



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

11/10/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Brookings Plan Amendment
DLCD File Number 009-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, November 26, 2010

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.

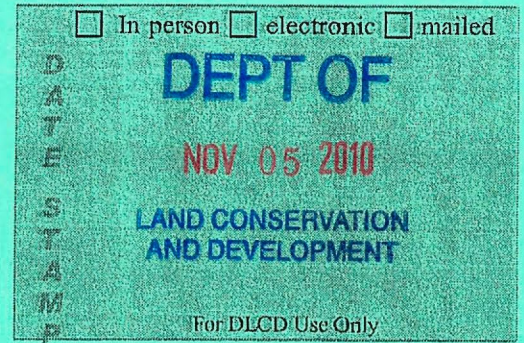
***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

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

<paa> N

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-16-09**

Date of Adoption: **1/11/2010**

Date Mailed: **1/12/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **No** Date: 1/11/2010

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Revisions to Chapter 17.56, Tourist Commercial District to insert additional conditional uses, put items in more appropriate Sections and to clarify language

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to: **C-3**

Location:

Acres Involved:

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

New: **N/A**

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 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"/> |

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. _____

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

n/a

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

ORDINANCE NO. 10-O-651

IN THE MATTER OF ORDINANCE NO. 10-O-651, AN ORDINANCE AMENDING CHAPTER 17.56, TOURIST COMMERCIAL (C-4) DISTRICT, TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE, IN IT'S ENTIRETY.

Sections:

- Section 1. Ordinance identified.
- Section 2. Amends Chapter 17.56, in it's entirety.

The City of Brookings ordains as follows:

Section 1. Ordinance identified. This ordinance amends Chapter 17.56 Tourist Commercial (C-4) District, Title 17, Land Development Code, of the Brookings Municipal Code (BMC).

Section 2. Amend Chapter 17.56. Chapter 17.56, Tourist Commercial (C-4) District is amended to read as follows:

Chapter 17.56
TOURIST COMMERCIAL (C-4) DISTRICT

Sections:

- 17.56.010 Purpose.
- 17.56.020 Permitted uses.
- 17.56.030 Accessory uses.
- 17.56.040 Conditional uses.
- 17.56.050 Maximum building height.
- 17.56.060 Signs.
- 17.56.070 Parking.
- 17.56.080 Other required conditions.

17.56.010 Purpose.

This district is intended to make provision for tourist commercial uses which serve the traveling public and which are appropriate to major thoroughfare or highway locations. The appearance of developments in this district will have a significant visual impact on the traveling public concerning community values and these regulations are intended to protect and enhance the appearance of these vital areas of the community to the benefit and success of the entire community as a major tourist center. [Ord. 89-O-446 § 1.]

17.56.020 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. Automobile car wash;
- D. Automobile service station, including automobile maintenance and repair which shall be conducted entirely within an enclosed building;
- E. Commercial recreational uses such as bowling lanes, theaters, dance halls, pool halls, skating rinks;
- F. Gift or souvenir shops;
- G. Motels, hotels and convention centers;
- H. Restaurants, cafes, cocktail lounges, bars, taverns with or without entertainment;
- I. Barber and beauty shops;
- J. Bus station, taxi stand;
- K. Places for public assembly such as community centers, clubs, lodges, fraternal organizations and auditoriums;
- L. Drug stores;
- M. Laundromats;
- N. Museums, art galleries, or similar facilities;
- O. Professional or business offices;
- P. Commercial off-street parking lots or structures subject to the provisions of Chapter 17.92 BMC;
- Q. Banks and financial institutions;
- R. Marinas or launching facilities;
- S. Piers, docks and bulkheads;
- T. Boat storage, maintenance and service;
- U. Aquaculture and accessory facilities. [Ord. 03-O-446.00; Ord. 89-O-446 § 1.]

17.56.030 Accessory uses.

- A. Any uses, buildings or structures customarily appurtenant to a permitted use, such as incidental storage facilities and the like, are permitted. [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.

