

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

ORDINANCE NO. 09-O-636

IN THE MATTER OF ORDINANCE 09-O-636, AN ORDINANCE AMENDING CHAPTER 17.116, PLANNED COMMUNITY, TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE, IN IT'S ENTIRETY.

Sections:

- Section 1. Ordinance Identified.
- Section 2. Amends Chapter 17.116, in its entirety.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Chapter 17.116, Planned Community, Title 17, Land Development Code, of the Brookings Municipal Code (BMC).

Section 2. Amend Chapter 17.116. Chapter 17.116, Planned Community, is amended to read as follows:

Chapter 17.116
PLANNED COMMUNITY

Sections:

- 17.116.010 Purpose.
- 17.116.020 General requirements.
- 17.116.030 Application.
- 17.116.040 Standards for approval.
- 17.116.050 Variations to be authorized.
- 17.116.060 Subdivision regulations.
- 17.116.070 Planning commission action.
- 17.116.080 Violation of conditions.
- 17.116.090 Minor change.
- 17.116.100 Mapping.

17.116.010 Purpose.

The purpose of Planned Community approval is to allow greater variety in the relationships between buildings and open spaces, while still ensuring compliance with the purpose and objectives of various zoning district regulations, as well as the intent of these land development sections. Allowing developers more freedom to design and construct projects rather than strictly applying the provisions of this code, results in better harmony with site conditions, enhanced esthetics, and greater economy. By encouraging innovative planning, this Code also provides compatible mixed-use development, improved open space protection, greater transportation options, and more efficient use of land. Use of these provisions, however, is dependent upon submission of a complete and acceptable conceptual plan. Use also requires conformance to and compliance with the goals and objectives of the Comprehensive Plan.

17.116.020 General requirements.

A. If a zone change is proposed, materials addressing criteria in Chapter 17.140, BMC must be submitted with the Planned Community application. Such Planned Community application shall not be used to justify or create unauthorized uses within the underlying zoning classification.

B. Requirements pertaining to area, density, yards or similar dimensions, standards and criteria of the underlying zoning classification within which the proposed Planned Community is to be situated, shall be used as a guide in determining the proposal's compliance with the purposes and intent of the land development code.

C. No Planned Community shall be approved in any Residential district if the housing density of the proposed development will result in an intensity of land use greater than that permitted in the Residential district. For this purpose, maximum density is calculated by dividing the total gross area of the subject property by the minimum lot area per dwelling unit prescribed for the zone. If a public or private street is platted as part of the Planned Community, the square footage used for the street must be subtracted from the gross area prior to calculating the density. [Ord. 89-O-446 § 1.]

17.116.030 Application.

The owner or his authorized agent may make application for a Planned Community approval by filing forms provided by the Planning Department. The application shall be accompanied by the following:

A. A filing fee in an amount established by general resolution of the City Council. No part of the filing fee is refundable.

B. An applicant shall submit an application form, appropriate fees, and seven copies of a preliminary site plan for review by the Site Plan Committee pursuant to BMC 17.80.020. When cleared by the Committee, the application will be scheduled for the next available Planning Commission hearing. The preliminary site plan shall be drawn to scale and include, but not limited to, the following information:

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

2. Proposed circulation pattern including the location, width, of streets, private drives, and sidewalks and/or pedestrian ways; 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 and location of all open spaces, including a plan for landscaping and any other shared amenities to be provided;

4. Slope: contour map with contour intervals of five feet or less shall be provided. Sufficient lines should be drawn approximately perpendicular to the contours to indicate slopes throughout the project area;

5. Preliminary proposed grading and drainage pattern;

6. Proposed method and plan for provision of water, sewer, storm drainage facilities, fire hydrants, electrical facilities, cable television, mail box facilities, solid waste disposal and street lights;

7. On parent parcels containing slopes of 15 percent or greater, or other hazardous conditions, materials must be submitted pursuant to the provisions of BMC 17.100, Hazardous Building Sites, BMC;

8. A determination of seasonal high water table impact on development of the property, and, if necessary, a ground water drainage mitigation design;

9. Such other pertinent information shall be included as may be considered necessary by the Planning Commission to make a determination that the contemplated arrangement or use makes it necessary and desirable to apply regulations and requirements differing from those ordinarily applicable under this code; [Ord. 93-O-446.N § 3; Ord. 89-O-446 § 1.]

10. If a land division is proposed, the applicant must comply with any relevant provisions of Chapter 17.172, Land Divisions, BMC.

17.116.040 Standards for approval.

In granting approval for a Planned Community, the Planning Commission shall seek to determine, based upon evidence, provided by the applicant, that:

A. The proposal conforms with the Comprehensive Plan and implementing Ordinances of the City in terms of goals, policies, location and general development standards.

B. There are special physical conditions or objectives of development which the proposal will satisfy so that a departure from standard zoning district regulations can be warranted.

C. The project will satisfactorily take care of the traffic it generates, both on- and off-site, by means of adequate off-street parking, access points, and, if required, additional street right-of-way improvements.

D. That the proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create major problems or impacts outside the boundaries of the proposed development site. [Ord. 89-O-446 § 1.]

