

PLANNING COMMISSION MEETING
CITY OF BROOKINGS
APRIL 1, 1969

The meeting was called to order at 8:10 P.M. by Vice-Chairman Bill Landis.

Commissioners present were Rush Long, Jerry Ross, Cal Gorte, and Dick Olson. Ernie Christensen was not in attendance. Jack Holte is still in the hospital in Portland but will be home in the near future. He will be at the next Planning Commission meeting.

Reporters present were Marge Barrett and Ruth Brewer.

Minutes of the March 4th meeting were approved as read.

Building report for the month of March was given by Lee Fountain, Building Inspector. There were 6 permits issued, 3 of these permits were for businesses and 3 were for accessory buildings. The total valuation was \$65,050 with a fee of \$212. For the month of March in 1968 there were 8 permits issued for the valuation of \$19,520 and a fee of \$87.

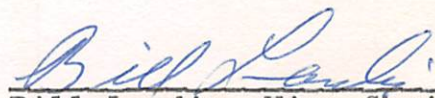
The Commissioners were informed that the Council is now in the process of revising the street width ordinance, then they will be able to act on Planning Commission Recommendation No. 132. This recommendation is that the 40' roadway (Barbara Lane), belonging to, and dedicated to the public by Mr. O.E. Davis, be accepted by the City.

MOTION was made by Jerry Ross and seconded by Cal Gorte that Richard Olson and Rush Long be reappointed as Planning Commission members. These terms will expire April 21, 1973. Motion carried. These reappointments are to be made by Mayor Harold R. Young.

The Planning Commission received an answer to their letter to the Oregon State Highway Department in regards to the realignment of U.S. 101 between Brookings and the Winchuck River. In this letter it was stated that they realize that this improvement is needed, however, due to lack of adequate finances, they have been unable to program the construction. They will consider this project along with many other needed projects throughout the State as such time as a new program is considered.

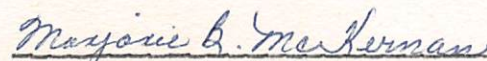
The Commissioners and Marvin Gloege and Jim Peterson discussed the Planning Project for the City. Attached is material presented by Mr. Gloege, which includes suggested uses permitted by zone and proposed Brookings Zoning Ordinances.

MOTION was made by Cal Gorte that the meeting be adjourned. Motion seconded by Rush Long. Motion carried. The meeting was then adjourned at 9:15 P.M.



Bill Landis, Vice-Chairman

ATTEST:



Marjorie B. McKernan
Secretary

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 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.

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 nonintersecting 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. Where square feet of floor area are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property. 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 spaces per two trailer spaces.
c. Trailer park:	One space per trailer space.
d. Hotel:	Two spaces per three 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 beds for residents, patients, or inmates.
g. Hospital:	Three spaces per two beds.
h. Place of public assembly including church, auditorium, gymnasium, meeting hall, theater, club, lodge hall, or fraternal organization:	One space per four seats or eight 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.
i. Library, museum, art gallery:	One space per 400 square feet of floor area.
j. Pre-school nursery, day nursery, kindergarten:	Two spaces per teacher or adult supervisor.
k. Elementary, junior high school:	Two spaces per classroom and special instruction area.
l. Senior high school:	Eight spaces per classroom and special instruction area, or the requirement for place of public assembly, whichever is the greater.

<u>Use</u>	<u>Space Requirement</u>
m. Bowling alley:	Six 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 sub-section 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 seats or eight feet of bench length in chapels.
v. Manufacturing, fabricating, processing, assembling, packing, storage, or wholesaling establishment; freight depot; truck terminal:	One space per two employees working on the premises during the largest shift at peak season.
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 or more (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 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) If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than required by this section.

(8) 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.

(9) 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. Off-street parking requirements for one use shall not be considered as providing required facilities for any other use.

(10) 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.

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

(12) The following area is exempt from the off-street parking requirements of this ordinance:

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) Moving, animated, or intermittent flashing signs shall not be permitted.

(3) 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 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 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. Trailers. Trailers shall not be permitted as a place of habitation in any zone except in the R-T zone and 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 buildings on both abutting lots which are within 100 feet of the intervening lot, and the buildings 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 building on one abutting lot which is within 100 feet of the lot, and this building 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) Vehicular access from a conditional use to a street not designated as a highway, an arterial, or a collector on an adopted comprehensive plan may be limited or prohibited if it is determined that such access will cause excessive noise, traffic, glare, or other adverse effects on adjacent or nearby residential property.

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

(5) 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.

(6) 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 are 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 shall be allowed.

(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.

(7) 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.

(8) 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.

(9) 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.

(10) 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 (1) 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 (1) 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 (1) year unless substantial construction pursuant thereto has taken place. However, the planning commission may extend authorization for an additional period not to exceed one (1) 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: \$ _____

(2) Conditional use permit or variance: \$ _____

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 and 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 other 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 less than _____ day(s) nor more than _____ days or by a fine of not less than _____ dollars nor more than _____ 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 location, construction, maintenance, repair, alteration, or use.

