

ORDINANCE NO. 89-O-454**AN ORDINANCE AMENDING SECTIONS 88, 108, 132, 172, AND 176 OF THE LAND DEVELOPMENT CODE.****Sections:**

Section 1.	Amendment to Section 132. 040.
Section 2.	Amendment to Section 108.050.
Section 3.	Amendment to Section 172.050.
Section 4.	Amendment to Section 176.040.
Section 5.	Amendment to Section 176.050.
Section 6.	Amendment to Section 176.050.
Section 7.	Amendment to Section 176.050.
Section 8.	Amendment to Section 88.050.

The city of Brookings ordains as follows:

Section 1. Amendment to Section 132. 040. Section 132.040, Subsection A., paragraph 2 is amended as follows:

132.040 Exception to yard requirements.

A. Projection into required yards. Certain architectural features may project into required yards or courts as follows:

2. Fire escapes, open uncovered porches, balconies, decks, landing places, or outside stairways may not in any case extend more than 24 inches into any required side or rear yards, and not exceeding six (6) feet into any required front yard. In the case of dwellings existing on the effective date of adoption of this code and which have a front yard setback at or less than that required by the applicable zoning district regulation, an enclosed covered entry porch may project into the required front yard not exceeding six (6) feet and the enclosed porch may not exceed 36 square feet in area. This is not to be construed as prohibiting open porches, patios, stoops or decks not exceeding 30 inches in height and not approaching closer than 18 inches to any lot line.

Section 2. Amendment to Section 108.050. Section 108.050, Subsection C is amended as follows:

Section 108.050 Dwelling group standards.

C. Access. Every building containing a dwelling in the group shall be within 60 feet of an access roadway having a curb to curb section of at least 20 feet in width providing vehicular access from a public street.

Section 3. Amendment to Section 172.050. Section 172.050, Street Lights, is amended by re-lettering the subsections as A, B, C, D and E. (in lieu of A, B, B, C, and D).

Section 4. Amendment to Section 176.040. Section 176.040, Subsection D is amended as follows:

Section 176.040 Lot line adjustments.

D. Appeals. The final action of the city manager or his designee may be appealed pursuant to section 160 of this code.

Section 5. Amendment to Section 176.050. Section 176.050, Subsection B, paragraph 1 is amended as follows:

Section 176.050 Minor partitions.

Subsection B. Application and submittal requirements.

1. Drawn in ink, suitable for reproduction (mylar material), on a map no smaller than 11" x 17".

Section 6. Amendment to Section 176.050. Section 176.050, Subsection D, is amended as follows:

Section 176.050 Minor partitions.

Subsection D. Filing an approved final map.

1. File a survey map with the Curry County Surveyor within 90 days of approval and signature of the parcel map by the city of Brookings, and failure to file same within said time period shall render the approval null and void.

2. File the deeds and/or descriptions resulting from the minor partition approval creating the parcels with the Curry County Assessor's Office within 10 working days of filing the survey map with the Curry County Surveyor.

3. Within 10 days after filing the survey map with the county surveyor, the owner/developer shall provide the city two (2) blue-line prints of the survey map.

Section 7. Amendment to Section 176.050. Section 176.050, Subsection E, is added as follows:

Section 176.050 Minor partitions.

E. Appeals. The final action of the planning commission may be appealed to the city council pursuant to section 156 of this code.

Section 8. Amendment to Section 88.050. Section 88, Sign Regulations, Section 88.050, Residential districts, Subsections A, Neighborhood identification and B, Multiple-family residential and conditional uses, are amended by changing the maximum area allowance for signs for neighborhood identification and multiple-family residential and conditional uses from 20 square feet to 40 square feet, as follows:

Section 88.050 Residential districts. Signs in residential districts shall be permitted as follows:

A. Neighborhood identification. One (1) freestanding sign shall be permitted at each entry point to developments with more than ten (10) lots. Said neighborhood identification sign shall not exceed forty (40) square feet in area per sign, nor exceed five (5) feet in height, subject to Section 88.040, subsection F, line 7.

B. Multiple-family residential and conditional uses. Where otherwise permitted, one (1) identifying sign of not more than forty (40) square feet, either attached to the building or freestanding, shall be permitted for multiple-family dwellings containing four (4) or more dwelling units and conditional uses. If freestanding, the sign shall be mounted in a planter or landscaped area and shall not exceed five (5) feet in height, nor shall it be located within ten (10) feet of any property line, subject to Section 88.040, subsection F, line 7.

