CITY OF LINCOLN CITY

LINCOLN CITY COUNCIL AGENDA

MONDAY JULY 13, 2020 6:00 PM

6:00 PM - The Lincoln City Council meeting for July 13, 2020 will be held via Zoom. The City Council Chambers will be open and the meeting will be broadcast live in the Council Chambers. It will also be live on Channel 4 and through streaming on the web at www.lincolncity.org.

Public comments can be submitted to publiccomment@lincolncity.org and those comments will be read aloud during the public comment portion of the agenda, or will be read as testimony as it relates to a Public Hearing/Public Comment agenda item. The City Recorder will be provided a copy of the comments for the official record.

Citizens present in the Council Chambers will be given the opportunity to comment via Zoom. Laptops will be set up for those comments. Citizens present in the Council Chambers will be required to observe social distancing. A member of the Information Technology staff will be present during the meeting to assist with any technical issues.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Cathy Steere, City Recorder, 541-996-1203.

The Lincoln City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

All information for this meeting is available at www.lincolncity.org under "Agenda, Packets & Video". This meeting will be televised live on Channel 4. For additional rebroadcast times, please consult the Channel 4 guide on the hour.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CONSENT AGENDA

1. Regular Meeting – Minutes of Work Session – March 16, 2020 10:30 AM
2. Regular Meeting – Minutes of Special Meeting – June 29, 2020 10:00 AM
3. Oregon Liquor Control Commission- Application for On and Off Premises License- Pub Fish & Chips

E. COUNCIL DELIBERATIONS

F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS

G. PRESENTATIONS

H. PUBLIC HEARING / ORDINANCE

I. PUBLIC HEARINGS / PUBLIC COMMENTS

4. Public Hearing: ORDINANCE 2020-18 SW Bard Road LID

5. ZOA 2020-01 Procedures - an ordinance amendment to organize land use permits and applications into procedure types of Type I, II, III, or IV with associated application forms and checklists; add a table showing each permit and application with its associated number ty

J. ORDINANCES

6. ORDINANCE NO. 2020-10 AN ORDINANCE OF THE CITY OF LINCOLN CITY, AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING); AMENDING ALL OF CHAPTER 17.20 (MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE); AMENDING: CHAPTER 17.24 (PROFESSIONAL CAMPUS (PC) ZONE), SECTION 17.24.020 (F.); CHAPTER 17.28 (RECREATION-COMMERCIAL (GC) ZONE), SECTION 17.28.040 (F.); CHAPTER 17.32 (GENERAL COMMERCIAL (GC) ZONE), SECTION 17.32.040 (K.) AND 17.32.110 (E.); CHAPTER 17.34 (NELSCOTT PLAN (NP) DISTRICT), SECTION 17.34.060, TABLE 17.34.060.B; CHAPTER 17.45 (TAFT VILLAGE CORE (TVC) ZONE), SECTION 17.45.040, TABLE TVC LAND USE ACTIVITY; CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), SECTION 17.52.210(E.)(2.) AND AMENDING ALL OF CHAPTER 17.74 (COMMERCIAL DESIGN STANDARDS)

7. ORDINANCE NO. 2020-14 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.72 (SIGN REGULATIONS), AMENDING AND UPDATING CITY SIGN REGULATIONS REMOVING PROVISIONS FOR TEMPORARY SIGNS AND PLACING THEM IN CHAPTER 9.34

8. ORDINANCE NO. 2020-15 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.76 (ADMINISTRATIVE PROVISIONS), REPLACING EXISTING PROCEDURES WITH A NEW UNIFORM PROCEDURAL CHAPTER 17.76 (PROCEDURES), ADDING A NEW CHAPTER 17.77 (APPLICATIONS), MODIFYING, CONSOLIDATING, RELOCATING OR REMOVING OTHER PROCEDURES AND STANDARDS FOR A MORE EFFICIENT REVIEW PROCESS

9. ORDINANCE NO. 2020-13 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING NUMEROUS CHAPTERS TO CONSOLIDATE AND ORGANIZE LANDSCAPING AND OFF STREET PARKING AND LOADING REQUIREMENTS

10. ORDINANCE NO. 2020-17 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.08 (DEFINITIONS), AMENDING AND UPDATING CITY DEFINITIONS BASED ON CHANGES PROPOSED IN THREE OTHER ORDINANCES 2020-10, 2020-13, and 2020-14

11. ORDINANCE 2020-18 AN ORDINANCE OF THE CITY OF LINCOLN CITY PROVIDING FOR THE LEVY OF FINAL ASSESSMENTS FOR THE CONSTRUCTION OF A SEWER IMPROVEMENT PROJECT KNOWN AS THE "SW BARD ROAD SANITARY SEWER LOCAL IMPROVEMENT DISTRICT" SAID LID FORMED BY RESOLUTION 2019-26; FIXING AND SPREADING SAID FINAL ASSESSMENT AMOUNTS AGAINST BENEFITTED PROPERTIES WITHIN THE DISTRICT

K. RESOLUTIONS

L. SPECIAL ORDER OF BUSINESS

12. FINAL ORDER 2020-2: CPA & ZC 2020-01 Scrutton, et al zone change

13. Economic Development: New Tools for Housing

14. Urban Renewal District and Property Taxes

15. COVID-19 Update

M. CITY MANAGER/CITY ATTORNEY REPORTS

N. ACTIONS, IF ANY, BASED ON WORK SESSION OR EXECUTIVE SESSION

O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Q. ADJOURNMENT

The Office of
CITY ADMINISTRATION

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF WORK SESSION MEETING

March 16, 2020, 10:30 AM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at www.lincolncity.org under the tab "Agendas, Packets and Videos". The staff reports, resolutions, ordinances and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. *(See Channel 4 guide on the hour at http://www2.lincolncity.org/program-guide/.*

APPROVED BY CITY COUNCIL

DATE:

1. CALL TO ORDER

2. ROLL CALL

Attendee Name	Title	Status	Arrived
Dick Anderson	Mayor	Present	10:30 AM
Judy Casper	Councilor Ward 3	Present	10:30 AM
Diana Hinton	Councilor Ward 1	Present	10:30 AM
Riley Hoagland	Councilor Ward 2	Present	10:30 AM
Diane Kusz	Councilor Ward 2	Present	10:30 AM
Rick Mark	Councilor Ward 3	Present	10:30 AM
Mitch Parsons	Councilor Ward 1	Present	10:30 AM

Tina French, North Lincoln Sanitary Service, was also present.

3. DISCUSSION ITEMS

A. Curbside Compost Pick Up

Mr. Chandler explained that this item would be on the City Council agenda on March 23, 2020. Mr. Chandler said that the French's (North Lincoln Sanitary Service) would be out of town on March 23 and this work session serves as an opportunity for Council to ask questions of North Lincoln Sanitary Service before considering the item on the 23rd.

Mr. Chandler and Tina French from North Lincoln Sanitary Service (NLSS) said that compost and recycling would be picked up on the same day. It will take about a year to implement the composting pickup service.

Ms. French said, in regards to composting, "if it grows, it goes". Meat, fish, poultry and bones will be allowed for composting. Compostable silverware or containers are not allowed as Oregon doesn't have a facility that will accept them. Coffee filters and tea bags can be composted.

Mr. Chandler wanted to discuss the rate structure of this program. This program will be mandatory. If it is applied to residential customers only, service will cost an extra $6.85 a month. If it's applied to residential and commercial customers, NLSS would increase rates by 10%.

Ms. French clarified this is a residential program only. However, NLSS would choose to fund this program through charging an extra 10% fee for residential and commercial customers to avoid residential service becoming more expensive than commercial service.

Councilor Hoagland asked Ms. French why the composting bin would be so large (90 gallons). He asked if yard debris would now go into the composting bin? Ms. French confirmed that it would. Councilor Hoagland said that he would be able to get a smaller trash container if he had a large compost container, keeping costs down. He asked what percentage of compost would be food waste and if people would be allowed to reduce the size of their normal trash container? Ms. French confirmed that customers could reduce their garbage vessel size and said that 40% of garbage weight in Oregon was food waste. Ms. French said that she thought customers would appreciate saving trips to the transfer station with this program since they now could put woody debris into their composting bins.

Councilor Hinton said it would cost her more for garbage service if the $6.85 was levied on individual customers than if her bill went up by 10%, so she's in favor of the 10% increase across the board. Councilor Hinton asked if the carry-out rate would increase with this program? Ms. French said that the carry-out rate would go up slightly.

Mayor Anderson asked for clarification that this program won't be available to commercial customers? Ms. French confirmed that was the case, but there are some commercial customers that could benefit from this program and Ms. French would like to put some of these commercial customers into a pilot program for composting.

Mayor Anderson asked for statistics on the average garbage container size in Lincoln City. Ms. French said approximately 60% of NLSS customers have a 32 gallon garbage container picked up once a week. This service costs $20.57 a month and includes a 96 gallon recycle cart that is picked up every other week.

Mayor Anderson asked if NLSS offered a smaller container than 32 gallons? Ms. French said no, but confirmed that NLSS could reduce frequency of pick up to every two weeks as per City ordinance. NLSS provides once a month service and on-call service outside of the City limits. They also have offered these services in the City limits since the garbage ordinance is not enforced currently.

Ms. French said NLSS could make exceptions to a 96 gallon compost container. They will accommodate smaller containers.

Mayor Anderson asked what happens to the composting. Does it come back to the citizens of Lincoln City, or is it being sold? Ms. French explained the collection process. NLSS collects the material, they haul it to Corvallis, the material gets composted, and then a company in Corvallis sells the compost

commercially. Citizens can't get a rebate on this program. In fact, the tip fee is double what NLSS pays for garbage. Ms. French clarified that NLSS doesn't see any rate savings from composting, hence the need for a rate increase.

Mayor Anderson said that, with this program, you'd pay more for the composting service and then pay to purchase compost generated through this program. Councilor Hoagland commented that you could compost your own material on your own property.

Councilor Hinton asked for clarification that VRD's would be included in the composting program. Ms. French confirmed they would be.

Councilor Hoagland asked for comparison of rates with counties to the north and south. Ms. French said that NLSS rates are less, even with the composting program on top.

Councilor Hoagland asked how NLSS would vet businesses who wish to take part in the composting program. Ms. French said she has to run a pilot program for businesses to keep tip rates at the residential level. Commercial compost costs more. Small businesses that don't have a lot of employees with a small volume of compost will be considered. Councilor Hoagland asked how violators would be found. Ms. French said violations would be found when NLSS staff examine the contents of the container.

Ms. French confirmed that if a customer was to get their compost bin taken away for violations, their rate would not change. Rates are based on landfill cans, not recycling or composting cans.

Councilor Mark asked about what a 1 yard container looks like. Ms. French said these are metal containers like you see at a restaurant. Councilor Mark said that a constituent had raised an objection about having to have a 96 gallon can and asked Ms. French to confirm they'd accept a smaller can. Ms. French said NLSS would work with customers and would accept 32 and 64 gallon composting cans. Councilor Mark also said that another objection he'd heard was from a person who already composts and is happy with what they are doing. Why should they pay for this service? Ms. French said that this program was for the greater good and there will be people who have no use for the composting cart. Ms. French said this program will benefit the majority of the community.

Councilor Mark said he will reduce his service amount for regular garbage once he receives his composting can. Councilor Mark asked how much he would save if he reduced to bi-weekly garbage service? Ms. French said if you have a 32 gallon container picked up every week it costs $20.57 a month. If the container is picked up every two weeks, it costs $15.40 a month. Councilor Mark commented that he would come out ahead with this program.

Councilor Hoagland agreed that you could reduce garbage and save money with this program. Councilor Hoagland asked if businesses were included with the recycling program? Ms. French confirmed that they were.

Mayor Anderson asked what we could see in spring 2022 regarding numbers on NLSS' tonnage reports? Ms. French estimates they'll pick up 2,500 tonnes of compost. Ms. French said she doesn't think that the drop in landfill here will go down by the same amount as compost collections. Ms. French said that approximately 10,000 tonnes of compost was picked up in Portland when they started their composting program, and landfill collections went down by around 8,000 tonnes.

Councilor Casper said that she hoped this program would help the environment by having citizens not discard woody debris on an empty lot. Instead, they could put the waste in the compost container.

Mayor Anderson asked for our garbage ordinance to become more flexible to better serve citizen needs.

Mr. Chandler pointed out that a resolution would be presented to Council next week. Ordinance changes would need to be made at a later date.

Councilor Hoagland asked what the percentage increase would be if only residential properties were included? Ms. French said that the program costs $603,000 regardless. If residential customers maintained their current container size, then NLSS could work out a percentage increase for residential properties only. However, if people switch to smaller cans as a result of the program, then NLSS loses revenue and this service will cost too much for NLSS to administer.

Councilor Hoagland asked why NLSS couldn't use the same truck to pickup, like Waldport? Ms. French said that Waldport had weekly recycling before their program; Waldport switched to bi-weekly recycling and had compost pickup on the alternate weeks. Ms. French said that NLSS already does recycling every other week so their trucks are already constantly in use (recycling in the north end of the district one week and the south end the other).

4. ADJOURNMENT

Mayor Anderson adjourned the meeting at 11:22 a.m.

DICK ANDERSON, MAYOR

ATTEST:

CATHY STEERE, CITY RECORDER

The Office of
CITY ADMINISTRATION

CITY OF LINCOLN CITY
CITY COUNCIL
MINUTES OF SPECIAL MEETING
June 29, 2020, 10:00 AM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at www.lincolncity.org under the tab "Agendas, Packets and Videos". The staff reports, resolutions, ordinances and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. *(See Channel 4 guide on the hour at http://www2.lincolncity.org/program-guide/.*

APPROVED BY CITY COUNCIL

DATE:

A. CALL TO ORDER

Mayor Anderson called the meeting to order at 10:00 a.m.

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Dick Anderson	Mayor	Present	10:00 AM
Judy Casper	Councilor Ward 3	Present	10:00 AM
Diana Hinton	Councilor Ward 1	Present	10:00 AM
Riley Hoagland	Councilor Ward 2	Present	10:00 AM
Diane Kusz	Councilor Ward 2	Present	10:00 AM
Rick Mark	Councilor Ward 3	Present	10:00 AM
Mitch Parsons	Councilor Ward 1	Present	10:00 AM

Staff members present: Ronald Chandler, City Manager; Richard Appicello, City Attorney; Jerry Palmer, Chief of Police; Sgt. Jeff Winn, Lincoln City Police; Lieutenant David Broderick, Lincoln City Police; Abigail Donowho, Human Resources Supervisor; Debbie Bridges, Finance Director; Lila Bradley, Public Works Director; Stephanie Reid, City Engineer; David Twigg, I.T. Support Specialist.

C. SPECIAL ORDER OF BUSINESS

1. Collective Bargaining Agreement between the Lincoln City Police Employees Association and Lincoln City

Abigail Donowho presented this item. Ms. Donowho advised that the Union had approved this agreement and asked Council to approve. Ms. Donowho advised that this was a one year agreement so new negotiations would begin next spring. Mayor Anderson reminded Council that this would usually be a 3 year contract but that a 1 year contract was decided to be best at this time. Mayor

Anderson noted that union negotiations would now take place at the same time for the Police Department and the rest of City staff.

Councilor Hinton said she would vote for this agreement but she is hoping that next spring there will be a better process that includes City Council.

Councilor Casper said she has a paper from the League of Oregon Cities attorney on the role of elected officials in Labor Negotiations. Councilor Casper would like to send the report to all Council. Mayor Anderson asked Councilor Casper to send the report to Mr. Chandler for distribution.

MOTION:	**Approve the Agreement between the Lincoln City Police Employees Association and Lincoln City**
MOVER:	**Rick Mark, Councilor Ward 3**
SECONDER:	**Riley Hoagland, Councilor Ward 2**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	**Passed**

2. Municipal Court Discussion

Richard Appicello, City Attorney, recommends that the City restore Municipal Court to its full jurisdiction, including the prosecution of misdemeanor crimes. The District Attorney in Newport wants to keep prosecuting domestic violence cases because of the importance of victim's assistance. The City would need to budget extra funds. The City would need to provide extra training to the Court Clerk and coordinate further with the Police Department. Court staff might have to increase by at least a half-time person.

In Richard's experience, local criminal prosecution will enhance local law enforcement.

The Municipal Court is not currently a court of record. If you are convicted by the Lincoln City Municipal Court judge, you can request the whole case be completely re-tried (trial de novo) in the Circuit Court. A court of record requires an ordinance, a recording system, and an attorney judge. The City Attorney said that not having to travel to Newport would save money for the Police Department and for the defendants themselves.

Richard noted that when he started working for Lincoln City in 2013 he prosecuted property crimes, criminal trespass, shoplifting, theft. The Oregon Supreme Court made a decision that in some violation cases where the offense started as a crime, the defendant was entitled to a jury trial even if a prosecuting attorney reduced the charge from a crime to a violation. In response to this, Council re-adopted the Criminal Code and provided an option for a Police Officer to reduce the charges down to violations.

