



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

11/30/2010

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 012-10

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: Monday, December 13, 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

<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

in person electronic mailed

DATE STAMP

DEPT OF

NOV 23 2010

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Brookings**

Local file number: **LDC-21-09**

Date of Adoption: **3/8/2010**

Date Mailed: **3/10/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **No** Date: 9/4/2009

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".

Changes to the language of Sections:

17.20.060, 17.24.060, 17.28.060, 17.32.060, 17.36.060, and 17.120.050. of the Brookings Municipal Code Regarding property setbacks.

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

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **n/a**

to: **n/a**

Location: **n/a**

Acres Involved: **0**

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

New: **N/A**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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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-659

IN THE MATTER OF ORDINANCE NO. 10-O-659, AN ORDINANCE AMENDING SECTIONS 17.20.060, 17.24.060, 17.28.060, 17.32.060, 17.36.060, AND 17.120.050, TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE.

Sections:

Section 1. Ordinance identified.

Section 2. Amends Sections 17.20.060, 17.24.060, 17.28.060, 17.32.060, 17.36.060, and 17.120.050.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Sections 17.20.060, 17.24.060, 17.28.060, 17.32.060, 17.36.060, and 17.120.050, Title 17, Land Development Code, of the Brookings Municipal Code.

Section 2. Amends Sections 17.20.060, 17.24.060, 17.28.060, 17.32.060, 17.36.060, and 17.120.050. Sections 17.20.060, 17.24.060, 17.28.060, 17.32.060, 17.36.060, and 17.120.050 are amended to read as follows:

**Chapter 17.20
SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT**

17.20.060 Lot width, lot coverage and yard requirements.

Zone	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Lot Coverage
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%

* Provided, that the nonstreet side yards shall be increased by one-half foot for each foot by which the average building height exceeds 15 feet.

* Provided, that on an existing structure, proposed additional stories must meet the setbacks for the height of the structure.

Provided, however, that side yards abutting a street shall be a minimum of 15 feet in width. [Ord. 08-O-612 § 2; Ord. 03-O-446.SS; Ord. 90-O-446.B § 1; Ord. 89-O-446 § 1.]

Chapter 17.24
TWO-FAMILY RESIDENTIAL (R-2) DISTRICT

17.24.060 Lot width, lot coverage and yard requirements.

Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Lot Coverage
60'	20'	5'	5'	45%

* Provided, that the side yards and rear yards shall be increased by one-half foot for each foot by which the average building height exceeds 15 feet.

* Provided, that on an existing structure, proposed additional stories must meet the setbacks for the height of the structure.

Provided, however, that side yards abutting a street shall be a minimum of 15 feet in width.

Rear lots (flag lots), created pursuant to BMC 17.172.061, have setback requirements of 10 feet from all property lines. Any irregularly shaped parcel with a minimal street frontage is also subject to the 10-foot setback from all property lines. [Ord. 08-O-613 § 2; Ord. 03-O-446.SS; Ord. 89-O-446 § 1.]

Chapter 17.28
MULTIPLE-FAMILY RESIDENTIAL (R-3) DISTRICT

17.28.060 Lot width, lot coverage and yard requirements.

Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Lot Coverage
60'	10'	5'	5'	45%

* Provided, that the side yards and rear yards shall be increased by one-half foot for each foot by which the average building height exceeds 15 feet.

* Provided, that on an existing structure, proposed additional stories must meet the setbacks for the height of the structure.

Provided, however, that side yards abutting a street shall be a minimum of 10 feet in width; and

A. Rear lots (flag lots) created pursuant to BMC 17.172.061 have setback requirements of 10 feet from all property lines. Any irregularly shaped parcel with minimal street frontage is also subject to the 10-foot setback from all property lines.

B. Special yards and distances between buildings shall be provided as follows:

1. An inner courtyard providing access to double-row dwelling units shall be a minimum of 20 feet in width;

2. Except for single-family dwellings on one lot, 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. [Ord. 08-O-614 § 2; Ord. 03-O-446.SS; Ord. 95-O-446.X § 5; Ord. 89-O-446 § 1.]

Chapter 17.32
MANUFACTURED HOME RESIDENTIAL (R-MH) DISTRICT

17.32.060 Lot width, lot coverage and yard requirements.

Zone	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Lot Coverage
R-MH-6	60'	20'	5'*	5'*	40%
R-MH-8	70'	20'	5'*	5'*	40%
R-MH-10	80'	20'	5'*	5'*	40%
R-MH-12	90'	20'	5'*	5'*	40%

* Provided, that the nonstreet side yards and rear yard shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.

