

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

**In the Matter of an Ordinance Amending)
Chapter 17.52, General Commercial (C-3)) Ordinance 08-O-622
District, of the Brookings Municipal)
Code, in its entirety:**

Sections:

- Section 1. Ordinance Identified.
- Section 2. Amends Chapter 17.52 in its entirety.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Chapter 17.52, General Commercial (C-3) District, of the Brookings Municipal Code, in its entirety.

Section 2. Amends Chapter 17.52. Chapter 17.52, General Commercial (C-3) District, is amended, in its entirety, to read as follows:

**Chapter 17.52
General Commercial (C-3) District**

Sections:

- 17.52.010 Purpose.
- 17.52.020 Permitted uses.
- 17.52.030 Accessory uses.
- 17.52.040 Conditional uses.
- 17.52.050 Maximum building height.
- 17.52.060 Signs.
- 17.52.070 Parking.
- 17.52.080 Other required conditions.

17.52.010 Purpose.

This District is designed to stabilize, improve and protect the commercial characteristics of the general commercial area. The District is limited to commercial uses of less intensity than are found in an industrial zone. A pedestrian friendly mixture of commercial and residential uses are to be promoted by the provisions found in this District. [Ord. 89-O-446 § 1.]

17.52.020 Permitted uses.

The following uses are permitted:

- A. Existing residential uses, including additions, without any increase in the number of dwelling units;
- B. One or more dwellings not on a ground floor;
- C. Retail businesses and offices;

D. Business and technical schools, such as photography, art, music, theater, and dance schools and studios;

E. Restaurants, cafes, cocktail lounges, bars, taverns, with or without entertainment;

F. Commercial recreational uses, such as bowling lanes, dance halls, pool halls, skating rinks, or theaters, not including drive-in theaters;

G. Printing, publishing and newspaper offices;

H. Light service shops such as beauty salons, barbershops, pet grooming with no overnight boarding of animals, upholsterers, picture framing, tailoring, and appliance repair;

I. Places for public assembly such as places of worship, meeting halls, auditoriums, community centers, lodges, clubs and fraternal organizations;

J. Public buildings, structures and uses as may be appropriate to the C-3 district including transportation terminals and facilities;

K. Commercial parking lots for passenger vehicles, subject to Chapter 17.92 BMC;

L. Museums, art galleries or similar facilities;

M. Hospitals and out-patient medical clinics;

N. Motels and hotels;

O. Automobile, boat, truck, or trailer sales, service or repair with display areas more than 20,000 square feet and less than 100,000 square feet; provided, that all repair shall be conducted entirely within an enclosed building. [Ord. 03-O-446.NN; Ord. 93-O-446.L § 6; Ord. 89-O-446 § 1.]

17.52.030 Accessory uses.

A. Any uses, buildings or structures customarily appurtenant to a permitted use, such as incidental storage facilities, are permitted. [Ord. 93-O-446.P § 3; Ord. 89-O-446 § 1.]

B. Accessory uses for dwelling units

1. Home occupations, subject to the provisions of Chapter 17.104 BMC.

2. Other accessory uses and accessory buildings and structures, such as non-commercial greenhouses, customarily appurtenant to a permitted use.

17.52.040 Conditional uses.

The following conditional uses may be permitted subject to a conditional use permit:

A. Automobile, boat, truck, or trailer sales, service or repair with display areas of 100,000 square feet or more; provided, that all repair shall be conducted entirely within an enclosed building;

B. Implement, machinery, and heavy equipment sales, service or repair; provided, that all repair shall be conducted entirely within an enclosed building;

C. Automobile service station, including automobile maintenance and repair which shall be conducted entirely within an enclosed building;

D. Lumber or building materials sales and storage;

E. Contractors' storage;

F. Veterinarians and animal hospitals, provided all business, service and kennels are entirely within an enclosed building subject to BMC 17.124.080;

G. Buildings over 40 feet in height;

H. Rental storage units, provided they are used exclusively for storage purposes;

I. Day care and nursery schools pursuant to BMC 17.124.010.

J. Short-term rentals pursuant to the provisions of BMC 17.124.170. [Ord. 01-O-446.MM; Ord. 00-O-446.II § 2; Ord. 92-O-446.H § 2; Ord. 89-O-446 § 1.]

