

**IN AND FOR THE CITY OF BROOKINGS  
STATE OF OREGON**

**In the Matter of an Ordinance Amending** )  
**Chapter 17.124, Specific Standards Applying to** )  
**Conditional Uses of the City of Brookings** ) **Ordinance No. 08-0-616**  
**Municipal Code.** )  
)

Sections:

- Section 1. Ordinance Identified.
- Section 2. Amends Chapter 17.124 in its entirety.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Chapter 17.124, Specific Standards Applying to conditional Uses of Title 17, Land Development Code, of the Brookings Municipal Code (BMC) in its entirety.

Section 2. Amend Chapter 17.124, Specific Standards Applying to Conditional Uses, is amended, in its entirety, to read as follows:

Chapter 17.124  
SPECIFIC STANDARDS APPLYING TO CONDITIONAL USES

Sections:

- 17.124.010 Day care or nursery schools.
- 17.124.011 Public or Private Schools
- 17.124.020 Commercial excavation – Removal of earth products.
- 17.124.030 Utilities.
- 17.124.040 Poultry farms and eggeries.
- 17.124.070 Kennels, riding academies and public stables.
- 17.124.080 Animal hospitals and veterinary clinics.
- 17.124.090 Cemetery, crematory, mausoleum, columbarium.
- 17.124.100 Churches, hospitals, or other religious or charitable institutions.
- 17.124.120 Community buildings, social halls, lodges, fraternal organizations, and clubs in an “R” district.
- 17.124.130 Drive-in theaters.
- 17.124.140 Bed and breakfast facilities.
- 17.124.150 Recreation vehicle parks.
- 17.124.160 Manufactured home parks.

- 17.124.170 Short-term rentals.
- 17.124.180 Dwelling groups.
- 17.124.190 Keeping of livestock.
- 17.124.200 Temporary living quarters for caretakers
- 17.124.210 Multi-family dwelling standards in the R-2 zone

**17.124.010 Day care and nursery schools**

A. Facilities for 17 or more children are subject to these provisions, and all State regulations and requirements. All preschool children residing in the dwelling which also serves as a day care or nursery facility shall be counted in the total number of children in such facility for purposes of calculating the category of such facility.

B. Day care or nursery school facilities located in any residential zone shall have a minimum site size of 10,000 square feet. Facilities located in the C-3 zone shall be located on lots of sufficient size to provide for required buildings, parking, pickup and drop off area, and outdoor play area.

C. All such facilities shall provide and thereafter maintain outdoor play areas with a minimum area of 75 square feet per child at total capacity and a sight-obscuring fence, wall or vegetative hedge of at least four feet but not more than six feet in height shall be provided, separating the play area from abutting lots with residential uses.

D. Adequate off-street parking and loading space shall be provided. [Ord. 94-O-446.S § 2; Ord. 92-O-446.H § 3; Ord. 89-O-446 § 1.]

E. Must provide copies of any license/ permit required by Federal or State agencies to operate the school.

**17.124.011 Public or private schools.**

Must provide copies of any license/ permit required by Federal or State agencies to operate the school.

**17.124.020 Commercial excavation – Removal of earth products.**

A. Before a conditional use permit for the commercial excavation and removal of earth products can be granted, plans and specifications showing the location of the premises, grading plan, existing and proposed drainage, proposed truck access, existing vegetation and plant material on the site, and details of proposed reclamation following excavation and removal of earth products relating to regrading and revegetation of the site shall be submitted to, and approved by the planning commission.

B. Any deviation from the plans as approved by the planning commission will serve as grounds for revocation of the conditional use permit.

C. In reviewing the application, the commission may consider the most appropriate use of the land, distances from the property lines, the protection of pedestrians and vehicles, the prevention of the collection and stagnation of water at all stages of the operation, screening and/or berming of the excavation project site from adjoining properties, and the reclamation and rehabilitation of the land upon termination of the operation.

D. A bond may be required to ensure performance for reclamation of the project site following removal of such earth products. [Ord. 89-O-446 § 1.]