* Provided, that on an existing structure, proposed additional stories must meet the setbacks for the height of the structure.

Provided, however, that side yards abutting a street shall be a minimum of 15 feet in width; and

Rear lots (flag lots) created pursuant to BMC 17.172.061 have setback requirements of 10 feet from all property lines. Any irregularly shaped parcel with minimal street frontage is also subject to the 10-foot setback from all property lines. [Ord. 08-O-615 § 2; Ord. 03-O-446.SS; Ord. 89-O-446 § 1.]

Chapter 17.120
NONCONFORMING USES

17.120.050 Enlargement or alteration of a nonconforming structure.

Existing structures that do not conform to current standards, including but not limited to setbacks, coverage, and height requirements, can be expanded, but only if all new construction complies with current standards and does not increase the area out of compliance. This provision allows additional stories that meet setbacks to be sited on an existing structure with nonconforming setbacks. [Ord. 09-O-637 § 2; Ord. 89-O-446 § 1. Formerly 17.120.060.]

First Reading: March
 Second Reading: _____
 Passage: _____
 Effective Date: _____

Signed by me in authentication of its passage this _____ day of _____, 2010

ATTEST:

Mayor Larry Anderson

City Recorder Joyce Heffington

Chapter 17.32
MANUFACTURED HOME RESIDENTIAL (R-MH) DISTRICT

17.32.060 Lot width, lot coverage and yard requirements.

Zone	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Lot Coverage
R-MH-6	60'	20'	5'	5'	40%
R-MH-8	70'	20'	5'	5'	40%
R-MH-10	80'	20'	5'	5'	40%
R-MH-12	90'	20'	5'	5'	40%

* Provided, that the nonstreet side yards and rear yard shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.

* Provided, that on an existing structure, proposed additional stories must meet the setbacks for the height of the structure.

Provided, however, that side yards abutting a street shall be a minimum of 15 feet in width; and

Rear lots (flag lots) created pursuant to BMC 17.172.061 have setback requirements of 10 feet from all property lines. Any irregularly shaped parcel with minimal street frontage is also subject to the 10-foot setback from all property lines. [Ord. 08-O-615 § 2; Ord. 03-O-446.SS; Ord. 89-O-446 § 1.]

Chapter 17.120
NONCONFORMING USES

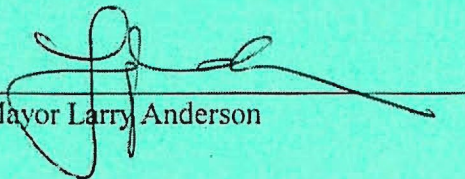
17.120.050 Enlargement or alteration of a nonconforming structure.

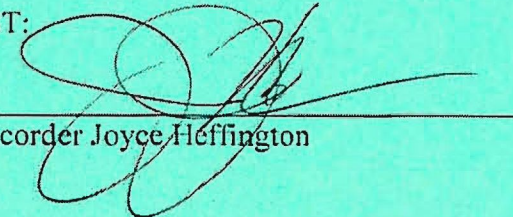
Existing structures that do not conform to current standards, including but not limited to setbacks, coverage, and height requirements, can be expanded, but only if all new construction complies with current standards and does not increase the area out of compliance. This provision allows additional stories that meet setbacks to be sited on an existing structure with nonconforming setbacks. [Ord. 09-O-637 § 2; Ord. 89-O-446 § 1. Formerly 17.120.060.]

First Reading: March 8, 2010
 Second Reading: March 8, 2010
 Passage: March 8, 2010
 Effective Date: April 7, 2010

Signed by me in authentication of its passage this

9th, day of March, 2010

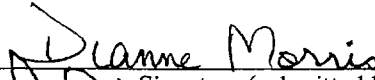
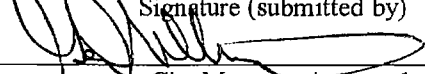

 Mayor Larry Anderson

ATTEST:

 City Recorder Joyce Heffington

COUNCIL AGENDA REPORT

Meeting Date: March 8, 2010

Originating Dept: Planning


 Signature (submitted by)

 City Manager Approval

Subject: A hearing on File LDC-21-10 for consideration and possible adoption of revisions to Sections 17.20.060, R-1 Zone; 17.24.060, R-2 Zone; 17.28.060, R-3 Zone; 17.32.060, R-MH; 17.36.060, PO-1 Zone; and 17.120.050, Nonconforming Uses; Brookings Municipal Code (BMC).

