

ORDINANCE NO. 354

AN ORDINANCE FURTHER AMENDING
ORDINANCES NOS. 216, 340 and 351 (BROOKINGS ZONING ORDINANCES)
AND DECLARING AN EMERGENCY

WHEREAS, the City of Brookings does have as its zoning code and regulations Ordinance No. 216, as amended by Ordinance Nos. 340 and 351, and

WHEREAS, it has been determined that said Ordinance No. 216 be further revised in certain particulars,

NOW THEREFORE, the City of Brookings hereby Ordains as follows:

GENERAL

(A) The amendments, additions and deletions herein contained shall supercede and replace any prior terms or provisions of Ordinance 216 where such is inconsistent with these present enactments; and further, where not so inconsistent said present enactments hereincontained shall augment, reinforce and be interpreted in conjunction with said prior terms and provisions of Ordinance No. 216.

(B) The provisions of this Ordinance are severable. If any section, sentence, clause or other phrase of this Ordinance is judged by a Court of competent jurisdiction to be invalid, said decision shall not effect the validity of the remaining portions of this Ordinance.

(C) All other terms and provisions of Ordinance No. 216 not alluded to herein shall be and remain in full force and effect; and further, all of said provisions shall apply fully to the enactments hereincontained, including the administrative and penalty provisions of Ordinance No. 216.

The additions, alterations, amendments and deletions pertaining to Ordinance 216 shall be and are as follows:

PURPOSE

The several purposes of this regulation are: to encourage the most appropriate use of land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to provide adequate open spaces for light and air; to lessen the conjection on streets; to give an orderly growth to the city; to prevent undue concentration of population; to facilitate adequate provisions for community utilities and facilities such as water, sewerage, electrical distribution systems, transportation, schools, parks and other public requirements; to promote

public health, safety, convenience, and general welfare; and to carry out the goals and objectives specified in the Comprehensive Plan of the City of Brookings.

ARTICLE I. INTRODUCTORY PROVISIONS

Section 1.020 Definitions. (10) Add the following sentence: A single family modular home is included if the unit is not less than 20 feet in width and has a non-metallic roof.

ARTICLE 3. ESTABLISHMENT OF ZONES

Section 3.010. Classification of Zones. Add the following:

<u>Zone</u>	<u>Abbreviated Designation</u>
Public Open Space	P/OS
Hazard Overlay Zone	HZ
Airport Approach Overlay Zone	A-A

Note: Throughout Ordinance No. 216 and its amendments, wherever the abbreviated designations for Residential Low Density (R-L), Residential Medium Density (R-M), and Residential High Density (R-H) appear, they should be replaced with the abbreviations R-LD, R-MD and R-HD, respectively.

Section 3.040 Zoning of Annexed Areas. Delete as stated. Replace as follows:

Section 3.040 Zoning of Annexed Areas. The City Council, within 6 months of the effective date of the annexation, shall review and assign zoning to the newly-annexed parcel which reflects either the County zoning district or, a zoning district which would serve to implement the land-use requirements outlined in the Comprehensive Plan. Until specific zoning is assigned, zoning in effect prior to annexation shall apply.

ARTICLE 4. USE ZONES

Section 4.010 Residential Low Density Zone. R-L. Add the following sentence to (2)(d): This does not include rehabilitation, replacement, minor betterment repair and improvements and other similar construction activities not considered having land use impact.

Section 4.010 Add the following to (2):

- (m) Individual single purpose docks and piers shall be, to the greatest extent possible, limited to multiple-use facilities and shall be approved upon proving the advantage of a dock facility over a mooring buoy, dryland storage and launching ramp.

Section 4.010 (4) Delete (e) and replace with the following:

- (e) No structure shall be located within the ocean coastal shorelands boundary.

Section 4.010 (4) Add the following:

- (f) No residential structure shall be located within the Chetco Estuary shorelands boundary.

Section 4.020 Add the following:

- (c) Single family dwelling

Section 4.030 (4) Add the following:

- (e) No structure shall be located within the ocean coastal shoreland boundary.
- (f) No residential structure shall be located within the Chetco Estuary shoreland boundary.
- (g) Individual single purpose docks and piers shall be, to the greatest extent possible, limited to multiple-use facilities and shall be approved upon proving the advantage of a dock facility over a mooring buoy, dryland storage and launching ramp.

Section 4.040 (4) Delete (e) and replace with the following:

- (3) No structures are allowed within the ocean coastal shorelands boundary.