10-454.9

BROOKINGS ORDINANCES

10-454.9

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Effective Date: September 27, 1989

Fred Hummel
Fred Hummel
Mayor

ATTEST:

Beverly S. Shields
Beverly S. Shields
City Recorder

E. Boats, trailers, pick-up campers or coaches, motorized dwellings, and similar recreation equipment may be stored, but not occupied, on a lot in an "R" district as an accessory use to a dwelling provided that:

1. Parking and storage in a front yard or in a street side yard shall not be permitted and shall be permitted only on a driveway or concrete pad.

2. Parking or storage shall be at least three (3) feet from an interior side or rear lot line.

132.030 Exception to height regulations. Height limitations set forth elsewhere in this code shall not apply to:

A. Barns, silos, water towers and tanks, or other farm buildings and structures, provided they are not less than 50 feet from every lot line; chimneys, church spires, belfries, cupolas, domes, smokestacks, flagpoles, grain elevators, cooling towers, monuments, fire hose towers, masts, aerials, antennas, elevator shafts, and other similar projections; and outdoor theater screens, provided said screens contain no advertising matter other than the name of the theater.

B. In no case shall the height of structures listed in section 132.030 A, above exceed one (one) and one-half (1/2) times the height limitation set forth in the applicable zoning district.

132.040 Exception to yard requirements.

A. Projections into required yards. Certain architectural features may project into required yards or courts as follows:

1. Cornices, canopies, eaves, belt courses, sills, or other similar architectural features, or fireplaces, but these may not in any case extend more than 24 inches into any required yard area.

2. Fire escapes, open uncovered porches, balconies, decks, landing places, or outside stairways may not in any case extend more than 18 inches into any required side or rear yards, and not exceeding six (6) feet into any required front yard. This is not to be construed as prohibiting open porches, patios or stoops not exceeding 18 inches in height and not approaching closer than 18 inches to any lot line.

B. Exceptions to front yard requirements.

1. If there are dwellings on both abutting lots with front yards less than the required depth for the district, the front yard for the lot need not exceed the average front yard of the abutting dwellings.

2. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the district, the front yard need not exceed a depth of the front yard on the abutting lot and the required front yard depth.

Section 108DWELLING GROUPSSections:

- 108.010 Purpose.
108.020 Planning commission approval required.
108.030 Application.
108.040 Maximum site area for dwelling group.
108.050 Dwelling group standards.

108.010 Purpose. This section is intended to provide the necessary design flexibility required to encourage innovative development of small parcels of residential land presently excluded from section 116, planned unit development approval, thereby providing a variety of type, design and siting of residential development while promoting the efficient utilization of urban residential lands, public facilities and land development technologies so that the resulting economies may inure to the benefit of those seeking housing services. This section also establishes a procedure which relates the type, design and siting of residential developments to the particular site and the adequacy of urban facilities necessary to conveniently service such a development in a manner consistent with the preservation of property values within established areas and consistent with the purposes and objectives of the underlying zoning district and the intent and purpose of the land development regulations.

108.020 Planning commission approval required. Where use is made of the dwelling group process as provided in this section, and where required in the underlying zoning district, no building or other permit shall be issued for such development or part thereof until the planning commission has approved said development. The planning commission shall act upon the application consistent with those procedures and standards set forth in section 140, conditional use permits, of this code.

108.030 Application. The owner or agent may file an application for a dwelling group approval with the planning department on the form prescribed by the city. Filing fees shall be set by resolution of the city council. No part of the fee shall be refundable.

108.040 Maximum site area for a dwelling group. No application for a dwelling group approval shall be made for a site which exceeds four (4) acres.

108.050 Dwelling group standards. The following standards are hereby established for purposes of dwelling group design. Except as modified in this section, each dwelling group shall conform to all of the requirements of this code for the district in which it is to be located. A permit may not be issued for the development of a dwelling group unless such dwelling group conforms to all of the following conditions and requirements:

A. Density. The allowed density for any dwelling group shall be determined by dividing the gross square feet of area to be devoted to the dwelling group by the required minimum lot area for the underlying zoning district. This procedure shall establish the number of dwelling units allowed. Individual lot areas as proposed in the dwelling group need not comply with the minimum lot areas set forth in the underlying zoning district provided that no lot within the dwelling group equals or exceeds twice the lot area as required of the underlying zoning district.

