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AMENDED 8/21/75  
ORD #318

AMENDED 11/11/73  
ORD #294

June 1969

AMENDED 11/11/71  
ORD #216

ORDINANCE NO. 216

AMENDED 11/9/71  
ORD #230

AMENDED 11/14/77  
ORD #278

AN ORDINANCE ESTABLISHING ZONES IN ORDER TO REGULATE THE USE OF LAND AND STRUCTURES IN THE CITY OF BROOKINGS, OREGON FOR THE PURPOSES OF PROMOTING THE PUBLIC HEALTH, SAFETY, AND WELFARE AND ASSISTING IN CARRYING OUT THE COMPREHENSIVE PLAN OF THE CITY: AND REPEALING ORDINANCE NO. 19 AND ALL AMENDMENTS THERETO.

The city of Brookings ordains as follows:

AMENDED 5/13/80  
ORD #331

AMENDED 7/9/80  
ORD #340

ARTICLE 1. INTRODUCTORY PROVISIONS

Section 1.010. Title. This ordinance shall be known as the Brookings Zoning Ordinance of 1970.

Section 1.020. Definitions. As used in this ordinance the following words and phrases shall mean:

AMENDED 7/22/81  
ORD #354

(1) Access. The way or means by which pedestrians and vehicles enter and leave property.

(2) Accessory use or accessory structure. A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.

(3) Alley. A street which affords only a secondary means of access to property.

(4) Automobile wrecking yard. An area used for the dismantling and/or wrecking of used motor vehicles, machinery, or trailers, or the storage or sale of dismantled, obsolete, or wrecked motor vehicles, machinery, or trailers, or their parts, or the storage of vehicles unable to be moved under the power of the vehicle.

(5) Building. A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

(6) Clinic. A facility conducted by one or more physicians, dentists, or other licensed medical practitioners for the treatment and examination of outpatients.

(7) Club. A facility owned or operated for a social, educational, or recreational purpose, to which membership is required for participation, and which is not operated primarily for profit nor to render a service which is customarily carried on by a business.

(8) Community center. A facility owned and operated by a governmental agency or a non-profit community organization which is open to any resident of the district or neighborhood in which the facility is located or to any resident of the city, provided that the primary purpose of the facility is for recreation, social welfare, community improvement, or public assembly.

(9) Dwelling, multi-family. A building or portion thereof, designed for occupancy by three (3) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

(10) Dwelling, single-family. A detached building, other than a trailer house, designed for and occupied by not more than one family.

(11) Dwelling, two-family. A detached building designed for and occupied by not more than two (2) families living independently of each other.

(12) Dwelling unit. One or more rooms in a building designed for occupancy by one family and having not more than one cooking facility.

(13) Family. An individual or two or more persons related by blood, marriage, legal adoption, or legal guardianship living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than two (2) additional persons, excluding servants; or a group of not more than five (5) unrelated persons living together as one housekeeping unit using one kitchen.

(14) Floor area. The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, but not including:

(a) Attic space providing headroom of less than seven (7) feet.

(b) Basement, if the floor above is less than six (6) feet above grade.

(c) Uncovered steps or fire escapes.

(d) Private garages, carports, or porches.

(e) Accessory water towers or cooling towers.

(f) Accessory off-street parking or loading spaces.

(15) Grade (ground level). The average elevation of the finished ground level at the centers of all walls of a building, except that if a wall is parallel to and within five (5) feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground level.

(16) Height of building. The vertical distance to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the center height between the highest and lowest points on other types of roofs.

(17) Home occupation. A lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwelling.

(18) Junk yard. An area where any person is engaged in breaking up, dismantling, sorting, storing, distributing, buying, selling, packing, or bailing any scrap, waste material, or junk.

(19) Livestock. Domestic animals of types customarily kept on farms for profit or other purposes.

(20) Lot. A single parcel or tract of land which, at the time of application for a zoning permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

(21) Lot area. The total horizontal area within the lot lines of a lot exclusive of public and private streets and easements of access to other property.

(22) Lot, corner. A lot abutting on two (2) or more streets, other than an alley, at their intersection.

(23) Lot line. The property line bounding a lot.

(24) Lot line, front. The lot line separating the lot from a street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

(25) Lot line, rear. The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line ten (10) feet in length within the lot parallel to and at a maximum distance from the front lot line.

(26) Lot line, side. Any lot line not a front or rear lot line.

(27) Lot width. The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

(28) Mobile home. A trailer house not less than 32 feet in body length, exclusive of hitch, and containing not less than 400 square feet of floor area, which is designed for long-term occupancy and contains a flush toilet, a tub or shower bath, and kitchen facilities with water and electrical systems connected to outside systems.

(29) Mobile home park. A lot upon which two (2) or more mobile homes occupied for living or sleeping purposes are located, regardless of whether a charge is made for such accommodation.

(30) Nonconforming structure or use. A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is located.

(31) Owner. An owner of property or the authorized agent of the owner.

(32) Parking space. An off-street enclosed or unenclosed surfaced area of not less than twenty (20) feet by nine (9) feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile.

(33) Person. Every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

(34) Professional office. An office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers or surveyors, or persons engaged in similar occupations.

(35) Sign. An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution, or business.

(36) Street. A public right of way for vehicular and pedestrian traffic.

(37) Structural alteration. Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.

(38) Structure. Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.

(39) Trailer house. A building or vehicle originally designed or presently constructed to be portable and to permit human occupancy for dwelling or sleeping purposes.

(40) Trailer park. A lot upon which two (2) or more trailer houses occupied for living or sleeping purposes are located, regardless of whether a charge is made for such accommodation.

(41) Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

(42) Yard. An open space on a lot which is unobstructed from the ground upward.

(43) Yard, front. A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley shall be considered a front yard.

(44) Yard, rear. A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a main building.

(45) Yard, side. A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a main building.

(46) Yard, street side. A yard adjacent to a street between the front yard and rear lot line measured horizontally at right angles from the side lot line to the nearest point of a building.

ARTICLE 2. GENERAL PROVISIONS

Section 2.010. Compliance with Ordinance Provisions.

(1) A lot may be used and a structure or part of a structure may be constructed, altered, occupied, or used only as this ordinance permits.

(2) No lot area, yard, off-street parking area, or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance.

(3) No lot area, yard, off-street parking area, or other open space shall be used as the required lot area, yard, off-street parking area, or other open space for another use.

Section 2.020. Interpretation. Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

Section 2.030. Severability. The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of the ordinance.

Section 2.040. Repeal. Ordinance No. 19 and all amendments thereto are repealed with the provisions that violations of Ordinance No. 19 and all amendments thereto shall remain violations to the extent that the matters in violation do not conform to the provisions of this ordinance.

ARTICLE 3. ESTABLISHMENT OF ZONES

Section 3.010. Classification of Zones. For the purposes of this ordinance the following zones are hereby established:

<u>Zone</u>	<u>Abbreviated Designation</u>
Residential Low Density	R-L
Residential Trailer	R-T
Residential Medium Density	R-M
Residential High Density	R-H
Commercial Tourist	C-T
Commercial General	C-G
Industrial Limited	M-L
Industrial General	M-G
Planned Development	PD

Section 3.020. Location of Zones. The boundaries for the zones listed in this ordinance are indicated on the City of Brookings Zoning Map of 1970, which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

Section 3.030. Zoning Maps. A zoning map or zoning map amendment adopted by Section 3.020 of this ordinance or by an amendment thereto shall be prepared by authority of the city planning commission or be a modification by the city council of a map or map amendment so prepared. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the city clerk as long as this ordinance remains in effect.