E. Erosion control measures must be implemented. If the disturbance is greater than one acre in size, a permit from Dept. of Environmental Quality (DEQ) is required. A copy of the approved DEQ permit must be provided to the City.

F. If any disturbance will be on slopes greater than 15% the applicant must comply with Chapter 17.100, Hazardous Building Site Protection, BMC.

G. Applicant must provide copies of any Federal, State, or local permits/ licenses required for this use.

#### **17.124.030 Utilities**

The erection, construction, alteration or maintenance by public utility or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, towers, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, shall be permitted in any district. Utility transmission and distribution lines, poles and towers may exceed the height limits otherwise provided for in this code. [Ord. 89-O-446 § 1.] Any proposed outside storage of equipment must be screened by a six foot sight-obscuring fence or hedge.

#### **17.124.040 Poultry farms and eggeries.**

Any building housing poultry, consisting of more than 10 chickens or other poultry, shall be located not less than 200 feet from every lot line. Odor, dust, noise, feathers, flies or drainage shall not be permitted to create or become a nuisance to surrounding property. [Ord. 89-O-446 § 1.]

#### **17.124.070 Kennels, riding academies and public stables.**

Kennels, riding academies, and public stables shall be located not less than 200 feet from any property line, shall provide automobile and truck ingress and egress, and shall also provide parking and loading spaces so designed as to minimize traffic hazards and congestion. Applicants shall show that odor, dust, noise, and drainage shall not constitute a nuisance, hazard, or health problem to adjoining property or uses. [Ord. 98-O-446.DD § 11; Ord. 89-O-446 § 1.]

#### **17.124.080 Animal hospitals and veterinary clinics.**

A veterinary clinic or animal hospital shall not be located within 100 feet of a lot in any adjoining residential district, and the applicant shall show that adequate measures and controls shall be taken to prevent offensive noise and odor. This use does not allow boarding of animals unless they are being treated at the facility. [Ord. 89-O-446 § 1.]

#### **17.124.090 Cemetery, crematory, mausoleum, columbarium.**

A cemetery, crematory, mausoleum, or columbarium shall have its principal access on a street adequate to serve the use with ingress and egress so designed as to minimize traffic congestion and shall provide required off-street parking space.

B. Cemeteries located within any "R" district or abutting an "R" district shall establish and maintain appropriate landscaping and screening to minimize the conflict with abutting residential use. No mortuary or crematorium can be within 100 feet of an adjacent street or within 200 feet of a residential lot. [Ord. 89-O-446 § 1.]

#### **17.124.100 Churches, hospitals, other religious or charitable institutions.**

In any "R" district, all such uses shall be located on on a street adequate to serve the use. All buildings shall be set back a minimum of 30 feet from a side or rear lot line, and the minimum front yard setback as established in the "R" district in which it is located. All off-street parking facilities shall be adequately screened from abutting property. [Ord. 89-O-446 § 1.]

**17.124.120 Community buildings, social halls, lodges, fraternal organizations, and clubs in an “R” district.**

All buildings shall be set back a minimum of 30 feet from a side or rear lot line, and the minimum front yard setback as established in the “R” district in which it is located. There shall be no external evidence of any incidental commercial activities taking place within the building. All buildings shall be located on a street adequate to serve the use and be able to provide access without causing traffic congestion on local residential streets. Any such use shall prove that there will be no harm to adjacent existing or potential residential development due to excessive traffic generation, noise, or other circumstances. [Ord. 89-O-446 § 1.]

**17.124.130 Drive-in theaters.**

Drive-in theaters shall be located on a street adequate to serve the use and be able to provide ingress and egress so designed as to minimize traffic congestion. The use shall be screened from an “R” district or dwelling so that any noise, lights, or signs shall not disturb residents. [Ord. 89-O-446 § 1.]

**17.124.140 Bed and breakfast facilities.**

“Bed and breakfast” means the rental of one or more rooms in an owner occupied single-family residence where a breakfast meal is served during the a.m. hours only. All residences proposed for bed and breakfast accommodations shall provide one off-street parking space per rental unit in addition to two spaces for the owner. In terms of eligibility and acceptability, preference will be given by the planning commission to residences applying for bed and breakfast accommodations which display significant architectural or historic character and quality. [Ord. 89-O-446 § 1.]