B. Setbacks. The distance between any principal buildings and the property line shall be not less than the underlying zoning district setback requirements. The distance between principal buildings shall be at least one-half (1/2) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 12 feet. This requirement shall also apply to portions of the same building separated from each other by a court or other open space. The distance between any principal building and accessory building shall be a minimum of eight (8) feet. An inner court providing access to double-row dwelling groups shall be a minimum of 20 feet in width. A dwelling on an individual lot within a dwelling group shall conform to the underlying zoning district setback requirements.

C. Access. Every building containing a dwelling in the group shall be within 60 feet of an access roadway having a curb to curb section of at least 26 feet in width providing vehicular access from a public street.

D. Neighborhood character. The development of dwelling groups shall respect the character of both the neighborhood in which it is located and the properties adjacent to said dwelling group. Emphasis shall be placed on retention of neighborhood character and privacy of adjacent properties when reviewing dwelling groups.

E. All dwelling groups shall be subject to the review and approval of the site plan committee, as provided in Section 80.

B. Water course easements. If a subdivision is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose.

C. Pedestrian easements. The planning commission may require, in order to facilitate pedestrian access from streets or lots to schools, parks or other nearby streets, or from off-street parking areas, perpetual, unobstructed pedestrian easements. Within the easement, a sidewalk of at least five (5) feet in width shall be constructed. Adequate lighting may also be required if deemed necessary for public safety and convenience.

D. Slope easements. The planning commission may require a perpetual, unobstructed easement adjacent to a public right-of-way where the slope of the land is such that earth movements might damage a public right-of-way and where the natural vegetative cover shall not be disturbed.

172.040 Neighborhood circulation plan.

A. All development shall comply with an adopted neighborhood circulation plan provided such plan includes the proposed project site area. If the neighborhood circulation plan does not include the proposed project site area, it shall be the developer's responsibility to demonstrate, prior to approval of a development permit, that development of the project site will not impair or preclude the future development of a comprehensive neighborhood circulation system.

B. Adoption of neighborhood circulation plans. Neighborhood circulation plans shall be developed for appropriate areas of the city and urbanizable area and shall be adopted as amendments to the Public Facilities Element of the comprehensive plan. Such plans shall identify the functional capacity, condition and design criteria of all applicable existing and projected street systems.

C. Revision of a neighborhood circulation plan. An adopted neighborhood circulation plan may be revised or amended in a manner set forth in this code for comprehensive plan amendments.

172.050 Street lights. Street lighting shall be provided for all developments within the city, and shall be provided to the following standards:

A. Location, new streets. As a part of a new street development, street lighting shall be installed at intersections and at a minimum distance of 220 feet apart with the following exceptions:

1. A cul-de-sac where the terminus is less than 150 feet from the nearest lighted intersection; otherwise, a street light shall be installed at the end of a cul-de-sac.

2. For streets serving industrial areas, there shall be a minimum of one (1) street light at each intersection.

B. Location, existing streets. Development having 200 feet or more of frontage on an existing street shall install a minimum of one (1) street light for the first 200 feet, plus one (1) street light per 220 feet of additional frontage. A development with less than 200 feet of frontage on an existing street shall enter into a deferred improvement agreement for future street light installation.

B. Service. Nearest facility carrying 120 volts secondary and controlled by individual photoelectric control devices. All services shall be underground.

C. Materials and height. Galvanized steel, concrete, aluminum or fiberglass, or on existing wood distribution facilities, 25 to 30 feet in height.

D. Design standards for roadway average maintained illuminance. The following illuminance values represent the lowest average maintained values that are currently considered appropriate for the following roadways (measured in footcandles):

<u>Classification</u>	<u>Commercial areas</u>	<u>Industrial areas</u>	<u>Residential areas*</u>
Arterial	2.0	1.4	1.0
Collector	1.2	0.9	0.6
Residential	0.9	0.6	0.4

*Mercury vapor luminaires only

172.060 Sidewalks.

A. Sidewalks shall be required for all proposed developments along all streets, except as follows:

1. Where a residential building site fronts on an unimproved residential street if the development qualifies for deferral of street frontage improvements, pursuant to Section 172.070.