Section 3.040. Zoning of Annexed Areas. An unzoned area annexed to the city shall be in the R-L zone until the city zones otherwise.

Section 3.050. Zone Boundaries. Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad rights-of-way, or such lines extended.

ARTICLE 4. USE ZONES

Section 4.010. Residential Low Density Zone. R-L. In an R-L zone the following regulations shall apply:

(1) Uses Permitted Outright. In an R-L zone the following uses and their accessory uses are permitted outright:

(a) Single-family dwelling.

(b) Agricultural use of land provided that no livestock shall be raised or kept on the premises and provided further that no commercial structures shall be constructed or maintained on the premises.

(2) Conditional Uses Permitted. In an R-L zone, the following uses and their accessory uses may be permitted subject to the provisions of Sections 7.010 to 7.040:

(a) Cemetery.

(b) Church, non-profit religious or philanthropic institution.

(c) Community center.

(d) Governmental structure or use of land including but not limited to park, playground, fire station, or library.

(e) Home occupation.

(f) Hospital.

(g) Kindergarten, nursery school, day nursery, or similar facility.

(h) Private golf course or country club, but excluding golf driving range, miniature golf course, or similar facility.

(i) Private library, art gallery, museum, or similar facility.

(j) Private non-commercial recreational club such as tennis club, swimming club, or archery club, but excluding commercial amusement enterprises.

(k) Public school and private school offering curricula similar to public school.

(l) Public utility facility.

(3) Lot Size and Width. Except as provided in Sections 5.090, 7.010, and 7.020, the minimum lot size and width in an R-L zone shall be as follows:

(a) The minimum lot area shall be 6,000 square feet when a lot is served by either a public water supply system or a public sewerage disposal system.

(b) The minimum lot area shall be 43,560 square feet when a lot is served by neither a public water supply system nor a public sewerage disposal system.

(c) The minimum lot width at the front building line shall be 60 feet for an interior lot and 70 feet for a corner lot when a lot is served by either a public water supply system or a public sewerage disposal system.

(d) The minimum lot width at the front building line shall be 150 feet when a lot is served by neither a public water supply system nor a public sewerage disposal system.

(4) Yards. Except as provided in Sections 5.020, 5.050, 5.080, 5.100, 7.010, and 7.020, in an R-L zone, yards shall be as follows:

(a) The front yard shall be a minimum of 25 feet.

(b) Each side yard shall be a minimum of five (5) feet and the total of both side yards shall be a minimum of 15 feet.

(c) The street side yard shall be a minimum of 15 feet.

(d) The rear yard shall be a minimum of 15 feet.

(e) No structure shall be located closer than 40 feet from the center line of a street other than an alley.

(5) Building Height. Except as provided in Sections 5.020, 5.110, 7.010, and 7.020, in an R-L zone no building shall exceed a height of 20 feet.

Section 4.020. Residential Trailer Zone. R-T. In an R-T zone the following regulations shall apply:

(1) Uses Permitted Outright. In an R-T zone the following uses and their accessory uses are permitted outright.

(a) A single mobile home on an individual lot under the following conditions:

1. The mobile home shall be attached to a permanent foundation which meets the standards of the building code of the City of Brookings.

2. The mobile home shall be connected to a public water supply system and to a public sewerage disposal system, where these facilities are available.

3. All water, sewer, and electrical systems provided for the mobile home shall comply with all standards for these systems as established by the City of Brookings and the State of Oregon.

(b) Agricultural use of land provided that no livestock shall be raised or kept on the premises and provided further that no commercial structures shall be constructed or maintained on the premises.

(2) Conditional Uses Permitted. In an R-T zone, the following uses and their accessory uses may be permitted subject to the provisions of Sections 7.010 to 7.040.

(a) A use permitted as a conditional use in an R-L zone.

(3) Dimensional Standards. All standards for lot size and width, yards, and building height which apply in an R-L zone shall apply in an R-T zone.

(4) Minimum Zoned Area. The minimum contiguous area for an R-T zone shall be five (5) acres.

Section 4.030. Residential Medium Density Zone. R-M. In an R-M zone the following regulations shall apply:

(1) Uses Permitted Outright. In an R-M zone the following uses and their accessory uses are permitted outright:

(a) A use permitted outright in the R-L zone.

(b) Two-family dwelling.

(c) (Subsection (c) deleted by Ordinance No. 230 passed November 9, 1971.)

(2) Conditional Uses Permitted. In an R-M zone the following uses and their accessory uses may be permitted subject to the provisions of Sections 7.010 to 7.040.

(a) A use permitted as a conditional use in an R-L zone.

(b) Nursing home, rest home, retirement home, convalescent hospital or home, or similar facility.

(3) Lot Size and Width. Except as provided in Sections 5.090, 7.010, and 7.020, the minimum lot size and width in an R-M zone shall be as follows:

(a) The minimum lot area and width standards which apply in an R-L zone shall apply in an R-M zone.

(b) The minimum lot area per dwelling unit shall be 3,000 square feet when a lot is served by either a public water supply system or a public sewerage disposal system.

(c) The minimum lot area per dwelling unit shall be 10,000 square feet when a lot is served by neither a public water supply system nor a public sewerage disposal system.

(4) Yards. Except as provided in Sections 5.020, 5.050, 5.080, 5.100, 7.010, and 7.020, in an R-M zone yards shall be as follows:

(a) The front yard shall be a minimum of 20 feet.

(b) Each side yard shall be a minimum of five (5) feet.

(c) The street side yard shall be a minimum of ten (10) feet.

(d) The rear yard shall be a minimum of 15 feet.

(e) No structure shall be located closer than 40 feet from the center line of a street other than an alley.

(5) Building Height. Except as provided in Sections 5.020, 5.110, 7.010, and 7.020, in an R-M zone no building shall exceed a height of 25 feet.

Section 4.040. Residential High Density Zone. R-H. In an R-H zone the following regulations shall apply:

(1) Uses Permitted Outright. In an R-H zone the following uses and their accessory uses are permitted outright:

(a) A use permitted outright in an R-M zone.

(2) Conditional Uses Permitted. In an R-H zone the following uses and their accessory uses may be permitted subject to the provisions of Sections 7.010 to 7.040.

(a) A use permitted as a conditional use in an R-M zone.

(b) Clinic.

(c) Club, lodge, or fraternal organization.

(d) Mobile home park.

(e) Mortuary.

(f) Professional office.

(3) Lot Size and Width. Except as provided in Sections 5.090, 7.010, and 7.020, the minimum lot size and width in an R-M zone shall be as follows:

(a) The minimum lot area and width standards which apply in an R-L zone shall apply in an R-H zone.

(b) The minimum lot area per dwelling unit shall be 1,500 square feet when a lot is served by either a public water supply system or a public sewerage disposal system.

(c) The minimum lot area per dwelling unit shall be 5,000 square feet when a lot is served by neither a public water supply system nor a public sewerage disposal system.