- K. Mortuaries and crematories in conjunction with a mortuary and subject to BMC 17.124.090;
- L. On-duty personnel living quarters, either conventional or manufactured dwelling unit, only in conjunction with ambulance services and/or fire departments.
- M. Utility substations or pumping stations subject to BMC 17.124.030.
- N. Fabricating of products is permitted when conducted in conjunction with a retail sales establishment occupying the ground floor facing the public street.

17.52.050 Maximum building height.

No structures shall be over 40 feet in height except as allowed as a conditional use, and as provided in BMC 17.128.030. [Ord. 89-O-446 § 1.]

17.52.060 Signs.

Signs shall be permitted in accordance with Chapter 17.88 BMC. [Ord. 89-O-446 § 1.]

17.52.070 Parking.

Off-street parking shall be provided in accordance with Chapter 17.92 BMC, except for the area described in 17.92.030(A). [Ord. 89-O-446 § 1.]

17.52.080 Other required conditions.

A. Site plan approval required as provided in Chapter 17.80 BMC.

B. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for conditional uses, outdoor dining areas, nurseries and garden shops, seasonal sales lots, outdoor equipment, outdoor furniture, dispensers, vehicle and boat sales, and bus stations. When outside storage is allowed as a conditional use, it must be enclosed within a 6 foot high site obscuring fence. In addition, temporary sales of products allowed either as an outright permitted or a conditionally permitted use, for no more than 7 consecutive days, may be conducted outside on private property. These sales may occur no more than 4 times during a calendar year. The seller must have a current City business license and required parking spaces must remain available for use by vehicles.

C. In any C-3 district directly across a street from, or abutting any lot in a Residential district, the parking and loading area shall be set back at least 10 feet from the street right-of-way or lot line and said area shall be appropriately landscaped to protect the character of said adjacent residential properties. Such landscaping shall be constructed and maintained in compliance with 17.92.100 (H), BMC.

D. All business shall be conducted from a structure placed on a permanent foundation unless specifically exempted by the provisions of this or other city ordinances. [Ord. 00-O-446.JJ § 5; Ord. 89-O-446 § 1.]

E. Prior to any development activity on the property, the applicant must comply with 17.100.030, General Mitigation, BMC.

F. An accessway to a new proposed off-street parking area shall be improved from the public roadway to the parking area to a minimum width of 20 feet for two-way traffic. If the accessway is a one-way in or one-way out, it shall be a minimum width of 10 feet and have appropriate signage.

G. Provide for the improvement of an existing dedicated alleyway which is intended to be used for egress and ingress, or backup space of off-street parking for the development.

H. Screen from view all roof-, wall-, or ground-mounted mechanical equipment and devices, in addition to propane tanks.

I. Refuse receptacles or dumpsters shall be appropriately positioned, colored or screened to minimize visibility to vehicular traffic or pedestrians.

J. Automobile, boat, truck, or trailer sales;

1. Dealerships must have an on-site office.

2. Primary dealerships with an on-site office located in the downtown core area as defined in 17.92.030(A), may have one or more secondary sales/storage locations without an on-site office, outside the downtown core area within the C-3 zone.

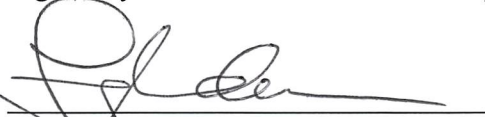
First reading: November 10, 2008

Second reading: November 10, 2008

Passage: November 10, 2008

Effective date: December 10, 2008

Signed by me in authentication of its passage this 12th day of November, 2008.



Mayor Larry Anderson

ATTEST:



City Recorder Joyce Heffington