**17.124.150 Recreation vehicle parks.**

Recreation vehicle parks are regulated by, and must comply with, Health Division and Building Code requirements. The following additional standards shall also apply:

A. The space provided for each recreation vehicle shall be not less than 800 square feet in area, exclusive of any space used for common areas, such as roadways, general use structures, walkways, parking spaces for other than recreation vehicles, and common open and landscaped areas.

B. Roadways, other than dedicated, public rights-of-way, shall not be less than 36 feet in width if parking is permitted on the margin of the roadway, or less than 28 feet in width if parking is not permitted on the edge of the roadway, shall be paved with asphaltic concrete, Portland cement concrete or similar impervious surface and designed to permit easy access to each recreation vehicle space. The roadway widths may be reduced for one-way travel lanes to a standard approved by the site plan committee.

C. Each recreation vehicle space shall be covered with crushed gravel or paved with asphalt, concrete or similar material and be designed to provide runoff of surface water. The part of the space which is not occupied by a recreation vehicle, not intended as an accessway to the recreation vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is appropriately landscaped and thereafter maintained. One paved automobile parking space shall be located in the park equal to one (1) space per recreation vehicle park and three (3) spaces for the manager residence and guest parking.

D. There shall be provided trash receptacles for disposal of solid waste materials situated in convenient locations for the use of guests of the park and located in such a manner and be of such

capacity that there is no uncovered accumulation of trash at any time. Such trash receptacles shall be screened from public view.

E. Recreation vehicle parks shall maintain a minimum 20-foot setback from any abutting public streets. Said setback area shall be appropriately landscaped and maintained and a sight-obscuring fence, hedge or wall of not less than six feet in height shall be located at least 10 feet within the required setback area. Except for the area abutting public streets as described above, the park shall be screened on all other sides by a sight-obscuring fence, hedge or wall of not less than six feet in height and said fence, hedge or wall may be located on the property line. [Ord. 89-O-446 § 1.]

#### **17.124.160 Manufactured home parks.**

Manufactured home parks are regulated by the Department of Commerce/ Building Code provisions which contain rules establishing minimum safety standards for the design and construction of manufactured home parks. The following additional standards shall also apply:

A. Each space for a manufactured home shall contain not less than 3,000 square feet, exclusive of space provided for the common use of tenants, such as roadways, general use structures, guest parking, walkways and areas for recreation and landscaping purposes.

B. Roadways, other than dedicated, public rights-of-way, shall not be less than 36 feet in width if parking is permitted on the margin of the roadway, or less than 28 feet in width if parking is not permitted on the edge of the roadway, shall be paved with asphaltic concrete, Portland cement concrete or similar impervious surface and designed to permit easy access to each mobile home space. The roadway widths may be reduced for one-way travel lanes to a standard approved by the site plan committee.

C. The manufactured home park shall maintain a minimum 20-foot setback from any abutting public streets. ~~and~~ Said setback area shall be appropriately landscaped and maintained and a sight-obscuring fence, hedge or wall of not less than six feet in height shall be located at least 10 feet within the required setback area.. Except for the area abutting public streets as described above, the park shall be screened on all other sides by a sight-obscuring fence, hedge or wall of not less than six feet in height and said fence, hedge or wall may be located on the property line.

D. Each manufactured home situated within the manufactured home park shall be required to install and maintain rodent-proof skirting around the unit within 30 days of first locating within the park. [Ord. 89-O-446 § 1.]

E. Two (2) parking spaces must be provided for each space.

#### **17.124.170 Short-term rentals.**

Any existing dwelling in any of the residential zones and in the general commercial (C-3) zone can be used for short-term rental purposes as set forth in that zone and pursuant to certain regulations as follows:

A. The property owner or holder shall obtain a business license from the city of Brookings and register the dwelling on a separate form.