(4) Yards. Except as provided in Sections 5.020, 5.050, 5.080, 5.100, 7.010, and 7.020, in an R-H zone yards shall be as follows:

(a) The front yard shall be a minimum of ten (10) feet.

(b) Each side yard shall be a minimum of five (5) feet.

(c) The street side yard shall be a minimum of ten (10) feet.

(d) The rear yard shall be a minimum of ten (10) feet.

(e) No structure shall be located closer than 35 feet from the center line of a street other than an alley.

(5) Building Height. Except as provided in Sections 5.020, 5.110, 7.010, and 7.020, in an R-H zone no building shall exceed a height of 35 feet.

Section 4.110. Commercial Tourist Zone. C-T. In a C-T zone the following regulations shall apply:

(1) Uses Permitted Outright. In a C-T zone the following uses and their accessory uses are permitted outright:

(a) A use permitted outright in the R-H zone provided that single-family dwellings, two-family dwellings, and multi-family dwellings shall be subject to the lot size and width requirements of the R-H zone.

(b) Automobile laundry.

(c) Automobile service station, provided that no major automobile repair, overhaul, or reconstruction shall be permitted and provided further that any incidental automobile repair shall be performed entirely within an enclosed building.

(d) Commercial amusement or recreation establishment including uses such as bowling alley, theater, pool hall, or miniature golf course but excluding establishments such as race track or automobile speedway.

(e) Gift or souvenir shop.

(f) Motel or hotel.

(g) Restaurant.

(h) Tavern, night club, cocktail lounge.

(i) Barber or beauty shop.

(j) Bus station, taxi stand.

(k) Clinic.

(l) Club, lodge, fraternal organization.

(m) Drug store.

(n) Food store.

(o) Laundromat

(p) Museum, art gallery, or similar facility.

(q) Office.

(r) Parking lot.

(2) Conditional Uses Permitted. In a C-T zone, the following uses and their accessory uses may be permitted subject to the provisions of Sections 7.010 to 7.040.

(a) Boat moorage or launching facility.

(b) Church, non-profit religious or philanthropic institution.

(c) Community center.

(d) Golf course.

(e) Governmental structure or use of land.

(f) Hospital, nursing home, rest home, retirement home, or similar facility.

(g) Public utility facility.

(h) Trailer park, mobile home park.

(3) Yards. Except as provided in Sections 5.020, 5.050, 5.080, 5.100, 7.010, and 7.020, in a C-T zone yards shall be as follows:

(a) No structure shall be located closer than 30 feet from the center line of a street, other than an alley, which has a right of way width of less than 60 feet.

(b) All yards abutting a lot in an R-L, R-T, R-M, and R-H zone shall be a minimum of ten (10) feet.

(4) Building Height. Except as provided in Sections 5.020, 5.110, 7.010, and 7.020, in a C-T zone no building shall exceed a height of 35 feet.

Section 4.120. Commercial General Zone. C-G. In a C-G zone the following regulations shall apply:

(1) Uses Permitted Outright. In a C-G zone the following uses and their accessory uses are permitted outright:

(a) A use permitted outright in the C-T zone provided that:

1. Single-family dwellings, two-family dwellings, and multi-family dwellings shall be subject to the lot size and width requirements of the R-H zone.

2. Automobile maintenance and repair at an automobile service station shall be conducted entirely within an enclosed building.

(b) Automobile, boat, truck, or trailer sales, service, or repair provided that all repair shall be conducted entirely within an enclosed building.

(c) Bakery.

(d) Financial institution.

(e) Implement, machinery, and heavy equipment sales and service.

(f) Mortuary.

(g) Newspaper office.

(h) Retail store or shop such as food store, drug store, variety store, apparel store, hardware store, jewelry store, furniture store, sporting goods store, or similar establishment.

(i) Personal or business service establishment such as barber or beauty shop, dry cleaning establishment, laundry, locksmith, printing shop, tailor shop, shoe repair shop, radio or television repair shop, or similar establishment.

(j) Tire sales and repair provided all repair shall be conducted entirely within an enclosed building.

(k) Upholstery shop.

(1) The following uses provided all business, service, storage, sales, repair, and display shall be conducted entirely within an enclosed building:

1. Veterinarian, animal hospital.
2. Lumber or building materials sales and storage.
3. Contractor's office and storage.

(2) Conditional Uses Permitted. In a C-G zone, the following uses and their accessory uses may be permitted subject to the provisions of Sections 7.010 to 7.040.

(a) A use permitted as a conditional use in a C-T zone.

(3) Yards. Except as provided in Sections 5.020, 5.050, 5.080, 5.100, 7.010, and 7.020, in a C-G zone yards shall be as follows:

(a) No structure shall be located closer than 30 feet from the center line of a street, other than an alley, which has a right of way width of less than 60 feet.

(b) All yards abutting a lot in an R-L, R-T, R-M, and R-H zone shall be a minimum of ten (10) feet.

Section 4.210. Industrial Limited Zone. M-L. In an M-L zone the following regulations shall apply:

(1) Uses Permitted Outright. In an M-L zone the following uses and their accessory uses are permitted outright:

(a) A use permitted outright in the C-G zone provided that:

1. Single-family dwellings, two-family dwellings, and multi-family dwellings shall be subject to the lot size and width requirements of the R-H zone.

2. Limitations which apply to the conduct of business, sales, service, repair, and storage in an enclosed building in a C-G zone shall not apply to the M-L zone.

- (b) Boat moorage or launching facility.
- (c) Cabinet or similar woodworking shop.
- (d) Commercial amusement or recreation establishment.
- (e) Feed and seed store.
- (f) Ice or cold storage plant.
- (g) Implement, machinery, heavy equipment repair.
- (h) Truck terminal, freight depot.
- (i) Warehouse.
- (j) Welding, sheet metal, or machine shop.
- (k) Wholesale establishment.

(2) Conditional Uses Permitted. In an M-L zone the following uses and their accessory uses may be permitted subject to the provisions of Sections 7.010 to 7.040.

- (a) Bulk oil or gas storage facility.
- (b) Church, non-profit religious or philanthropic institution.
- (c) Community center.
- (d) Governmental structure or use of land.
- (e) Public utility facility.
- (f) Trailer park, mobile home park.

(3) Yards. Except as provided in Sections 5.020, 5.050, 5.080, 5.100, 7.010, and 7.020, in an M-L zone, yards shall be as follows:

(a) No structure shall be located closer than 30 feet from the center line of a street, other than an alley, which has a right of way width of less than 60 feet.

(b) All yards abutting a lot in an R-L, R-T, R-M, and R-H zone shall be a minimum of ten (10) feet.

Section 4.220. Industrial General Zone. M-G. In an M-G zone the following regulations shall apply:

(1) Uses Permitted Outright. In an M-G zone the following uses and their accessory uses are permitted outright:

(a) Manufacturing, assembling, fabricating, processing, packing, storage, or wholesaling use, except a use specified in Section 4.220(2) and except a use declared a nuisance by statute, by ordinance, or by a court of competent jurisdiction.

(b) Automobile, boat, truck, or trailer sales, service, repair, display, or storage.

(c) Boat moorage or launching establishment.

(d) Feed and seed store.

(e) Governmental structure or land use.

(f) Implement, machinery, or heavy equipment sales, service, repair, display, or storage.

(g) Office.