Richard said that local prosecution would take the burden off the District Attorney's office. The District Attorney could focus on higher level cases if the City takes care of the property cases, bad checks, criminal trespass cases. Richard said it's worth the investment to use Municipal Court more fully.

Councilor Hoagland asked where in the City budget does it show the prorated share of the revenue from the County's Court system? Debbie Bridges replied that it is reported under District Court Collections. The amount received went up from $4,000 to $17,000 in 2000. It's estimated the City will receive $22,000 for fiscal year 2019-20; in 2018-19 the City received $30,000.

Councilor Hoagland asked what percentage we receive from the County? Richard Appicello said that there is a formula in the statutes regarding how to dispense revenue.

Mayor Anderson asked where this revenue comes from? Richard said we receive a portion of any funds received in cases cited into Circuit Court by our Police department.

Councilor Casper discussed the 2014 ordinance that allowed officers to cite criminal charges as a violation. Councilor Casper would like more enforcement and would like to consider a municipal court to give more enforcement options.

Chief Palmer said that the Police Department has some concerns with expanding the role of the City's Municipal Court. If the City takes misdemeanor crimes and directs those to Municipal Court, it ties the City's hands. If the Police lose the ability to put frequent offenders in jail, it reduces the power of enforcement. A couple of years ago Taft was having vandalism and property crime issues. Repeat offenders were eventually lodged in jail. Once the offenders realized the Police had that ability, crimes reduced significantly. Lincoln City does not have a jail; the City has a four hour holding cell. After four hours, defendants have to be released or transported to the County jail in Newport. Chief Palmer also noted that when defendants failed to appear at Municipal Court, the Court would issue warrants. The Police would then cite the defendants when they found them with an order to appear. The defendants wouldn't appear again and this pattern continued. Chief Palmer also expressed concern with the role of Victim's Assistance and the cost of jury trials and witness fees.

Sgt Jeff Winn has been with the Police Department since 1991. At that time the Municipal Court was prosecuting misdemeanors. Sgt Winn remembers issuing warrants for people that didn't show at court. Once the City was able to get defendants lodged in jail, the City would have to pay the County for their jail time. This was not cost effective for the Court, so the Municipal Court stopped prosecuting misdemeanors. 10 years later, the City started trying to prosecute misdemeanors again. At that time there were issues prosecuting weapon cases. It's important to get these entered in a court of record. Sgt Winn also noted problems with victim's assistance and getting a jury for jury trials. Sgt Winn also noted that the City Attorney at that time reduced misdemeanors to violations, and those reductions would lead to offenses such as weapons violations not getting on a defendant's record. Victims were also not getting an appropriate amount of Victim's Assistance. In regards to the Police Department reducing misdemeanors to violations, Sgt Winn expressed that Police Officers didn't want to decide on the spot whether to reduce a misdemeanor to a violation because of the risk of a lawsuit. Regarding saving time and money, Sgt Winn noted that officers have a 3 hour callout for overtime, so you can drive to Newport and back in that time, or go to Lincoln City Municipal Court. If the trial takes place on the officer's day off, the officer will get 3 hours of overtime pay regardless.

Lieutenant Broderick said that citing certain misdemeanor cases into Municipal Court ties the Police Department's hands. Sometimes the Police has no choice but to lodge frequent offenders in jail otherwise they would be continuously dealing with the same individual and the community would be dealing with them as well.

Chief Palmer said that the Police Department is happy to perform their duties in the manner that Council requests. Chief Palmer thinks that Richard's idea might make the Police more efficient in some ways; however, he thinks the extra complexity and cost along with the outcome of unintended issues might exacerbate some situations that the Police currently have under control.

Councilor Hinton asked if we would still take defendants to Newport for jail. Chief Palmer said that wouldn't change. However, the police's ability to lodge defendants at the county jail would change if we went to the new system. The City would have to pay for jail time for Municipal Court cases.

Richard Appicello said the judge could impose the cost of incarceration on the defendant as a condition of probation. If the defendant hasn't paid, he or she can be brought before the judge to explain why.

Councilor Hinton asked Chief Palmer to confirm major crimes would be filed in Newport. Chief Palmer said that was correct and advised that last year the Police filed 577 A misdemeanors, 201 B misdemeanors, 112 C misdemeanors and 209 unclassified misdemeanors for a total of just under 1100 misdemeanor crimes.

Councilor Hinton asked Chief Palmer why almost 1100 misdemeanors were filed last year? That seems a lot for a small town. Councilor Hinton likes the range of options and flexibility offered in Richard Appicello's proposal, including community service. As theft and property crimes are crimes against the community, Councilor Hinton sees community service as a suitable punishment.

Chief Palmer advised that Community Service can be a sentence given by the District Attorney in Newport. Chief Palmer also mentioned that you need people to monitor Community Service to ensure that it gets completed.

Councilor Hoagland asked how many citations were written in lieu of misdemeanors last year? Chief Palmer would have to review the database for those figures. Councilor Hoagland also asked how much in unpaid citations the City has? Debbie Bridges explained that the number would be inflated because the default amount is higher than the citation amount and the Lincoln City Municipal Court judge usually reduces the default amount as part of settlement terms.

Richard Appicello talked about prior case experiences and arrangements, including intergovernmental agreements for Community Service with the Humane Society and the County. Community Service could also be done with the City's Parks Department. Richard also discussed how a defendant could be placed on bench probation, allowing the judge to serve as an extra step between non-payment of fines and sending the case to a collections agency, and how community service can be used in lieu of payment of fines.

Mayor Anderson asked Richard Appicello if he had the time to handle extra work. Richard replied that he sees a need and that he's willing to take this task on.

Mayor Anderson said that with staff having to be added, it's a budgetary and revenue issue. The 2020-21 budget has staff expenses in excess of revenue for most departments and this would increase that. Mayor Anderson hears the call for law and order but he's concerned about the economics.

Councilor Hinton sees the Police Chief and City Attorney have different ideas about this topic. Could Council please ask staff to put a group together to work through their points? Councilor Hinton doesn't call this law and order, she calls it enforcement. She says that constituents report things taking place and they're not getting dealt with. Councilor Hinton wants to see if we can agree on how this could work, including money, staffing, and the City Attorney and Chief's point. Councilor Hinton said there are so many things that could be done with community service.

Mr. Chandler said there are things to consider. There are 5 groups involved in this process. Defendant; Police; Attorney; Court / Judge / Jury; Follow up staff. Council should ask: What is broken? What are we trying to fix? What's the source of the problem? How do you fix it? Where is the problem originating? Can that be fixed within the existing operations? Or do we need to move forward in a different way? Mr. Chandler also mentioned cost. In 2018 it was estimated that this process would cost $200,000, and that estimate did not include the cost of any personnel needed for follow up work. Mr. Chandler said that we might bring in up to $100,000 in revenue.

Mr. Chandler offered to facilitate the follow up group and work on answers to questions that have arisen during this discussion.

Debbie Bridges stated that she has financial concerns about expanding the role of Municipal Court. Debbie has reviewed the financial situation from 1995 and when the City stopped prosecuting misdemeanors at that time, it did not lose revenue. However, costs decreased significantly. Debbie also pointed out that for at least 13 years the Lincoln City Municipal Court hasn't operated with a vigorous enforcement policy. The Court emphasizes compliance, not fines.

Councilor Hinton said that the Judge will follow the direction of the City Council. Councilor Hinton moved to direct the City Manager to gather the appropriate people to help Council get a better handle on this topic, with more information, statistics, and data. Mayor Anderson asked the City Manager to make sure the Court of Record discussion is part of the future presentation on this topic.

MOTION:	**To direct the City Manager to gather the appropriate people to help Council get a better handle on Municipal Court, with more information, statistics, and data.**
MOVER:	**Diana Hinton, Councilor Ward 1**
SECONDER:	**Mitch Parsons, Councilor Ward 1**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	**Passed**

3. Use of the Public Right-of-way for Parking

Richard Appicello advised Council of their authority to regulate the right-of-way. Right-of-way is used for public purposes, not for private use. Last year an ordinance was passed to prohibit storage of items in the right-of-way. On NW 8th Court there have been problems with people storing signs, vehicles, and gravel in the right-of-way. The City can issue a revocable license to allow people to privately use the right-of-way provided they hold the City harmless. Sometimes there is a fee associated with these licenses.

Richard advised that Mr. Chandler, as City Manager, can create traffic and parking zones. Council can also create these through resolution.

What's being proposed is a no parking order on one side or both sides of NW 8th Court. Council will confirm this through resolution. Also, a parking permit program will be created which allows members of the public to buy a revocable license (parking permit) to safely park in the right-of-way.

Mr. Chandler used Google maps to travel down NW 8th Court. It's a narrow, gravel road. There are areas where you can park and areas where you can't park. Cars parked in the right-of-way on NW 8th Court can infringe upon the road itself. Mr. Chandler advised there are several similar streets to NW 8th Court in Lincoln City.

Mr. Chandler reported that NW 8th Court was surveyed. The driveable area right now is 10 to 12 feet. With right-of-way, there's 20 feet available. The estimated cost to widen the road is $1,350,000. This would include storm drains, retaining walls, and paving the road.

Mr. Chandler wants Council approval to not only place no parking signs on NW 8th Court but to look at other roads in the City with similar issues.

Councilor Hoagland thinks this is a great idea. Councilor Hoagland would like to see trimming back of overgrown vegetation in the right-of-way. There are many areas where grass, bushes and trees have overgrown into the sidewalk.

Councilor Hinton thinks this is a good idea. She likes the approach and presentation of the information. Councilor Hinton asked if Logan Road could be reviewed for permitted parking for owners? Logan Road has been crowded with parking, including roads off of Logan Road. Councilor Hinton would like to survey Logan Road to see where the right-of-way is and begin a conversation on permitting there. Councilor Hinton also wants to make sure the City talks with owners on NW 8th Ct and in the Logan Road areas.

Mr. Chandler said he would develop a policy for when he should issue parking permits for parking in the right-of-way. Mayor Anderson approved.

Councilor Hoagland would like to know how enforceable "No Parking" signs are on Logan Road and in other areas. These are as much of an issue as people parking in the right-of-way.

Mayor Anderson asked Mr. Chandler to confirm the NW 8th Ct improvements could be accomplished via a Local Improvement District (LID). Mr. Chandler confirmed that they could.

MOTION:	**To have the City Manager and staff pursue right-of-way infringement**
MOVER:	**Riley Hoagland, Councilor Ward 2**
SECONDER:	**Diane Kusz, Councilor Ward 2**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	**Passed**

D. ACTIONS, IF ANY, BASED ON WORK SESSION, EXECUTIVE SESSION, OR CITIZEN COMMENT

None.

E. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Mayor Anderson wanted to remind the public that they could pick up masks on Tuesday June 30 from 3 to 7 p.m. at the Taft St. Clair fire station. A safe place to pick up face coverings.

Councilor Hoagland asked Chief Palmer when they could tour the new Police building. Chief Palmer said a tour could take place at any time. Chief Palmer can accommodate a group or an individual tour. Councilor Hoagland said the new Police building looks great. Mayor Anderson said that groups of no more than 3 should tour the building to avoid a quorum.

Councilor Hinton asked if the City could make Lincoln City face coverings with the City logo on and distribute them to businesses. Councilor Hinton also reminded the public that we are in the process of collecting ideas for renaming the Villages at Cascade Head and, possibly, the Knoll. The

information and survey is on the City website. The survey takes about 1 minute and Councilor Hinton would like to encourage as many people to complete the survey as possible.

Councilor Mark said he had been in a couple of stores, including Fred Meyer, and he has seen around 90% of people wearing masks. Councilor Mark is concerned to hear that in some Lincoln City stores people aren't wearing face coverings. Councilor Mark asked if we could change the electronic billboard at the north end of town to say "Masks are required".

Mayor Anderson asked Chief Palmer about enforcement of face covering rules. Chief Palmer confirmed that Lincoln County Health is enforcing those. Each individual business is required to enforce the rules.

Chief Palmer confirmed that if a business has a customer who won't comply with a request to wear a face covering, the business can call Lincoln City Police and the matter will be handled as a trespass complaint.

Councilor Hoagland asked for signs to be in English and Spanish. Councilor Hoagland asked if a temporary banner could be used at the south end of town to say "Masks are Required" in English and Spanish. Mr. Chandler said that would be done.

Councilor Parsons asked how the City Facebook page was going. Mr. Chandler said it was ready to launch. Councilor Hoagland asked if Council could preview the page first.

Councilor Casper asked about the new City website. Mr. Chandler said I.T. staff would demonstrate the new site, but we are currently in the RFP process for that site.

Councilor Casper mentioned that there was a new D.A. for Lincoln County.

F. ADJOURNMENT

Mayor Anderson adjourned the meeting at 11:46 am.

DICK ANDERSON, MAYOR

ATTEST:

CATHY STEERE, CITY RECORDER

Council Communication

Oregon Liquor Control Commission- Pub Fish & Chips

Meeting Date:	July 13, 2020	Primary Staff Contact:	David Twigg
Department:	City Council	E-Mail:	dtwigg@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	5 minutes

Question:

Should the City Council provide a recommendation to the Oregon Liquor Control Commission (OLCC) for a Full On-Premises, Commercial and Off-Premises liquor license for 60s Cafe & Restaurant, LLC dba Pub Fish and Chips?

Staff Recommendation:

A review was conducted by Chief Palmer, and staff recommends that City Council provide a favorable recommendation to grant the licenses to the applicant.

Legal Authority:

Oregon Revised Statute (ORS) 471.166 establishes the process for local governments to make recommendations to the OLCC.

Council Options:

Approve a favorable recommendation to the Oregon Liquor Control Commission (OLCC) for a Full On-Premises, Commercial and Off-Premises liquor license for 60s Cafe & Restaurant, LLC dba Pub Fish and Chips.

Attachments:
Pub Fish and Chips redacted.pdf (PDF)

OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

1. Application. Do not include any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:
☐ Brewery 1st Location
☐ Brewery 2nd Location
☐ Brewery 3rd Location
☐ Brewery-Public House 1st Location
☐ Brewery-Public House 2nd Location
☐ Brewery-Public House 3rd Location
☐ Distillery
☒ Full On-Premises, Commercial
☐ Full On-Premises, Caterer
☐ Full On-Premises, Passenger Carrier
☐ Full On-Premises, Other Public Location
☐ Full On-Premises, For Profit Private Club
☐ Full On-Premises, Nonprofit Private Club
☐ Grower Sales Privilege 1st Location
☐ Grower Sales Privilege 2nd Location
☐ Grower Sales Privilege 3rd Location
☐ Limited On-Premises
☒ Off-Premises
☐ Off-Premises with Fuel Pumps
☐ Warehouse
☐ Wholesale Malt Beverage & Wine
☐ Winery 1st Location
☐ Winery 2nd Location
☐ Winery 3rd Location
☐ Winery 4th Location
☐ Winery 5th Location

CITY AND COUNTY USE ONLY

Date application received: FINANCE DEPARTMENT

JUN 23 2020

Name of City or County: CITY OF LINCOLN CITY
LINCOLN CITY OR

Recommends this license be:
☒ Granted ☐ Denied

By: Chri Palmer

Date: 6-09-2020

OLCC USE ONLY

Date application received: 06/19/2020

By: CR

License Action(s): C/O, G/Priv, O/Priv & C/TN

2. Identify the applicant(s) applying for the license(s). ENTITY (example: corporation or LLC) or INDIVIDUAL(S) applying for the license(s):

80's Cafe & Restaurant, LLC
(Applicant #1)

(Applicant #2)

(Applicant #3)

(Applicant #4)

3. Trade Name of the Business (Name Customers Will See)

Pub Fish & Chips

4. Business Address (Number and Street Address of the Location that will have the liquor license)

4157 NW Hwy 101, # 137

City	County	Zip Code
Lincoln City	Lincoln	97367

FINANCE DEPARTMENT

JUN 23 2020

CITY OF LINCOLN CITY

OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY FORM

1. Name: (LAST) Emami	(FIRST) Diana	(MIDDLE) Claudia

2. Other Names Used (Maiden, Etc.): Sakinyte

3. Do you have a Social Security Number (SSN) issued by the U.S. Social Security Administration?
☒ Yes ☐ No If yes, please provide your SSN: [redacted]

SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC§ 552(a).