Recommended Motion: Motion approving revisions to Sections 17.20.060, 17.24.060, 17.28.060, 17.32.060, 17.36.060, and 17.120.050, BMC.

Financial Impact: None

Background/Discussion:

The Sections listed above concern setback requirements from property lines. Current setback standards in most of the residential zones require a minimum side yard setback of 5 ft., provided the setback must be increased by ½ foot for each foot by which the average building height exceeds 15 feet. That means if the structure is the maximum height of 30 feet, the setback for all exterior walls must be 12 ½ feet adjacent to the side yards (and the rear yards in two of the residential zones).

Staff drafted revisions that would allow additional stories to be sited on an existing structure as long as the new construction meets the setback requirement for the total height of the structure (**see Exhibit 1**). This revision would allow some owners with small homes to site additional stories to accommodate their growing families. This would help with the affordable housing issue.

The purpose of the requirement for an additional setback based on height relates to allowing air circulation and light between neighboring structures. This revision would still respect the intent of the current standard while allowing additional living space. Numerous property owners who have spoken to Staff concerning this situation will now be able to proceed with construction if this is approved.

The City’s Site Plan Committee considered and agreed with Staff’s recommended revisions to Chapters that presently have the increase setback requirement based on height.

The Planning Commission reviewed these changes and recommended approval to the City Council.

Policy Considerations: N/A

Attachment(s): **Draft versions of Sections 17.20.060, 17.24.060, 17.28.060, 17.32.060, 17.36.060, and 17.120.050, BMC.**
Exhibit 1 – drawing to demonstrate proposed setback requirements effecting only the second story.

APPROVED BY CITY COUNCIL ON

3-8-10

Chapter 17.20
SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT

17.20.060 Lot width, lot coverage and yard requirements.

Zone	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Lot Coverage
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%

* Provided, that the nonstreet side yards shall be increased by one-half foot for each foot by which the average building height exceeds 15 feet.

* Provided, that on an existing structure, proposed additional stories must meet the setbacks for the height of the structure.

Provided, however, that side yards abutting a street shall be a minimum of 15 feet in width. [Ord. 08-O-612 § 2; Ord. 03-O-446.SS; Ord. 90-O-446.B § 1; Ord. 89-O-446 § 1.]

Chapter 17.24
TWO-FAMILY RESIDENTIAL (R-2) DISTRICT

17.24.060 Lot width, lot coverage and yard requirements.

Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Lot Coverage
60'	20'	5**	5**	45%

* Provided, that the side yards and rear yards shall be increased by one-half foot for each foot by which the average building height exceeds 15 feet.

* Provided, that on an existing structure, proposed additional stories must meet the setbacks for the height of the structure.

Provided, however, that side yards abutting a street shall be a minimum of 15 feet in width.

Rear lots (flag lots), created pursuant to BMC 17.172.061, have setback requirements of 10 feet from all property lines. Any irregularly shaped parcel with a minimal street frontage is also subject to the 10-foot setback from all property lines. [Ord. 08-O-613 § 2; Ord. 03-O-446.SS; Ord. 89-O-446 § 1.]

Chapter 17.28
 MULTIPLE-FAMILY RESIDENTIAL (R-3) DISTRICT

17.28.060 Lot width, lot coverage and yard requirements.

Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Lot Coverage
60'	10'	5**	5**	45%

* Provided, that the side yards and rear yards shall be increased by one-half foot for each foot by which the average building height exceeds 15 feet.

* Provided, that on an existing structure, proposed additional stories must meet the setbacks for the height of the structure.

Provided, however, that side yards abutting a street shall be a minimum of 10 feet in width; and

A. Rear lots (flag lots) created pursuant to BMC 17.172.061 have setback requirements of 10 feet from all property lines. Any irregularly shaped parcel with minimal street frontage is also subject to the 10-foot setback from all property lines.

B. Special yards and distances between buildings shall be provided as follows:

1. An inner courtyard providing access to double-row dwelling units shall be a minimum of 20 feet in width;

2. Except for single-family dwellings on one lot, 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. [Ord. 08-O-614 § 2; Ord. 03-O-446.SS; Ord. 95-O-446.X § 5; Ord. 89-O-446 § 1.]