(h) Residence for night watchman or caretaker.

(i) Truck terminal, freight depot.

(j) Public utility facility.

(2) Conditional Uses Permitted. In an M-G zone the following uses and their accessory uses may be permitted subject to the provisions of Sections 7.010 to 7.040.

(a) Acid manufacture.

(b) Auto wrecking yard.

(c) Cement, lime, gypsum, plaster of paris manufacture.

(d) Explosives storage or manufacture.

(e) Extraction or processing of sand, gravel, or other earth product.

(f) Fertilizer manufacture.

(g) Gas manufacture.

(h) Glue manufacture.

- (i) Junk yard.
  - (j) Petroleum or petroleum products refining.
  - (k) Pulp mill.
  - (l) Refuse disposal area.
  - (m) Rendering plant.
  - (n) Slaughter house, stock yard.
  - (o) Smelting or refining of metallic ore.
- (3) Yards. Except as provided in Sections 5.020, 5.050, 5.080, 5.100, 7.010, and 7.020, in an M-G zone, yards shall be as follows:
- (a) No structure shall be located closer than 30 feet from the center line of a street, other than an alley, which has a right of way width of less than 60 feet.
  - (b) All yards abutting a lot in an R-L, R-T, R-M, and R-H zone shall be a minimum of 20 feet.

Section 4.310. Planned Development Zone. PD. A PD zone may be used only in combination with another zone. When a PD zone is combined with another zone, the following regulations shall apply:

(1) Purpose. The purpose of the PD zone is to permit the application of new technology and greater freedom in design in land development than may be possible under a strict interpretation of the provisions of this ordinance. The use of these provisions is dependent upon the submission of an acceptable plan and satisfactory assurances it will be carried out. Such plan should accomplish substantially the same objectives as are proposed by the comprehensive plan for the area.

(2) General Requirements. The following requirements shall govern the use of a PD zone.

(a) A PD zone may be established in combination with any other zone.

(b) A PD zone may contain only a planned development which has been approved in accordance with the provisions of this section.

(c) A planned development may include any uses permitted outright or conditionally in any zone with the following exceptions:

1. Residential uses shall not be permitted in a planned development in an M-G zone.

2. Uses permitted only in an M-G zone shall not be permitted in a planned development in the R-L, R-T, R-M, R-H, C-T, or C-G zones.

(d) Requirements pertaining to area, density, yards, or similar dimensional standards shall be guided by the standards of the zone in which the planned development is proposed.

(e) For a planned development in an R-L, R-T, R-M, or R-H zone, the total ground area of all industrial and commercial uses other than hotels, motels, and similar accommodations shall not exceed ten (10) per cent of the total ground area of the development. Any commercial and industrial uses shall be directly related in purpose and function to the remainder of the planned development.

(f) A planned development shall have a minimum area of two (2) contiguous acres, exclusive of street right of way, in a C-T, C-G, M-L, or M-G zone.

(g) A planned development shall have a minimum area of five (5) contiguous acres, exclusive of street right of way, in an R-L, R-T, R-M, or R-H zone.

(3) Procedure. The following procedure shall be used when a proposal for a planned development is submitted for consideration:

(a) An applicant shall submit at least five (5) copies of a preliminary plan of a planned development to the building inspector for study at least 15 days prior to the planning commission meeting at which it will be discussed. The preliminary plan shall include the following information:

1. Proposed use, location, dimensions, height, and type of construction of all buildings. Proposed number of dwelling units, if any, to be located in each building.

2. Proposed circulation pattern including the location, width, and surfacing of streets, private drives, and sidewalks; the location of any curbs; the status of street ownership; and the location of parking areas and the number of spaces therein.

3. Proposed use of all open spaces including a plan for landscaping.

4. Proposed grading and drainage pattern.

5. Proposed method and plan for provision of water supply, sewerage disposal, and electrical facilities.

6. Economic and supporting data to justify any commercial and industrial development in an R-L, R-T, R-M, or R-H zone.

7. Relationship of the proposed development to the surrounding area and to the comprehensive plan.

(b) Prior to consideration of the preliminary plan by the planning commission, the building inspector shall distribute copies of the preliminary plan to the county health department, the city engineering department, the Coos-Curry Electric Cooperative, the state highway department if the proposed development is within 500 feet of a state highway, and to other appropriate agencies. Officials of these agencies shall be given at least ten (10) days to review the plan, suggest revisions, and return the plans to the building inspector.

(c) The planning commission shall consider the preliminary plan at a meeting at which time the comments of other agencies shall be studied. In reviewing the plan, the planning commission shall seek to determine that:

1. There are special physical conditions or objectives of development which the proposal will satisfy so that a departure from standard ordinance requirements can be warranted.

2. Resulting development will not be inconsistent with either the comprehensive plan or the zoning objectives of the city.

3. The area around the development can be planned to be in substantial harmony with the proposed plan.

4. The plan can be completed within a reasonable period of time.

5. Any proposed commercial or industrial development can be justified economically.

6. The streets within and outside the planned development are adequate to support the anticipated traffic.

7. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create major problems outside the planned area.

(d) In approving the preliminary plan for the planned development, the planning commission may attach conditions it finds necessary to carry out the purposes of this ordinance. These conditions may include, but are not limited to, the following:

1. Increasing the required setbacks.

2. Limiting the height of buildings.
3. Controlling the location and number of vehicular access points.
4. Establishing new streets, increasing the right of way or roadway width of existing streets, and, in general, improving the traffic circulation system.
5. Increasing the number of parking spaces.
6. Limiting the number, size, location, and lighting of signs.
7. Designating sites for open space and recreational development.
8. Requiring additional fencing, screening, and landscaping.
9. Requiring performance bonds to assure that the development is completed as approved within the time limit as established by the planning commission.
10. Requiring that a contractual agreement be established with the city to assure development of streets, curbs, gutters, sidewalks, and water and sewer facilities to city standards.

(e) If the planning commission approves the preliminary plan of the planned development, the applicant may initiate a request for an amendment to the zoning map to establish a PD zone in combination with another zone. Amendment procedure shall be as specified in Sections 9.010 to 9.040 of this ordinance. If the planning commission finds to the contrary, it may recommend the application be denied, or returned to the applicant for revision.

(4) Approval of an amendment to establish a PD zone shall constitute final approval of the plan for the planned development. Building and zoning permits for all or any portion of a planned development shall be issued only on the basis of the approved plan. An application for a building permit shall be accompanied by submission of any required bonds and deeds for public dedication or contractual agreements for development of public facilities.

(5) Any change in the approved plan shall be submitted to the planning commission for processing as an amendment to this ordinance.

(6) If no building permits have been issued within one (1) year of the date of final approval of the planned development, it shall be terminated and the zone change automatically repealed.

(7) Upon abandonment of a particular development authorized under this section, or if the development has not been completed within five (5) years from the date of its final approval, then the granting of approval shall be nullified, the rezone automatically repealed, and further use of the property and structures thereon shall be in accordance with the existing zone.

(8) An approved planned development shall be identified on the zoning map with the symbol "PD" in addition to the existing zone.

ARTICLE 5. SUPPLEMENTARY PROVISIONS

Section 5.010. Access. Every lot shall abut a street, other than an alley, for a width of at least 25 feet.