Do you voluntarily consent to the OLCC's use of your SSN as just described? ☒ Yes ☐ No

4. Date of Birth (MM/DD/YYYY): [redacted]	5. Contact Phone: [redacted]
6. Driver License or State ID #: [redacted]	7. State: OR

8. Residence Address: [redacted]

9. Mailing Address (if different):
10840 SW Boones Ferry Rd., Suite 216, Tualatin, OR 97062

10. E-Mail (optional): [redacted]

11. Do you have a spouse or domestic partner? ☒ Yes ☐ No
If yes, list his/her full name: David Emami

12. If yes to #11, will this person be involved in the management of, or have control over the business?
☒ No ☐ Yes

13. In the past 10 years, have you been convicted ("convicted" includes paying a fine) in Oregon or another U.S. state of driving a car with a suspended driver license or driving a car with no insurance?
☒ No ☐ Yes (Please include explanation below) ☐ Unsure (Please include explanation below)

14. In the past 10 years, have you been convicted ("convicted" includes paying a fine) in Oregon or another U.S. state of a FELONY?
☒ No ☐ Yes (Please include explanation below) ☐ Unsure (Please include explanation below)

15. Have you ever been in a drug or alcohol diversion program in Oregon or another U.S. state? A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense.
☒ No ☐ Yes (Please include explanation below) ☐ Unsure (Please include explanation below)

16. Do you, or any legal entity that you are a part of, **currently hold** or **have previously held** a liquor license or a recreational marijuana license in Oregon or another U.S. state? (Note: alcohol service permits and marijuana worker permits are not liquor licenses).

☐ No ☒ Yes (Please include explanation below) ☐ Unsure (Please include explanation below)

60's Cafe & Diner

17. Have you, or any legal entity that you are a part of, **ever** had an application for a license, permit, or certificate **denied or cancelled** by the OLCC or any other governmental agency in the U.S.?

☒ No ☐ Yes (Please include explanation below) ☐ Unsure (Please include explanation below)

18. Are you applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license?

☐ No Please skip questions 19 & 20. Go directly to question 21.

☒ Yes Please answer questions 19, 20, and 21.

19. Do you or will you have any ownership interest in a business that manufactures, wholesales, or distributes alcohol in Oregon or another U.S. state?

☒ No ☐ Yes (Please include explanation below) ☐ Unsure (Please include explanation below)

20. Does or will an alcohol manufacturer, wholesaler, or distributor in Oregon or another U.S. state have any ownership interest in your business?

☒ No ☐ Yes (Please include explanation below) ☐ Unsure (Please include explanation below)

21. Do you currently have, or will you have, any ownership interest in any business in Oregon with a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license?

☐ No ☒ Yes (Please include explanation below) ☐ Unsure (Please include explanation below)

60's Cafe & Diner (Lincoln City, OR)
60's Cafe & Diner (Tualatin, OR)

You must sign your own form. Another person, like your attorney or a person with power of attorney, may not sign your form. I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name: (LAST)	(FIRST)	(MIDDLE)
Emami	Diana	Claudia

Signature: _____ Date: 05/19/2020

FINANCE DEPARTMENT

JUN 23 2020

CITY OF LINCOLN CITY
LINCOLN CITY OR

OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

5. Trade Name of the Business (Name Customers Will See) Pub Fish & Chips			
6. Does the business address currently have an OLCC liquor license? ☒ YES ☐ NO			
7. Does the business address currently have an OLCC marijuana license? ☐ YES ☒ NO			
8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your mail) 18640 SW Boones Ferry Rd., Suite 216			
City Tualatin	State OR	Zip Code 97062	
9. Phone Number of the Business Location [redacted]	10. Email Contact for this Application [redacted]		
11. Contact Person for this Application Diana Emami		Phone Number [redacted]	
Contact Person's Mailing Address (if different) same as above	City	State	Zip Code

Please note that liquor license applications are public records. A copy of the application will be posted on the OLCC website for a period of several weeks.

I understand that marijuana (such as use, consumption, ingestion, inhalation, samples, give-away, sale, etc.) is **prohibited** on the licensed premises.

I attest that all answers on all forms, documents, and information provided to the OLCC are true and complete.

Applicant Signature(s)

- Each individual person listed as an applicant must sign the application.
- If an applicant is an entity, such as a corporation or LLC, at least one person who is authorized to sign for the entity must sign the application.
- A person with the authority to sign on behalf of the applicant (such as the applicant's attorney or a person with power of attorney) may sign the application. If a person other than an applicant signs the application, please provide proof of signature authority.

(Applicant #1) _____ (Applicant #2) _____

(Applicant #3) _____ (Applicant #4) _____

FINANCE DEPARTMENT

JUN 23 2020

CITY OF LINCOLN CITY
LINCOLN CITY, OR

FINANCE DEPARTMENT

JUN 23 2020

CITY OF LINCOLN CITY
LINCOLN CITY OR

OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type

Applicant Name: 603 Cafe & Restaurant LLC Phone: [redacted]

Trade Name (dba): Pub Fish & Chips

Business Location Address: 4157 NW Hwy 101, #137

City: Lincoln City ZIP Code: 97367

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	11 am	to	8 pm
Monday	11 am	to	8 pm
Tuesday	11 am	to	8 pm
Wednesday	11 am	to	8 pm
Thursday	11 am	to	8 pm
Friday	11 am	to	9 pm
Saturday	11 am	to	9 pm

Outdoor Area Hours:

Sunday	11 am	to	8 pm
Monday	11 am	to	8 pm
Tuesday	11 am	to	8 pm
Wednesday	11 am	to	8 pm
Thursday	11 am	to	8 pm
Friday	11 am	to	9 pm
Saturday	11 am	to	9 pm

The outdoor area is used for:

☒ Food service Hours: 11 am to 9 pm

☒ Alcohol service Hours: 11 am to 9 pm

☐ Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

_____ (Investigator's Initials)

Seasonal Variations: ☒ Yes ☐ No If yes, explain: Outdoor area weather permitting, may adjust hours if no customers after 7 pm.

ENTERTAINMENT

Check all that apply:

- ☐ Live Music
- ☒ Recorded Music
- ☐ DJ Music
- ☐ Dancing
- ☐ Nude Entertainers
- ☐ Karaoke
- ☐ Coin-operated Games
- ☐ Video Lottery Machines
- ☐ Social Gaming
- ☐ Pool Tables
- ☐ Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday		to	
Monday		to	
Tuesday		to	
Wednesday		to	
Thursday		to	
Friday		to	
Saturday		to	

SEATING COUNT

Restaurant: 72 Outdoor: 58

Lounge: _____ Other (explain): _____

Banquet: _____ Total Seating: 130

OLCC USE ONLY

Investigator Verified Seating: ____(Y) ____(N)

Investigator Initials: _____

Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: _____ **Date:** 05/19/2020

1-800-452-OLCC (6522)
www.oregon.gov/olcc

(rev. 12/07)

City of Lincoln City
PO Box 50
801 SW Hwy 101
Lincoln City OR 97367 (541) 996-2151

Receipt No: 4.063058 Jun 24, 2020

60's CAFE & RESTAURANT, LLC

Previous Balance:	.00
Other Misc.	100.00
Liquor License/ APPLICATION 111-000-4208001 LIQUOR LICENSE	
Total:	100.00
Check Check No: [redacted] Payor: 60's CAFE & RESTAURANT, LLC	65.00
Cash Payor: 60's CAFE & RESTAURANT, LLC	35.00
Total Paid:	100.00
Total Applied:	100.00
Change Tendered:	.00

06/24/2020 11:03 AM

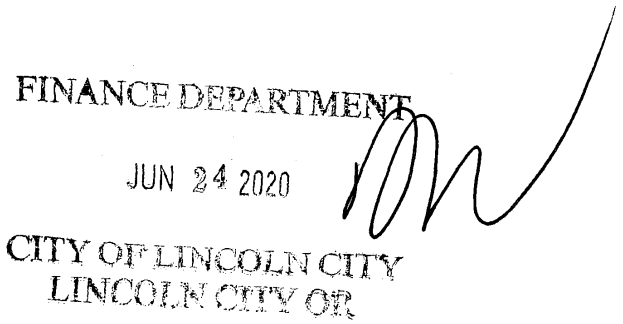
From: Cathy Steere <csteere@lincolncity.org>
Sent: Tuesday, June 23, 2020 1:19 PM
To: Jamie Young <jyoung@lincolncity.org>
Subject: RE: RE: OLCC License

Jamie, Diana was supposed to drop off an additional $65.00 as a total of $100 is needed.

If the entire $100 has been received, please receipt and forward a copy of the receipt to me so that I can send it to her and keep a copy in the OLCC file.

Thank you.

Cathy



Council Communication

Public Hearing: Bard Road Final Assessment

Meeting Date:	July 13, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Public Works	Secondary Contacts:	Lila Bradley
Approval:	Ronald F Chandler	Estimated Time:	5 min

Question:

Should the City Council take public comment hear proper objections to Ordinance 2020-18 – an ordinance imposing a final assessment on benefitted properties for the SW Bard Road Sanitary Sewer Local Improvement District?

Staff Recommendation:

Staff recommends Council conduct the Public Hearing.

[Note: A public hearing is not required at this time under the Lincoln City Municipal Code. (See authority under Ordinance 2020-18 on this Agenda). However, the notice sent to property owners indicated a hearing would be held – when the code provides only for a deadline to submit written objections and for the Council to deliberate at a public meeting.]

Background:

Supporting materials for this public hearing (including proposed Ordinance 2020-18 and the attached updated Engineering Report) appear later on this Agenda.

Council Options:

1. Conduct the public hearing.

Council Communication

ZOA 2020-01 Procedures

Meeting Date:	July 13, 2020	Primary Staff Contact:	AnneMarie Skinner
Department:	Planning Commission	E-Mail:	ASkinner@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler, Ronald F Chandler	Estimated Time:	

Question:

Should the City Council conduct the public hearing, deliberate and proceed to the required readings of the ordinance?

Staff Recommendation:

Staff recommends the Council hold the public hearing, close the public hearing and the record, and proceed to consideration of the ordinance.

Authority:

Lincoln City Municipal Code 17.88.050 Action by the City Council.

Background:

This public hearing was continued from June 22, 2020 Council meeting.

The current chapter for procedures in Title 17 does not have procedures categorized as Type I (ministerial), Type II (administrative), Type III (quasi-judicial), or Type IV (legislative) procedures. To provide a very clear method of identifying the review process for a particular land use application, staff proposes organizing the current land use applications into one of the four number types.

The attached draft ordinance provides the definitions for each of the proposed types, as well as a chart showing which type of procedure is assigned to each land use application. The process for submitting the applications, as well as requirements for each application, is also provided. The organization of the applications into procedure types will provide a clearer, more transparent method for administering the land use applications.

Council Options:

1. Hold the public hearing, and close the public hearing and the record. Proceed to consideration of the ordinance.
2. Continue the public hearing.

Financial Impact

Adoption or not of this ordinance should have no financial impact to the City's budget.

Potential Motions:

1. Motion to continue the public hearing for ZOA 2020-01 Procedures; OR
2. Motion to close both the public hearing and the record for ZOA 2020-01 Procedures.

Refer to the draft ordinance later on this Agenda.

Council Communication

Ordinance 2020-10 Amends Design Standards

Meeting Date:	July 13, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	AnneMarie Skinner
Approval:	Ronald F Chandler	Estimated Time:	10 minutes

Question(s):

Should the City Council conduct and approve First and Second Reading and adopt Ordinance 2020-10 entitled:

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE CITY OF LINCOLN CITY, AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING); AMENDING ALL OF CHAPTER 17.20 (MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE); AMENDING: CHAPTER17.24 (PROFESSIONAL CAMPUS (PC) ZONE), SECTION 17.24.020 (F.); CHAPTER 17.28 (RECREATION-COMMERCIAL (GC) ZONE), SECTION 17.28.040 (F.); CHAPTER 17.32(GENERAL COMMERCIAL (GC) ZONE), SECTION 17.32.040 (K.) AND 17.32.110 (E.); CHAPTER 17.34 (NELSCOTT PLAN (NP) DISTRICT), SECTION 17.34.060, TABLE 17.34.060.B; CHAPTER 17.45 (TAFT VILLAGE CORE (TVC) ZONE), SECTION 17.45.040,TABLE TVC LAND USE ACTIVITY; CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), SECTION 17.52.210(E.)(2.) AND AMENDING ALL OF CHAPTER 17.74 (COMMERCIAL DESIGN STANDARDS)

Staff Recommendation:

Staff recommends Council conduct First Reading of Ordinance 2020-10 (Design Standards) and, *if unanimous,* Conduct and approve Second Reading and adopt the Ordinance. Any changes must be read.

Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the

members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

Background:

See prior public hearing Agenda items for background.

The Planning Commission recommended approval of the proposed amendments, with minor changes.

During deliberations on this and the other ordinances under consideration, Council agreed to remove the amendments to definitions and place all such definition amendments into a separate ordinance. Council provided direction the ordinance is returned for required readings.

Council Options:

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.

2. Conduct and approve First Reading. Read changes, if any. Continue Second Reading to July 27, 2020 [or]

3. Continue First Reading to July 27, 2020.

4. Do not proceed with proposed ordinance.

Potential Motions:

City Attorney: [Conduct First Reading of Ordinance by Title only]

ORDINANCE 2020-10

AN ORDINANCE OF THE CITY OF LINCOLN CITY, AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING); AMENDING ALL OF CHAPTER 17.20 (MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE); AMENDING: CHAPTER17.24 (PROFESSIONAL CAMPUS (PC) ZONE), SECTION 17.24.020 (F.); CHAPTER 17.28 (RECREATION-COMMERCIAL (GC) ZONE), SECTION 17.28.040

(F.); CHAPTER 17.32(GENERAL COMMERCIAL (GC) ZONE), SECTION 17.32.040 (K.) AND 17.32.110 (E.); CHAPTER 17.34 (NELSCOTT PLAN (NP) DISTRICT), SECTION 17.34.060, TABLE 17.34.060.B;
CHAPTER 17.45 (TAFT VILLAGE CORE (TVC) ZONE), SECTION 17.45.040, TABLE TVC LAND USE ACTIVITY; CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), SECTION 17.52.210(E.)(2.) AND AMENDING ALL OF CHAPTER 17.74 (COMMERCIAL DESIGN STANDARDS)

Council:

1. Motion to approve First Reading of Ordinance 2020-10.

   If unanimous: conduct Second Reading

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Council:

1. Motion to approve Second Reading and adopt Ordinance 2020-10.

   [or]

2. Motion to set Second Reading for July 27, 2020.

Attachments:
2020-10 Design Stds def removed 7-7-20 707pm (DOCX)
FINAL Ext. A Findings 2020-10 (DOCX)

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE CITY OF LINCOLN CITY, AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING); AMENDING ALL OF CHAPTER 17.20 (MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE); AMENDING: CHAPTER 17.24 (PROFESSIONAL CAMPUS (PC) ZONE), SECTION 17.24.020 (F.); CHAPTER 17.28 (RECREATION-COMMERCIAL (GC) ZONE), SECTION 17.28.040 (F.); CHAPTER 17.32 (GENERAL COMMERCIAL (GC) ZONE), SECTION 17.32.040 (K.) AND 17.32.110 (E.); ALL OF CHAPTER 17.34 (NELSCOTT PLAN (NP) DISTRICT); ALL OF CHAPTER 17.45 (TAFT VILLAGE CORE (TVC) ZONE); ALL OF CHAPTER 17.50 (OCEANLAKE DISTRICT); CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), SECTION 17.52.210(E.)(2.) AND AMENDING ALL OF CHAPTER 17.74 (COMMERCIAL DESIGN STANDARDS) AND AMENDING CHAPTER 17.80 (SPECIAL USES), SECTION 17.80.

Annotated to show deletions and additions to the code sections being modified. Additions are underlined and deletions are ~~lined through~~.

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provides:

> 2.1 Powers of the City
> The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.
>
> 2.2 Construction of Charter
> In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution; and

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. *City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop,* 20 Or. App. 293; 531 P 2d 730, 734 (1975); *LaGrande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

WHEREAS, the amendments to the Lincoln City Municipal Code are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A".

WHEREAS, the proposed amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and

WHEREAS, on July 2, 2019, the City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s) and on July 16, 2019; notice of the proposed amendments was included in an ORS 227.186(4) notice to all affected property owners.

WHEREAS, the Planning Commission, on May 5, 2020, held a public hearing and considered the amendments contained within this ordinance. On May 19, 2020, the Planning Commission voted to transmit the amendments to the City Council with a recommendation to approve the amendments herein, with some modifications; and

WHEREAS, the City Council held a public hearing on June 22, 2020. Following the close of the public hearing on June 22, 2020, Council closed the record and deliberated on the proposed amendments. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance. After deliberation, Council provided direction and ordinances were returned for required readings on July 13, 2020. Amended definitions from this ordinance and two other ordinances were directed to be removed and placed in a separate ordinance.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.20 (Multiple Family Residential (R-M) Zone) is hereby amended to read as follows:

Chapter 17.20

MULTIPLE**-UNIT ~~FAMILY~~** RESIDENTIAL (R-M) ZONE

Sections:

17.20.010 Purpose.
17.20.020 Permitted uses.
17.20.030 Accessory uses.
17.20.040 Conditional uses.
17.20.050 Development standards.
17.20.060 Landscaping.
17.20.070 Signs.
17.20.080 Supplementary Regulations and Exceptions.
17.20.090 Off-street parking and loading.
17.20.100 Design standards.
17.20.110 Restrictions.

17.20.010 Purpose.

The Multiple-Unit Residential (R-M) zone allows and encourages higher-density residential uses that blend a range of housing types with the surrounding neighborhood, in a compact, aesthetic, and walkable development pattern.