Chapter 17.32
 MANUFACTURED HOME RESIDENTIAL (R-MH) DISTRICT

17.32.060 Lot width, lot coverage and yard requirements.

Zone	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Lot Coverage
R-MH-6	60'	20'	5**	5**	40%
R-MH-8	70'	20'	5**	5**	40%
R-MH-10	80'	20'	5**	5**	40%
R-MH-12	90'	20'	5**	5**	40%

* Provided, that the nonstreet side yards and rear yard shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.

* Provided, that on an existing structure, proposed additional stories must meet the setbacks for the height of the structure.

Provided, however, that side yards abutting a street shall be a minimum of 15 feet in width; and

Rear lots (flag lots) created pursuant to BMC 17.172.061 have setback requirements of 10 feet from all property lines. Any irregularly shaped parcel with minimal street frontage is also subject to the 10-foot setback from all property lines. [Ord. 08-O-615 § 2; Ord. 03-O-446.SS; Ord. 89-O-446 § 1.]

Chapter 17.36
PROFESSIONAL OFFICE (PO-1) DISTRICT

17.36.060 Lot width, lot coverage and yard requirements.

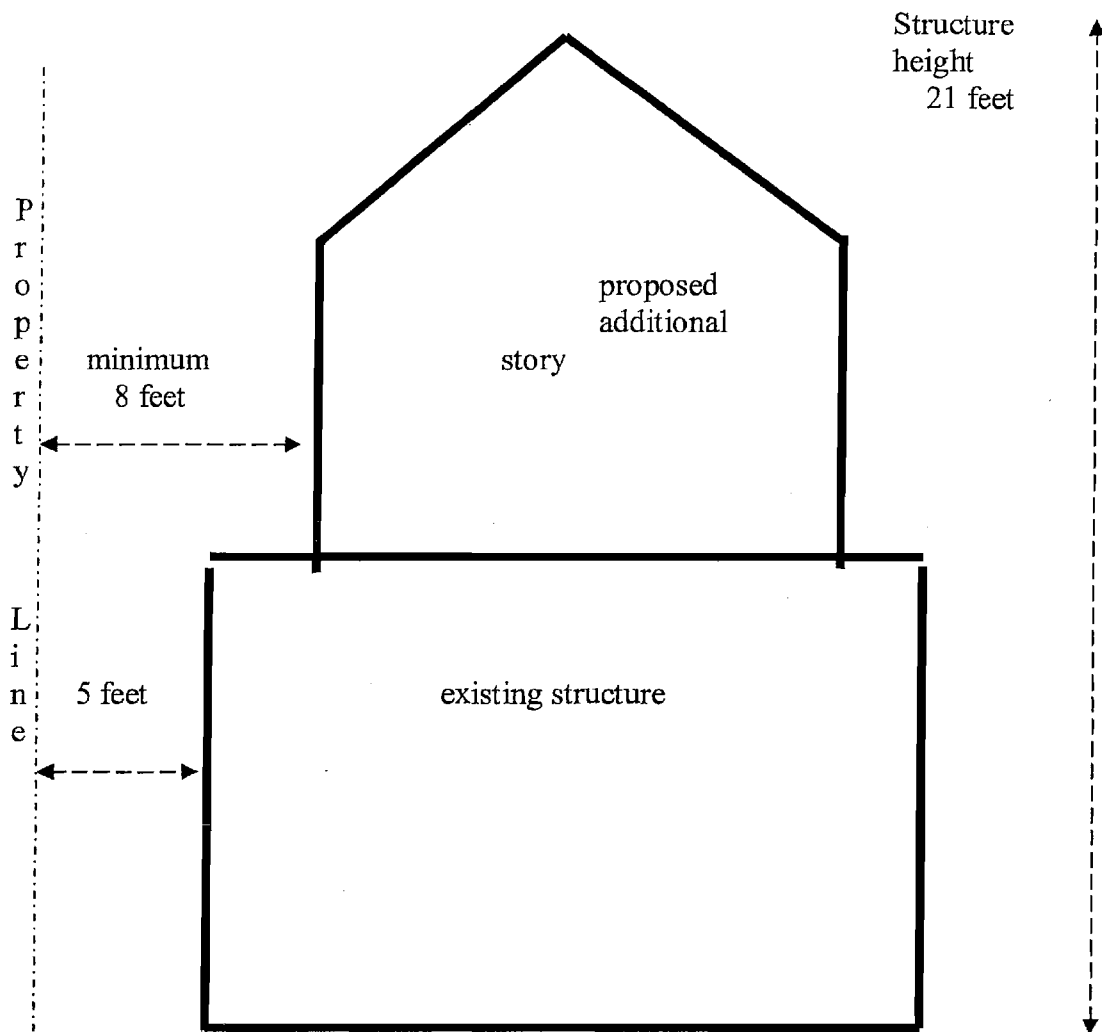
C. The minimum side and rear yard shall be at least five feet except that the street side yard shall be a minimum of 10 feet. The side or rear yard shall be increased by one-half foot for each foot by which the building height exceeds 15 feet. **Provided, that on an existing structure, proposed additional stories must meet the setbacks for the height of the structure.**

