



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

November 17, 2008

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Brookings Plan Amendment
DLCD File Number 014-08



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: December 4, 2008

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Dianne Morris, City of Brookings

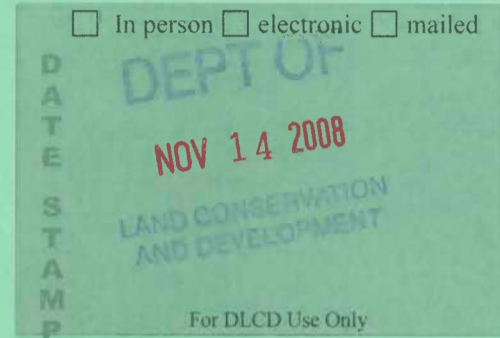
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FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Brookings**

Local file number: **LDC-11-08**

Date of Adoption: **11/10/2008**

Date Mailed: **11/13/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **No**Date:

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Clarifications, small revisions, and re-organization to the General Commercial (C-3) zone.

Does the Adoption differ from proposal? Yes, Please explain below:

Car sales was moved from Conditional Uses to Uses Allowed Outright.

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location: **N/A**

Acres Involved:

Specify Density: Previous: **N/A**

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 014-08 (NOA)

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None.

Local Contact: **Dianne Morris**

Phone: (541) 469-1138 Extension:

Address: **898 Elk Dr.**

Fax Number: **541-469-3650**

City: **Brookings**

Zip: **97415-**

E-mail Address: **dmorris@brookings.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON

In the Matter of an Ordinance Amending)
Chapter 17.52, General Commercial (C-3)) Ordinance 08-O-622
District, of the Brookings Municipal)
Code, in its entirety.

Sections:

- Section 1. Ordinance Identified.
- Section 2. Amends Chapter 17.52 in its entirety.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Chapter 17.52, General Commercial (C-3) District, of the Brookings Municipal Code, in its entirety.

Section 2. Amends Chapter 17.52. Chapter 17.52, General Commercial (C-3) District, is amended, in its entirety, to read as follows:

Chapter 17.52
General Commercial (C-3) District

Sections:

- 17.52.010 Purpose.
- 17.52.020 Permitted uses.
- 17.52.030 Accessory uses.
- 17.52.040 Conditional uses.
- 17.52.050 Maximum building height.
- 17.52.060 Signs.
- 17.52.070 Parking.
- 17.52.080 Other required conditions.

17.52.010 Purpose.

This District is designed to stabilize, improve and protect the commercial characteristics of the general commercial area. The District is limited to commercial uses of less intensity than are found in an industrial zone. A pedestrian friendly mixture of commercial and residential uses are to be promoted by the provisions found in this District. [Ord. 89-O-446 § 1.]

17.52.020 Permitted uses.

The following uses are permitted:

- A. Existing residential uses, including additions, without any increase in the number of dwelling units;
- B. One or more dwellings not on a ground floor;
- C. Retail businesses and offices;

- D. Business and technical schools, such as photography, art, music, theater, and dance schools and studios;
- E. Restaurants, cafes, cocktail lounges, bars, taverns, with or without entertainment;
- F. Commercial recreational uses, such as bowling lanes, dance halls, pool halls, skating rinks, or theaters, not including drive-in theaters;
- G. Printing, publishing and newspaper offices;
- H. Light service shops such as beauty salons, barbershops, pet grooming with no overnight boarding of animals, upholsterers, picture framing, tailoring, and appliance repair;
- I. Places for public assembly such as places of worship, meeting halls, auditoriums, community centers, lodges, clubs and fraternal organizations;
- J. Public buildings, structures and uses as may be appropriate to the C-3 district including transportation terminals and facilities;
- K. Commercial parking lots for passenger vehicles, subject to Chapter 17.92 BMC;
- L. Museums, art galleries or similar facilities;
- M. Hospitals and out-patient medical clinics;
- N. Motels and hotels;
- O. Automobile, boat, truck, or trailer sales, service or repair with display areas more than 20,000 square feet and less than 100,000 square feet; provided, that all repair shall be conducted entirely within an enclosed building. [Ord. 03-O-446.NN; Ord. 93-O-446.L § 6; Ord. 89-O-446 § 1.]