April 1969

SUGGESTED USES PERMITTED BY ZONE
PROPOSED BROOKINGS ZONING ORDINANCE

Use	Zone								Comments
	R-L	R-T	R-M	R-H	C-T	C-G	M-L	M-G	
Single-family dwelling	X		X	X	X	X	X		
Individual mobile home on lot		X							Permanent foundation; Minimum length and area standard; kitchen and bath; water, electricity, and sewer connected to outside systems.
Two-family dwelling			X	X	X	X	X		
Multi-family dwelling			X	X	X	X	X		Low density only in R-M zone.
Agriculture	X	X	X	X	X	X	X	X	No livestock; no commercial structures in residential zones.
School	C	C	C	C					
Kindergarten, nursery school, day nursery	C	C	C	C					
Church, religious or philanthropic institution	C	C	C	C	C	C	C		
Public utility	C	C	C	C	C	C	X	X	(No outside storage in residential zones)
Governmental structure, land use	C	C	C	C	C	C	X	X	
Private library, museum, art gallery	C	C	C	C	C	C	C		
Community meeting hall	C	C	C	C	C	C	C		
Club, lodge, fraternal organization				C	X	X	X		
Private swimming, tennis, archery, gun, or similar recreation club	C	C	C	C	C	C	C		
Golf course	C	C	C	C	C	C	C		
Hospital	C	C	C	C	C	C	C		
Nursing home, rest home, retirement home, convalescent hospital			C	C	C	C	C		
Cemetery	C	C	C	C					
Home occupation	C	C	C	C					
Mobile home park				C	C	C	C		

Use	Zone							Comments	
	R-L	R-T	R-M	R-H	C-T	C-G	M-L		M-G
Professional office				C	X	X	X		
Clinic				C	X	X	X		
Mortuary				C	X	X	X		
Trailer park					C	C	C		
Hotel, motel					X	X	X		
Restaurant					X	X	X		
Service station					X	X	X		No major repair or overhaul in C-T zone; No outside repair in C-G zone.
Gift, souvenir shop					X	X	X		
Boat moorage or launching facility					X	X	X	X	
Commercial amusement or recreation establishment					X	X	X		Certain use limitations in C-T and C-G zones.
Tavern, night club, cocktail lounge					X	X	X		
Food store					X	X	X		
Drug store					X	X	X		
Laundromat					X	X	X		
Barber, beauty shop					X	X	X		
Retail store or shop						X	X		Including food, drug, variety, apparel, sporting goods, jewelry, and similar stores.
Personal or business service establishment						X	X		Includings barber or beauty shop, dry cleaning establishment, laundry, locksmith, small repair shops.
Offices					X	X	X	X	
Parking lot					X	X	X	X	
Financial institution						X	X		
Bakery						X	X	X	
Newspaper office, printing shop						X	X	X	
Lumber, building materials sales and storage						X	X	X	No outside storage in C-G zone.
Contractors office and storage						X	X	X	No outside storage in C-G zone.
Automobile, boat, truck, and trailer sales, service, and repair.						X	X	X	Repair in enclosed building in C-G zone.
Tire sales and repair						X	X	X	Repair in enclosed building in C-G zone.
Implement and equipment sales, service, and repair						X	X	X	No repair in C-G zone.
Bus station, taxi stand						X	X		
Veterinarian						X	X	X	In enclosed building in C-G zone

Use	Zone								Comments
	R-L	R-T	R-M	R-H	C-T	C-G	M-L	M-G	
Upholstery shop						X	X	X	
Residence for caretaker or watchman							X	X	
Cabinet shop							X	X	
Welding, sheet metal, machine shop							X	X	
Feed, seed store							X	X	
Truck terminal							X	X	
Freight depot							X	X	
Warehouse							X	X	
Wholesale establishment							X	X	
Ice, cold storage plant							X	X	
Bulk oil storage							C	X	
Industrial use								X	Except conditional uses in zone and those uses declared a nuisance by statute, action of the city or court of competent jurisdiction.
Junk yard								E	
Auto wrecking yard								C	
Explosives storage and manufacture								C	
Pulp mill								C	
Rendering plant								C	
Slaughter house, stock yard								C	
Petroleum refining								C	
Smelting, refining of metallic ore								C	
Fertilizer plant								C	
Cement, lime, gypsum, plaster of paris manufacture								C	
Acid manufacture								C	
Refuse disposal area								C	
Gas manufacturing								C	
Glue manufacturing								C	
Extraction and removal of sand, gravel, or other earth product								C	

Zones:

R-L Residential Low Density	C-T Commercial Tourist
R-T Residential Trailer	C-G Commercial General
R-M Residential Medium Density	M-L Industrial Limited
R-H Residential High Density	M-G Industrial General

Key:

C	Conditional Use
X	Use Permitted Outright

SUGGESTED DIMENSIONAL STANDARDS
PROPOSED BROOKINGS ZONING ORDINANCE

Zone	Minimum Lot Size	Minimum Lot Width	Minimum Lot Area per Dwelling Unit	Maximum Building Height	Minimum Yard Requirements		
					Front	Rear	Street Side
R-L	6,000 sq.ft. with public water supply & 70' interior lot and/or sewage disposal system; 20,000 sq.ft with neither public water or sewer system.	60' interior lot & 70' corner lot with public water and/or sewer system; 20,000 sq.ft with neither public water or sewer system.	Same as Minimum lot size.	20'	15' from property line or 55' from street centerline, whichever is greater.	15' each side from street centerline, whichever is greater.	Total 15' from property line or 45' side from street centerline, whichever is greater.
R-T	(All requirements same as R-L zone)						
R-M	Same as R-L	Same as R-L	3,000 sq.ft. with public water and/or sewer system; 10,000 sq.ft. with neither public water or sewer system.	25'	20' from property line or 50' from street centerline.	15' 5'	10' from property line or 40' from street centerline.
R-H	Same as R-L	Same as R-L	1,500 sq.ft. with public water and/or sewer system; 5,000 sq.ft. with neither public water or sewer system.	35'	10' from property line or 40' from street centerline.	10' 5'	10' from property line or 40' from street centerline.
C-T	---	---	---	35'	10' abut residential zone for all yards.		
C-G	---	---	---	---	10' abut residential zone for all yards.		
M-L	---	---	---	---	20' abut residential zone for all yards.		
M-G	---	---	---	---	20' abut residential zone for all yards.		