17.20.020 Permitted uses.

A. Attached single-unit dwellings;

B. Attached single-unit dwellings developments;

C. Community or market gardens not larger than 12,500 square feet, subject to the provisions of LCMC 17.80.080;

D. Cottage housing developments, subject to the provisions of LCMC 17.80.120;

E. Duplexes;

F. Multi-unit dwellings;

G. Residential facilities;

H. Residential homes;

I. Structures used temporarily on the site and only during construction of a permitted or conditional use for which a building permit has been issued, but not exceeding six months;

J. Tiny house developments, subject to the provisions of LCMC 17.80.040(C);

K. Transportation uses.

17.20.030 Accessory uses.

A. Animals and gardens, subject to the provisions of LCMC 17.80.080;

B. Bed and breakfast accommodations, subject to the provisions of LCMC 17.80.060;

C. Home occupations, subject to the provisions of Subsection 17.52.010(E);

D. Offices incidental to and necessary for the operation of the allowed primary use;

E. Off-street parking areas directly related to the allowed primary use, subject to the provisions of Chapter 17.56 LCMC and Chapter 17.55 LCMC;

F. Other accessory uses, accessory buildings, or accessory structures customarily related to or associated with the primary use.

G. Vacation rental dwellings, provided they are not rented for more than 30 nights in any calendar year, and subject to the provisions of LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC;

17.20.040 Conditional uses.

A. Assisted living facilities;

B. Community meeting buildings or fraternal and social organizations;

C. Educational institutions;

D. Government buildings;

E. Places of worship;

F. Primary, elementary, junior high or high schools; nursery schools; kindergartens;

G. Radio and television transmitters or towers;

H. Recreation centers, public parks, playgrounds, and similar public-owned recreational areas;

I. Wireless communications facilities.

17.20.050 Development standards.

	Attached single-unit dwellings, residential facilities, and residential homes	Attached single-unit dwellings developments[5]	Duplexes	Multi-unit dwellings	Conditional uses
1. Min. lot width	25	None	25 feet	25 feet	Not applicable
2. Min. lot area (square feet)	2,500	None	2,500	2,500	None
3. Min. density	None	15 dwelling units per net acre[2,3]	None	15 dwelling units per net acre[2,3]	Not applicable
4. Max. building height (see also Sections 17.52.190 and 17.52.200)					
a. Primary buildings	35 feet	35 feet	35 feet	40 feet	35 feet
b. Accessory buildings, structures, uses	25 feet	25 feet	25 feet	25 feet	25 feet
5. Min. building setbacks (except garage/carport entrances)[4]					
a. Front porch	5 feet	5 feet	5 feet	0 feet	5 feet
b. Front wall	10 feet	10 feet	10 feet	0 feet	10 feet
c. Side interior	5 feet, but 0 feet for attached walls	5 feet, except 0 feet for attached walls	5 feet	5 feet	10 feet
d. Side street	10 feet	10 feet	10 feet	0 feet	10 feet
e. Rear	10 feet	10 feet	10 feet	15 feet	15 feet

	Attached single-unit dwellings, residential facilities, and residential homes	Attached single-unit dwellings developments[5]	Duplexes	Multi-unit dwellings	Conditional uses
6. Min. setbacks for garage/carport entrances (attached or detached)					
a. Front-loaded access	10 feet behind front street-facing wall of dwelling	10 feet behind front street-facing wall of dwelling	10 feet behind front street-facing wall of dwelling	Not permitted	Not permitted
b. Side-loaded access	Must not project beyond side street-facing wall of dwelling	Must not project beyond side street-facing wall of dwelling	Must not project beyond side street-facing wall of dwelling	Must not project beyond side street-facing wall of primary building	Not permitted
c. Rear-loaded access	3-foot minimum from rear property line	3-foot minimum from rear property line	3-foot minimum from rear property line	3-foot minimum from rear property line	3-foot minimum from rear property line
7. Max. building coverage	35%	45%	45%	65%	45%
8. Common Open Space	None required	Required[1]	None required	Required[1]	None required
9. Vehicle storage space	None required	Required[5]	None required	None required	None required

1

[1]A minimum of 250 square feet of common open space per dwelling unit must be installed as follows:

i. **Common open space must be designed for passive or active recreational use and may include usable floor area in the development's recreation building or club house. Common open space must be located outside of required setbacks and required parking areas. The common open space requirement is allowed to count toward the minimum landscape percentage requirement in Chapter 17.55 LCMC.**

ii. **Common open space must be available, accessible, and free for use by occupants and their guests without leaving the development.**

iii. **Common open space must be connected to primary building entrances (in the case of multi-unit dwellings) by an ADA-accessible walkway that is at least five feet wide. The square footage area of ADA-accessible walkways can count towards the minimum common open space square footage requirement if they provide at least one of connection to each other, connection to other common open space areas, or connection to public right-of-way or the parking area for the development.**

iv. **All required common open spaces must include at least one amenity for users including seating, trash/recycling bins, dog waste stations, or play equipment – all of which must coordinate with and complement the development. If a common open space area has direct connection to an ADA-accessible walkway, then that connection and ADA-accessible walkway can count as the amenity for that particular common open space area. Common open spaces provided over and above the minimum requirement do not need to provide any amenities.**

[2]Where the minimum density calculation results in a fraction that is .50 or above, the fraction is rounded up to the next whole number. Where a minimum density calculation results in a fraction that is less than .50, the fraction is rounded down to the preceding whole number.

[3]Example: 50,000 gross square feet less 1,200 square feet for significant wetlands and right-of-way dedication equals 48,800 net square feet. 48,800 divided by 43,560 = 1.12 acres x 15 = 16.8 or 17 dwelling units minimum density.

[4]Refer to 17.52.160(B) for exceptions to setback requirements for accessory buildings.

[5]Vehicle storage space for boats, campers, RVs, etc. shall be provided at the rate of one 10-foot by 20-foot space in size for every four dwelling units. Adequate maneuvering room shall be provided. The perimeter of the vehicle storage space, excepting the entrance to such, shall be blocked from sight with a 6-foot-high sight-obscuring fence,

hedge, or wall that complies with clear-vision area requirements of LCMC 17.52.060, and if a hedge, complies with LCMC 17.55.080, Living landscaping as screening.

17.20.060 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

17.20.070 Signs. Signs shall be allowed in accordance with Chapter 17.72 LCMC and Chapter 9.34 LCMC.

17.20.080 Supplementary Regulations and Exceptions. Supplementary Regulations and Exceptions shall be adhered to in accordance with Chapter 17.52 LCMC.

17.20.090 Off-street parking and loading. Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.

17.20.100 Design standards. Design standards shall be adhered to in accordance with Chapter 17.74.

17.20.110 Restrictions. No development shall occur in the R-M zone unless all city services (sewer and water) are available to serve such development.

17.20.120 Conflicts. If conflicts occur between the requirements of this chapter and any other rules or regulations, the strictest requirement shall apply.

~~**Chapter 17.20**~~
~~**MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE**~~

~~**Sections:**~~

~~**17.20.010 Purpose.**~~
~~**17.20.020 Permitted uses.**~~
~~**17.20.030 Accessory uses.**~~
~~**17.20.040 Conditional uses.**~~
~~**17.20.050 Minimum lot area and density requirements.**~~
~~**17.20.060 Lot width, building coverage and yard requirements.**~~
~~**17.20.070 Maximum building height.**~~
~~**17.20.080 Signs.**~~
~~**17.20.090 Parking.**~~
~~**17.20.100 Other required conditions.**~~

~~**17.20.010 Purpose.**~~
~~**This zoning district is designed to provide an environment suitable for higher density urban residential uses, and community services.**~~

~~**17.20.020 Permitted uses.**~~
~~**The following uses are permitted:**~~

~~**A. Single-family dwellings, if developed under the standards set forth for single-family dwellings within the R-1 zone (except for the building coverage standards, which shall be as set out in LCMC 17.20.060(D)), and two-family dwellings or duplexes;**~~

~~**B. Multiple-family dwellings and apartment houses;**~~

~~**C. Cottage housing developments, subject to the provisions of LCMC 17.80.120;**~~

~~**D. Rooming and boarding houses;**~~

~~**E. Community gardens and market gardens not larger than 12,500 square feet, in accordance with the standards of LCMC 17.80.080;**~~

~~**F. A mobile home used during construction of a permitted use for which a building permit has been issued, but not exceeding six months;**~~

~~**G. Bed and breakfast accommodations, subject to the standards set forth in LCMC 17.80.060;**~~

~~**H. Manufactured homes when developed in accordance with the standards specified in LCMC 17.52.250;**~~

~~**I. Attached single-family dwellings, when developed in accordance with the standards specified in LCMC 17.52.260;**~~

~~**J. Transportation uses, defined in Chapter 17.08 LCMC;**~~

~~**K. Tiny house developments, subject to the provisions of LCMC 17.80.040(C);**~~

~~**L. Four-flat dwellings, subject to the provisions of LCMC 17.80.140.**~~

~~**17.20.030 Accessory uses.**~~
~~**The following accessory uses are permitted:**~~

~~**A. Offices incidental and necessary to the conduct of a permitted use;**~~

~~**B. Off-street parking lots when appurtenant to a permitted use in the R-M zone, subject to the provisions of Chapter 17.56 LCMC;**~~

~~C. Home occupations, subject to the provisions of LCMC 17.52.010(E);~~

~~D. Gardens and animals, subject to the provisions of LCMC 17.80.080;~~

~~E. Accessory dwelling units in association with single-family dwellings, subject to the provisions of LCMC 17.80.110;~~

~~F. Vacation rental dwelling, provided it is not rented for more than 30 nights in any calendar year, and subject to LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC;~~

~~G. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use.~~

~~17.20.040 Conditional uses.~~

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

~~A. Time-share units, when developed subject to requirements and standards of this section;~~

~~B. Places of worship;~~

~~C. Public or private schools (kindergarten through 12th grade, educational institutions, nursery schools and day care centers);~~

~~D. Community meeting buildings, fraternal and social organizations and recreation centers, public parks, playgrounds and similar publicly owned recreational areas;~~

~~E. Public or private golf courses, except driving ranges or miniature courses operated as a business;~~

~~F. Mobile home parks submitted under the provisions of LCMC 17.80.040;~~

~~G. Temporary real estate offices in legally recorded subdivisions;~~

~~H. Cemeteries;~~

~~I. Utility substations, but not wireless communications facilities;~~

~~J. Radio and television transmitters or towers, but not wireless communications facilities;~~

~~K. Government buildings;~~

~~L. Hospitals, sanitariums, rest homes and nursing homes.~~

~~17.20.050 Minimum lot area and density requirements.~~

~~The minimum lot area shall be 5,000 square feet for a single-family dwelling and a minimum of 8,000 square feet for a duplex or the first two units of a multifamily development. For each additional dwelling unit, the following standards shall apply:~~

~~A. Low Density. Where the entire lot is in excess of 150 feet from a boundary of a commercial zone, the lot must have an additional area of 2,250 square feet for each additional dwelling.~~

~~B. High Density. Where the entire lot is within 150 feet of the boundary of a commercial zone, the lot must have an additional area of 1,200 square feet for each additional dwelling unit.~~

~~C. Mixed Density. Where a portion of the parcel is within 150 feet of a boundary line of a commercial zone and a portion of the parcel is in excess of 150 feet of the boundary of a commercial zone, calculate allowed density (number of dwelling units) in the following manner:~~

~~1. Deduct the 8,000 square feet required for the first two units from the larger of the two portions. If neither portion is 8,000 square feet, deduct as much as possible from the larger portion and the remainder from the smaller portion, or if the same size, subtract equally from both portions;~~

~~2. Divide the remainder (i.e., square feet of the portion within 150 feet of a commercial zone, less the square footage deducted from this portion in step one) by 1,200 square feet per unit;~~

~~3. Divide the remainder (square feet of the portion more than 150 feet from a commercial zone, less the square footage deducted from this portion in step one) by 2,250 square feet per unit;~~

~~4. Add the quotients from steps 2 and 3. Round the resulting quotient down to the nearest whole number;~~

~~5. To this sum add the two units from step 1 to get the maximum number of dwelling units allowed on the parcel. The site plan may distribute the allowed units on the lot without regard to distance from commercial zoning.~~

~~6. Example of calculation described in subsections (C)(1) through (5) of this section:~~

~~A 50,000 square foot parcel with 20,000 square feet within 150 feet of a commercial zone and 30,000 square feet in excess of 150 feet from a commercial zone.~~

~~1. Deduct the 8,000 square feet required for the first two units from the 30,000 square foot portion.~~

~~2. Divide the 20,000 square feet of the area within 150 feet of a commercial zone by 1,200 square feet per unit. The result is 16.67 units.~~

~~3. Divide the 22,000 square feet (remaining after step 1) of the area in excess of 150 feet of a commercial zone by 2,250 square feet per unit. The result is 9.78 units.~~

~~4. Add the quotients from steps 2 and 3 to get 26.45. Round down to 26.~~

~~5. Add the two units from the first step to 26 for a total of 28 units.~~

~~17.20.060 Lot width, building coverage and yard requirements.~~
~~A. Lot Width. The minimum average lot width shall be at least 50 feet for single-family residences and duplexes; at least 60 feet for triplexes or greater number of dwelling units.~~

~~B. Front Yard. The minimum front yard shall be 20 feet.~~

~~C. Side and Rear Yard. The minimum side and rear yard shall be at least five feet, except that the street side yard shall be a minimum of 15 feet. The side and rear yard shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.~~

~~D. Building Coverage. The maximum building coverage by buildings and structures shall not exceed 45 percent of the total lot area.~~

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

~~1. The distance between any principal building and any accessory building shall be a minimum of 10 feet.~~

~~2. An inner court providing access to double-row dwelling groups shall be a minimum of 20 feet in width.~~

~~3. Except for single-family dwellings on one lot, the distance between principal buildings shall be at least one-half the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 15 feet. This requirement shall also apply to portions of the same building separated from each other by a court or other open space.~~

~~4. For special yard requirements, see Chapter 17.52 LCMC, Supplementary Regulations and Exceptions.~~

~~17.20.070 Maximum building height.~~
~~Maximum building height shall be 35 feet except as provided in LCMC 17.52.190 and 17.52.200.~~

~~17.20.080 Signs.~~
~~Signs shall be permitted in accordance with the provisions of Chapter 17.72 LCMC.~~

~~17.20.090 Parking.~~
~~Off-street parking shall be provided in accordance with Chapter 17.56 LCMC.~~

~~17.20.100 Other required conditions.~~
~~A. Landscaping. Landscaping shall be provided in accordance with LCMC 17.52.100.~~

~~B. Recreation Area. A multifamily development shall have a minimum of 250 square feet of recreation area for each living unit. The recreation area must be exclusively for recreational use, and shall not be located in the required yard and shall not be considered as required landscape areas. The recreation area, which may include useable floor space in recreation buildings, must be available and free for use by occupants and their guests, and accessible to occupants without having to leave the property comprising the multifamily dwelling complex. The recreation area may be in one or more locations in the multifamily dwelling complex. Any location for use by more than an individual unit shall be at least 20 feet in width and within view of the residences it serves.~~

~~C. [Reserved]~~

~~D. Access Barrier. Each lot, with its buildings, other structures, and parking and loading areas, shall be physically separated from each adjoining highway or street by a curb or other suitable barrier against unchanneled motor vehicle ingress or egress. Such a barrier shall be located at the edge of, or within, the front yard or in side yards abutting streets unless suitable curbs and gutters are provided within the highway or street right-of-way. Except for the access ways permitted below, such barrier shall be continuous for the entire length of any lot line adjoining a street or highway.~~

~~E. Access Ways. Each lot shall have not more than two access ways to any one street or highway, which shall comply with the following requirements:~~

~~1. Width of Access Way. The width of any access way leading to or from a street or highway shall not exceed 24 feet, or where the city engineer or the Oregon Department of Transportation requires a turn lane, 36 feet, nor be less than 15 feet in width at the right-~~

~~of-way line for a one-way ingress or egress. The alignment of access ways and curb return dimensions is subject to site plan review committee approval.~~

~~2. Spacing of Access Ways. At its intersection with the lot line, no part of any access way shall be nearer than 20 feet to any other access way on the same lot, nor shall any part of the access way be nearer than 10 feet to any side or rear property line and its intersection with a right-of-way line. Insofar as practicable, the use of common access ways by two or more permitted uses is encouraged in order to reduce the number and closeness of access points along the highways.~~

~~3. Traffic Hazards. The location and number of access ways shall be so arranged that they will reduce the possibilities of traffic hazards as much as possible.~~

~~F. Restrictions. No development shall occur in the R-M zone unless all city services (sewer and water) are available to serve such development, except as provided in LCMC 17.52.120(A).~~

~~G. Design Features. All single-family units (site-built, modular and manufactured homes) to be constructed or located in the multifamily residential zone shall utilize at least two of the following design features to provide visual relief along the front of the home:~~

~~1. Dormers;~~

~~2. Gables;~~

~~3. Recessed entries;~~

~~4. Covered porch entries;~~

~~5. Cupolas;~~

~~6. Pillars or posts;~~

~~7. Bay or bow windows;~~

~~8. Eaves (minimum six-inch projection);~~

~~9. Off-sets on building face or roof (minimum 16 inches).~~

SECTION 2. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.24 (*Professional Campus (PC) Zone*), Section 17.24.020 (*Uses permitted*), paragraph (F), is hereby amended as follows:

F. Elderly housing units developed under the standards and **~~provisions of the low density section of the R-M zone;~~** **requirements for multi-unit dwellings in Chapter 17.20, and subject to the provisions of Article III of Chapter 17.74;**

SECTION 3. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.28 (*Recreation-Commercial (RC) Zone*), Section 17.28.040 (*Conditional uses permitted*), paragraphs (B), (F), and (J) are hereby amended as follows:

B. ~~Public use or p~~Public utility;

F. Multi**-unit** ~~family~~ dwellings developed under the standards **and requirements for multi-unit dwellings in Chapter 17.20 and Article III of Chapter 17.74;** **~~of the R-M zone;~~**

J. Residential facilities developed under the standards and requirements for residential facilities in Chapter 17.20, and subject to the provisions of Article III of Chapter 17.74.