17.52.030 Accessory uses.

- A. Any uses, buildings or structures customarily appurtenant to a permitted use, such as incidental storage facilities, are permitted. [Ord. 93-O-446.P § 3; Ord. 89-O-446 § 1.]
- B. Accessory uses for dwelling units
 - 1. Home occupations, subject to the provisions of Chapter 17.104 BMC.
 - 2. Other accessory uses and accessory buildings and structures, such as non-commercial greenhouses, customarily appurtenant to a permitted use.

17.52.040 Conditional uses.

- The following conditional uses may be permitted subject to a conditional use permit:
- A. Automobile, boat, truck, or trailer sales, service or repair with display areas of 100,000 square feet or more; provided, that all repair shall be conducted entirely within an enclosed building;
 - B. Implement, machinery, and heavy equipment sales, service or repair; provided, that all repair shall be conducted entirely within an enclosed building;
 - C. Automobile service station, including automobile maintenance and repair which shall be conducted entirely within an enclosed building;
 - D. Lumber or building materials sales and storage;
 - E. Contractors' storage;
 - F. Veterinarians and animal hospitals, provided all business, service and kennels are entirely within an enclosed building subject to BMC 17.124.080;
 - G. Buildings over 40 feet in height;
 - H. Rental storage units, provided they are used exclusively for storage purposes;
 - I. Day care and nursery schools pursuant to BMC 17.124.010.
 - J. Short-term rentals pursuant to the provisions of BMC 17.124.170. [Ord. 01-O-446.MM; Ord. 00-O-446.II § 2; Ord. 92-O-446.H § 2; Ord. 89-O-446 § 1.]

- K. Mortuaries and crematories in conjunction with a mortuary and subject to BMC 17.124.090;
- L. On-duty personnel living quarters, either conventional or manufactured dwelling unit, only in conjunction with ambulance services and/or fire departments.
- M. Utility substations or pumping stations subject to BMC 17.124.030.
- N. Fabricating of products is permitted when conducted in conjunction with a retail sales establishment occupying the ground floor facing the public street.

17.52.050 Maximum building height.

No structures shall be over 40 feet in height except as allowed as a conditional use, and as provided in BMC 17.128.030. [Ord. 89-O-446 § 1.]

17.52.060 Signs.

Signs shall be permitted in accordance with Chapter 17.88 BMC. [Ord. 89-O-446 § 1.]

17.52.070 Parking.

Off-street parking shall be provided in accordance with Chapter 17.92 BMC, except for the area described in 17.92.030(A). [Ord. 89-O-446 § 1.]

17.52.080 Other required conditions.

A. Site plan approval required as provided in Chapter 17.80 BMC.

B. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for conditional uses, outdoor dining areas, nurseries and garden shops, seasonal sales lots, outdoor equipment, outdoor furniture, dispensers, vehicle and boat sales, and bus stations. When outside storage is allowed as a conditional use, it must be enclosed within a 6 foot high site obscuring fence. In addition, temporary sales of products allowed either as an outright permitted or a conditionally permitted use, for no more than 7 consecutive days, may be conducted outside on private property. These sales may occur no more than 4 times during a calendar year. The seller must have a current City business license and required parking spaces must remain available for use by vehicles.

C. In any C-3 district directly across a street from, or abutting any lot in a Residential district, the parking and loading area shall be set back at least 10 feet from the street right-of-way or lot line and said area shall be appropriately landscaped to protect the character of said adjacent residential properties. Such landscaping shall be constructed and maintained in compliance with 17.92.100 (H), BMC.

D. All business shall be conducted from a structure placed on a permanent foundation unless specifically exempted by the provisions of this or other city ordinances. [Ord. 00-O-446.JJ § 5; Ord. 89-O-446 § 1.]

E. Prior to any development activity on the property, the applicant must comply with 17.100.030, General Mitigation, BMC.

F. An accessway to a new proposed off-street parking area shall be improved from the public roadway to the parking area to a minimum width of 20 feet for two-way traffic. If the accessway is a one-way in or one-way out, it shall be a minimum width of 10 feet and have appropriate signage.