Chapter 17.120
NONCONFORMING USES

17.120.050 Enlargement or alteration of a nonconforming structure.

Existing structures that do not conform to current standards, including but not limited to setbacks, coverage, and height requirements, can be expanded, but only if all new construction complies with current standards and does not increase the area out of compliance. **This provision allows additional stories that meet setbacks to be sited on an existing structure with nonconforming setbacks.** [Ord. 09-O-637 § 2; Ord. 89-O-446 § 1. Formerly 17.120.060.]

Exhibit 1



Only the proposed addition would need to meet the additional setback based on height of the structure.

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Land Development Code Amendment
FILE NO: LDC-21-09
HEARING DATE: February 2, 2010

REPORT DATE: January 21, 2010
ITEM NO: 7.2

GENERAL INFORMATION

APPLICANT: City Initiated.
REPRESENTATIVE: City Staff.
REQUEST: Revisions to Chapter 17.20, Single-Family Residential (R-1) District; Chapter 17.24, Two-Family Residential (R-2) District; Chapter 17.28, Multiple-Family Residential (R-3) District; Chapter 17.32, Manufactured Home Residential (R-MH) District; Chapter 17.36, Professional Office (PO-1) District; Chapter 17.120, Nonconforming Uses; Brookings Municipal Code (BMC).
PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

