

ORDINANCE NO. 340

AN ORDINANCE AMENDING ORDINANCE NO. 216 (ZONING ORDINANCE) AND ZONE DISTRICT MAP OF THE CITY OF BROOKINGS BY REVISING AND ADDING THE FOLLOWING SECTIONS:

WHEREAS, the Planning Commission of the City of Brookings, heretofore held a public hearing for the purpose of considering amending Ordinance No. 216 (zoning ordinance) and the Zone District Map by revising and adding thereto certain particulars, and the Planning Commission having voted unanimously to recommend to the City Council said amendment, and

WHEREAS, the City Council of the City of Brookings did hold a public hearing in which all interested persons were afforded an opportunity to be heard for or against the proposed Zoning Ordinance and Zone District Map amendments,

THEREFORE, THE CITY OF BROOKINGS HEREBY ORDAINS AS FOLLOWS:

SECTION 1.020 Definitions.

(16) Add to definition of "Height of Building": The height shall be measured at grade as defined in Section 1.020 (15)

(39) Trailer house, change to read: Recreation vehicle - A vehicular, portable structure, built on a chassis, designed to be used as a temporary dwelling for travel and recreation purposes and having a body width not exceeding eight (8) feet.

(40) Trailer Park, change to: Recreation vehicle park.

(42) Add: Water-dependent - A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.

(43) Add: Water-Related - Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories; and trailer parks are not generally considered dependent on or related to water location needs.

(42) through (46) - Change numbers so that they are (44) through (48)

SECTION 3.010 Classification of Zones.

Change:

Residential Trailer (R-T) to Residential Mobile Home (R-MH).

Section 4.010 Residential Low Density Zone, R-L.

(1) Uses Permitted Outright.

(b) At the end of the paragraph the following sentence should be added: Any products grown shall be for personal use only, not for commercial gain.

Add: (c) Neighborhood grocery stores, of no more than 1,000 sq. ft. of retail area.

(3) Lot Size and Width.

(a) Change the word "or" to "and".

(4) Yards.

(b) Change the minimum required side yard to 10 feet with a minimum of 15 feet for both side yards.

(e) Eliminate section as written. Add: No structure shall be located closer than 15 feet from the shorelands boundary as identified in the comprehensive plan, except in areas along the Chetco River, in which structures may be located closer than the shoreland boundary.

(5) Building Height. Change to read: No building shall exceed 25 feet in height or two (2) stories, whichever is less.

SECTION 4.020 Residential/Trailer Zone, R-T. Change the name of the zone to Residential/Mobile Home, R-MH.

(1) (a) Change to read: A single mobile home on an individual lot in a mobile home subdivision under the following conditions:

1. Change to read: The mobile home shall be attached to a permanent foundation which meets the standards of the building code of the City of Brookings and the tie-downs meet the State of Oregon requirements for tie-downs.

2. Eliminate words: "where facilities are available."

3. Same.

4. Add 4: No mobile home shall be less than 20 feet in width.

(b) Will have the same wording as the R/L zone district.

(2) (b) Add (b) Mobile Home Parks.

(4) Minimum Zoned Area. - Change to read:

(a) No less than five (5) acres for a mobile home park.

(b) No minimum for a mobile home subdivision.

(c) No structure shall be located closer than 15 feet from the shoreland boundary as defined in the comprehensive plan.

SECTION 4.030 Residential Medium Density Zone. R-MD.

- (3) (c) Eliminate section.
- (4) (e) Eliminate section.
- (5) Building Height - Change to read: No building shall exceed 25 feet in height or two (2) stories, whichever is less.

SECTION 4.040 Residential High Density. R-HD.

- (2) Conditional Uses Permitted - Eliminate the following:
 - (b) clinic
 - (d) mobile home park
 - (f) professional office
- (3) (c) Eliminate section.
- (4) (e) Eliminate section. Add: (e) No structure shall be located closer than 15 feet from the shoreland boundary as defined in the comprehensive plan.

SECTION 4.110 Commercial Tourist Zone. C-T.

- (1) Uses Permitted Outright.
 - (a) Eliminate section.
 - (b) Change to: automobile car wash.
 - (k) Eliminate section.
 - (n) Eliminate section.
 - (q) Change to: Professional office.
 - (s) banks and savings and loan institutions
- (1) Uses Permitted Outright. Add:
 - (o) marinas or launching facility
 - (p) piers, docks and bulkheads
 - (q) boat storage, maintenance and service
 - (r) aquaculture and accessory facilities
 - (s) accessory uses and facilities for any permitted use
- (2) Conditional Uses Permitted.
 - (a) Eliminate section.
 - (b) Eliminate section.
 - (f) Eliminate section.
 - (h) Change to read: recreational-vehicle park.