G. Provide for the improvement of an existing dedicated alleyway which is intended to be used for egress and ingress, or backup space of off-street parking for the development.

H. Screen from view all roof-, wall-, or ground-mounted mechanical equipment and devices, in addition to propane tanks.

I. Refuse receptacles or dumpsters shall be appropriately positioned, colored or screened to minimize visibility to vehicular traffic or pedestrians.

J. Automobile, boat, truck, or trailer sales;

1. Dealerships must have an on-site office.

2. Primary dealerships with an on-site office located in the downtown core area as defined in 17.92.030(A), may have one or more secondary sales/storage locations without an on-site office, outside the downtown core area within the C-3 zone.

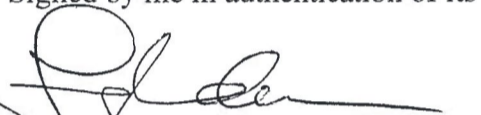
First reading: November 10, 2008

Second reading: November 10, 2008

Passage: November 10, 2008

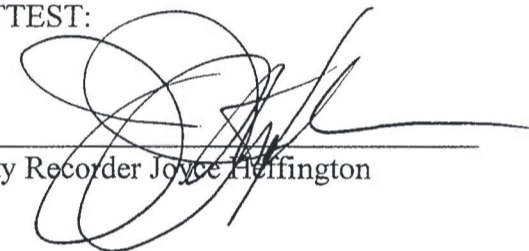
Effective date: December 10, 2008

Signed by me in authentication of its passage this 12th day of November, 2008.



Mayor Larry Anderson

ATTEST:



City Recorder Joyce Heffington

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Land Development Code Amendment
FILE NO: LDC-11-08
HEARING DATE: August 19, 2008

REPORT DATE: August 5, 2008
ITEM NO: ~~7.2~~ 7.3

GENERAL INFORMATION

APPLICANT: City Initiated.
REPRESENTATIVE: City Staff.
REQUEST: Revisions to Chapter 17.52 General Commercial (C-3) District,
Brookings Municipal Code (BMC).
PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

The City's Land Development Code (LDC) Committee reviewed and made revisions to Chapter 17.52, General Commercial (C-3) District, BMC. Most of the revisions were to insert additional permitted and conditional uses, put items in more appropriate Sections, and clarify language. Following are some of the more important changes:

- Under 17.52.020, Permitted Uses. Additions to dwellings and (M) Hospitals and out-patient medical clinics were added. The examples of light service shops were expanded. (N) Motels and hotels were made a stand-alone use separate from (B) One or more dwellings, not on the ground floor.
- Under 17.52.030, Accessory uses. Accessory uses for dwellings were added to be consistent with residential uses in other zones.
- Under 17.52.040 Conditional uses. Language was added to (F) Veterinarians and animal hospitals to clarify that the boarding of animals is not allowed unless they are being treated at the facility. Several new uses were added in (K), (L), (M), and (N).
- Under 17.52.080, Other required conditions. Provisions for temporary sales were added. (E) through (H) were moved from other sections of the code to be more easily found here. (I) was added to address concerns raised by citizens regarding the appearance of commercial dumpsters.

Following this report is the draft version of Chapter 17.52, BMC (Attachment A).

RECOMMENDATION

After careful consideration, and any input the public may provide, Staff supports a Planning Commission recommendation of approval of file LDC-11-08, Chapter 17.52, General Commercial District, BMC, to the City Council.

Chapter 17.52

GENERAL COMMERCIAL (C-3) DISTRICT

Draft July 9, 2008

Text to be added is *bold and italicized*.

Text to be omitted has ~~strikethrough~~.

Sections:

- 17.52.010 Purpose.
- 17.52.020 Permitted uses.
- 17.52.030 Accessory uses.
- 17.52.040 Conditional uses.
- 17.52.050 Maximum building height.
- 17.52.060 Signs.
- 17.52.070 Parking.
- 17.52.080 Other required conditions.