SECTION 4. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.32 (*General Commercial (GC) Zone*), Section 17.32.040 (*Conditional uses permitted*), paragraph (K), is hereby amended, and paragraph (U) is hereby added, as follows:

K. Multi**-unit** ~~family~~ dwellings developed under the standards and **~~provisions of the high density section of the R-M zone;~~** **requirements for multi-unit dwellings in Chapter 17.20 and Article III of Chapter 17.74;**

U. Residential facilities developed under the standards and requirements for residential facilities in Chapter 17.20, and subject to provisions of Article III of Chapter 17.74.

SECTION 5. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.32 (*General Commercial (GC) Zone*), Section 17.32.110 (O*ther required conditions*), paragraph (E) is hereby amended as follows:

E. All ~~commercial or mixed use buildings~~ development in the GC zone must conform to and comply with applicable portions of Chapter 17.74 LCMC, ~~Commercial~~ Design Standards.

SECTION 6. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.34 (*Nelscott Plan District)* is hereby amended as follows:

17.34.010 Purpose.

The Nelscott plan district (NPD) is established to provide for the integration of residential, commercial, and recreational uses in a well-planned, pedestrian-oriented, mixed use

environment. The purpose of the district is to provide maximum flexibility in land use while protecting the unique character of Nelscott.

17.34.020 Nelscott plan district subdistricts. ~~overlay zones.~~

17.34.030 Permitted uses.

Table 17.34.030.1 identifies the land uses allowed in the each of the three Nelscott subdistricts. Uses permitted are identified with "P"; those that are allowed subject to conditional use permit approval are identified with "C"; prohibited uses are identified with "N."

Table 17.34.030-1 Land Uses Allowed in Nelscott

Uses	**Subdistrict**		
Use Categories	**Business District**	**Cottage Residential**	**Beachside Mixed Use**
Residential Categories			
Single-unit dwelling	P	P	P
Attached single-unit dwelling	P	N	P
Duplex	P	P	P
Accessory dwelling unit,	P	P	P
Multi-unit dwellings	P	N	P
Mixed use – dwelling(s) above or abutting a ground floor commercial use – dwelling(s) below a ground floor commercial use fronting on Highway 101	 P N	 N N	 P P
Manufactured homes, subject to the provisions of LCMC 17.52.250		P	
Commercial Categories			
Drive-up/drive-in/drive-through (drive-up windows, ATMs, similar uses/facilities) – lawfully existing as of June 1, 2008 – new or expanded use	 P N	 N N	 N N
Walk-up windows, ATMs, similar uses/facilities	P	N	P
Bed and breakfast inn, subject to the provisions of LCMC 17.80.060	P	P	P

Uses	**Subdistrict**		
Use Categories	**Business District**	**Cottage Residential**	**Beachside Mixed Use**
Educational services, not a school (e.g., tutoring or similar services)	P	P	P
Entertainment, major event	P	N	P
Overnight accommodations, except bed and breakfast inns	P	N	P
Offices	P	N	P
Outdoor recreation, commercial	CU	N	CU
Surface parking lot, except for public facilities and parking as an accessory use	CU	CU	CU
Vehicle servicing or vehicle repair	N	N	N
Retail sales and service, excluding drive-up	P	N	P
Retail sales and service, greater than 60,000 square feet	N	N	N
Retail marijuana facility, subject to the provisions of LCMC 17.80.130	P	N	N
Self-service storage	N	N	N
Vacation rental dwelling, subject to LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC	P	N	P
Industrial Categories			
Industrial service, excluding drive-up – fully enclosed (e.g., office) – not enclosed	 CU N	 N N	 N N
Manufacturing and production in conjunction with an allowed commercial use – fully enclosed – not enclosed	 CU N	 N N	 N N
Warehouse and freight movement	N	N	N
Waste-related, except as accessory to a primary permitted use	N	N	N

Uses	**Subdistrict**		
Use Categories	**Business District**	**Cottage Residential**	**Beachside Mixed Use**
Wholesale sales – fully enclosed – not enclosed	 CU N	 N N	 N N
Institutional Categories			
Basic utilities	P	P	P
Colleges	CU	N	N
Government use	P	CU	CU
Day care, adult or child day care; does not include family day care (16 or fewer children) under ORS 657A.440	CU	CU	CU
Nursing home, assisted living facility, hospital, rest home, sanitarium, and similar uses	CU	N	N
Parks and open space – pedestrian amenities – parks and recreation facilities – other open space	 P P P	 P P P	 P P P
Places of worship[1]	CU	CU	CU
Schools	CU	CU	CU
Other Categories			
Accessory structures	P	P	P
Community gardens and market gardens not larger than 12,500 square feet, subject to the provisions of LCMC 17.80.080	P	P	P
Animals and gardens, subject to the provisions of LCMC 17.80.080	P	P	P
Radio and television transmitter towers	CU	CU	CU
Wireless communications facilities	N	N	N
Essential emergency communications, early warning and associated emergency facilities	P	P	P

Uses	Subdistrict		
Use Categories	Business District	Cottage Residential	Beachside Mixed Use
Transportation uses	P	P	P

1. Together with accessory uses as specified in LCMC 17.80.160.

17.34.040 Development standards.

Table 17.34.040-1 Development Standards

Standard	Business District	Cottage Residential	Beachside Mixed Use
Minimum Lot Area* (square feet) *Development must conform to lot width, depth, setback and coverage standards			
– Detached single-unit dwelling	3,750 sq. ft.	3,750 sq. ft.	3,750 sq. ft.
– Attached single-unit dwelling	3,750 sq. ft.	Not applicable	3,750 sq. ft.
– Other structures	3,750 sq. ft.	3,750 sq. ft.	3,750 sq. ft.
Maximum Dwelling Unit Density – Single-unit dwelling and Duplex – Multi-unit dwelling[1]	One dwelling unit per 3,750 sq. ft. Subject to Chapter 17.20 LCMC	One dwelling unit per 3,750 sq. ft. Not applicable	One dwelling unit per 3,750 sq. ft. Subject to Chapter 17.20 LCMC
Minimum Lot Width	50 ft.	35 ft.	50 ft.
Minimum Lot Depth	50 ft.	50 ft.	50 ft.
Maximum Building Height	45 ft.	35 ft.	35 ft.
Maximum Building Coverage	90%	35%[2]	80%
Minimum Setbacks Front, street, side, and rear property lines, except garage or carport entrances	0 ft., except as required for utility easements; single-unit dwellings	5 ft. for one-story dwellings, 7.5 ft. for more than one-story dwellings, except that the interior	10 ft.; single-unit dwellings (detached or attached)

Standard	Business District	Cottage Residential	Beachside Mixed Use
	(detached or attached) subject to NCR standards	side setback for the attached side of attached single-unit dwellings is 0 ft.	subject to NCR standards
Garage/carport entrance setback from street	20 ft.	20 ft.	20 ft.
Building setback from alley or walkway	5 ft.	5 ft.	Not applicable

17.34.060 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

17.34.070 Signs. Signs shall be allowed in accordance with Chapter 9.34 LCMC and Chapter 17.72 LCMC.

17.34.080 Supplementary Regulations and Exceptions. Supplementary Regulations and Exceptions shall be adhered to in accordance with Chapter 17.52 LCMC.

17.34.090 Off-street parking and loading. Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.

17.34.100 Design standards. Design standards shall be adhered to in accordance with Chapter 17.74.

17.34.110 Restrictions. No development shall occur in the NP zone unless all city services (sewer and water) are available to serve such development.

17.34.120 Conflicts. If conflicts occur between the requirements of this chapter and any other rules or regulations, the strictest requirement shall apply.

SECTION 7. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.45 (*Taft Village Core (TVC) Zone*), is hereby amended as follows:

17.45.010 Purpose.

The purpose of the Taft Village core (TVC) zone is to provide for a wide variety of uses, including retail, professional office, service-oriented businesses, single-family and multifamily residences and combinations of the above in mixed use developments within a core area of the village of Taft where concentrations of a variety of uses will encourage a pedestrian-oriented pattern of development that is different from the patterns found between Lincoln City's village nodes.

17.45.020 Permitted uses.

Table 17.45.020.A identifies the land uses allowed in TVC. Uses permitted are identified with "P"; those that are allowed subject to conditional use permit approval are identified with "C"; prohibited uses are identified with "N."

Table 17.45.020-1 Land Uses Allowed in TVC

Uses	Status of Use
A. Administrative and Professional Offices	
Commercial establishments where the administrative, clerical and managerial functions of a business or industry are conducted or where members of a profession conduct their practice. Examples include accounting, medicine, physical therapy, veterinary with no kennels, engineering, real estate.	**P**
B. Automotive Related Uses	
Commercial establishments which provide parts, repair and service for motor vehicles:	
1. Auto parts/supplies sales – No installations	**P**
2. Auto parts/supplies sales – With installations	**N**
3. Car washes	**N**
4. Fuel/service stations	**N**
5. Vehicle (car, RV and truck) sales/leasing	**N**
C. Boarding and Lodging Facilities[1]	
Commercial establishments which provide boarding and lodging facilities:	
1. Bed and breakfast accommodations	**P**
2. Condominiums with 10 units or less and with nightly rentals[2]	**C**
3. Hotels/motels with 10 units or less	**P**
4. Recreational vehicle parks	**N**
5. Time-share units	**C**

Uses	Status of Use
6. Vacation rental dwelling, subject to the provisions of LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC	**P**
D. Eating/Drinking Establishments	
Commercial establishments which serve prepared food or beverages for consumption on or off the premises:	
1. Night clubs/bars/lounges/micro-brew pubs	**P**
2. Restaurants – without drive-throughs (including cafes, coffee shops, family restaurants, etc.)	**P**
3. Restaurants – with drive-throughs	**N**
4. Restaurants – with walk-up windows (with or without seating)	**P**
5. Sidewalk cafes	**C**
6. Wine tasting	**P**
E. Entertainment/Recreation Establishments	
Commercial establishments which provide participant/spectator amusement, entertainment or sport, primarily for financial gain. Examples include auditoriums, theaters, museums. Game arcades are limited to five games/machines when located as an auxiliary use in an otherwise permitted use.	
1. Auditoriums, convention centers, movie theaters, museums	**C**
2. Miscellaneous indoor establishments (i.e., pool halls, billiard parlors, game arcades)	**C**
3. Miscellaneous outdoor establishments (i.e., amphitheater, swimming/aquatics facility)	**C**
F. Financial	
Commercial establishments that engage in monetary transactions not directly related to the sale of a product/service. Examples include: banks, savings and loan, etc.	
1. Financial land use, with no ATMs	**P**
2. Financial land use, with interior ATMs	**P**
3. Financial land use, with exterior ATMs	**C**
4. Interior ATMs, as an accessory to another permitted or conditionally permitted use	**C**

Uses	Status of Use
5. Exterior ATMs, as an accessory to another permitted or conditionally permitted use	**N**
G. Mixed Use	
Developments that contain office/retail/service establishments and residential uses, either within the same structure or on the same parcel.	**P**
H. Personal Service	
Commercial establishments which provide services of a personal nature. Examples include: barber/beauty/nail shops, tailor shops, dance school/karate studio, dry cleaners/laundromat, health/athletic clubs, travel agent, therapeutic massage.	**P**
I. Residential	
1. Single-unit dwellings, subject to the provisions of Chapter 17.16 LCMC	**P**
2. Attached single-unit dwellings, subject to the provisions of Chapter 17.16 LCMC	**P**
3. Duplexes, subject to the provisions of Chapter 17.16 LCMC	**P**
5. Multi-unit dwellings, subject to the provisions of Chapter 17.20 LCMC and Chapter 17.74. LCMC	**P**
6. Accessory dwelling units, subject to the provisions of LCMC 17.80.110	**P**
7. Manufactured homes, subject to the provisions of LCMC 17.52.250	**P**
8. Four-flat dwellings, subject to the provisions of LCMC 17.80.140	**P**
J. Retail Commercial	
Commercial establishments which sell merchandise generally needed/desired by the residents, employees and visitors of/to the community. Examples include: packaged food, liquor, grocery, drugs, video rental, general merchandise, gift shops, sporting goods, building materials, garden supplies/nurseries, antiques/second hand stores, convenience stores, but exclude mini-warehouses.	**P**
Retail marijuana facility, if located within 100 feet of the right-of-way of Highway 101, and subject to the provisions of LCMC 17.80.130.	**P**
K. Service Commercial	
Commercial establishments which provide business, repair and miscellaneous services. Examples include: printing/publishing, laboratories, catering, interior design, miscellaneous repairs (indoor only).	**P**

Uses	Status of Use
L. Other Uses	
1. Ambulance service	**C**
2. Art gallery and studio	**P**
3. Places of worship[3]	**C**
4. Clubs, lodges, meeting halls	**C**
5. Home occupations	**P**
6. Handicraft-type industries with on-site sales (i.e., crafts, saddles)	**P**
7. Parks/playgrounds/community gardens	**C**
8. Police/fire facilities	**C**
9. Public facilities/public parking lots	**P**
10. Public/private schools, business/trade schools, in accordance with LCMC 17.80.010	**C**
11. Public utility or utility substation	**C**
12. Essential emergency communications, early warning and associated emergency facilities	**P**
13. Community gardens and market gardens not larger than 12,500 square feet, subject to the provisions of standards of LCMC 17.80.080	**P**
14. Animals and gardens, accessory to a permitted use and subject to the provisions of LCMC 17.80.080	**P**
15. Transportation uses	**P**
16. Docks, subject to the provisions of LCMC 17.44.040	**C**

1 A cap of 212 units in boarding and lodging facilities are permitted in the TVC zone, not including bed and breakfast accommodations and other boarding and lodging facilities with 10 units or less.

2 A minimum of 50 percent of the ground-level gross floor area of new hotels/motels and condominiums with nightly rentals shall be comprised of eating/drinking establishments, entertainment/recreation establishments, or retail commercial uses.

3 Together with accessory uses as specified in LCMC 17.80.160.

17.45.050 Site development standards.

This section establishes development standards for projects in the TVC zone.

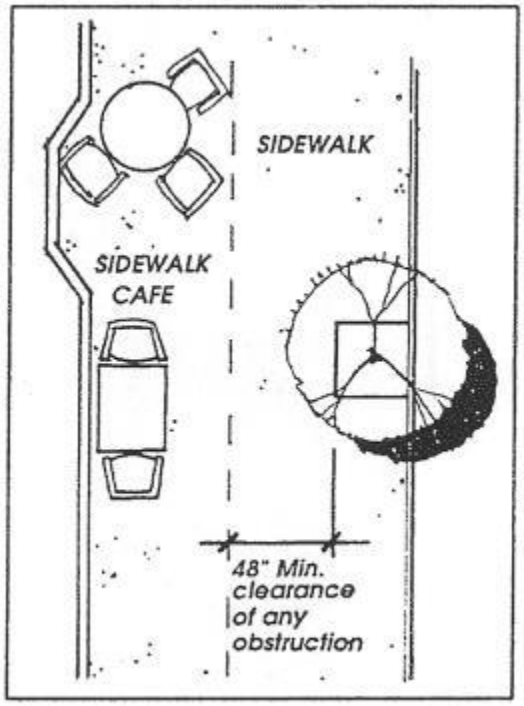
A. Development standards for single-unit residential uses shall be in accordance with Chapter 17.16 LCMC.
B. Development standards for multi-unit residential uses and duplexes shall be in accordance with Chapter 17.20 LCMC.
C. Maximum building height is 38 feet (subject to the exceptions contained in LCMC 17.52.200).
D. Minimum setbacks are zero feet and maximum setbacks are 10 feet.
E. A minimum of 50 percent of the ground-level gross floor area of new hotels/motels and condominiums with nightly rentals shall be comprised of eating/drinking establishments, entertainment/recreation establishments, or retail commercial uses.
F. If a hotel, motel, condominium, or other lodging facility in the TVC zone is destroyed by any cause to an extent exceeding 50 percent of the appraised value as determined by the records of the county assessor for the year preceding destruction, such lodging facility may be rebuilt with the same or fewer number of rooms, Chapter 17.64 LCMC to the contrary notwithstanding.
G. A cap of 212 units in boarding and lodging facilities are permitted in the TVC zone, not including bed and breakfast accommodations and other boarding and lodging facilities with 10 units or less.
H. Outdoor Sales. All commercial uses, including repair, service and storage, shall be conducted within a completely enclosed building or be completely screened from view from off the subject site, except that the outdoor sales display of merchandise in conjunction with antique shops, flower shops, art galleries, beach equipment shops, kite shops, and similar specialty and craft businesses is permitted in the TVC zone subject to the following provisions:

1. Outdoor sales displays may be allowed upon the public sidewalk; provided, that a minimum width of four feet is maintained clear of any obstructions and the city grants a right-of-way incursion permit;
2. No additional signs or other advertising devices (temporary or permanent) shall be used in conjunction with outdoor sales displays except those allowed in compliance with this title;
3. The outdoor sales display of merchandise shall only occur during times when the associated establishment is also open for business; and
4. Only merchandise normally available at the associated business may be displayed outdoors.