(3) Yards.

Add: (c) Only water dependent or water related uses may be located closer than 15 feet or within shoreland boundary as defined by the comprehensive plan.

SECTION 4.120 Commercial General Zone. C-G.

(1) Uses Permitted Outright.

(a) Eliminate this section as written and substitute the following: Residential uses provided that:

1. A single dwelling for security purposes, provided the dwelling area accounts for no more than 50% of the floor area.

2. Multi-family dwellings, provided that no dwellings shall be located on the ground floor and all residential parking requirements can be met.

(l) Eliminate as written and substitute: Automobile maintenance and repair at an automobile service station shall be conducted entirely within an enclosed building.

(m) Add: Veterinarian, animal hospital, provided all business, service and kennels are entirely within an enclosed building.

(n) Lumber or building materials sales and storage provided that service, business, sales and storage is either entirely within an enclosed building or enclosed within an eight (8) foot high, sight obscuring fence.

(o) Contractor's office and storage, provided all storage is either entirely within an enclosed building or within an eight (8) foot high, sight obscuring fence.

(p) Professional office, medical and dental clinic.

(3) (a) Change R-T to R-MH.

SECTION 4.210 Industrial Limited Zone. M-L.

(1) Uses Permitted Outright.

(a) Eliminate section.

Add:

(l) All outside storage shall be enclosed within an eight (8) foot high, sight obscuring fence.

(m) Veterinarian, animal hospital

(n) Lumber or building materials sales and storage

(o) Contractors office and storage

(2) Conditional Uses Permitted.

- (b) Eliminate section.
- (c) Eliminate section.
- (f) Eliminate section.

(3) Yards.

- (b) Change R-T to R-MH

SECTION 4.220 Industrial General Zone. M-G.

(1) Uses Permitted Outright.

(h) Change to read: single family dwelling for security purposes.

Add:

- (k) piers, docks and bulkheads
- (l) dredging, filling and channel maintenance
- (m) seafood sales
- (n) aquaculture and accessory facilities

(2) Conditional Uses Permitted.

Add:

- (p) Bulk oil and gas storage

(3) Yards.

(c) Only water dependent or water related uses may be located closer than 15 feet or within the shorelands boundary as defined in the comprehensive plan.

SECTION 4.310 Planned Development Zone. PD.

(2) (c) 2. Change R-T to R-MH.

(e) Change R-T to R-MH

(g) Change minimum acreage to two (2) acres and change R-T to R-MH.

Add: SECTION 4.410 Hazards Overlay Zone (HZ).

(1) Purpose: The purpose of this zone is to prevent building hazards and threats to life and property created by flooding, landslides, weak foundation soils, and other hazards as may be identified and mapped by the City of Brookings or other agency. Building hazards exist throughout the other zones of the city, but specific parcels which lie wholly or partially in an area identified as having moderate/severe or severe building constraints on the map on page 250 of the Comprehensive Plan,

are considered to be in the Hazards Overlay Zone. It is the intent of the policies and standards to protect life and property by reducing building intensity in these areas, by requiring special construction techniques, or by requiring the study of such areas by a qualified person prior to construction. The policies and standards of this section are based on technical information contained in the Comprehensive Plan background data.

(2) Review by Building Official or Planning Commission. The building official or Planning Commission shall review all planning permit requests for conformance with the standards and criteria of the hazards overlay zone. The building official shall review requests for building permits or excavation permits, and the Planning Commission shall review land use applications proposed in the hazards overlay zone. The building official may refer to the Planning Commission matters requiring use of guidelines, such as slope-density determinations. The Planning Commission may use the advice of the building official or other technically qualified person in reaching their determination. The Planning Commission may approve, deny, or require changes in the proposal based on the criteria or standards of the zone. Planning Commission decisions shall be subject to appeal to the City Council under the appeals process.

(3) Slope-Density Guidelines. In reviewing applications for partitioning, subdivision, planned or clustered development, or multifamily dwellings, the Planning Commission shall employ the following density guidelines for the property, based on the average slope of the site as determined from the city contour map or a contour map presented by the applicant.

- (a) Zero - 11% Slope: Density is limited only by the underlying zone in which the parcel is located.
- (b) 12% - 24% Slope: Site study by an engineering geologist or soils engineer is required prior to construction or excavation. Density should generally not exceed 2 dwellings per acre.
- (c) 25% slope or greater: Site study by an engineering geologist or soils engineer is required prior to construction or excavation. Density should generally not exceed 1 dwelling per acre in slopes of 25-35%, and construction in slopes of 35% are permitted only in sites where footings can be anchored in base rock.
- (d) Specific density shall be established after deliberation of the Planning Commission, and testimony from the building official, engineering geologist, soils engineer or other qualified person. The site inspection shall determine if greater or lesser densities are suitable for the site, and water drainage or retention facilities, vegetation necessary for retention, and adequate placement of roads. Any geologic hazards identified on the City's geology maps shall be noted and taken into consideration.

