

ORDINANCE NO. 90-O-446.B

AN ORDINANCE AMENDING ORDINANCE NO. 89-O-446 (LAND DEVELOPMENT CODE), SECTIONS 20, 112 AND 120 OF THE CITY OF BROOKINGS.

Sections:

- Section 1. Amendment to Section 20.060.**
- Section 2. Amendment to Section 112.**
- Section 3. Amendment to Section 120.030.**
- Section 4. Amendment to Section 120.040.**

The city of Brookings ordains as follows:

Section 1. Amendment to Section 20.060. Ordinance No. 89-O-446, Section 20.060 is hereby amended to read as follows:

20.060 Lot width, lot coverage and yard requirements.

<u>Zone</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Maximum Lot Coverage</u>
R-1-6	60'	20'	5'	15'	40%
R-1-8	70'	20'	5'	15'	40%
R-1-10	80'	20'	5'	15'	40%
R-1-12	90'	20'	5'	15'	40%

Section 2. Amendment to Section 112. Ordinance No. 89-O-446, Section 112 is hereby amended in its entirety to read as follows:

Section 112

REAR LOT DEVELOPMENT

Sections:

- 112.010 Purpose.**
- 112.020 Eligibility.**
- 112.030 Development standards.**

112.010 Purpose. The purpose of this section is to permit development of lots in residential areas which cannot be subdivided or partitioned pursuant to the other provisions of this code. No lots or other large parcels of land may be developed under this section if the property is physically capable of being subdivided or partitioned, either separately or in conjunction with adjacent properties, under the terms of this code. Any property proposed to be developed under this section shall comply with all of the following eligibility and development requirements.

112.020 Eligibility. The following criteria must be met before a lot is eligible to be developed under the provisions of this section.

A. Property must be less than four (4) acres in area.

B. Property must be situated and dimensioned in a manner that subdivision or partition under the terms of other applicable sections of this code is not possible,

either individually or in conjunction with other adjacent property.

C. **Minimum area.** Twice that required by the underlying zoning district and not including the area necessary for the access way.

D. **Minimum width.** Fifteen (15) feet greater than required by the applicable zoning district.

112.030 Development standards. Provided the eligibility requirements are met, a permit may be issued subject to the following standards and criteria:

A. **Front parcel.**

1. **Minimum lot width.** The same as required by the applicable zoning district.

2. **Minimum lot depth.** 75 feet.

3. **Setback requirements.** Same as required in the applicable zoning district.

B. **Rear parcel.**

1. **Access way minimum width.** Fifteen (15) feet.

2. **Setback requirements.** No building shall be erected within ten (10) feet of any property line.

3. **Minimum lot size.** Same as required by the applicable zoning district, not including the area of the access way.

4. Maximum length of access way. 200 feet.

5. Access way shall be conveyed with ownership of the rear lot and shall be an integral part of the rear lot.

6. Access way shall be improved to a permanent, dust-free surface of asphaltic concrete or portland cement.

C. The development of the property pursuant to the rear lot development standards shall be in accordance with Section 176.050 and other applicable sections of this code.

D. No more than one (1) parcel or lot shall be created to the rear of another parcel or lot which fronts on a street in a residential district.

Section 3. Amendment to Section 120.030. Ordinance No. 89-O-446, Section 120.030 is hereby amended to read as follows:

120.030 Discontinuance of a nonconforming use. If a nonconforming use has been changed to a conforming use, or if the nonconforming use of a building, structure or premises is discontinued for the time period specified below, the said use shall be considered abandoned, and said building, structure or premises shall thereafter be used only for uses permitted as a matter of right or as conditional uses in the district in which it is located.

A. Residential uses in a Commercial Zoning District: Two (2) years unless the building has been

altered to the point that it is no longer suitable as a residence.

B. All other uses: Six (6) months.

Section 4. Amendment to Section 120.040. Ordinance No. 89-O-446, Section 120.040 is hereby amended to read as follows:

120.040 Destruction of nonconforming use or structure. If a nonconforming residential structure is destroyed to any extent, by any cause beyond the owners control, it may be rebuilt or replaced by a residential structure that is no larger than the original structure. In all other cases if the structure is destroyed in excess of 50 percent of its assessed value as determined by the records of the county assessor for the year preceding destruction, a future structure or use on the property shall conform to the regulations for the district in which it is located.

First Reading: August 13, 1990

Second Reading: August 13, 1990

Passage: August 13, 1990

Effective Date: September 11, 1990

Signed by me in authentication of its passage this 14th
day of August, 1990.

Fred Hummel
Mayor

ATTEST:

Beverly S. Shields
City Recorder