2. In the case where a proposed development provides suitable alternative pedestrian routes and approved by the planning commission.

3. In the case of hillside developments in which the planning commission may waive the requirement for sidewalks on both sides of each street to allow sidewalk installation on only one (1) side.

B. Sidewalks shall be a minimum of five (5) feet in width and said width does not include the curb width.

176.040 Lot line adjustments. A complete application together with all required filing materials shall be submitted to the city manager or his designee prior to review of the request.

A. Application and submittal requirements. Applications for a lot line adjustment shall conform to the submittal requirements for minor partition as provided in section 176.050, B., of this code.

B. Criteria for approval. The city manager or his designee shall approve, approve with conditions or deny the request based upon the following criteria:

1. An additional lot is not created by the lot line adjustment.

2. An existing parcel is not reduced in size below the minimum lot size established by the applicable zoning district.

3. The adjusted lot configuration does not result in a substandard condition relative to the applicable site development standards of this code.

4. Failure to provide any information required by this code shall not constitute a waiver to any standards, criteria or requirements of this code.

C. Filing an approved lot line adjustment. The applicant shall file the resulting deeds and/or descriptions and/or approved map with the Curry County recorder and assessors' office and the approval shall become null and void if not filed and recorded within 30 days of final approval.

D. Appeals. The final action of the planning commission may be appealed pursuant to section 160 of this code.

176.050 Minor partitions. A complete application together with all required filing materials shall be submitted to the city manager or his designee prior to review of the request.

A. Planning commission authority. The planning commission shall have the authority to approve, approve with conditions or deny the request, based upon the following criteria:

1. Conformance with the comprehensive plan, and applicable development standards of this code, and state and federal laws.

2. Development of any remainder of property under the same ownership, if any, can be accomplished in accordance with this code.

3. Adjoining property under separate ownership can either be developed or be provided access that will allow its development in accordance with this code.

4. Conditions necessary to satisfy the intent of the land development code and comprehensive plan can be satisfied prior to final approval.

B. Application and submittal requirements. The property owner or his authorized agent may make application for a minor partition by filing an application, at least 18 days prior to the meeting date the matter is intended to be considered by the planning commission, with the city manager or his designee on a form prescribed by the city. In addition, the applicant shall submit the original and three (3) copies of the minor partition map, accompanied with any supporting materials and a filing fee in the amount established by general resolution of the city council. No part of the filing fee is refundable. The map shall contain the following:

1. Drawn in ink, suitable for reproduction (mylar material), on a map no smaller than 12" x 18".

2. North arrow, scale (appropriate to the area involved and sufficient to show detail of the plan and related data, such as 1" = 30', 1" = 50', or 1" = 100') and date.

3. Name, address and telephone number of each of the following: property owner(s), partitioner, preparer of the map, surveyor, and date of survey.

4. Streets: names, locations, pavement widths, rights-of-way, both existing and proposed, and access points.

5. Easements: locations, widths, and purpose of all existing and proposed easements.

6. Utilities: location and size of all existing and proposed storm drains, sewer mains, water mains, and utility poles.

7. Natural features: location and extent of creeks, streams, marshes, and wooded areas.

8. Flood areas: show location of 100-year flood plain and other areas subject to ponding.

9. Slope: show degree and approximate direction of slope and drainage, and indicate average slope to determine compliance with the hazardous building site protection provisions of this code.

10. Districts: location of zoning district boundary.

11. Lot dimensions: existing and proposed lot lines and their dimensions.

12. Lot size: existing and proposed lot size in square feet or acres.

13. Existing uses: location and outline of existing buildings to remain on the property with distances in feet to new lot lines created by the proposed partition.

14. Location of the parcels by legal metes and bounds description and a statement by the preparer that the descriptions have been prepared in accordance with the public record, and that the map thereof has been prepared to scale.

15. Supplemental information: deed restrictions proposed, if any.

16. A signature by the property owner that guarantees to the city that all information shown on the map is accurate and correct, and the applicant accepts responsibility for same.

17. A statement by the city finance director that all city liens and assessments on the property have been paid, or that the application has been made to the city to segregate assessments.