Section 4.040 (4) Add the following:

- (f) No residential structures are allowed within the Chetco Estuary shorelands boundary.
- (g) Individual single purpose docks and piers shall be, to the greatest extent possible, limited to multiple-use facilities and shall be approved upon proving the advantage of a dock facility over a mooring buoy, dryland storage and launching ramp.

Section 4.110 (3) Delete (c) and replace with the following:

- (c) Uses allowed within the Chetco Estuary shorelands boundary shall meet the general priorities for the overall use identification in the Chetco Estuary Plan shoreland goals and policies.

Section 4.220 (3) Delete (c) and replace with the following:

- (c) Only water dependent or water related uses shall be located within the ocean coastal shorelands boundary.

Section 4.220 (3) Add the following:

- (d) Uses allowed within the Estuary shorelands boundary shall meet the general priorities for the overall use identification in the Chetco Estuary Plan shoreland goals and policies.

Section 4.230 Add as follows:

Section 4.230 Airport Approach Overlay Zone A-A

(1) Purpose. This District is intended to be applied as an overlay zone to be applied to properties which lie within the air approaches to the Brookings State Airport.

Further, this District is intended to prevent the establishment of air space obstructions in air approaches through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the residents of the City of Brookings.

(2) Special Definitions

- (a) "Airport Approach" shall be the primary and secondary safety zones as defined in the Brookings State Airport Master Plan 1980-2000.
 - (1) "primary safety zone" is an area that extends 1300 feet beyond the end of the future runway extension of runway 30 and is 1500 feet wide at the end of said runway and extends outward at the same width to the end of the zone.
 - (2) "secondary safety zone" is an area that extends an additional 3900 feet beyond the primary safety zone having the same 1500 feet in width.
- (b) "Airport Hazard" is any structure, tree or use of land which unreasonably obstructs the air space required for the safe flight of aircraft in landing or taking off at an airport or landing field, or is otherwise hazardous to such landing or taking off of aircraft.
- (c) "Aviation Easement" is an easement granted by the land owner, that holds the City of Brookings, Curry County and the State of Oregon harmless from any nuisance and/or

personal and/or property damage as a result of an aviation activity and/or accident and an agreement to build structures that will not create an airport hazard.

(3) Application of Airport Approach Provisions In a zone district where an A-A designation is combined with a primary district, the following regulations shall apply. Differentiation will be made between the regulations governing uses within the primary safety zone and the secondary safety zone. If any conflict in regulation or procedure occurs with zone districts hereinbefore specified, the provisions of the Airport Approach Overlay District shall govern.

(4) Permitted Uses

(a) Primary Safety Zone

- (1) Agriculture, excluding the commercial raising of animals which would be adversely affected by aircraft passing overhead.
- (2) Landscape nursery, cemetery, or recreation areas which do not include buildings or structures.
- (3) Roadways, parking areas, and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, or result in glare, or in any other way impair visibility in the vicinity of the approach zone.
- (4) Pipeline and other underground public utilities.
- (5) Navigational aids.

b.) Secondary Safety Zone

- (1) Any use allowed in the primary underlying zone so long as no obstructions encroach on the air space for the approach surface of planes landing or taking off and conform to all other regulations of this ordinance.

(5) Procedure

- (a) Any applicant for a building permit, subdivision approval or partitioning request for land located in said overlay zone shall grant an aviation easement which will at a minimum:

- (1) hold the City of Brookings, Curry County and the State of Oregon harmless from any nuisance, and/or personal and/or property damage as a result of an aviation activity and/or accident.
 - (2) agree not to infringe on the airspace within the approach surface of aircraft using the Brookings State Airport.
- (b) Statement from the FAA indicating that the proposed use will not interfere with the landing facility, shall be provided to the building official prior to the issuance of a building permit.
- (6) Limitations
- (a) No place of public assembly shall be permitted within the primary safety zone.
 - (b) The height of any structure shall be limited to requirements prescribed by any other local ordinances or regulation so long as those requirements do not infringe on the approach surface of the airport.
 - (c) Whenever there is a conflict in height limitations prescribed by this ordinance or another pertinent ordinance, the lowest height limitation shall govern. Provided, however, that the height or other limitations and restrictions herein imposed shall not apply to such structures or uses customarily employed for aeronautical purposes.
 - (d) No glare producing materials shall be used on the exterior of any structure located within the airport approach district.

Section 4.240 Add as follows:

Section 4.240 Public Open Space P/OS

(1) Purpose. The P/OS zone is designated to identify and reserve publicly owned areas for the development or maintenance of needed public facilities and services, and to protect the natural and visual resources and to insure adequate open space consistent with the Comprehensive Plan.