I. Sidewalk Cafes. Sidewalk cafes on public sidewalks can enhance the pedestrian ambiance of Taft and are encouraged. The purpose of this subsection is to set out the conditions and requirements under which a sidewalk cafe may be permitted to operate on a public sidewalk within the TVC zone.

1. Conditional Use Permit Required. A conditional use permit is required for all sidewalk cafes in accordance with Chapter 17.60 LCMC.
2. ODOT Right-of-Way. The Oregon Department of Transportation (ODOT) may require a separate permit for sidewalk cafes located adjacent to Highway 101 within the ODOT right-of-way.
3. Limitations and Requirements. A sidewalk cafe may be permitted in the TVC zone subject to the sidewalk cafe being situated adjacent to an indoor restaurant or delicatessen as specified below, and the sidewalk cafe's operation is incidental to and a part of the operation of such adjacent indoor restaurant or delicatessen.

a. A sidewalk cafe may be located on the public sidewalk immediately adjacent to and abutting the indoor restaurant or delicatessen which operates the cafe; provided, that the area in which the sidewalk cafe is located extends no farther along the sidewalk's length than the actual sidewalk frontage of the operating indoor restaurant or delicatessen and all other applicable provisions of this section are fulfilled.
b. An indoor restaurant or delicatessen may be permitted to operate only one sidewalk cafe and each sidewalk cafe shall be confined to a single location on the sidewalk.
c. A sidewalk cafe may be permitted only where the sidewalk or porch is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the proposed cafe, consistent with the Americans with Disabilities Act. There shall be a minimum 60-inch clear distance free of all obstructions, in order to allow adequate pedestrian movement.



d. All outdoor dining furniture, including tables, chairs, umbrellas, and planters, shall be movable. Umbrellas must be secured with a minimum base of not less than 60 pounds. Outdoor heaters, amplified music, or speakers shall be reviewed at the time of application for a conditional use permit.
e. No additional signing shall be allowed on or above public sidewalk at any outdoor cafe except for the name of the establishment on an awning or umbrella valance.
f. A sidewalk cafe may serve only food and beverages prepared or stocked for sale at the adjoining indoor restaurant or delicatessen.

g. The service of beer or wine, or both, must be solely for on-premises consumption by customers and must be expressly authorized as part of a conditional use permit approval.
h. The area in which the sidewalk cafe is authorized is identified in a manner, as approved by the planning director, which will clearly separate and delineate it from the areas of the sidewalk that will remain open to pedestrian traffic.
i. Outdoor preparation of food and busing facilities are prohibited at sidewalk cafes. All exterior surfaces within the cafe shall be easily cleaned and shall be kept clean at all times by the permittee.
j. Trash and refuse storage for the sidewalk cafe shall not be permitted within the outdoor dining area or on adjacent sidewalk areas and the permittee shall remove all trash and litter as they accumulate. The permittee shall be responsible for maintaining the outdoor dining area, including the sidewalk surface and furniture and adjacent areas, in a clean and safe condition.
k. Hours of operation shall be no greater than those of the indoor restaurant or delicatessen.
l. The city shall have the right to prohibit the operation of a sidewalk cafe at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades, repairs to the street or sidewalk, or emergencies occurring in the area. To the extent possible, the permittee will be given prior written notice of any time period during which the city will prohibit the operation of the sidewalk cafe.
m. No off-street parking is required for a sidewalk cafe.

17.45.060 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

17.45.070 Signs. Signs shall be allowed in accordance with Chapter 9.34 LCMC and Chapter 17.72 LCMC.

17.45.080 Supplementary Regulations and Exceptions. Supplementary Regulations and Exceptions shall be adhered to in accordance with Chapter 17.52 LCMC.

17.45.090 Off-street parking and loading. Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.

17.45.100 Design standards. Design standards shall be adhered to in accordance with Chapter 17.74.

17.45.110 Restrictions. No development shall occur in the TVC zone unless all city services (sewer and water) are available to serve such development.

17.45.120 Conflicts. If conflicts occur between the requirements of this chapter and any other rules or regulations, the strictest requirement shall apply.

SECTION 8. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.52 (*Supplementary Regulations and Exceptions*), Section 17.52.210(*Planned unit development (PUD)*) Paragraph E.2., (*Residential Density Bonuses*) is hereby amended as follows:

2. Except with respect to the "affordable housing bonus," in no case shall the density bonus or bonuses cause the overall project density to exceed the maximum allowed residential density, which in the R-1-5 zone is 8.71 units per gross project acre, in the R-1-7.5 zone is 5.81 units per acre, **and** in the R-1-10 zone is 4.36 units per acre**.** ~~**, and in the R-M zone is the "low density" density as calculated in LCMC 17.20.050(A).**~~

SECTION 9. Lincoln City Municipal Code, Title 17 (*Zoning),* Chapter 17.50 (*Oceanlake),* is hereby amended as follows:

17.50.010 Purpose.

The Oceanlake plan (OP) district is established to provide for the integration of residential, commercial, and recreational uses in a well-planned, pedestrian-oriented, mixed use environment. The purpose of the district is to provide maximum flexibility in land use.

17.50.020 Oceanlake district overlay zones.

The OP district consists of three design subdistricts, or overlay zones

17.50.030 Permitted uses.

Table 17.50.030-1 identifies the land uses allowed in OP. Uses permitted are identified with "P"; those that are allowed subject to conditional use permit approval are identified with "C"; prohibited uses are identified with "N."

Table 17.50.030-1 Land Uses Allowed in Oceanlake

Uses	**Status of Use**		
Use Categories	**Main Street Area**	**Interior Area**	**Oceanfront Area**
Residential Categories			
Household Living			
All residential uses allowed, if:			
Lawfully existing as of July 25, 2007	P	P	P
New dwelling(s) – ground floor	N	P	P

Uses	**Status of Use**		
Use Categories	**Main Street Area**	**Interior Area**	**Oceanfront Area**
Dwelling(s) above a ground floor commercial use	P	P	P
Four-flat dwellings, subject to the provisions of LCMC 17.80.140	P	P	P
Manufactured homes, subject to the provisions of LCMC 17.52.250			P
Commercial Categories			
Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities)			
Lawfully existing as of July 25, 2007	P	N	N
New or expanded use	N	N	N
Bed and breakfast accommodations, subject to the provisions of LCMC 17.80.060	P	P	P
Educational services, not a school (e.g., tutoring or similar services)	P	P	P
Entertainment, major event	C	C	C
Overnight accommodations, except bed and breakfast inns	C	C	P
Offices	P	P	P
Outdoor recreation, commercial	C	C	C
Surface parking lot, except for public facilities and parking as an accessory use	N	C	N
Vehicle servicing or vehicle repair	N	N	N
Retail sales and service, excluding drive-up	P	P	P
Retail marijuana facility, subject to the provisions of LCMC 17.80.130	P	N	N
Self-service storage	N	N	N

Uses	Status of Use		
Use Categories	Main Street Area	Interior Area	Oceanfront Area
Vacation rental dwelling, subject to the provisions of LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC	P	P	P
Industrial Categories			
Industrial service, excluding drive-up			
Fully enclosed (e.g., office)	C	C	N
Not enclosed	N	N	N
Manufacturing and production in conjunction with an allowed commercial use			
Fully enclosed	C	C	C
Not enclosed	N	N	N
Warehouse and freight movement	N	N	N
Waste-related, except as accessory to a primary permitted use	N	N	N
Wholesale sales			
Fully enclosed	C	C	N
Not enclosed	N	N	N
Institutional Categories			
Basic utilities	P	P	P
Colleges	C	N	N
Community service, including government use (public or nonprofit)	P	C	C
Day care, adult or child day care; does not include family day care (16 or fewer children) under ORS 657A.440	C	P	C
Parks and open space			
Pedestrian amenities	P	P	P
Parks and recreation facilities	P	P	P

Uses	**Status of Use**		
Use Categories	**Main Street Area**	**Interior Area**	**Oceanfront Area**
Other open space	P	P	P
Places of worship[1]			
Lawfully existing as of July 25, 2007	P	P	P
New	C	C	C
Schools	C	C	C
Other Categories			
Accessory structures (with a permitted use)	P	P	P
Radio and television transmitter or tower	C	C	C
Wireless communications facilities	N	N	N
Essential emergency communications, early warning and associated emergency facilities	P	P	P
Community gardens and market gardens not larger than 12,500 square feet, subject to the provisions of LCMC 17.80.080	P	P	P
Animals and gardens, subject to the provisions of LCMC 17.80.080	P	P	P
Accessory dwelling units, subject to the provisions of LCMC 17.80.110	P	P	P
Transportation uses	P	P	P

17.50.040 Development standards.

Table 17.50.040-1 Development Standards

Standard	**Main Street/Hwy 101 Area**	**Interior Area**	**Oceanfront Area**
Minimum lot area* (square feet)			

Standard	Main Street/Hwy 101 Area	Interior Area	Oceanfront Area
*Development must conform to lot width, depth, yard setback and coverage standards.			
Detached single-unit dwelling	Not applicable	5,000 sf	5,000 sf
Attached single-unit dwelling	Not applicable	2,000 sf (alley required)	5,000 sf
Other structures	5,000 sf	5,000 sf	5,000 sf
Minimum lot width	50 ft	20 ft w/alley access; or 50 ft w/out alley	50 ft
Minimum lot depth	50 ft	50 ft	50 ft
Building/structure height, per LCMC 17.50.090(B)(1)			
Maximum height	35 ft	35 ft	35 ft
Minimum height	18 ft		
Maximum building coverage	90%	80% where alley access or on-street parking provided 60% where no alley access or on-street parking provided	80%
Minimum setbacks:			
Front, street, side, and rear property lines, except garage/carport entrances	0 ft, except as required for utility easements	0 ft, except as required for utility easements	10 ft
Garage/carport entrance, setback from street	20 ft	20 ft	20 ft
Alley, building setback from alley	3 ft	3 ft	Not Applicable

1
2
3

SECTION 10. Lincoln City Municipal Code, Title 17 (*Zoning),* Chapter 17.80 (*Provisions applying to special uses)*, Section 17.80.120 (Cottage housing developments) Paragraph E.8, *(Walkways)* is hereby amended as follows:

8. Walkways. ~~A cottage housing development shall have sidewalks abutting all public streets.~~ A system of interior walkways shall connect each cottage to the common open space, parking areas, any community buildings, and ~~the~~ sidewalks abutting any public streets bordering the cottage housing development. ~~Sidewalks abutting public streets shall be at least six feet in width, and~~ **I**nterior walkways shall be at least five ~~four~~ feet in width.

SECTION 11. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.74 (*Commercial Design Standards*) is hereby amended to read as follows:

Chapter 17.74
DESIGN STANDARDS

Article I. General Provisions

17.74.010 Intent.
17.74.020 Applicability.
17.74.030 Exceptions.
17.74.040 Administration.

Article II. Design Standards Mixed Uses and Uses Other Than Residential

17.74.050 Character types and guiding principles.
17.74.060 Site design.
17.74.070 View protection.
17.74.080 Pedestrian spaces.
17.74.090 Building design.
17.74.100 Transportation and streetscape standards.
17.74.110 Exterior lighting.

Article III. Design Standards Residential

17.74.130. Building design.

Article I. General Provisions.

17.74.010 The intent of these regulations is to:

A. Enhance and protect the city's quality of life and community image through clearly articulated site and building design standards;

B. Protect and promote the city's economic vitality by encouraging and rewarding high-quality development;

C. Establish a clear relationship between streets, pedestrian spaces, and buildings; and

D. Enhance and protect the security and health, safety, and welfare of the public.

17.74.20 Applicability.

A. Zoning districts. The provisions of this chapter apply to the Multiple-Unit Residential (R-M), Recreation Commercial (RC), General Commercial (GC), Nelscott Plan District (NP), Taft Village Core (TVC), and Oceanlake Plan District (OP) zones as follows:

1. Article I. General Provisions for Mixed Uses, Uses Other Than Residential, and Residential.

2. Article II. Design Standards for Mixed Uses and Uses Other Than Residential.

3. Article III. Design Standards for Residential.

B. Conflicting regulations. Where conflicts occur between this chapter and other municipal code regulations or ordinances, the strictest requirement shall apply.

C. The provisions of this chapter apply to the development of undeveloped sites, the redevelopment of previously-developed sites, and/or new construction of any building or structure.

17.74.030 Exceptions and Nonconformances.

A. Routine repairs and maintenance. Routine repairs and maintenance are exempt from these standards.

B. Additions or expansion. Additions to or expansions of an existing building or structure are exempt from standards contained in this chapter that are specific to building design, provided the addition or expansion is less than 800 square feet of gross floor area. If the addition or expansion consists of 801 square feet or more of gross floor area, then the standards contained in this chapter that are specific to building design shall apply to the addition or expansion. Existing non-conforming portions of the building shall come into conformity as provided in Chapter 17.64 LCMC. As part of the addition or expansion,

and regardless of size, all other portions of the site (landscaping, off-street parking and loading, supplementary regulations and exceptions, and nonconformances, etc.) must comply with respective code requirements as applicable.

C. Residential dwelling exception. Detached single-unit dwellings, attached single-unit dwellings, duplexes, and manufactured dwellings in any zone are exempt from all requirements of this chapter.

D. Nonconformances. See Chapter 17.64 LCMC for application of these standards in nonconforming situations.

17.74.040 Standards versus guidelines.

A. The sections that follow provide intent statements, followed by standards and guidelines. Most standards contain approval criteria that are objective; however, some criteria require the review authority to apply discretion. Where discretion is involved, the review authority must use the guidelines in evaluating a proposal. The following further explains the relationship between intent statements, standards, and guidelines.

1. Intent statements are not utilized as applicable approval criteria for evaluating the application for approval or denial. However, intent statements are utilized when considering approval or denial of requests for adjustments or modifications as the applicant must demonstrate how the requested adjustment or modification and proposed alternative conforms to the intent statements.

2. Standards use the words "shall" or "must" and are mandatory. A request for an adjustment or modification is required if the standard cannot be met.

3. Guidelines use the words "should," "may," "preferred," "encouraged," and "discouraged," and are advisory only. Guidelines supplement the standards and provide examples of acceptable or unacceptable design.

a. **Graphics used in this chapter do not prescribe a particular design, but serve as examples of acceptable or unacceptable design solutions.**

4. Standards and guidelines both serve as approval criteria, but the review authority has much greater latitude in applying guidelines. Where a guideline conflicts with a standard, the standard prevails.

5. In the case of a requested adjustment or modification to a standard, the submitted application and associated materials must demonstrate how the adjustment or modification results in equal or greater conformity to the intent of the code and other applicable standards and guidelines.

6. **Nullification of one standard or guideline by a court of competent jurisdiction does not cause any other standard or guideline to be nullified (severability).**

B. Burden of proof. The submitted application and associated materials must demonstrate how the proposal meets all the applicable standards contained in this chapter and other applicable city regulations. Through adjustment or modification requests, the application and associated materials must also provide evidence of why a standard is not relevant given the context of the site and proposed use.

C. Adjustments and modifications. Adjustments to or modifications of the standards in this chapter are not variances. The procedures and criteria for variances are addressed in Chapter 17.68. The review authority may approve requests for adjustments to or modifications of the standards in this chapter provided the applicant demonstrates the following:

1. **The character types and guiding principles, as contained in Section 17.74.050, and the intent statement(s) under the standard to be adjusted or modified can be better met through the proposed alternative design solution; or**

2. **Necessary characteristics of the allowed use present practical difficulties in meeting a standard. In such cases, the submitted materials must provide alternative features to meet the intent of the standard, along with an explanation of how the alternative features meet the intent of the standard being adjusted or modified.**

Article II. Design Regulations for Mixed Uses and Uses Other than Residential.