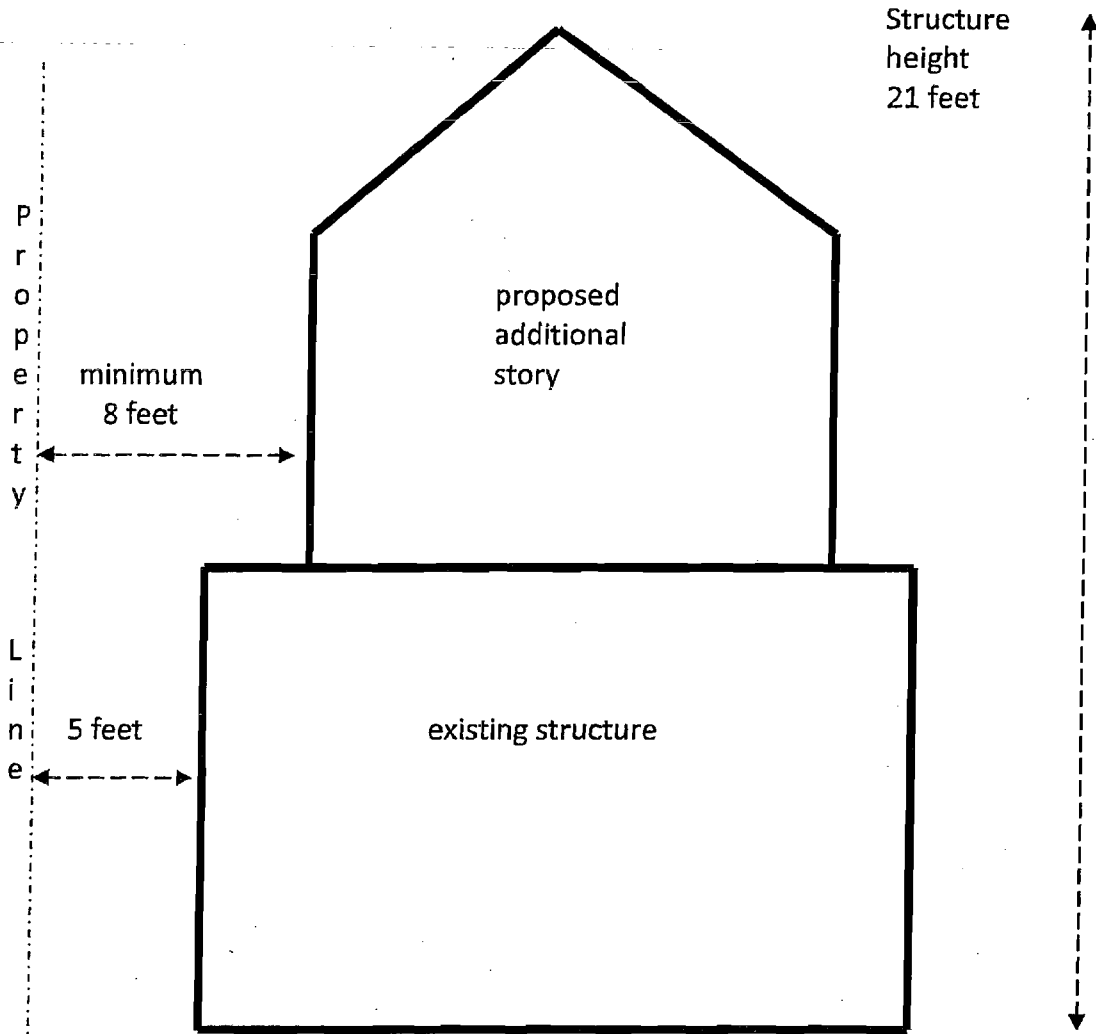
The City's Site Plan Committee considered and agreed with Staff's recommended revisions to Chapters 17.20 R-1, 17.24 R-2, 17.28 R-3, 17.32 R-MH, 17.36 PO-1, and 17.120 Nonconforming Uses, BMC. These revisions will allow additional stories to be sited on an existing structure as long as the new construction meets the setback requirement for the total height of the structure (see Exhibit 1). Many zones now require an increase in the minimum 5 foot setback if any part of the structure is greater than 15 feet in height. With this revision to the calculation of the required setback, some structures would be able to add existing usable space that with the current provisions would not be possible. Some families in older, smaller homes would be allowed to site additional stories to accommodate their growing families.

Following this report is the draft version of the above stated zones (Attachment A).

RECOMMENDATION

After careful consideration, and any input the public may provide, Staff supports a Planning Commission recommendation of approval of file LDC-21-09, Chapters 17.20 R-1, 17.24 R-2, 17.28 R-3, 17.32 R-MH, 17.36 PO-1, and 17.120 Nonconforming Uses, BMC, to the City Council.

Exhibit 1



Only the proposed addition would need to meet the additional setback based on height of the structure.

Chapter 17.20
SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT

17.20.060 Lot width, lot coverage and yard requirements.

Zone	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Lot Coverage
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%

* Provided, that the nonstreet side yards shall be increased by one-half foot for each foot by which the average building height exceeds 15 feet.

* **Provided, that on an existing structure, proposed additional stories must meet the setbacks for the height of the structure.**

Provided, however, that side yards abutting a street shall be a minimum of 15 feet in width. [Ord. 08-O-612 § 2; Ord. 03-O-446.SS; Ord. 90-O-446.B § 1; Ord. 89-O-446 § 1.]

Chapter 17.24
TWO-FAMILY RESIDENTIAL (R-2) DISTRICT

17.24.060 Lot width, lot coverage and yard requirements.

Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Lot Coverage
60'	20'	5**	5**	45%

* Provided, that the side yards and rear yards shall be increased by one-half foot for each foot by which the average building height exceeds 15 feet.

* **Provided, that on an existing structure, proposed additional stories must meet the setbacks for the height of the structure.**

Provided, however, that side yards abutting a street shall be a minimum of 15 feet in width.

Rear lots (flag lots), created pursuant to BMC 17.172.061, have setback requirements of 10 feet from all property lines. Any irregularly shaped parcel with a minimal street frontage is also subject to the 10-foot setback from all property lines. [Ord. 08-O-613 § 2; Ord. 03-O-446.SS; Ord. 89-O-446 § 1.]

Chapter 17.28
 MULTIPLE-FAMILY RESIDENTIAL (R-3) DISTRICT

17.28.060 Lot width, lot coverage and yard requirements.

Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Lot Coverage
60'	10'	5**	5**	45%

* Provided, that the side yards and rear yards shall be increased by one-half foot for each foot by which the average building height exceeds 15 feet.