17.52.010 Purpose.

This District is designed to stabilize, improve and protect the commercial characteristics of the ~~central business district~~ *general commercial area*. *The District is limited to commercial uses of less intensity than are found in an industrial zone. A pedestrian friendly mixture of commercial and residential uses are to be promoted by the provisions found in this District.* ~~Due to the interdependence of the various commercial uses upon pedestrian traffic and the necessity for joint provisions and utilization of off street parking facilities, off street parking is not required for individual commercial uses within this district fronting on U.S. Highway 101 (Chetco Avenue) easterly from Pacific Street. [Ord. 89-O-446 § 1.]~~

17.52.020 Permitted uses.

The following uses are permitted:

- A. Existing residential uses, *including additions, without any increase in the number of dwelling units;*
- B. One or more dwellings not on a ground floor, ~~motels, and hotels;~~
- C. Retail stores *businesses and offices;* ~~shops, businesses and offices supplying commodities or performing services to meet the needs of the community, including department stores, specialty shops, banks and financial institutions, personal and business service establishments, antique shops, artists' supply stores, gift shops, hardware stores, drug stores, bakery shops, grocery stores, beauty and barber shops, garden and nursery shops, and other similar uses;~~
- D. Business and technical schools, photography, art, music, *theater*, and dance schools and studios;
- E. Restaurants, cafes, cocktail lounges, bars, taverns, ~~including~~ *with or without* entertainment;
- F. Commercial recreational uses, such as bowling lanes, dance halls, pool halls, skating rinks, or theaters, not including drive-in theaters;
- G. Printing, publishing and newspaper offices;
- H. Light service shops such as *beauty salons, barbershops, pet grooming with no overnight boarding of animals*, upholsterers, picture framing, tailoring, and appliance repair;

I. Places for public assembly such as ~~churches~~ *places of worship*, meeting halls, auditoriums, community centers, lodges, clubs and fraternal organizations, ~~mortuaries and crematories in conjunction with a mortuary and subject to BMC 17.124.090;~~

J. Public buildings, structures and uses as may be appropriate to the C-3 district including transportation terminals and facilities;

K. Commercial parking lots for passenger vehicles, subject to Chapter 17.92 BMC;

L. Museums, art galleries or similar facilities;

~~M. Professional or business offices. [Ord. 03-O-446.NN; Ord. 93-O-446.L § 6; Ord. 89-O-446 § 1.]~~

M. Hospitals and out-patient medical clinics;

N. Motels and hotels;

17.52.030 Accessory uses.

A. Any uses, buildings or structures customarily appurtenant to a permitted use, such as incidental storage facilities and the like, are permitted. ~~On-duty personnel living quarters, either conventional or manufactured, in conjunction with ambulance services and/or fire departments. [Ord. 93-O-446.P § 3; Ord. 89-O-446 § 1.]~~

B. Accessory uses for dwelling units

1. *Home occupations, subject to the provisions of Chapter 17.104 BMC.*

2. *Other accessory uses and accessory buildings and structures, such as non-commercial greenhouses, customarily appurtenant to a permitted use.*

17.52.040 Conditional uses.

The following conditional uses may be permitted subject to a conditional use permit:

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

B. Implement, machinery, and heavy equipment sales and service;

C. Automobile service station, including automobile maintenance and repair which shall be conducted entirely within an enclosed building;

D. Lumber or building materials sales and storage; provided, that service, business, sales and storage is either entirely within an enclosed building or enclosed within an eight-foot-high, sight-obscuring fence;

E. Contractors' ~~offices and~~ storage, provided all storage is either entirely within an enclosed building or within an eight-foot-high, sight-obscuring fence;

F. Veterinarians *and* animal hospitals, ~~and pet grooming~~, provided all business, service and kennels are entirely within an enclosed building. *This does not allow boarding of animals unless they are being treated at the facility;*

G. Buildings over 40 feet in height;

H. Rental storage units, provided they are used exclusively for storage purposes;

I. Day care *and* nursery schools, ~~and kindergartens~~ pursuant to BMC 17.124.010.

J. Short-term rentals pursuant to the provisions of BMC 17.124.170. [Ord. 01-O-446.MM; Ord. 00-O-446.II § 2; Ord. 92-O-446.H § 2; Ord. 89-O-446 § 1.]