17.56.040 Conditional uses.

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

- A. Recreational vehicle park subject to 17.124.150;
- B. Convenience market, limited to 1,000 square feet of retail area;
- C. Golf driving range, golf course, miniature golf course;
- D. Public buildings and public utility buildings, structures and uses;
- E. Rental storage units, provided they are used exclusively for storage purposes;
- F. Buildings over 40 feet in height; [Ord. 00-O-446.II § 3; Ord. 89-O-446 § 1.]
- G. Utility substations or pumping stations subject to BMC 17.124.030;
- H. Drive-in theater subject to BMC 17.124.130;
- I. Short-term rentals pursuant to the provisions of BMC 17.124.170.

17.56.050 Maximum building height.

No structures shall be over 40 feet in height except as provided in BMC 17.128.020 and BMC 17.56.040(F). [Ord. 89-O-446 § 1.]

17.56.060 Signs.

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

17.56.070 Parking.

Off-street parking shall be provided in accordance with Chapter 17.92 BMC. [Ord. 89-O-446 § 1.]

17.56.080 Other required conditions.

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

B. In any C-4 district directly across a street from, or abutting any lot in an Residential district, the parking and loading area shall be set back at least 10 feet from the property line and said area shall be landscaped in compliance with 17.92.100 (H).

C. All businesses 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 § 6; Ord. 89-O-446 § 1.]

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

E. 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.

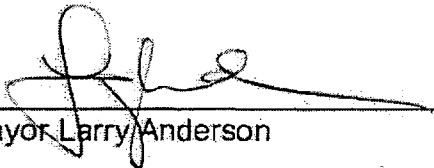
F. All businesses and serviced shall be conducted entirely within a completely enclosed structure, except for condition uses, outdoor dining area, seasonal sales lots, outdoor equipment, outdoor furniture, dispensers, boat storage and maintenance/service, and bus stations. In addition, temporary sales of products allowed either as an outright permitted or a conditionally permitted use, for not more than seven consecutive days, may be conducted outside on private property. These sales may occur no more than four times during a calendar year. The seller must have a current business license and required parking spaces must remain available for use by vehicles.

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

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

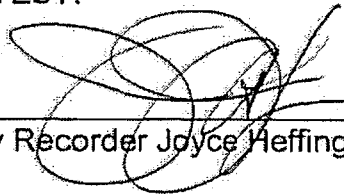
First reading: January 11, 2010
Second reading: January 11, 2010
Passage: January 11, 2010
Effective date: February 10, 2010

Signed by me in authentication of its passage this 12th day of January, 2010.



Mayor Larry Anderson

ATTEST:



City Recorder Joyce Heffington

FINDINGS

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: January 11, 2010

Deanne Mours
Signature (submitted by)
[Signature]
City Manager Approval

Originating Dept: Planning

16

Subject: A hearing on File LDC-16-09 for consideration and possible adoption of revisions to Chapter 17.56, Tourist Commercial (C-4), Brookings Municipal Code (BMC).

Recommended Motion: Motion approving revisions to Chapter 17.56, Tourist Commercial, BMC, as recommended by the Planning Commission.

Financial Impact: None

Background/Discussion: The Land Development Code (LDC) Committee reviewed Chapter 17.56, Tourist Commercial. Most of the revisions were to insert additional conditional uses, put items in more appropriate Sections, and clarify language.

Specific revisions are:

- 17.56.030, Accessory uses. Accessory uses for dwellings were added to be consistent with residential uses in other commercial zones.
- 17.56.040, Conditional uses. (G) and (I) were added as appropriate for this zone.
- 17.56.080, Other required conditions. (D), (E), and (G) were moved from other sections of the code to be more easily found here. (H) was added to address concerns raised by citizens regarding the appearance of commercial dumpsters. This provision was also added to the previous commercial zone revisions.

The Planning Commission reviewed this Chapter and recommended approval to the City Council with the addition of 17.56.080(F), Other required conditions, which gives parameters for outside displays and sales and makes this activity consistent with other commercial zones. They also corrected a citation and added a citation in 17.56.050, Maximum building height.

Policy Considerations: N/A

Attachment(s): **Draft version of Chapter 17.56, Tourist Commercial (C-4), BMC.**

APPROVED BY CITY COUNCIL ON

1-11-10 [Signature]

Chapter 17.56

TOURIST COMMERCIAL (C-4) DISTRICT

Planning Commission revisions of 12-01-09

Text to be added is ***bold and italicized***.