B. A transient room tax will be applied pursuant to Chapter 3.10 BMC.

C. The property owner shall provide the name, address and telephone number of a local representative, either a property management business or an individual living within the Brookings urban growth boundary, who has the authority to make or have repairs made, resolve disputes and/or terminate occupancy if necessary.

D. Representative's name and telephone number shall be posted within the dwelling.

E. Applicant shall subscribe to a scheduled waste collection service and provide garbage receptacles on the property. [Ord. 01-O-446.MM.]

**17.124.180 Dwelling groups.**

Dwelling groups shall be allowed on lots that can not otherwise be divided and are less than four acres in size, subject to the following standards.

A. Density. The number of dwelling units allowed shall be established by dividing the total lot area by the minimum lot area of the underlying zone.

1. All residential buildings shall be the type of dwelling unit as allowed in the underlying zone.

2. Buildings may be clustered on the lot.

B. **Setbacks.** The distance between any principal buildings and the property line shall be not less than established in the zone in which the dwelling group is located. The minimum distance between residential buildings shall be twice the minimum side yard setback that would be required for the tallest building on the lot; provided, however, that in no case shall the distance be less than 10 feet. An inner courtyard providing access to double-row dwelling groups shall be a minimum of 20 feet in width.

C. Access. Every building containing a dwelling in the group shall be within 60 feet of an access driveway of at least 20 feet in width providing vehicular access from a public street. This 20 foot wide driveway shall have "No Parking" signs installed along the entire length.

D. Neighborhood Character. The development of dwelling groups shall respect the character of both the neighborhood in which it is located and the properties adjacent to said dwelling group. Emphasis shall be placed on retention of neighborhood character and privacy of adjacent properties when reviewing dwelling groups.

E. All dwelling groups shall be subject to the review and approval of the site plan committee, as provided in Chapter 17.80 BMC. [Ord. 95-O-446.X § 2; Ord. 89-O-454 § 2; Ord. 89-O-446 § 1.]

F. Each dwelling unit must have two parking spaces provided within a garage or carport or on a paved surface adjacent to the dwelling. These parking spaces must be available for parking. Spaces may not be converted to habitable space, used for storage of goods, equipment, inoperable vehicles, or other items.

**17.124.190 Keeping of livestock.**

A. No horses cattle, sheep, or other livestock shall be kept on a lot less than three acres in area. No more than two head may be kept on the first three acres; however, one additional animal may be kept for each acre over three acres.

B. All animals must be confined to an area on the property and said area of confinement shall not be located closer than 125 feet to a dwelling on any contiguous property. Barns, stables and other buildings and structures to house livestock shall not be located closer than 50 feet to any property line.

C. Odor, dust, noise, flies or drainage shall not be permitted to create or become a nuisance to surrounding property.

**17.124.200 Temporary living quarters for caretakers.**

Where it can be demonstrated that there is a need for a temporary caretaker of either property or individuals residing on the subject property, living quarters may be provided temporarily in the existing dwelling or an accessory structure. The following standards shall apply:

A. Detailed explanation of the need for a caretaker.

B. Plot plan indicating size, layout, and location of the proposed living quarters.

C. Kitchen facilities shall be limited to a sink, refrigerator, hot plate, and microwave.

- D. The applicant shall sign an agreement to remove the kitchen facilities and no longer use the temporary living quarters as a separate dwelling once the need for a caretaker no longer exists.
- E. A written request to the Planning Department must be submitted annually indicating there is an on-going need for the caretakers living quarters.

17.124.210 Multi-family dwelling standards in the R-2 zone.

- A. An area equal to at least 15 percent of the site area, inclusive of required setback yards, shall be devoted to usable open space recreation areas. This area must be cleared of brush or obstructions and not used for temporary or regular parking of vehicles.
- B. If commercial dumpsters are to be used, they shall be appropriately screened.

First reading: June 23, 2008  
Second reading: June 23, 2008  
Passage: June 23, 2008  
Effective date: July 23, 2008  
Signed by me in authentication of its passage this 29<sup>th</sup> day of June, 2008.

  
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Mayor Larry Anderson

ATTEST:  
  
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City Recorder, Joyce Heffington