~~K. Mortuaries and crematories in conjunction with a mortuary and subject to BMC 17.124.090;~~

L. On-duty personnel living quarters, either conventional or manufactured dwelling unit, only in conjunction with ambulance services and/or fire departments.

M. Utility substations or pumping stations subject to BMC 17.124.030.

N. Fabricating of products is permitted when conducted in conjunction with a retail sales establishment occupying the ground floor facing the public street.

17.52.050 Maximum building height.

No structures shall be over 40 feet in height except as allowed as a conditional use, and as provided in BMC 17.128.030. [Ord. 89-O-446 § 1.]

17.52.060 Signs.

Signs shall be permitted in accordance with Chapter 17.88 BMC. [Ord. 89-O-446 § 1.]

17.52.070 Parking.

Off-street parking shall be provided in accordance with Chapter 17.92 BMC, except for **the area described in 17.92.030(A).** ~~those lots fronting U.S. Highway 101 (Cheteo Avenue) easterly from Pacific Street.~~ [Ord. 89-O-446 § 1.]

17.52.080 Other required conditions.

A. Site plan approval required as provided in Chapter 17.80 BMC.

B. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for conditional uses and off-street parking and loading areas, outdoor dining areas, nurseries and garden shops, ~~Christmas tree seasonal sales lots,~~ *dispensers, vehicle and boat sales, and* bus stations. *In addition, temporary sales, of no more than 3 consecutive days, may be conducted outside on private property. These sales may occur no more than 3 times during a calendar year. The seller must have a current City business license and required parking spaces must remain available for use by vehicles.*

C. In any C-3 district directly across a street from, or abutting any lot in a "R" *Residential* district, the parking and loading area shall be set back at least 10 feet from the street right-of-way or lot line and said area shall be appropriately landscaped to protect the character of said adjacent residential properties. Such landscaping shall be *constructed and maintained in compliance with 17.92.100 (H), BMC.*

D. All business shall be conducted from a structure placed on a permanent foundation unless specifically exempted by the provisions of this or other city ordinances. [Ord. 00-O-446.JJ § 5; Ord. 89-O-446 § 1.]

E. Prior to any development activity on the property, the applicant must comply with 17.100.030, General Mitigation, BMC.

F. An accessway to a new proposed off-street parking area shall be improved from the public roadway to the parking area to a minimum width of 20 feet for two-way traffic. If the accessway is a one-way in or one-way out, it shall be a minimum width of 10 feet and have appropriate signage.

G. Provide for the improvement of an existing dedicated alleyway which is intended to be used for egress and ingress, or backup space of off-street parking for the development.

H. Screen from view all roof-, wall-, or ground-mounted mechanical equipment and devices, in addition to propane tanks.

I. Refuse receptacles or dumpsters shall be appropriately positioned, colored or screened to minimize visibility to vehicular traffic or pedestrians.

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: September 22, 2008

Originating Dept: Planning

Donna Colby-Hanks
Signature (submitted by)
[Signature]
City Manager Approval

Subject: A hearing on File LDC-11-08 to consider revisions to Chapter 17.52, General Commercial (C-3) of the Brookings Municipal Code (BMC).

Recommended Motion: Motion to approve File LDC-11-08 making revisions to the above Chapter after deliberation and consideration of any input the public may provide and direct staff to prepare an adopting ordinance.

Financial Impact: None

Background/Discussion: The City's Land Development Code (LDC) Committee reviewed and made revisions to Chapter 17.52, General Commercial (C-3) District, BMC. Most of the revisions were to insert additional permitted and conditional uses, put items in more appropriate Sections, and clarify language. The Planning Commission reviewed the revisions and after debating the requirements for auto dealerships, hospitals, motels, and hotels recommend approval. Following are some of the more important changes:

- Under 17.52.020, Permitted Uses. Additions to dwellings and (M) Hospitals and out-patient medical clinics were added. The examples of light service shops were expanded. (N) Motels and hotels were made a stand-alone use separate from (B) One or more dwellings, not on the ground floor.
- Under 17.52.030, Accessory uses. Accessory uses for dwellings were added to be consistent with residential uses in other zones.
- Under 17.52.040 Conditional uses. Language was added to (F) Veterinarians and animal hospitals to clarify that the boarding of animals is not allowed unless they are being treated at the facility. Several new uses were added in (K), (L), (M), and (N).
- Under 17.52.080, Other required conditions. Provisions for temporary sales were added. (E) through (H) were moved from other sections of the code to be more easily found here. (I) was added to address concerns raised by citizens regarding the appearance of commercial dumpsters.