17.74.50 Guiding principles.

A. Enhance Lincoln City's historic qualities and facilitate compact, walkable, mixed-use development.

B. Orient buildings and their primary entrances to public or private streets or to pedestrian spaces abutting the public or private streets.

C. Create vibrant pedestrian spaces that, where possible, take advantage of western and southern exposures.

D. Provide aesthetically-pleasing visual interest along the public right-of-way and private streets, retaining the historic pattern of small buildings or at least the impression of small buildings.

E. Treat corner lots as focal points by prominent placement of the building and with vertical building elements, public art, seating, or other design features.

F. Allow for flexibility to accommodate a wide variety of site conditions, while maintaining basic standards and common themes.

G. Enhance the street front by providing visual interest through site design and building articulation.

H. Sustainable building practices are encouraged, as is energy conservation in construction.

I. Permeable surfaces for driveways, walkways, and parking areas are encouraged.

17.74.060 Site design.

A. Intent.

1. **Facilitate the development of a continuous pedestrian pathway network throughout the city.**

2. **Create a sense of enclosure and human scale by orienting buildings to streets or, where buildings must be set back from the street, by orienting them to pedestrian activity, and design intervening area with pedestrian spaces and landscaping.**

3. **Maintain views to the ocean, bay, rivers, and forested hillsides and bluffs.**

B. General standards.

1. **Site conditions. Locate buildings to preserve existing topography, views, and natural features to the extent possible, and to take advantage of unique site conditions.**

2. **Pedestrian space. Maximize opportunities for usable, attractive, well-integrated pedestrian space.**

3. **Site design. Site designs should maximize the preservation of existing mature vegetation and should provide for on-site storm water quality treatment and management such as through providing bioswales or other natural water treatment features.**

4. **Natural features and systems. Prioritize natural features and systems by orienting buildings around existing native vegetation, significant wetlands, and significant**

riparian areas, and maximizing passive heating and solar gain, protection from weather, and predominant winds.

5. **Building entries. Create clearly identifiable building entries from the street, unless restricted by unique site conditions.**

6. **Building continuity. Where practicable, it is encouraged to extend buildings from side property line to side property line to increase vitality and to maintain continuity of a storefront character.**

7. **Mixed-use buffers. Provide buffers at residential entries at sidewalks within mixed-use frontages by means of entry courtyards, porches, or stoops as well as landscaping.**

8. **Retaining walls. Where new retaining walls are constructed adjacent to public right-of-way, they must consist of one or more of the following: rusticated concrete block, striated or battered concrete, or natural stone.**

9. **Compliance with Chapter 17.52 is required. If conflicts occur, the strictest requirement shall apply.**

10. **Drive-through facilities and stacking lanes. Drive-through facilities, including windows and ordering stations, must not be visible from public right-of-way. Stacking lanes must be able to accommodate all vehicles on the site, such that no part of any vehicle using or in line to use a drive-through facility shall project into or over any portion of public right-of-way.**

11. **Building orientation.**

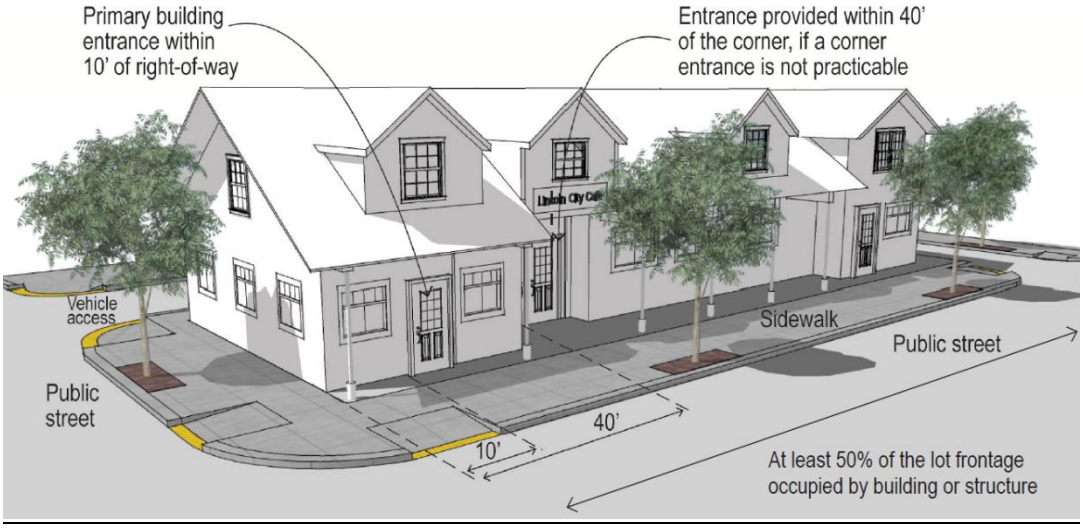
    a. **Building orientation. A building or structure must extend along at least 50 percent of the lot's street frontage(s). If the lot has more than one street frontage, this requirement shall apply to all of the lot's street frontages. This required 50-percent building frontage must be at the back of a public sidewalk, public right-of-way, or adjacent to an area dedicated to the public. See *Figure 17.74.60-2.***

    b. **Primary building entrance.**

    i. **Corner building. A primary entrance is required at the corner within 10 feet of right-of-way. Where a corner entrance is not practicable, a primary building entrance must be within 40 feet of the corner. See *Figure 17.74.60-2.***

ii. Interior building. A primary entrance is required within 10 feet of public right-of-way and directly connected to a public sidewalk.

Figure 17.74.60-2. Building orientation diagram.



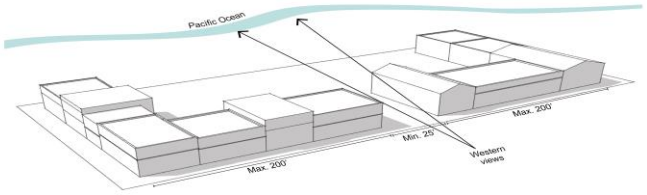
17.74.070 View protection.

A. Intent. To acknowledge existing key natural and scenic views of the Pacific Ocean, Siletz Bay, and Devils Lake, and leverage context-sensitive design to minimize impact to these views. Design solutions include changing height, bulk, setbacks, or orientation to frame or retain partial views.

B. Applicability. The view protection guidelines apply to all lots or parcels with frontage along streets with views of the Pacific Ocean, Siletz Bay, or Devils Lake, except for lots or parcels fronting Highway 101 which are exempt from these requirements.

C. Standard. Buildings shall be no more than 200 feet in width when constructed along streets with views of the Pacific Ocean, Siletz Bay, or Devils Lake. There shall be a minimum distance of 25 feet between buildings on one site, lot, or parcel when siting multiple structures on the same site, lot, or parcel. See *Figure 17.74.70-1*.

Figure 17.74.70-1. View protection diagram.



17.74.080 Pedestrian spaces.

A. Intent.

1. **The increased development intensity, mixture of uses, pedestrian activity, close building orientation, and minimal private open space envisioned for the city should be offset by providing pedestrian spaces along building frontages and breaks between buildings.**

2. **Pedestrian spaces serve to provide visual relief, pedestrian resting areas, and opportunities for socialization.**

3. **Projects must contribute their proportionate share of pedestrian space. Pedestrian spaces count toward the required minimum landscape area.**

B. Standards.

1. Required area and dimensions. At least three percent of every development site, excepting developments that are wholly residential, must be pedestrian space. Any pedestrian space must be at least eight feet across with a surface area of at least 64 square feet. See *Figure 17.74.80-1*.

2. In-lieu fee. The applicant may find that the creation of pedestrian space is not practicable. In such case, the review authority may approve an in-lieu fee equal to the assessed value of the land and improvements that would have otherwise been required. The assessed value shall be that shown on the most current property tax report from the Lincoln County Assessor's Office. The in-lieu fee shall be paid to the city.

3. **Preferred location. The highest priority locations for pedestrian spaces are those areas with the highest pedestrian activity that have a western or southern exposure, Where no such area exists, then pedestrian space should be an extended sidewalk or walkway connecting multiple developments.**

4. **Access. All pedestrian spaces must be accessible from the public right-of-way or otherwise be connected to and visible from the public right-of-way by a sidewalk or pedestrian pathway. Connections between pedestrian spaces and the public right-of-way must be identified with a change in paving materials or paving treatment. Use of painted concrete is not an acceptable method of identifying such connections.**

5. **Weather protection. Where a pedestrian space adjoins a building entrance, it should incorporate a canopy, awning, pergola, portico, or similar weather protection feature.**

6. **Site Features. Features such as trash/recycling receptacles, benches, planter boxes, and other similar items must be coordinated in color and design with each other, the site, and the buildings and structures on the site.**

7. **Pedestrian amenities required. Required pedestrian spaces must contain pedestrian amenities within the designated pedestrian space in an amount equal to or greater than one-half of one percent of the estimated project construction cost. Cost estimates for pedestrian amenity improvements must be prepared by a licensed architect, landscape architect, or other qualified professional, and shall be subject to review and approval by the review authority. Features that count toward fulfilling the one-half of one percent amenity requirement include:**
   - **Tables, chairs, benches;**
   - **Water features;**
   - **Planters;**
   - **Plaza space;**
   - **Extra-wide sidewalk by at least six inches over and above the minimum width requirement;**
   - **Public art;**
   - **Pedestrian-scale lighting at street corners, along pedestrian pathways, or throughout the pedestrian space;**
   - **Dog stations;**
   - **Drinking fountains; or**
   - **Similar.**

8. **Edge treatment. Pedestrian space should have an articulated edge where feasible to provide visual interest and additional seating along the edges of the pedestrian**

space where people may linger out of the traffic flow. The articulated edge should be defined without impeding traffic flow.

Figure 17.74.80-1. Pedestrian space diagram.

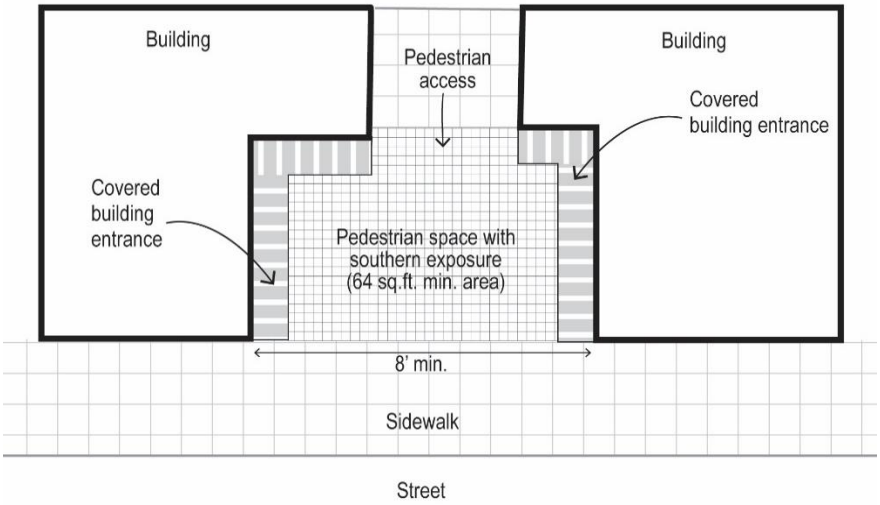


Figure 17.74.80-2. Examples of pedestrian spaces.

Extended sidewalk and plaza space near area of high pedestrian activity.

Plaza space with seating, wayfinding signage, and connections to building entrances.

17.74.090 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

17.74.100 Building design.

A. Intent. The building design standards reflect the following community values:

1. **Context-sensitive and eclectic coastal architecture.**

2. **Articulated building facades to break up large volumes and promote human scale.**

3. **Contextually appropriate materials, textures, and colors.**

4. **Pedestrian-scale development through ground floors made active with windows, pedestrian amenities, and furnishings.**

5. **Corner buildings that serve as focal points with vertical building elements, furnishings, and/or public art.**

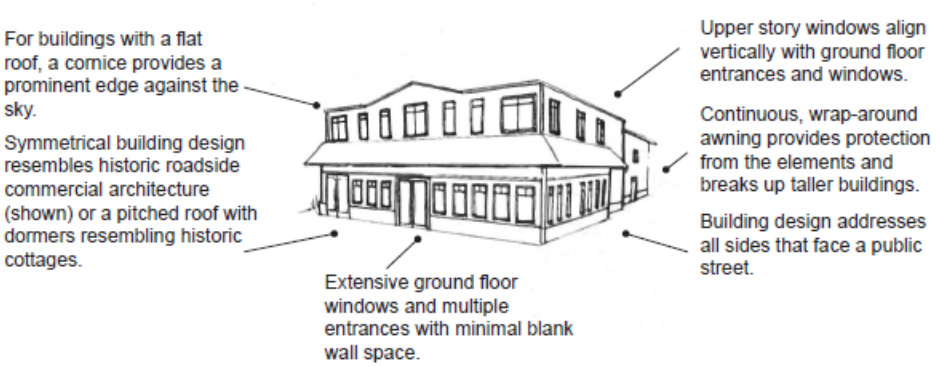
6. **Architecture that is consistent with the character of each pearl, balancing rhythm and continuity, yet creative in the design of building elevations, rooflines, and facade elements.**

7. **Design that increases environmental sustainability, softens the building's edge, and provides visual interest for the pedestrian.**

B. Specific design elements for pearls. In addition to the other standards of this chapter, development in pearls must show conformance to the following pearl-specific design elements:

1. **Wecoma. Building design must embrace the historic roadside commercial or small-scale cottage architecture found throughout Wecoma and continue architectural detail along all facades facing public right-of-way.**

Figure 17.74.100-1. Wecoma design elements.



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2. Oceanlake. The intent of the design standards for Oceanlake is to ensure:

A. Integration and Functionality of Land Uses. Connections between building entrances, sidewalks and associated pedestrian areas should be made to encourage visual and physical integration with a strong sense of place.

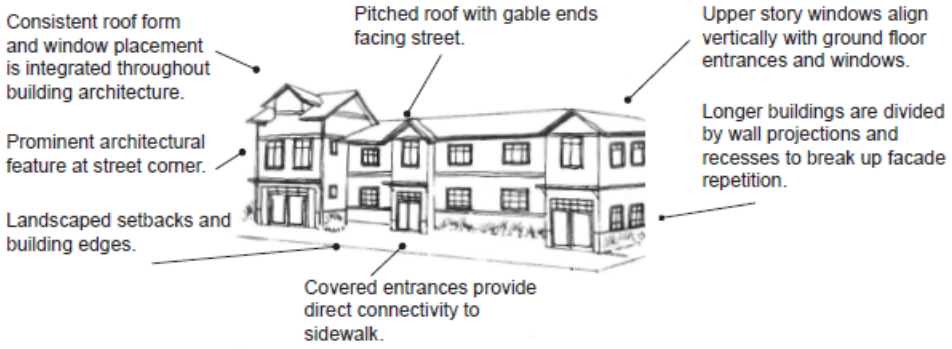
B. Connecting Oceanlake to the Ocean. Oceanlake has a well developed network of east-west (numbered) streets providing visual and, in some cases, physical access to the beach. The skyline is not defined by skyscrapers but village-scale storefronts, beach cottages and hotels nestled between rolling hills, shore pines, and ocean bluffs. While the city recognizes that it is not possible or practical to preserve all views of the ocean, new projects should be designed to take advantage of ocean views while maintaining view corridors from adjacent rights-of-way and pedestrian spaces to the greatest extent practicable.

C. Respecting Neighborhood Transitions. Developments on the edge of the Oceanlake plan district should be made compatible with abutting single-unit dwellings outside the plan district, particularly the single-story bungalows and cottages in the R-1-5 zone north of NW 19th Street.