(4) The building official may require a site study by an engineering geologist, soils engineer, or other qualified person prior to issuance of a building or excavation permit in areas containing or adjacent to a landslide, sinkhole, or other geologic hazard. Site studies may also be required for construction or excavation in areas of steep slope, where, in the opinion of the building official, there is a hazard to the proposed structure or to any adjacent property.

(5) Site studies may be required by the building official or Planning Commission for construction or development of property containing weak foundation soils as determined by the Soils Conservation Service. Site reports shall include information on the bearing capacity of the soil, adequacy and method of drainage facilities, and length of fill settlement necessary prior to construction. Location and characteristics of weak foundation soils shall be updated as information becomes available.

(6) Erosion and sedimentation caused by storm water runoff shall be minimized by employing the following measures, or substitute measures as deemed acceptable by the building official:

(a) Only the minimum removal of vegetative cover, particularly trees, necessary for building placement or access, shall be done. The City shall observe this in the development of streets.

(b) Temporary measures for controlling runoff, such as berms or holding ponds, particularly in slopes of 12% or greater.

(c) Exposed areas shall be planted in permanent cover as soon as possible after construction.

(7) For structures, driveways, parking areas or other impervious surfaces in areas of 12% slope and greater, the release rate and sedimentation of storm water shall be controlled by the use of retention facilities as specified by the city engineer or other qualified person. The retention facilities shall be designed for storms having a 25 year recurrence frequency. Storm water shall be directed into drainages with adequate capacity so as not to flood adjacent or downstream property. The U.S. Soil Conservation Service may be used for technical information.

(8) In all areas of the city, the building official may require adequate culverts or other drainage facilities be installed as a condition of construction.

(9) Filling of lowlands shall be done only where it is determined that the fill will not cause the flooding of adjacent properties, and adequate drainage facilities are installed.

SECTION 5.040 Off-Street Parking Requirements.

(1) (a) Residential housing

1. Single-family, two-family - two (2) spaces per dwelling.

2. Multi-family dwelling - one and one-half ($1\frac{1}{2}$) spaces per dwelling unit.

(b) Mobile home park - two (2) spaces per dwelling.

(c) Recreation-vehicle park - one (1) space per recreation vehicle space.

(s) Medical or dental clinic - one (1) space per 150 square feet of floor area.

SECTION 5.070 Trailer Houses - Eliminate section.

SECTION 5.110 General Exceptions To Building Height Limitations.
Add to specifically mentioned uses: windmill, also add to the end of paragraph: none of which may exceed 35 feet in height from the ground level.

SECTION 7.010 Authorization to Grant or Deny Conditional Uses.

(1) Add:

(i) May limit hours of operation for commercial or industrial uses.

SECTION 7.020 Standards Governing Conditional Uses.

(5) (a) Change to read: Not over 25% or 300 square feet, whichever is less, of the total floor area of a dwelling is to be used for the home occupation.

(8) Eliminate section as written and change to read:

(a) Minimum size of mobile park or recreational-vehicle park shall be five (5) acres.

Also, in any place "trailer" is mentioned substitute the words "recreation-vehicle".

Change the Zone District Map designations on the following properties:

(1) Curry County Assessors' Map 41-13-5A, tax lot 2A, rezoned from R-L to C-T.

(2) Brookings Town Plat No. 1: All of block 27 rezoned from R-H to C-G.

(3) Woodland Park Addition: All of lots 15, 16, 17, 18, 19, 20, 64, 65, 66, 67, 68, 69, 70, 71, 82, 73 and two parking areas on Alder Street rezoned from R-L to C-G.

(4) Curry County Assessors' Map 41-13-6AC, tax lots 3000, 600, 700 and 2600 rezoned from R-H to C-G.

It is hereby declared that existing conditions necessitating the submittal of the City of Brookings Comprehensive Plan to the Land Conservation and Development Commission on or before July 14, 1980, to which this ordinance is a vital component thereto, passage of this ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare of the

City of Brookings and an emergency is therefore and hereby declared to exist and this ordinance shall take effect and be in full force and effect from and after its passage.

PASSED by the Council of the City of Brookings and signed by the Mayor on this 9th day of July, 1980.


MAYOR

ATTEST:


CITY RECORDER

First Reading: July 8, 1980

Second Reading: July 9, 1980

Passage: July 9, 1980