Policy Considerations: N/A

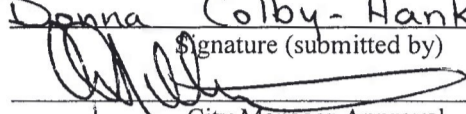
Attachment(s): **Attachment A** – Draft version of the C-3 zone.
Attachment B – Letter dated August 13, 2008 from Rick Bishop

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: October 13, 2008

Originating Dept: Planning

Donna Colby-Hanks
Signature (submitted by)

City Manager Approval

Subject: A hearing on File LDC-11-08 to consider revisions to Chapter 17.52, General Commercial (C-3) of the Brookings Municipal Code (BMC).

Recommended Motion: Motion to approve File LDC-11-08 making revisions to the above Chapter after deliberation and direct staff to prepare an adopting ordinance.

Financial Impact: None

Background/Discussion: The proposed revisions to Chapter 17.52, General Commercial (C-3) District, BMC came before you at the September 22, 2008 meeting. After public input and discussion, the Council voted to send this Chapter back for additional revisions by staff. There were two issues about which concerns were expressed – should car sales continue to be a conditionally permitted use or allowed as an outright permitted use, and how to handle outside sales and storage of merchandise. Staff and the Land Development Code Committee propose the following revisions, in the attached Chapter.

- Automobile, boat, truck, or trailer sales, service or repair remains a conditionally permitted use. Attachment B is pages from the *Downtown Brookings Masterplan* which address car sales. This plan was a vision developed by a large group of more than 75 community members over several years and was approved by City Council in 2003. The plan made no provisions for car sales, as seen in Attachment B. As a compromise, Staff believes leaving car sales as a conditionally permitted use would be appropriate.
- Under 17.52.080, Other Required Conditions. Provisions for display of outside equipment and outside furniture were added to the list of merchandise allowed to be sold and stored outside at any time. Revisions to the length and frequency of temporary sales of any merchandise were made. Four sales a year, for a period of 7 days each, is the proposal. This would accommodate temporary car sales on commercial property, within these parameters, with no special approval needed. Text regarding a 6 foot sight obscuring fence for other conditionally permitted uses involving outside storage was removed from 17.52.040 and placed in 17.52.080.

Policy Considerations: N/A

Attachment(s): **Attachment A** – Draft version of the C-3 zone.
Attachment B – Page 3 and 17 from Appendix A of the Brookings Downtown Master Plan

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: October 27, 2008

Donna Colby-Hanks
Signature (submitted by)

Originating Dept: Planning

[Signature]
City Manager Approval

Subject: A hearing on File LDC-11-08 to consider revisions to Chapter 17.52, General Commercial (C-3) of the Brookings Municipal Code (BMC).

Recommended Motion: Motion to approve File LDC-11-08 making revisions to the above Chapter after deliberation and direct staff to prepare an adopting ordinance.

Financial Impact: None

Background/Discussion: Proposed revisions to Chapter 17.52, General Commercial (C-3) District, BMC came before the Council at the September 22 and October 13, 2008 meetings. The area of concern is whether car sales should continue as a conditionally permitted use or be allowed as an outright permitted use. After public input and discussion, the Council directed staff to re-write the chapter listing car sales, service and repair as an outright permitted use and continue the hearing until October 27th at 7:00 pm to allow the public an opportunity to provide comments on the change. Attached is a draft of Chapter 17.52, C-3, listing car sales as an outright use.

Policy Considerations: N/A

Attachment(s): **Attachment A** – Draft version of the C-3 zone.

APPROVED BY CITY COUNCIL ON

10-27-08
w/minor change.



CITY OF BROOKINGS

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TO:

ATTN: PLAN AMENDMENT SPECIALIST
DLCD
635 CAPITOL ST., SUITE 150
SALEM, OR. 97301-2540