Section 5.020. General Provisions Regarding Accessory Uses. An accessory use shall comply with all requirements for a principal use, except as this ordinance specifically allows to the contrary, and shall comply with the following limitations:

(1) Fences, hedges, and walls may be located within required yards, but shall not exceed three and one-half ( $3\frac{1}{2}$ ) feet in height in any required yard which abuts a street other than an alley.

(2) Regardless of the side and rear yard requirements of the zone, an accessory structure in a residential zone may be built to within three (3) feet of a side or rear lot line provided the structure is more than 65 feet from the street abutting the front yard and 20 feet from the street abutting the street side yard, provided the structure is detached from all other buildings by ten (10) feet or more, and provided the structure does not exceed a height of 15 feet and an area of 600 square feet.

(3) Boats, trailers, pick-up campers or coaches, motorized dwellings, and similar recreation equipment may be stored, but not occupied, on a lot as an accessory use to a dwelling provided that:

(a) Parking or storage in a front yard or in a street side yard shall be permitted only on a driveway.

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

(4) A guest house may be maintained accessory to a dwelling provided there are no cooking facilities in the guest house.

(5) A single-family dwelling may be permitted as an accessory use to a use permitted in the C-T, C-G, or M-L zone, provided it is located in the main building.

Section 5.030. Clear-Vision Areas. In all zones except the C-G zone, a clear-vision area shall be maintained on the corners of all property at the intersection of two streets.

(1) A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding two (2) feet in height, measured from the top of the curb, or, where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above the grade.

(2) A clear-vision area shall consist of a triangular area two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.

(3) The minimum distances of the sides of a clear-vision area which are lot lines shall be 30 feet, or at intersections including an alley, ten (10) feet.

Section 5.040. Off-Street Parking Requirements. For each new structure or use, each structure or use increased in area, and each change in the use of an existing structure, there shall be provided and maintained off-street parking areas in conformance with the provisions of this section.

(1) Space requirements for off-street parking shall be as listed in this section. Fractional space requirements shall be counted as a whole space.

<u>Use</u>	<u>Space Requirement</u>
(a) Single, two, and multi-family dwelling:	One space per dwelling unit.
(b) Mobile home park:	Three (3) spaces per two (2) trailer spaces.
(c) Trailer park:	One space per trailer space.
(d) Hotel:	Two (2) spaces per three (3) guest rooms.
(e) Motel:	One space per guest room or suite plus one space for the owner or manager.
(f) Welfare or correctional institution, convalescent hospital, nursing home, retirement home, rest home, home for the aged, or similar institution:	One space per five (5) beds for residents, patients, or inmates.
(g) Hospital:	Three (3) spaces per two (2) beds.
(h) Place of public assembly including church, auditorium, gymnasium, community center, theater, club, lodge hall, or fraternal organization.	One space per four (4) seats or eight (8) feet of bench length in the main auditorium, or, if seating is not fixed to the floor, one space per 75 square feet of floor area.

Use

Space Requirement

- |  |   |
|--|---|
| (i) Library, museum, art gallery:  | One space per 400 square feet of floor area.  |
| (j) Pre-school nursery, day nursery, kindergarten:   | Two (2) spaces per teacher or adult supervisor.   |
| (k) Elementary, junior high school:  | Two (2) spaces per classroom and special instruction area.  |
| (l) Senior high school:  | Eight (8) spaces per classroom and special instruction area, or the requirement for a place of public assembly, whichever is the greater. |
| (m) Bowling alley:   | Six (6) spaces per alley.   |
| (n) Dance hall, skating rink, pool hall, or similar indoor commercial amusement enterprise:  | One space per 100 square feet of floor area.  |
| (o) Retail store, except as provided in subsection (p) of this section:  | One space per 200 square feet of floor area.  |
| (p) Retail store exclusively handling bulky merchandise such as automobiles and furniture:   | One space per 600 square feet of floor area.  |
| (q) Service or repair establishment:   | One space per 600 square feet of floor area.  |
| (r) Bank, office (except medical or dental):   | One space per 400 square feet of floor area.  |
| (s) Medical or dental office, clinic:  | One space per 300 square feet of floor area.  |
| (t) Eating or drinking establishment:  | One space per 150 square feet of floor area:  |
| (u) Mortuary:  | One space per four (4) seats or eight (8) feet of bench length in chapels.  |
| (v) Manufacturing, fabricating, processing, assembling, packing, storage, or wholesaling establishment; freight depot; truck terminal: | One space per two (2) employees working on the premises during the largest shift at peak season.  |

Use

Space Requirement

(w) Unspecified uses:

Any use not specifically listed in this section shall have a parking space requirement determined by the planning commission. Such requirement shall be based on the parking space requirement for comparable uses listed in this section.

(2) Off-street parking spaces for dwellings shall be located on the same lot as the dwelling. Off-street parking spaces for all other uses shall be located not further than 300 feet from the building or use they are required to serve.

(3) In residential zones, off-street parking areas shall not be located in a required front or street side yard.

(4) Required parking spaces shall be available for the parking of operable motor vehicles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

(5) Design requirements for parking lots:

(a) Areas used for parking lots shall have durable and dustless surfaces maintained adequately for all-weather use.

(b) Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

(c) Parking areas for other than single and two-family dwellings shall be designed so that no backing movements or other maneuvering within a street other than an alley shall be required.

(d) Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrian and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated.

(e) Service drives and parking spaces on parking lots having four (4) or more spaces shall be clearly and permanently marked.

(6) The provision and maintenance of off-street parking spaces are continuing obligations of the property owner. No building, zoning, or other permit shall be issued until plans are presented that show parking space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking space required by this ordinance.

(7) Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until the required increase in off-street parking is provided.

(8) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

(9) Owners of two or more uses, structures, or parcels of land may agree to use the same parking spaces jointly when the hours of operation do not overlap, provided substantial proof is presented to the building inspector pertaining to the cooperative use of the parking facilities.

(10) A plan, drawn to scale, indicating how the off-street parking requirements are to be fulfilled shall accompany a request for a building permit.

(11) The following area is exempt from the off-street parking requirements of this ordinance: East from Pacific Street in the C-G Zone.

Section 5.050. Sign Requirements. No sign shall be placed in or extended over any required yard, be placed in or extended over any street, or be attached to the exterior or placed in the window of any structure in any zone except as hereinafter provided.

(1) No sign shall project above the building height limitation of the zone in which it is located.

(2) In the R-L, R-T, R-M, and R-H zones, the following standards shall apply to signs:

(a) No sign shall project into a required yard or into the street right of way.

(b) Directly illuminated signs shall not be permitted.

(c) For each dwelling one unlighted nameplate or sign not exceeding one and one-half ( $1\frac{1}{2}$ ) square feet in area shall be permitted.

(d) For a home occupation one unlighted sign not exceeding one and one-half ( $1\frac{1}{2}$ ) square feet in area shall be permitted.

(e) One unlighted temporary sign not exceeding eight (8) square feet in area shall be permitted for the lease, rental, or sale of property or for the construction of a structure thereon.

(f) One unlighted temporary sign not exceeding 20 square feet in area shall be permitted advertising a new subdivision on the property.

(g) One unlighted or indirectly lighted sign not exceeding 20 square feet in area shall be permitted to identify a non-residential use of property which conforms to the use provisions of the zone in which it is located. In addition, a church may have an unlighted or indirectly lighted bulletin board not exceeding 20 square feet in area.