Text to be omitted has ~~strikethrough~~.

Sections:

<u>17.56.010</u>	Purpose.
<u>17.56.020</u>	Permitted uses.
<u>17.56.030</u>	Accessory uses.
<u>17.56.040</u>	Conditional uses.
<u>17.56.050</u>	Maximum building height.
<u>17.56.060</u>	Signs.
<u>17.56.070</u>	Parking.
<u>17.56.080</u>	Other required conditions.

17.56.010 Purpose.

This district is intended to make provision for tourist commercial uses which serve the traveling public and which are appropriate to major thoroughfare or highway locations. The appearance of developments in this district will have a significant visual impact on the traveling public concerning community values and these regulations are intended to protect and enhance the appearance of these vital areas of the community to the benefit and success of the entire community as a major tourist center. [Ord. 89-O-446 § 1.]

17.56.020 Permitted uses.

The following uses are permitted:

- A. Existing residential uses, ***including additions***, without any increase in density ***the number of dwelling units***;
- B. One or more dwellings not on a ground floor;
- C. Automobile car wash;
- D. Automobile service station, including automobile maintenance and repair which shall be conducted entirely within an enclosed building; ~~provided, that no major repair, overhaul or reconstruction shall be permitted;~~
- E. Commercial recreational uses such as bowling lanes, theaters, dance halls, pool halls, skating rinks; ~~not including race tracks or auto speedways;~~
- F. Gift or souvenir shops;
- G. Motels, hotels and convention centers;
- H. Restaurants, cafes, cocktail lounges, ***bars***, taverns and ~~night clubs~~ ***with or without entertainment***;
- I. Barber and beauty shops;
- J. Bus station, taxi stand;

- K. Places for public assembly such as community centers, clubs, lodges, fraternal organizations and auditoriums;
- L. Drug stores;
- M. Laundromats;
- N. Museums, art galleries, or similar facilities;
- O. Professional or business offices;
- P. Commercial off-street parking lots or structures subject to the provisions of Chapter 17.92 BMC;
- Q. Banks ~~savings and loan institutions~~, and financial institutions;
- R. Marinas or launching facilities;
- S. Piers, docks and bulkheads;
- T. Boat storage, maintenance and service;
- U. Aquaculture and accessory facilities. [Ord. 03-O-446.OO; Ord. 89-O-446 § 1.]

17.56.030 Accessory uses.

A. Any uses, buildings or structures customarily appurtenant to a permitted use, such as incidental storage facilities and the like, are permitted. [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.**

17.56.040 Conditional uses.

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

- A. Recreational vehicle park **subject to 17.124.150;**
- B. Convenience market, limited to 1,000 square feet of retail area;
- C. Golf driving range, golf course, miniature golf course ~~and drive-in theater;~~
- D. Public buildings and public utility buildings, structures and uses;
- E. Rental storage units, provided they are used exclusively for storage purposes;
- F. Buildings over 40 feet in height; [Ord. 00-O-446.II § 3; Ord. 89-O-446 § 1.]
- G. Utility substations or pumping stations subject to BMC 17.124.030;**
- H. Drive-in theater subject to BMC 17.124.130;**
- I. Short-term rentals pursuant to the provisions of BMC 17.124.170.**

17.56.050 Maximum building height.

No structures shall be over 40 feet in height except as provided in BMC 17.128.0230 and **BMC 17.56.040(F)**. [Ord. 89-O-446 § 1.]

17.56.060 Signs.

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

17.56.070 Parking.

Off-street parking shall be provided in accordance with Chapter 17.92 BMC. [Ord. 89-O-446 § 1.]

17.56.080 Other required conditions.

- A. Site plan approval required as provided in Chapter 17.80 BMC.
- B. In any C-4 district directly across a street from, or abutting any lot in an Residential district, the parking and loading area shall be set back at least 10 feet from the street

~~right-of-way or property line and said area shall be appropriately landscaped to protect the character of said adjacent residential properties. Such landscaping shall be maintained in compliance with 17.92.100 (H).~~

C. All businesses 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 § 6; Ord. 89-O-446 § 1.]

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

E. 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.

F. All businesses and serviced shall be conducted entirely within a completely enclosed structure, except for condition uses, outdoor dining area, seasonal sales lots, outdoor equipment, outdoor furniture, dispensers, boat storage and maintenance/service, and bus stations. In addition, temporary sales of products allowed either as an outright permitted or a conditionally permitted use, for not more than seven consecutive days, may be conducted outside on private property. These sales may occur no more than four times during a calendar year. The seller must have a current business license and required parking spaces must remain available for use by vehicles.