18. If the proposed partitioning results in the creation of lots greater than twice the minimum lot size allowed, indicate by dashed lines how future divisions and streets can be created.

19. The approving authority (planning commission) certificate shall contain a statement that acknowledges compliance with all conditions of development permit and state statutes, and such compliance shall be certified by the signature of the chairman of the planning commission affixed thereto.

C. Submittal requirements; final map approval. Any changes or modifications resulting from preliminary map review shall be incorporated and submitted as the minor partition final map, along with additional supplementary information required.

D. Filing an approved final map. After obtaining all required approvals and signatures, the developer shall:

1. File and record the deeds and/or descriptions resulting from the minor partition approval creating the parcel(s) with the Curry County Recorder and Assessor's Offices within 30 days of approval and signature of the parcel map by the city of Brookings, and failure to file same within said time period shall render the approval null and void.

2. File a copy of the survey with the Curry County Surveyor.

176.060 Major partitions and subdivisions. A complete application together with all required filing materials shall be submitted to the city manager or his designee prior to review of the request.

A. Planning commission authority. The planning commission shall have the authority to approve, approve with conditions or deny the request, based upon the following criteria:

1. Conformance with the comprehensive plan, and applicable development standards of this code, and state and federal laws.

2. Development of any remainder of property under the same ownership, if any, can be accomplished in accordance with this code.

3. Adjoining property under separate ownership can either be developed or be provided access that will allow its development in accordance with this code.

4. Conditions necessary to satisfy the intent of the land development code and comprehensive plan can be satisfied prior to final approval.

5. The proposed street plan affords the most economic, safe, efficient and least environmentally damaging circulation of traffic possible under existing circumstances.

6. The proposed name of the subdivision shall be approved by the commission, provided the name does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Curry County, except for the words "town", "city", "place", "court", "addition", or similar words unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name, or unless the applicant files and records the consent of the party who platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed.

7. The proposed name of a street in the subdivision shall be approved by the commission provided it is not the same as, similar to or pronounced the same as the name of an existing street in the same zip code area, unless the street is approved as a continuation of an existing street. A street name or number shall conform to the established pattern for the area.

8. Streets that are proposed to be held for private use shall be distinguished from the public streets on the subdivision plat, and reservations and restrictions relating to the private streets are established.

7. Be erected in any location where, by reason of its location, will obstruct the view of any authorized traffic sign, signal, or other traffic control device. Nor may any sign, by reason of its shape, position or color, interfere with or be confused with any authorized traffic signal, sign or device. Further, no sign shall be erected in a location where it will obstruct vision of the public right-of-way to the vehicle operator during ingress to, egress from, or while traveling on, said public right-of-way.

8. Be painted on or attached to any wall or fence which is not structurally a part of the building, except to identify a residence or residence structure by means of posting the name of the occupant or structure, and the street address.

9. Operate or employ any stereopticon or motion picture projection or media in conjunction with any advertisements, or have visible moving parts or any portion of which moves, or gives the illusion of motion except as otherwise provided in this code.

88.050 Residential districts. Signs in residential districts shall be permitted as follows:

A. Neighborhood identification. One (1) freestanding sign shall be permitted at each entry point to developments with more than ten (10) lots. Said neighborhood identification sign shall not exceed twenty (20) square feet in area per sign, nor exceed five (5) feet in height, subject to Section 88.040, subsection F, line 7.

B. Multiple-family residential and conditional uses. Where otherwise permitted, one (1) identifying sign of not more than twenty (20) square feet, either attached to the building or freestanding, shall be permitted for multiple-family dwellings containing four (4) or more dwelling units and conditional uses. If freestanding, the sign shall be mounted in a planter or landscaped area and shall not exceed five (5) feet in height, nor shall it be located within ten (10) feet of any property line, subject to Section 88.040, subsection F, line 7.

88.060 Professional office (PO-1) district. Signs in the professional office district shall be permitted as follows:

A. Professional and business offices and conditional uses. Where otherwise permitted, one (1) identifying sign of not more than forty (40) square feet, affixed to the building or freestanding. If freestanding, the sign shall be mounted in a planter or landscaped area and shall not exceed five (5) feet in height, nor shall it be located within ten (10) feet of any property line. If affixed to the building, the sign may not project into a required yard area more than 18 inches.