(h) All signs shall be located on the property which they are intended to identify except that unlighted signs not exceeding 12 square feet in area directing traffic to places of interest to the public such as recreation sites shall be permitted.

(4) In the C-T, C-G, M-L, and M-G zones, the following standards shall apply to signs:

(a) Signs for residential uses shall be as permitted in residential zones.

(b) No sign shall project more than five (5) feet into the street right of way.

(c) Illuminated signs shall not be located closer than 50 feet to a lot in a residential zone.

(d) All signs shall be located in such a manner so as to not face directly, shine, or reflect glare onto a lot in a residential zone.

(e) Any advertising signs directing attention to a business, product, activity, or service which is not necessarily conducted, sold, or offered upon the premises where such sign is located shall not be permitted, except that signs not exceeding 20 square feet in area which direct traffic to places of interest such as public recreation sites shall be permitted.

Section 5.060. Exterior Lighting. Exterior lighting for uses in commercial and industrial zones shall be located in such a manner so as to not face directly, shine, or reflect glare onto a lot in a residential zone.

Section 5.070. Trailer Houses. Trailer houses shall not be permitted as a place of habitation in any zone except in an R-T zone, a PD zone, or in a trailer park or mobile home park in a zone where they are permitted.

Section 5.080. Projections from Buildings. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues shall not project more than 24 inches into a required yard.

Section 5.090. General Exceptions to Lot Size Requirements. If a lot or the aggregate of contiguous lots held in a single ownership, as recorded in the office of the county clerk at the time of the passage of this ordinance, has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone. If there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the density requirement of the zone.

Section 5.100. General Exceptions to Yard Requirements. The following exceptions to the yard requirements are authorized for a lot in any zone.

(1) If there are dwellings on both abutting lots which are within 100 feet of the intervening lot, and the dwellings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.

(2) If there is a dwelling on one abutting lot which is within 100 feet of the lot, and this dwelling has a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the front yard of the abutting lot and the required front yard depth.

Section 5.110. General Exception to Building Height Limitations. Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, and similar objects not used for human occupancy are not subject to the building height limitations of this ordinance.

ARTICLE 6. NONCONFORMING USES .

Section 6.010. Continuation of a Nonconforming Use or Structure. Subject to the provisions of Sections 6.010 to 6.050, a nonconforming use or structure may be continued and maintained in reasonable repair but shall not be altered or extended. The extension of a nonconforming use to a structure which was arranged or designed for the nonconforming use at the time of passage of this ordinance is not an enlargement or expansion of a nonconforming use. A nonconforming structure which conforms with respect to use may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this ordinance.

Section 6.020. Discontinuance of a Nonconforming Use. If a nonconforming use is discontinued for a period of one year, further use of the property shall conform to this ordinance.

Section 6.030. Change of Nonconforming Use. If a nonconforming use is replaced by another use, the new use shall conform to this ordinance.

Section 6.040. Destruction of Nonconforming Use or Structure. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 per cent of its fair market value as indicated by the records of the county assessor, a future structure or use on the site shall conform to this ordinance.

Section 6.050. Completion of Structure. Nothing contained in this ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued by the city and construction has commenced prior to the adoption of this ordinance, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two (2) years from the time the permit is issued.

## ARTICLE 7. CONDITIONAL USES

Section 7.010. Authorization to Grant or Deny Conditional Uses. Conditional uses listed in this ordinance may be permitted, enlarged, or altered upon authorization by the planning commission in accordance with the standards and procedures set forth in Sections 7.010 to 7.040.

(1) In permitting a conditional use or the modification of a conditional use the planning commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which the planning commission considers necessary to protect the best interests of the surrounding area or the city as a whole. These conditions may include:

- (a) Increasing the required lot size or yard dimension.
- (b) Limiting the height of buildings.
- (c) Controlling the location and number of vehicle access points.
- (d) Increasing the street width.
- (e) Increasing the number of required off-street parking spaces.
- (f) Limiting the number, size, location, and lighting of signs.
- (g) Requiring fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
- (h) Designating sites for open space.

(2) In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in use or in lot area or an alteration of structure shall conform with the requirements for conditional use.

(3) The planning commission may require that the applicant for a conditional use furnish the city with a performance bond of up to the value of the cost of the improvement to be guaranteed by such bond, in order to assure that the conditional use is completed according to the plans as approved by the planning commission.

(4) The planning commission may require that an applicant for a conditional use furnish the city with a contractual agreement to assure its share of the development of streets, curbs, gutters, sidewalks, and water and sewer facilities to city standards.

Section 7.020. Standards Governing Conditional Uses. In addition to the standards of the zone in which the conditional use is located and the other standards of this ordinance, conditional uses shall meet the following standards:

(1) In a residential zone, yard requirements for conditional uses shall be one and one-half ( $1\frac{1}{2}$ ) times the minimum requirements of the zone plus one-half foot for each foot by which the building height exceeds 20 feet.

(2) A conditional use in a residential zone may exceed the height limitation of the zone in which it is located but shall not exceed a height of 50 feet.

(3) In a residential zone all equipment and material storage for a conditional use shall be within an enclosed building.

(4) Standards for public utility uses including radio and television transmitter, electric substation or transformer, domestic water supply reservoir or pumping station, community sewage disposal plant or pumping station, telephone exchange, and similar facilities.

(a) Public utility shops shall not be permitted in residential or commercial zones.

(b) Public utility uses shall be fenced and provided with landscaping.

(c) The minimum lot size for a public utility may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent or nearby property.

(5) Standards for home occupation:

(a) Not over 25 per cent of the total floor area of the main floor of a dwelling is to be used for the home occupation.

(b) The home occupation is to be secondary to the main use of the dwelling as a residence.

(c) No structural alteration shall be permitted to accommodate the home occupation except when otherwise required by law.

(d) No entrance to the space devoted to the home occupation other than from within the dwelling shall be permitted except when otherwise required by law.

(e) No person other than a maximum of two (2) members of the immediate family residing in the dwelling is to be engaged in the home occupation.

(f) No window display and no sample commodities displayed outside the dwelling shall be allowed.

(g) No stock in trade stored nor commodity kept for sale which is not produced on the premises shall be allowed.

(h) No materials or mechanical equipment shall be used which will be detrimental to the residential use of the dwelling or adjoining dwellings because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.

(i) No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to require delivery by a commercial vehicle.

(j) No parking of customers' vehicles in a manner or frequency so as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking shall be allowed.

(6) Standards for day nursery, kindergarten, nursery school, or similar facility.

(a) At least 100 square feet of outdoor play area per child shall be provided.

(b) A sight obscuring fence at least four (4) feet high but not more than six (6) feet high shall be provided to separate the play area from abutting residential property.

(7) Standards for school:

(a) Elementary schools shall provide a basic site area of five (5) acres plus one (1) additional acre for each 100 pupils of predicted ultimate enrollment.

(b) Secondary schools shall provide a basic site area of ten (10) acres plus one (1) additional acre for each 100 pupils of predicted ultimate enrollment.