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

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

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Land Development Code Amendment
FILE NO: LDC-16-09
HEARING DATE: December 1, 2009

REPORT DATE: November 19, 2009
ITEM NO: 7.2

GENERAL INFORMATION

APPLICANT: City Initiated.
REPRESENTATIVE: City Staff.
REQUEST: Revisions to Chapter 17.56 Tourist Commercial (C-4) 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 17.56, Tourist Commercial (C-4) District, BMC. Most of the revisions were to insert additional conditional uses, put items in more appropriate Sections, and clarify language. Following are some of the more important changes:

- Under 17.56.030, Accessory uses. Accessory uses for dwellings were added to be consistent with residential uses in other commercial zones.
- Under 17.56.040, Conditional Uses. (G) and (I) were added as appropriate for this zone.
- Under 17.56.080, Other required conditions. (E) through (I) were moved from other sections of the code to be more easily found here. (H) was added to address concerns raised by citizens regarding the appearance of commercial dumpsters. This provision was also added to the previous commercial zone revisions.

Following this report is the draft version of Chapter 17.56, 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-16-09, Chapter 17.56, Tourist Commercial District, BMC, to the City Council.

Chapter 17.56

TOURIST COMMERCIAL (C-4) DISTRICT

Draft October 13, 2009

Text to be added is ***bold and italicized***.Text to be omitted has ~~strikethrough~~.

Sections:

<u>17.56.010</u>	Purpose.
<u>17.56.020</u>	Permitted uses.
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<u>17.56.070</u>	Parking.
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- E. Commercial recreational uses such as bowling lanes, theaters, dance halls, pool halls, skating rinks; ~~not including race tracks or auto speedways;~~
- F. Gift or souvenir shops;
- G. Motels, hotels and convention centers;
- H. Restaurants, cafes, cocktail lounges, ***bars***, taverns and night clubs ***with or without entertainment***;
- I. Barber and beauty shops;
- J. Bus station, taxi stand;

- K. Places for public assembly such as community centers, clubs, lodges, fraternal organizations and auditoriums;
- L. Drug stores;
- M. Laundromats;
- N. Museums, art galleries, or similar facilities;
- O. Professional or business offices;
- P. Commercial off-street parking lots or structures subject to the provisions of Chapter 17.92 BMC;
- Q. Banks ~~savings and loan institutions~~, and financial institutions;
- R. Marinas or launching facilities;
- S. Piers, docks and bulkheads;
- T. Boat storage, maintenance and service;
- U. Aquaculture and accessory facilities. [Ord. 03-O-446.00; Ord. 89-O-446 § 1.]

17.56.030 Accessory uses.

A. Any uses, buildings or structures customarily appurtenant to a permitted use, such as incidental storage facilities and the like, are permitted. [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.**

17.56.040 Conditional uses.

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

- A. Recreational vehicle park **subject to 17.124.150**;
- B. Convenience market, limited to 1,000 square feet of retail area;
- C. Golf driving range, golf course, miniature golf course ~~and drive-in theater~~;
- D. Public buildings and public utility buildings, structures and uses;
- E. Rental storage units, provided they are used exclusively for storage purposes;
- F. Buildings over 40 feet in height; [Ord. 00-O-446.II § 3; Ord. 89-O-446 § 1.]
- G. Utility substations or pumping stations subject to BMC 17.124.030;**
- H. Drive-in theater subject to BMC 17.124.130;**
- I. Short-term rentals pursuant to the provisions of BMC 17.124.170.**

17.56.050 Maximum building height.

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

17.56.060 Signs.

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

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Off-street parking shall be provided in accordance with Chapter 17.92 BMC. [Ord. 89-O-446 § 1.]

