014

ATTEST:

Mayor Ron Hedenskog

City Recorder Joyce Heffington

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: January 13, 2014

Originating Dept: PWDS-Planning

4 Donna Colby-Hanks
Signature (submitted by)
City Manager Approval

Subject: A hearing on File LDC-4-13 for consideration of revisions to Subsection F, Sandwich Board signs, of Section 17.88.100 General standards for signs in all zones, Chapter 17.88 Signs, Brookings Municipal Code (BMC).

Recommended Motion: A motion to approve the revisions to Subsection F of Section 17.88.100, Chapter 17.88 Signs, BMC.

Financial Impact: None.

Background/Discussion: City Council suspended by Resolution No. 13-R-1000, the code requirement for a sign permit for sandwich board signs and the limitation of sandwich board signs to businesses whose entrance does not have street frontage at their March 25, 2013 meeting. The purpose of the suspension was to ascertain if additional sandwich board signs would significantly increase the number of tourists stopping in Brookings.

City Council reviewed and discussed the benefits versus the negative impacts of the suspension of the sign requirements at their October 7, 2013 workshop. With the suspension being overall supported by the downtown merchants, City Council directed Staff to revise Section 17.88.100(F) to accommodate additional siting of sandwich board signs. Business owners will need to obtain a sign permit, however the limitation of sandwich boards signs only being available to businesses without street frontage has been removed.

Site Plan Committee reviewed the proposed revisions to sandwich board sign requirements and found them to be consistent with City ordinances and policies. The Planning Commission held a public hearing on the matter at their December 3, 2013 meeting and recommended approval to City Council with a revision to clarify that the signs could not be located in parking spaces.

Policy Considerations: N/A

Attachment(s): A. Final draft of BMC Subsection F Sandwich Board Signs, of Section 17.88.100

Original text to be deleted is ~~stricken~~.

Proposed new text is **bold**.

Text added by Planning Commission (12-03-13) is **underlined bold**.

17.88.100(F). Sandwich Board Signs. Sandwich board signs may be permitted in commercial zones **on private property, and/or within city rights of way, and/or in rights of way under the City's jurisdiction** ~~if the business entrance does not have street frontage (alleys are not considered street frontage)~~ and provided the following conditions are met:

1. Only one such sign shall be permitted for each business and shall not exceed two feet in width and four feet in height.
2. Each sign must be sufficiently weighted at the bottom to prevent toppling by wind.
3. Placement of sign must leave at least 36 inches of continuous unobstructed sidewalk area to provide accessibility for pedestrians, **not be placed in parking spaces or parking areas, and be located outside of vehicular travel lanes.**
4. Signs shall be displayed only at such times as the business they are intended to identify is open for business. [Ord. 08-O-608 § 2.]
5. **Any sign placed within a corner vision area located at the intersection of streets, shall not exceed three feet in height. The corner vision area shall consist of a triangular area measured from the corner of the intersection property lines for a distance of fifteen feet. The third side of the triangle is a line across the corner joining the nonintersecting ends of the other two sides.**

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: January 13, 2014

Originating Dept: PWDS - Planning

4P Donna Colby-Hanks
Signature (submitted by)
City Manager Approval

Subject: Ordinance amending Subsection F of Section 17.88.100, Chapter 17.88 Signs of Title 17, Land Development Code, of the Brookings Municipal Code.

Recommended Motion: Motion to adopt Ordinance 14-O-721.

Financial Impact: None.

Background/Discussion: The revisions to this subsection was approved by the City Council at their January 13, 2014 meeting.

Policy Considerations: N/A

Attachment(s): Adopting Ordinance 14-O-721.

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 14-O-721

IN THE MATTER OF ORDINANCE 14-O-721, AN ORDINANCE AMENDING SUBSECTION 17.88.100(F) OF CHAPTER 17.88, SIGNS, TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance Identified.
- Section 2. Amends Subsection 17.88.100(F).

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Subsection 17.88.100 (F) of Chapter 17.88, Signs, Title 17, Land Development Code, of the Brookings Municipal Code.

Section 2. Amends Subsection 17.88.100(F). Subsection 17.88.100(F) is amended to read as follows:

17.88.100(F). Sandwich Board Signs. Sandwich board signs may be permitted in commercial zones on private property, and/or within city rights or way, and/or in rights of way under the City's jurisdiction provided the following conditions are met:

1. Only one such sign shall be permitted for each business and shall not exceed two feet in width and four feet in height.
2. Each sign must be sufficiently weighted at the bottom to prevent toppling by wind.
3. Placement of sign must leave at least 36 inches of continuous unobstructed sidewalk area to provide accessibility for pedestrians, not be placed in parking spaces or parking areas, and be located outside of vehicular travel lanes.
4. Signs shall be displayed only at such times as the business they are intended to identify is open for business. [Ord. 08-O-608 § 2.]
5. Any sign placed within a corner vision area located at the intersection of streets, shall not exceed three feet in height. The corner vision area shall consist of a triangular area measured from the corner of the intersection property lines for a distance of fifteen feet. The third side of the triangle is a line across the corner joining the nonintersecting ends of the other two sides.

First Reading: _____

Passage: _____

Second Reading: _____

Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2014

ATTEST:

Mayor Ron Hedenskog

City Recorder Joyce Heffington