(8) Standards for a trailer park or mobile home park. A trailer park or a mobile home park may be permitted as a conditional use provided it meets the requirements of Chapter 446, Oregon Revised Statutes, the standards of the Oregon State Board of Health, and the requirements of the City of Brookings Ordinance No. 115, regulating the location, construction, maintenance, sanitation, and conduct of trailer parks. In addition the following minimum standards shall apply:

(a) Minimum size of mobile home park or trailer park:

1. R-H zone: five (5) acres.

2. C-T, C-G, or M-L zone: two (2) acres.

(b) Minimum size of trailer space:

1. R-H zone: 3,000 square feet.
2. C-T, C-G, or M-L zone: 2,000 square feet.

(c) Minimum width of trailer space:

1. R-H zone: 40 feet.
2. C-T, C-G, or M-L zone: 30 feet.

(d) All trailers shall be kept a minimum of 25 feet from the street right of way and ten (10) feet from all other lot lines.

(e) There shall be a minimum distance of 20 feet between trailers in an R-H zone; a minimum distance of 15 feet between trailers in a C-T, C-G, or M-L zone; and a minimum distance of 20 feet between trailers and community or service buildings.

(f) Each access road connecting with a street shall have a surface width of at least 30 feet and all other access roads shall have a surface width of at least 20 feet. All access roads and parking areas shall be hard surfaced and well-drained. Hard surfaced walkways not less than two (2) feet wide shall be provided from trailer spaces to community and service buildings. All access roads and walkways shall be well lighted.

(g) A recreation area shall be provided which contains a minimum of 2,500 square feet or 200 square feet per trailer space, whichever requirement is the greater.

(h) All areas not used for trailer spaces, motor vehicle parking, traffic circulation, or service or community buildings shall be completely and permanently landscaped. The landscaping shall be maintained in good condition.

(i) Screening shall be provided on each side of a trailer park or mobile home park which is adjacent to or across a street from an area which is located in a residential zone. The screening shall consist of a continuous fence, supplemented with landscape planting, or a continuous wall, evergreen hedge, or combination thereof so as to effectively screen the mobile home park or trailer park from view. All screening shall be maintained in good condition.

(9) Standards for auto wrecking yard or junk yard:

(a) The auto wrecking yard or junk yard shall be fully enclosed by a solid nonflammable fence, free of advertising, maintained in good condition, and not less than six (6) feet in height.

(b) All automobiles, wrecked or otherwise, shall be kept inside the fenced area at all times, except that vehicles belonging to customers may be parked outside the fence while at the establishment on business.

(c) All sales, display, storage, repair, or other handling of products, merchandise, equipment, and other articles shall occur from within an enclosed building or from within the fenced area. All truck loading or unloading shall occur within the fenced area.

(d) When the auto wrecking yard or junk yard is located within 300 feet from a residential zone or a state highway, view obscuring screening shall be provided. The screening shall consist of a continuous fence supplemented with landscape planting, or a continuous wall, evergreen hedge, or combination thereof, so as to effectively screen the auto wrecking yard or junk yard from view. The screening shall be maintained in good condition.

Section 7.030. Procedure for Taking Action on a Conditional Use Application. The procedure for taking action on an application for a conditional use shall be as follows:

(1) A property owner may initiate a request for a conditional use by filing an application with the building inspector, using forms prescribed pursuant to Section 10.040.

(2) Before the planning commission may act on a conditional use application, it shall hold a public hearing thereon.

(3) Within five (5) days after a decision has been rendered with reference to a conditional use application, the building inspector shall provide the applicant with written notice of the decision of the commission.

Section 7.040. Time Limit on a Permit for a Conditional Use. Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction pursuant thereto has taken place. However, the planning commission may extend authorization for an additional period not to exceed one year, on request.

## ARTICLE 8. VARIANCES

Section 8.010. Authorization to Grant or Deny Variances. The planning commission may authorize variances from the requirements of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific lot, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the planning commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance.

Section 8.020. Circumstances for Granting a Variance. A variance may be granted only in the event that all of the following circumstances exist:

(1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this ordinance have had no control.

(2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.

(3) The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.

(4) The variance requested is the minimum variance which would alleviate the hardship.

Section 8.030. Procedure for Taking Action on a Variance Application. The procedure for taking action on an application for a variance shall be as follows:

(1) A property owner may initiate a request for a variance by filing an application with the building inspector, using forms prescribed pursuant to Section 10.040.

(2) Before the planning commission may act on a variance application, it shall hold a public hearing thereon.

(3) Within five (5) days after a decision has been rendered with respect to a variance application, the building inspector shall provide the applicant with written notice of the decision of the commission.

Section 8.040. Time Limit on a Permit for a Variance. Authorization of a variance shall be void after one year unless substantial construction pursuant thereto has taken place. However, the planning commission may extend authorization for an additional period not to exceed one year, on request.

ARTICLE 9. AMENDMENTS

Section 9.010. Authorization to Initiate Amendments. An amendment to the text of this ordinance or to a zoning map may be initiated by the city council, the city planning commission, or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the building inspector using forms prescribed pursuant to Section 10.040.

Section 9.020. Public Hearings on Amendments. The planning commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed and shall, within 40 days after the hearing, recommend to the city council approval, disapproval, or modification of the proposed amendment. After receiving the recommendation of the planning commission, the city council shall hold a public hearing on the proposed amendment.

Section 9.030. Record of Amendments. The city recorder shall maintain records of amendments to the text and zoning map of this ordinance.

Section 9.040. Limitation. No application of a property owner for an amendment to the text of this ordinance or to the zoning map shall be considered by the planning commission within the one-year period immediately following a previous denial of such request, except the planning commission may permit a new application, if in the opinion of the planning commission, new evidence or a change of circumstances warrant it.

ARTICLE 10. ADMINISTRATIVE PROVISIONS

Section 10.010. Administration. The building inspector shall have the power and duty to enforce the provisions of this ordinance.

Section 10.020. Permits. Prior to the construction, reconstruction, alteration, or change of use of any structure, a zoning permit for such construction, reconstruction, alteration, or change of use shall be obtained from the building inspector.

Section 10.030. Appeals.

(1) An appeal from a ruling of the building inspector regarding a requirement of the ordinance may be made only to the planning commission.

(2) An action or ruling of the planning commission pursuant to this ordinance may be appealed to the city council within 15 days after the planning commission has rendered its decision. Written notice of the appeal shall be filed with the building inspector. If the appeal is not filed within the 15-day period, the decision of the planning commission shall be final. If the appeal is filed, the city council shall receive a report and recommendation thereon from the planning commission and shall hold a public hearing on the appeal.

Section 10.040. Form of Petitions, Applications, and Appeals. Petitions, applications, and appeals provided for in this ordinance shall be made on forms prescribed by the city. Applications shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of all existing and proposed structures; the intended use of each structure; the number of families, if any, to be accommodated thereon; the relationship of the property to the surrounding area; and such other information as is needed to determine conformance with this ordinance.

Section 10.050. Filing Fees. The following fees shall be paid to the building inspector upon filing of an application. Such fees shall not be refundable.

- (1) Amendment proposed by property owner: \$ 15.00
- (2) Conditional use permit or variance: \$ 10.00

Section 10.060. Public Hearings.

(1) Each notice of hearing authorized by this ordinance shall be published in a newspaper of general circulation in the city at least ten (10) days prior to the date of hearing.