(2) Uses Permitted Outright: In a P/OS zone, the following uses and their accessory uses are permitted outright.

- (a) Parks or recreational facilities including recreational vehicle parks and campgrounds, picnic areas and playgrounds.
- (b) Community centers.

- (c) Public schools.
- (d) Public parking.
- (e) Public golf courses.
- (f) Public museums, art galleries, libraries, information centers.
- (g) Accessory uses and facilities for any permitted use, including rehabilitation, replacement, minor betterment, repair and improvements and other similar construction activities not considered to have a land use impact.

(3) Conditional Uses Permitted: In a P/OS zone, the following uses and their accessory uses may be permitted subject to the provisions of Sections 7.010 through 7.040.

- (a) Public utilities and services.
- (b) Government structures, offices, fire stations, police stations.
- (c) Public maintenance and service areas either entirely within an enclosed building or enclosed within an eight foot (8') high, sight obscuring fence.

(4) Yards. Except as provided in Sections 5.100, 7.010 and 7.020, in a P/OS zone, yards shall be as follows:

- (a) Front yards shall be a minimum of twenty-five feet (25').
- (b) Each side yard shall be a minimum of ten feet (10').
- (c) Street side yard shall be a minimum of fifteen feet (15').
- (d) The rear yard shall be a minimum of fifteen feet (15').
- (e) Only water dependent or water related uses shall be located within the shorelands boundary.

(5) Building Height: Except as provided in Sections 7.010 and 7.020, in a P/OS zone, no building shall exceed twenty-five feet (25') in height or two (2) stories, whichever is less.

Section 4.410 The Hazards Overlay Zone HZ. (1) Purpose. On line six (6) of this subsection, change "on the map on page 250 of the Comprehensive Plan" to read "consistent with the Comprehensive Plan".

ARTICLE 5. SUPPLEMENTARY PROVISIONS

Section 5.120 Add as follows:

Section 5.120 Historic and Cultural Site Permit Review. Any building or land area accepted to the Federal Register of Historic Places shall be required to submit building plans, subdivision plan and parceling plans to the Planning Commission for review.

(1) Approval. The applicant shall submit the appropriate plans to the City Manager at least five (5) days prior to a regularly scheduled Planning Commission meeting. The Planning Commission shall review the plans at the meeting and either approve, deny or conditionally approve the plan within thirty (30) days of the meeting.

(2) Review. The Planning Commission shall review the project using the U.S. Secretary of the Interior's Standards for Historic Preservation Projects as a review guideline.

ARTICLE 7. CONDITIONAL USES

Section 7.010 Delete (1). No replacement section.

Section 7.020 Delete (2) and replace as follows:

(2) A conditional use in a residential zone may be limited in the hours of operation if the noise created would disrupt the normal residential character of the area.

Section 7.020 Add the following:

(10) A conditional use may be restricted to certain vehicle access points if the expected traffic volume is beyond the capacity of the adjacent streets according to the traffic circulation element.

(11) A conditional use may be required to increase street widths to accomodate special ingress and egress problems associated with a high volume traffic generator.

(12) Additional off-street parking may be required of commercial and industrial conditional uses.

(13) The number, size, location and lighting of signs may be restricted if it creates a traffic hazard or is disruptive to adjacent residential uses.

(14) Fencing, screening, landscaping or other facilities may be required to protect adjacent or nearby property from offensive noise, odor or glare.

ARTICLE 12. EMERGENCY CLAUSE

Change Title to "Article 13. Emergency Clause". Add new Article 12, as follows:

ARTICLE 12. ZONING MAP

The attached Zoning Map, dated September 22, 1981, is hereby adopted, and by this reference made a part hereof.

ARTICLE 13. EMERGENCY CLAUSE

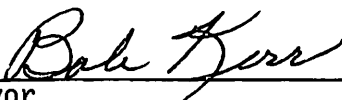
It is hereby determined that it is in the interest of public welfare, peace and safety of the City of Brookings that this ordinance be immediately adopted because existing conditions necessitate the submittal of the City of Brookings Comprehensive Plan forthwith to the Land Conservation and Development Commission to which this ordinance is a vital component thereto, and therefore an emergency is declared to exist, and that this ordinance shall be in full force and effect from and after the date of its passage.

First Reading: September 22, 1981

Second Reading: September 22, 1981

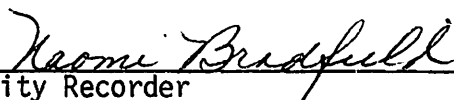
Passage: September 22, 1981

Signed by me in authentication of its passage this 22nd day of September, 1981.



Mayor

ATTEST:



City Recorder