17.56.080 Other required conditions.

- A. Site plan approval required as provided in Chapter 17.80 BMC.
- B. In any C-4 district directly across a street from, or abutting any lot in an Residential district, the parking and loading area shall be set back at least 10 feet from the street

right-of-way or property line and said area shall be appropriately landscaped to protect the character of said adjacent residential properties. Such landscaping shall be maintained ***in compliance with 17.92.100 (H)***.

C. All businesses 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 § 6; Ord. 89-O-446 § 1.]

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

E. 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.

F. 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.

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

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

Chapter 17.56

TOURIST COMMERCIAL (C-4) DISTRICT

Draft October 13, 2009

Text to be added is ***bold and italicized***.

Text to be omitted has strikethrough.

Sections:

<u>17.56.010</u>	Purpose.
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<u>17.56.060</u>	Signs.
<u>17.56.070</u>	Parking.
<u>17.56.080</u>	Other required conditions.

17.56.010 Purpose.

This district is intended to make provision for tourist commercial uses which serve the traveling public and which are appropriate to major thoroughfare or highway locations. The appearance of developments in this district will have a significant visual impact on the traveling public concerning community values and these regulations are intended to protect and enhance the appearance of these vital areas of the community to the benefit and success of the entire community as a major tourist center. [Ord. 89-O-446 § 1.]

17.56.020 Permitted uses.

The following uses are permitted:

- A. Existing residential uses, ***including additions***, without any increase in density ***the number of dwelling units***;
- B. One or more dwellings not on a ground floor;
- C. Automobile car wash;
- D. Automobile service station, including automobile maintenance and repair which shall be conducted entirely within an enclosed building; ~~provided, that no major repair, overhaul or reconstruction shall be permitted;~~
- E. Commercial recreational uses such as bowling lanes, theaters, dance halls, pool halls, skating rinks; ~~not including race tracks or auto-speedways;~~
- F. Gift or souvenir shops;
- G. Motels, hotels and convention centers;
- H. Restaurants, cafes, cocktail lounges, ***bars***, taverns and night clubs ***with or without entertainment***;
- I. Barber and beauty shops;
- J. Bus station, taxi stand;

K. Places for public assembly such as community centers, clubs, lodges, fraternal organizations and auditoriums;

L. Drug stores;

M. Laundromats;

N. Museums, art galleries, or similar facilities;

O. Professional or business offices;

P. Commercial off-street parking lots or structures subject to the provisions of Chapter 17.92 BMC;

Q. Banks ~~savings and loan institutions~~, and financial institutions;

R. Marinas or launching facilities;

S. Piers, docks and bulkheads;

T. Boat storage, maintenance and service;

U. Aquaculture and accessory facilities. [Ord. 03-O-446.OO; Ord. 89-O-446 § 1.]

17.56.030 Accessory uses.

A. Any uses, buildings or structures customarily appurtenant to a permitted use, such as incidental storage facilities and the like, are permitted. [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.**

17.56.040 Conditional uses.

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

A. Recreational vehicle park **subject to 17.124.150;**

B. Convenience market, limited to 1,000 square feet of retail area;

C. Golf driving range, golf course, miniature golf course ~~and drive-in theater;~~

D. Public buildings and public utility buildings, structures and uses;

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

F. Buildings over 40 feet in height; [Ord. 00-O-446.II § 3; Ord. 89-O-446 § 1.]

G. Utility substations or pumping stations subject to BMC 17.124.030;

H. Drive-in theater subject to BMC 17.124.130;

I. Short-term rentals pursuant to the provisions of BMC 17.124.170.

17.56.050 Maximum building height.

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

17.56.060 Signs.

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

17.56.070 Parking.

Off-street parking shall be provided in accordance with Chapter 17.92 BMC. [Ord. 89-O-446 § 1.]

17.56.080 Other required conditions.

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

B. In any C-4 district directly across a street from, or abutting any lot in an Residential district, the parking and loading area shall be set back at least 10 feet from the ~~street right-of-way or property line~~ and said area shall be appropriately landscaped ~~to protect the character of said adjacent residential properties~~. Such landscaping shall be maintained ***in compliance with 17.92.100 (H)***.

C. All businesses 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 § 6; Ord. 89-O-446 § 1.]

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

E. 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.

F. 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.

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

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



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AND DEVELOPMENT**