E. Any Conditions of Approval relating to the construction of the project after completion of the required infrastructure and recording of a plat, if proposed, must be made a part of a recorded Covenants, Conditions, and Restrictions document. Enforcement of these matters will be the responsibility of the Home Owners Association of the subject property.

17.116.050 Variations to be authorized.

The Planning Commission may authorize variations to the standards for the zone in which the Planned Community is located relating to:

- Individual site areas and dimensions;
- Site coverage;
- Yard requirements (setbacks);
- Height of structures;
- Distances between structures;
- Off street parking and loading facilities;
- Street Standards and access requirements;
- and landscaped areas.

To authorize any variations to the standards the applicant must demonstrate by the design proposal that the objectives of the land development regulations of this Chapter will be achieved.

17.116.060 Subdivision regulations.

When a Planned Community involves, approval of a subdivision plat, the Planning Commission may initially grant preliminary approval of the application. The Planning Commission will grant final approval when the applicant submits the final subdivision plat in the manner prescribed by the land division regulations. Building permits will not be issued for the Planned Community until the subdivision plat has been recorded.[Ord. 89-O-446 § 1.]

17.116.070 Planning Commission action.

A. The Planning Commission may approve, approve with conditions, or deny an application as submitted. Any Planned Community as authorized shall be subject to all conditions imposed, and shall be exempted from the other provisions of this Code only to the extent specified in said authorization.

B. Approval Periods:

1. Planned Community without subdivision plat. The applicant has two years from the date of approval to install any needed off-site and on-site infrastructure for the development. The Planning Commission may grant a two-year extension of time. If phases (staging) is proposed, see 3. below.

2. Planned Community with subdivision plat. The applicant has two years from the date of approval to install the off-site and on-site infrastructure for the development and submit the final plat for approval. The Planning Commission may grant a two-year extension of time. If phases (staging) is proposed, see 3. below.

3. Planned Community proposed in phases (stages). The applicant must submit a timeline to the Planning Commission for their consideration. The applicant must comply with the approved phasing timeline.

D. In approving the conceptual master plan for the Planned Community, the Planning Commission may attach conditions it finds necessary to carry out the purposes of this Chapter. These conditions may include, but are not limited to the following:

1. Required setbacks;
2. Height of buildings;
3. 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. Number of parking spaces;
6. Number, size, location, and lighting of signs;
7. Designating sites for open space and recreational development;
8. Additional fencing, screening, and landscaping;

17.116.080 Violation of conditions.

Components of the development, subsequent to the completion of the infrastructure and the recording of the plat, if proposed, shall be included in the Covenants, Conditions, and Restriction's (C,C, & R) to be enforced by the Homeowner's Association. Ongoing maintenance for the components stated above shall be enforced by the Homeowner's Association. Violations of any uses authorized by the final order will be resolved pursuant to Chapter 17.160 BMC.

17.116.090 Minor change.

The applicant may apply to the Planning Commission for a minor change to the site plan and/or conditions of approval of an approved Planned Community. The Planning Commission will hold a public hearing to consider the nature of the requested change, impacts the change may have on surrounding properties and/or on the remaining portion of the project, and the impact on the City's services and facilities. The Commission may approve or deny the minor change. If the change is approved it may be incorporated into the project. If it is denied the project remains as originally approved and the change cannot be incorporated. Applications for a minor change must be submitted with the following:

A. A filing fee in an amount established by general resolution of the City Council. No part of the fee is refundable.

B. A site plan or revised subdivision map showing the proposed changes and how they compare to the originally approved project. If the change does not include the physical site plan of the project, a text explaining the desired change must be submitted.

C. A statement explaining how the proposed change relates to the approved project and any impacts it may have on the project and/or adjoining property holders and City services and facilities. [Ord. 92-O-446.J § 3; Ord. 89-O-446 § 1.]

17.116.100 Mapping.

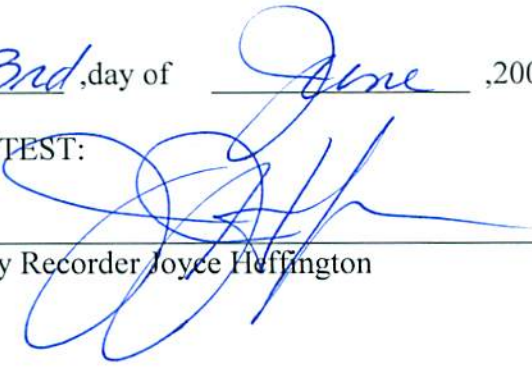
Within 30 days after the granting of a Planned Community permit, the symbol "PC" shall be indicated on the zoning map, in addition to the existing zoning designation, on the lot or lots affected by such permit. [Ord. 92-O-446.J § 3; Ord. 89-O-446 § 1.]

First Reading: June 22, 2009
Second Reading: June 22, 2009
Passage: June 22, 2009
Effective Date: July 22, 2009

Signed by me in authentication of its passage this 23rd day of June, 2009



Mayor Larry Anderson

ATTEST: 

City Recorder Joyce Heffington