(2) In addition, a notice of hearing on a conditional use, a variance, or an amendment to the zoning map shall be mailed to all owners of property within 250 feet of the property for which the variance, conditional use, or zoning map amendment has been requested. The notice shall be mailed at least ten (10) days prior to the date of hearing.

(3) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.

(4) The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio.

(5) The planning commission or the city council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

Section 10.070. Authorization of Similar Uses. The planning commission may permit in a particular zone a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion in a zone where it is not listed of a use specifically listed in another zone which is of the same general type and is similar to a use specifically listed in another zone.

ARTICLE 11. REMEDIES

Section 11.010. Penalty. A person violating a provision of this ordinance shall, upon conviction, be punished by imprisonment for not more than 30 days or by a fine of not more than \$500.00 dollars, or both. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

Section 11.020. Alternative Remedy. In case a structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used, or land is, or is proposed to be, used in violation of this ordinance, the structure or land thus in violation shall constitute a nuisance. The city may, as an alternative to other remedies that are legally available for enforcing this ordinance, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin, temporarily or permanently, abate, or remove the unlawful locations, construction, maintenance, repair, alteration, or use.

MINUTES  
BROOKINGS COMMON COUNCIL  
July 14, 1970

A regular meeting of the Common Council was held in the Council Chambers of the City Hall on the above date. The meeting was called to order at 8:05 P.M. by Mayor Pro-Tem Gilbert Batty. Members present were: Councilmen Scott Sheppard and Alden Loring. Mayor Harold R. Young and Councilman Bill Higham were absent.

APPROVAL OF MINUTES

It was moved by Councilman Sheppard, seconded by Councilman Loring, and carried to approve the minutes of the regular meeting of June 9, and the special meeting of June 18 and Budget Hearing of June 29, 1970.

PUBLIC HEARINGS

1. GENERAL - None

LEGISLATIVE ACTION

2. ORDINANCE ESTABLISHING NEW ZONING FOR CITY OF BROOKINGS. City Administrator Al Henderson informed the Council that the Brookings Planning Commission approved the zoning ordinance as prepared by the Bureau of Governmental Research, University of Oregon, with the following list of corrections and additions to the preliminary draft:

Ordinance No. 216

- (1) Page 1

Article 1, Section 1.010

This Ordinance shall be known as the Brookings Zoning Ordinance of 1970.

- (2) Page 7

Article 3, Section 3.020 (Third Line)

Map of 1970,

- (3) Page 9

Article 4, Section 4.010, Item 3 (b)

The minimum lot area shall be 43,560 square feet

- (4) Page 12

Article 4, Section 4.040, Item (3) (Second Line  
, the minimum lot size and width in an R-H zone shall.....

(5) Page 39

Article 10, Section 10.050

Item (1) Amendment proposed by property owner: \$15.00

Item (2) Conditional use permit or variance: \$10.00

(6) Page 41

Article 11, Section 11.010 (Should Read)

Penalty. A person violating a provision of this ordinance shall, upon conviction, be punished by imprisonment for not more than 30 days or by a fine of not more than \$500.00 dollars or both. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

Ordinance No. 216, ordinance establishing new zoning for City of Brookings, was read in full. Letter from Mr. and Mrs. Harold H. Morin was read, in which was stated that they protest to the rezoning of their property at 414 Arnold Lane from low-density to high-density. Mr. Bill Cunningham once again expressed his opposition to rezoning for the City of Brookings. Mayor Pro-Tem, Gil Batty, asked Mr. Cunningham if he rejected the zoning ordinance in its entirety or if he rejected a specific area. Mr. Cunningham replied that if it could not be modified to suit his taste, then the zoning ordinance should be rejected in its entirety. Mr. Ernest Moll expressed his opposition to the change of his property on Mill Beach Road from low-density to high-density. Mr. and Mrs. C. D. Allen who own property west of Mill Beach Road, tax lots 100 and 101, map number 41-13-6CD, stated that they desired their property to be in R-L zone. Mr. Rolf Jensen who owns property on Fifield Street stated that he did not want his property in an R-L zone, but preferred leaving it in a R-H zone. After more discussion, Mr. Cunningham felt that if the above described areas would be changed to R-L zone, with the exception of the Rolf Jensen property, he would have no objection to the adoption of the new zoning ordinance. The designated properties involved in this zone change are as follows:

Map No. 41-13-6CD, Tax Lot Nos. 100, 101, & 300  
Map No. 41-13-6CA, Tax Lot Nos. 1300, 1301, 1400,  
1500 and 1600.

MOTION was made by Councilman Sheppard and seconded by Councilman Loring to amend zoning map to low-density (R-L) for the area bordered by Fifield Street on the North, Mill Beach Road on the East, Pacific Ocean on the South, Truman Lane and Arnold Lane on the West. Motion carried unanimously.

MOTION was made by Councilman Loring and seconded by Councilman Sheppard to read Ordinance No. 216, as amended, the second time by title only. The motion carried unanimously.

MOTION was made by Councilman Sheppard and seconded by Councilman Loring that Ordinance No. 216 be adopted as amended. Motion carried unanimously

3. RECOMMENDATION TO ADOPT SUBDIVISION REGULATIONS  
ORDINANCE FOR CITY OF BROOKINGS.  
Recommendation of Planning Commission No. 144.

The City Planning Commission hereby recommends to the City Council to adopt the Subdivision Regulations Ordinance, with corrections, as prepared by the Bureau of Governmental Research & Services, University of Oregon, dated April 1970.

MOTION was made by Councilman Loring and seconded by Councilman Sheppard calling for a public hearing on proposed Subdivision Regulations at the August 11, 1970 Council meeting. Motion carried unanimously.

4. REQUEST FOR SEWER IMPROVEMENT OF MATOT, OXFORD, CEDAR  
AND CYPRESS STREETS. The City Engineer, Mr. Ed Riley, gave an oral report on the above named sewer improvement district. After some discussion it was recommended that the City Administrator do more research on this project before the City Engineer prepares plans and specifications.
5. PAYMENT OF VOUCHERS - JUNE 1970.

MOTION was made by Councilman Sheppard and seconded by Councilman Loring and carried that vouchers in the amount of \$7,177.01 be paid.

OTHER MATTERS

Mr. Lee Fountain, Building Inspector, gave a report on his inspection of Azalea School's "Green Building". Mr. Fountain recommended that until the dangerous conditions are corrected that no classes or public gatherings be allowed. A copy of this report stating

Page 4 - Minutes  
Brookings Common Council  
July 14, 1970

the conditions and recommendations to correct the conditions will be given to School District 17C.

Mr. Lee Fountain, Building Inspector, recommended to the Council that the City of Brookings adopt the 1970 Edition of Uniform Building Code as prepared by International Conference of Building Officials. The City Attorney, Mr. Cameron Thom, will prepare an amendment to Ordinance No. 192 to be presented at the next regular Council meeting of August 11, 1970.

Letters of appreciation for the thoughtful and considerate acts and co-operation of the Police Department during the Azalea Festival were read. One letter was received from Mr. Wayne Scott of Eugene, Oregon and the other from Curry Good Samaritan Center.

ADJOURNMENT

MOTION was made by Councilman Loring, seconded by Councilman Sheppard and carried that the meeting be adjourned. The meeting then adjourned at 10:55 P.M.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
RECORDER - TREASURER