* Provided, that on an existing structure, proposed additional stories must meet the setbacks for the height of the structure.

Provided, however, that side yards abutting a street shall be a minimum of 10 feet in width; and

A. Rear lots (flag lots) created pursuant to BMC 17.172.061 have setback requirements of 10 feet from all property lines. Any irregularly shaped parcel with minimal street frontage is also subject to the 10-foot setback from all property lines.

B. Special yards and distances between buildings shall be provided as follows:

1. An inner courtyard providing access to double-row dwelling units shall be a minimum of 20 feet in width;

2. Except for single-family dwellings on one lot, 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. [Ord. 08-O-614 § 2; Ord. 03-O-446.SS; Ord. 95-O-446.X § 5; Ord. 89-O-446 § 1.]

Chapter 17.32
 MANUFACTURED HOME RESIDENTIAL (R-MH) DISTRICT

17.32.060 Lot width, lot coverage and yard requirements.

Zone	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Lot Coverage
R-MH-6	60'	20'	5**	5'	40%
R-MH-8	70'	20'	5**	5'	40%
R-MH-10	80'	20'	5**	5'	40%
R-MH-12	90'	20'	5**	5'	40%

* Provided, that the nonstreet side yards and rear yard shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.

* **Provided, that on an existing structure, proposed additional stories must meet the setbacks for the height of the structure.**

Provided, however, that side yards abutting a street shall be a minimum of 15 feet in width; and

Rear lots (flag lots) created pursuant to BMC 17.172.061 have setback requirements of 10 feet from all property lines. Any irregularly shaped parcel with minimal street frontage is also subject to the 10-foot setback from all property lines. [Ord. 08-O-615 § 2; Ord. 03-O-446.SS; Ord. 89-O-446 § 1.]

Chapter 17.36
PROFESSIONAL OFFICE (PO-1) DISTRICT

17.36.060 Lot width, lot coverage and yard requirements.

C. The minimum side and rear yard shall be at least five feet except that the street side yard shall be a minimum of 10 feet. The side or rear yard shall be increased by one-half foot for each foot by which the building height exceeds 15 feet. **Provided, that on an existing structure, proposed additional stories must meet the setbacks for the height of the structure.**

Chapter 17.120
NONCONFORMING USES

17.120.050 Enlargement or alteration of a nonconforming structure.

Existing structures that do not conform to current standards, including but not limited to setbacks, coverage, and height requirements, can be expanded, but only if all new construction complies with current standards and does not increase the area out of compliance. **This provision allows additional stories that meet setbacks to be sited on an existing structure with nonconforming setbacks.** [Ord. 09-O-637 § 2; Ord. 89-O-446 § 1. Formerly 17.120.060.]

17.20.060 Lot width, lot coverage and yard requirements.

Zone	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Lot Coverage
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%

* Provided, that the nonstreet side yards shall be increased by one-half foot for each foot by which the average building height exceeds 15 feet.

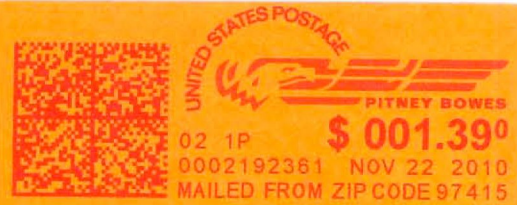
* Provided, that on an existing structure, a proposed ~~second story~~ *additional stories* must meet the setbacks for the height of the structure. The language needs to be added to PO-1, R-MH, R-1, R-2, and R-3.

Provided, however, that side yards abutting a street shall be a minimum of 15 feet in width. [Ord. 08-O-612 § 2; Ord. 03-O-446.SS; Ord. 90-O-446.B § 1; Ord. 89-O-446 § 1.]

17.120.050 Enlargement or alteration of a nonconforming structure.

Existing structures that do not conform to current standards, including but not limited to setbacks, coverage, and height requirements, can be expanded, but only if all new construction complies with current standards and does not increase the area out of compliance. **This provision allows a second story that meets setbacks to be sited on an existing structure with nonconforming setbacks.**[Ord. 09-O-637 § 2; Ord. 89-O-446 § 1. Formerly 17.120.060.]

additional stories



ACK

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