

ORDINANCE NO. 427

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 216 INCORPORATING AUTHORIZATION TO IMPOSE CERTAIN IMPROVEMENT CONDITIONS, REQUIREMENTS AND DEDICATION OF EASEMENTS AS A CONDITION OF ISSUANCE OF CERTAIN BUILDING PERMITS FOR DEVELOPMENT, AND REPEALING ORDINANCE NO. 288.

The city of Brookings ordains as follows:

Section 1. Amend zoning ordinance No. 216 by adding the following provisions:

"Section 5.130. Application of improvement requirements as a prerequisite to building permit issuance. Commencing the 12TH day of July, 1988, no building permit shall be issued for a new building or structure in connection with any permitted or conditional use as described in Zoning Ordinance No. 216 of the city of Brookings unless:

(1) The applicant submits a site plan drawn to scale showing the nature, size and location of all proposed buildings, improvements, access, off-street parking, location of proposed utilities and utility easements, curbs and gutters, pavement, existing utilities, drainage easements and proposed drainage improvements, and property boundaries; and

(2) The applicant agrees to install curbs and gutters along adjacent streets not having curbs and gutters, and also to pave the roadway from said curb to 12 feet beyond centerline of an unpaved street contiguous to the property to be developed in accordance with the standards of Zoning Ordinance No. 216 and Subdivision Ordinance No. 217 applicable to the type of development planned on the subject property; to dedicate to the city utility easements five (5) feet in width along rear lot lines, or along front lot lines as required by the city; to dedicated easements for drainage purposes at such locations as the city manager shall designate in order to accommodate expected runoffs as determined by a registered professional engineer licensed in Oregon, according to generally accepted drainage accommodation principles; to dedicate and install sidewalks within easements of five (5) feet in width along boundaries contiguous with streets, or install same within existing right-of-way if adequate in width, or if insufficient, deed same to the City for such public purposes; to install and connect to the City systems water and sewer lines and appurtenances which conform to adopted City standards; and to develop the site and construct all buildings and improvements in strict conformity to the tendered

site plan. The city manager may accept deferred improvement agreements to participate in local improvement districts for installation of curbs, gutters, sidewalks and street paving, water and sewer lines and appurtenances as well as underground storm drainage facilities when he determines that a delay is appropriate prior to the commencement of the construction of these improvements; and

(3) The city manager or his representative finds that the building site is not subject to natural hazards such as flooding, falling rock and landslides, and that the building site is capable of accommodating the proposed structure without danger to users of the site or to the citizens of the city; and

(4) The applicant agrees not to build any structure on that part of his property which lies within any area or alignment proposed for city streets according to the city's general street plan in effect at the time of the application; and

(5) If the street contiguous to the subject property is paved by the landowner on the opposite side thereof, that the applicant shall reimburse such landowner on the opposite side of the street for one-half (1/2) of the money such landowner paid toward the cost of paving that contiguous portion of the street. If the subject property is residential, the applicant shall not reimburse more than one-half (1/2) of the cost of paving the street according to residential standards.

(6) If no street is contiguous to the property from which safe and convenient access and egress can be obtained for pedestrians and vehicular traffic or for off-street parking, then the city manager may require dedication of a street right-of-way and improvement to adopted city standards as provided in Subsection (2) above. Private driveways improved to permit access by emergency vehicles and maintained in an unobstructed and safe condition may be allowed to continue where development has commenced on residential property having four (4) dwelling units or less.

(7) Appeals. Any person aggrieved by his inability to obtain a building permit pursuant to this section or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of this section may appeal, which appeal must be made in writing and filed pursuant to Article 11, Section 11.030, Appeals, of Zoning Ordinance No. 216.

(8) Limitations to issuance of certificate of occupancy.
No certificate of occupancy shall be issued until the applicant has fulfilled all requirements, conditions and execution of the required agreements, and shall not be issued if there is any variance from the approved site plan.

(9) Applicability. This section shall not apply to building permit applications for building on land subdivided pursuant to a final subdivision plat approved or subdivision exemption granted by the planning commission and/or city council after January 1, 1988."

Section 2. Ordinance No. 288 of the City of Brookings is hereby repealed in its entirety.

Section 3. The matters contained herein concern the public health, safety and welfare by reason of the necessity for providing developing properties with adequate infrastructure improvements and therefore, an emergency is declared to exist, and this ordinance shall become effective immediately upon its passage by the council and approval by the mayor.

First Reading: July 11, 1988

Second Reading: July 11, 1988

Passage: July 11, 1988

Signed by me in authentication of its passage this 11TH
day of July, 1988.

Bob Kerr
Bob Kerr
Mayor

ATTEST:

Beverly S. Shields
Beverly S. Shields
City Recorder