D. Aesthetics and Context-Sensitive Design. Oceanlake's aesthetic is rooted in the area's eclectic mix of beach cottages, hotels, and main street storefronts nestled between rolling hills, shore pines, and ocean bluffs. The Oceanlake plan district encourages new development and redevelopment that honors the past while providing a contemporary interpretation of the area's architecture and history

***3.* DeLake. Building design must break up larger facades and repetitious design features to create an appearance of smaller-scale buildings to emphasize a human-scale while prioritizing architectural detail along any street-facing façade of buildings or where portions of a façade are visible from public right-of-way.**

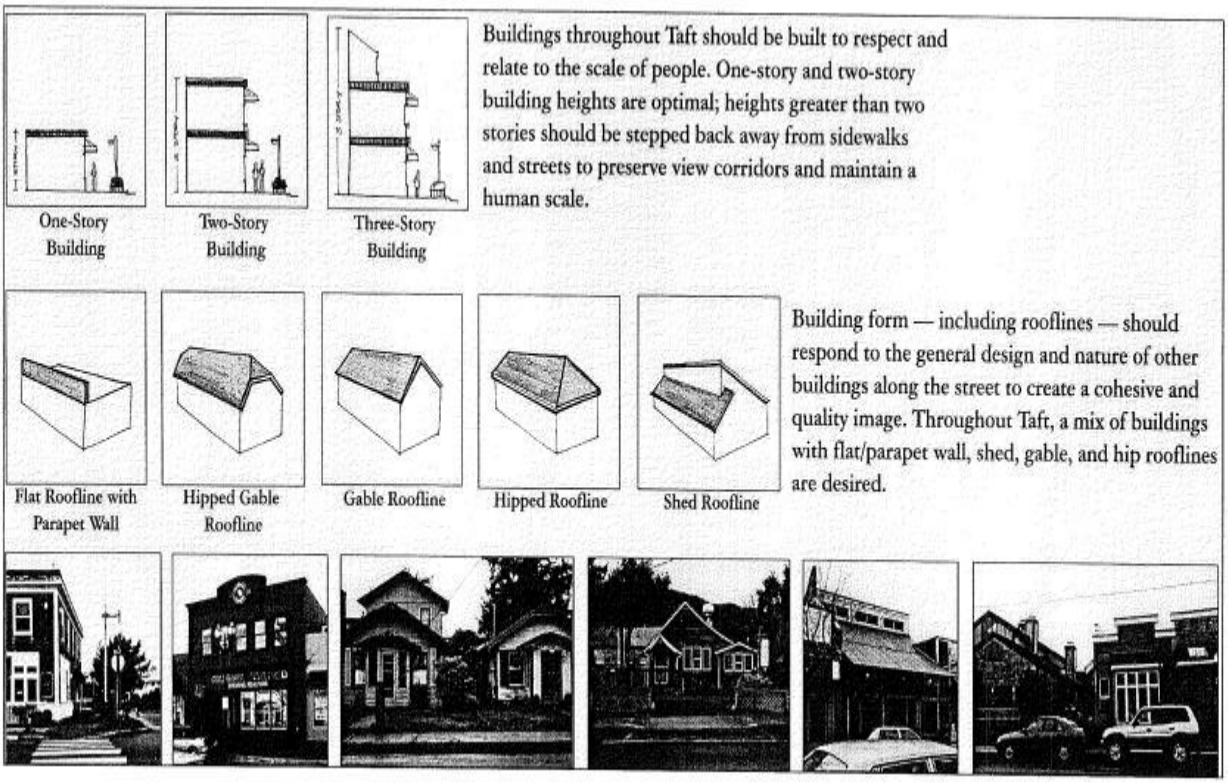
Figure 17.74.100-2. DeLake design elements.

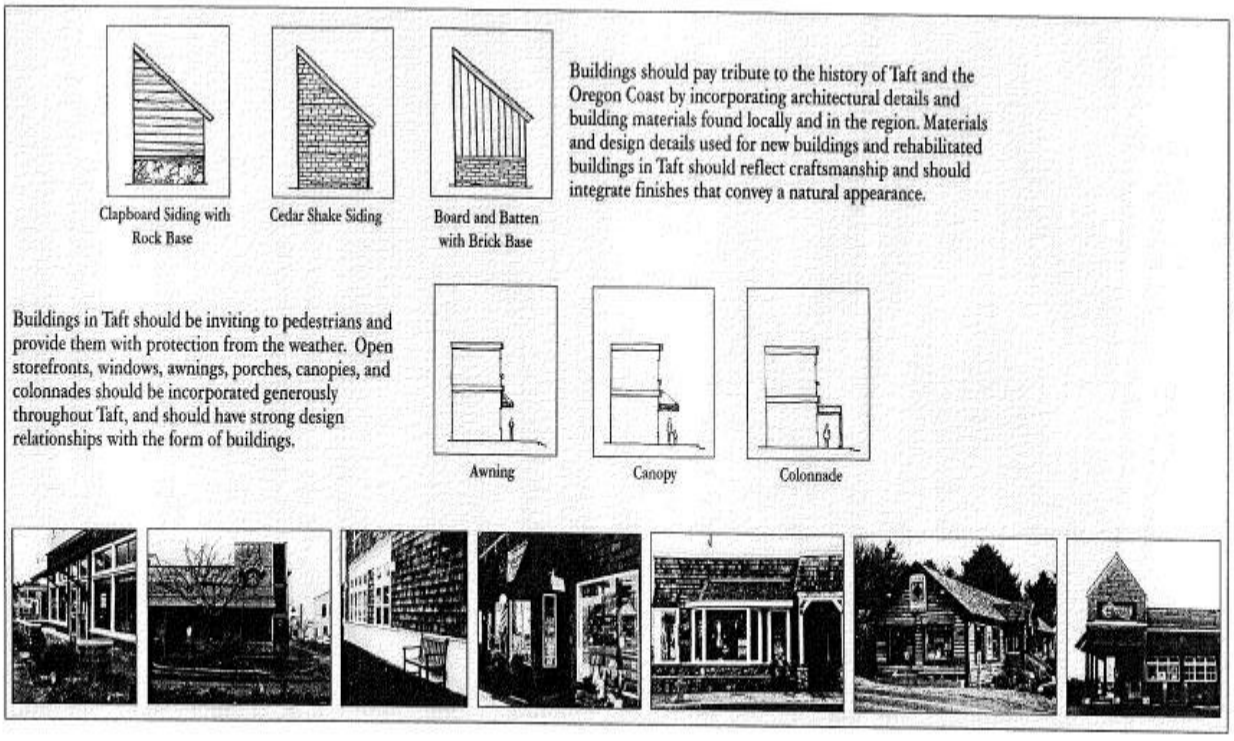


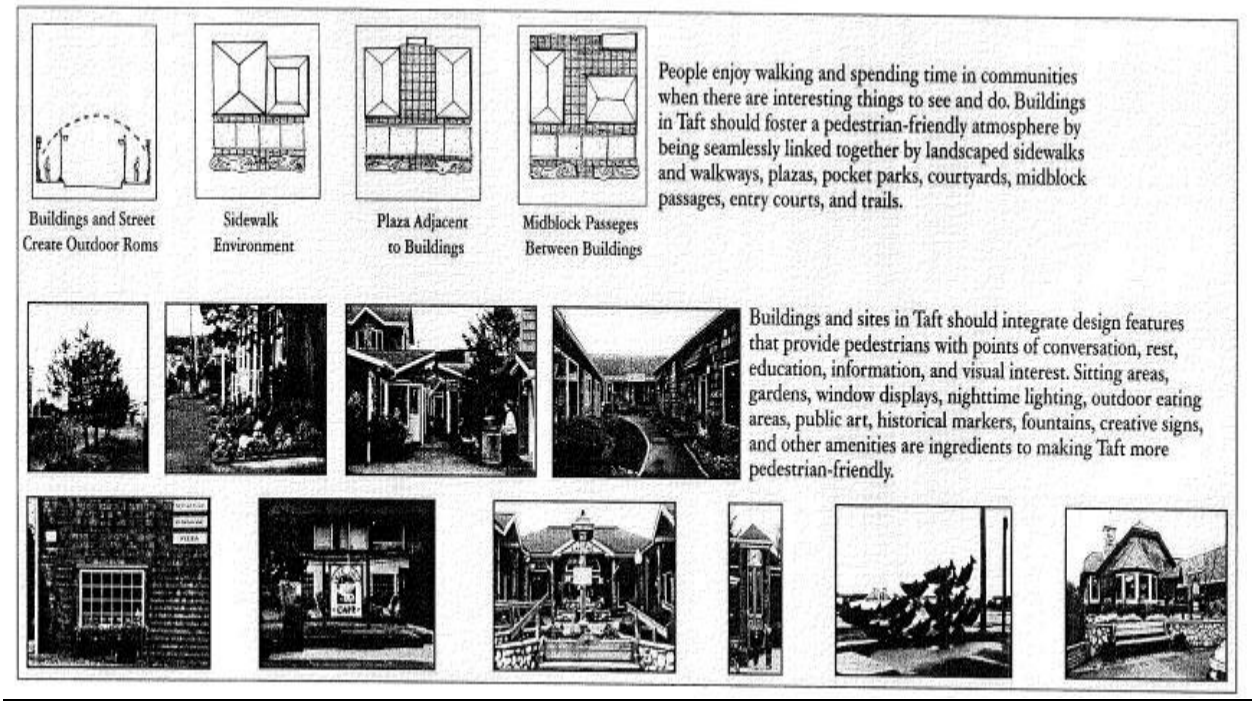
4. **Nelscott. The intent of the design standards are to ensure:**
   A. Integration and Functionality of Land Uses. Connections between building entrances, sidewalks and associated pedestrian areas should be made to encourage visual and physical integration with a strong sense of place. Due to the small parcel sizes and limited right-of-way widths within Nelscott, developments should maximize the opportunity to consolidate and share parking, for example, by sharing driveways. Where such connections are not practicable, site plans should maximize the opportunity to provide shared parking serving multiple developments.
   B. Connecting Nelscott to the Ocean. Nelscott has a network of east-west streets and alleys providing visual and, in some cases, physical access to the beach. The area is defined by village-scale storefronts, beach cottages and hotels nestled between rolling hills, shore pines, and the ocean. While the city recognizes that it is not possible or practical to preserve all views of the ocean, new projects should be designed to take advantage of ocean views while maintaining view corridors from adjacent rights-of-way and pedestrian spaces to the greatest extent practicable.
   C. Respecting Neighborhood Transitions. Developments on the edge of the Nelscott Plan District should be made compatible with abutting detached single-unit dwellings outside the plan district – particularly the detached single-unit dwellings and cottages to the north.
   D. Aesthetics and Context-Sensitive Design. Nelscott's aesthetic is rooted in the area's eclectic mix of beach cottages, hotels, and the Nelscott Strip nestled between rolling hills, shore pines, and the ocean. The Nelscott Plan District encourages new development and redevelopment that honors the past while providing a contemporary interpretation of the area's architecture and history.

5. **Taft. Design standards are intended to promote compatible and enhanced site and building design throughout the village of Taft core area.**

Figure 17.74.100-3. Taft design elements.

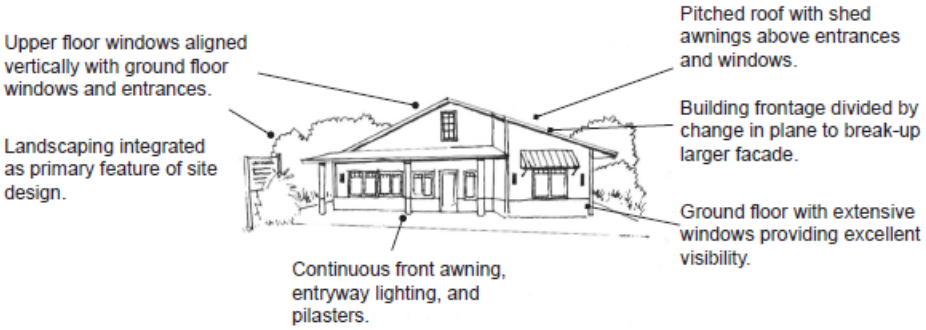






6. **Cutler City. Building design must conform to a smaller scale and emphasize a residential character by incorporating elements such as a pitched roof form or wrap-around awning and integrate nature into the design scheme through use of natural or natural-looking exterior building materials.**

Figure 17.74.100-4. Cutler City design elements.



D. Development standards.

Standard	Required
1. Building height	
a. Minimum building height adjacent to public right-of-way.	**15 feet**
b. Maximum height.	**Established by the underlying zone and calculated according to 17.52.190 and 17.52.200.**
2. Ground floor windows.	
a. Minimum percentage of transparent windows adjacent to public right-of-way.	**60%**
3. Building entrances.	
a. Minimum number of	**One entrance, and at least one additional**

Standard	Required		
entrances connected to street.	entrance for every 40 feet of building street frontage; or An average of at least one entrance for every 90 feet, if the internal building function prevents closer entrance spacing.		
4. Building articulation.			
a. Maximum individual wall plane size.	800 square feet		
b. Minimum recess or projection of each wall plane.	i. Facades less than 100 feet long: 3 feet ii. Facades 100 feet or longer: 6 feet		
c. Maximum length of individual wall plane.	12 feet		
5. Pedestrian shelters.			
a. Minimum along street frontage.	75% of building frontage length		

E. Building form.

1. **Upper floor step-back. Buildings facades must step back according to the following:**

   a. **For buildings over two stories in height, the top floor must step back at least 10 feet; or**

   b. **Progressive step-backs on upper floors must be a total of at least 10 feet.**

2. **Street facing facades. Architectural designs must address all sides of a building that are adjacent to or visible from a public right-of-way or pedestrian space.**

3. **Varied height. Height must vary from building to building to avoid a homogenous appearance. This standard is met by using stepped parapets, gables, or different height from building to building.**

4. **Minimum height. Single-story buildings must incorporate parapets, towers or other design elements to reach the minimum height.**

5. **Building modulation. Vertical and horizontal building modulation must be used to add variety and to make large buildings appear to be an aggregation of smaller buildings. A roof plan and foundation footing plan are required at submittal to show compliance with this standard.**

6. **Relation to shorter buildings. Where a wall of a proposed building is 10 feet taller or more than the adjacent building, the taller building must follow the horizontal lines of the shorter building along the ground floor, and reference elements or detailing of the shorter building(s) on its upper stories.**

7. **Highway 101 corner buildings. New buildings that are constructed on a corner site that is located at the intersection of a street and Highway 101 must include at least a two-step hierarchy in the building height, with the tallest portion of the building at the corner, tapering down in height along each street frontage. Buildings must additionally include at least two of the following on building corners facing the public right-of-way:**

    a. **Bay windows;**

    b. **Roof decks or balconies on upper stories;**

    c. **Corner entrance (also meet the requirements of Section 17.74.100 (I));**

    d. **Crowning features to a tower form such as wide cornices, projecting parapets, or a pitched roof; and/or**

    e. **Bevel, notch, or rounded corner.**

Figure 17.74.100-4. Examples of building form.

Upper floor step-back and varied height.

Building design addresses all sides of street with parapet to reach minimum height.

F. Roof form.

1. **Primary roof form. Buildings with a street-facing façade width less than 50 feet must have sloped roofs. Secondary roof forms may include towers, dormers, turrets or other features with rounded, shed, pyramidal, or crossing elevations.**

2. **Pitched roofs. Roofs must be gabled or hipped. Sloped roofs must have a minimum pitch of at least 6:12.**

    a. **The gable end of the roof must face the abutting street.**

3. **Flat roofs. Buildings with flat roofs must have projecting cornices to create a prominent edge against the sky. Cornices must be made of a different material and color than the predominate siding of the building, except that brick siding may include matching brick cornices.**

4. **Decks and balconies. Decks and balconies on upper stories should be designed so that they do not significantly increase the apparent mass of the building within the required upper story step-backs. Mixed-use building façades adjacent to streets and pedestrian spaces should provide balconies of a sufficient depth that are integrated into the structure and fully functional.**

5. **Prohibited roofs. Dual-pitched or hipped "mansard" and A-frame roof forms are not permitted.**

Figure 17.74.100-5. Examples of roof form.

Flat roof with projecting cornice of a different color.

Sloped roof with gable end facing public street.

G. Building articulation.

1. **Changes in plane. Building elevations must incorporate offsets or divisions to reduce the apparent building scale and to improve aesthetics of large buildings. Walls of a structure must be in distinct smaller areas or planes to minimize the appearance of bulk as viewed from any street, pedestrian space, or adjacent property. Changes in plane may include but are not limited to:**

- **Recessed entries;**
- **Bays;**
- **Stepped parapets;**
- **Secondary roof forms such as gables, lower roof sheds, dormers and towers;**
- **Building bases;**
- **Canopies;**
- **Awnings;**
- **Alcoves;**
- **Pergolas;**
- **Pediments;**
- **Porticos;**
- **Roof overhangs; and/or**
- **Other features that are consistent with the overall composition of the building.**

2. **Vertical elements. All architectural elevations of buildings over 25 feet in height visible from public right-of-way or pedestrian space must have a clearly discernible base, body, and cap. The base and cap must be clearly distinguishable from the body through changes in color, material, pattern, profile, or texture.**

a. **Base. The base must occupy the lowest portion of the elevation using articulation and weightier materials such as concrete and must have a height of at least three feet.**

b. **Body. The component described as the body must constitute a minimum of 50 percent of the total building height.**

c. **Cap. The cap must occupy the highest portion of the elevation, excluding the roof, and must have a dimension that does not exceed the height of the base. The cap must consist of a cornice, parapet, awning, canopy, eave, or other architectural treatment that visually performs in the same manner.**

3. **Horizontal lines.**

a. **Multi-story buildings must have designs that establish prominent horizontal lines and avoid blank walls. Examples of such horizontal lines include: the base below a series of storefront windows; an existing awning or canopy line, or belt course between building stories; and/or an existing cornice or parapet line. It is not necessary for new lines to match existing lines.**

b. **Use of awnings, canopies, belt course, or similar detailing, materials and/or fenestration must distinguish between street level and upper floors.**

Figure 17.74.100-6. Examples of building articulation.

A building base, body, and cap.

Recessed entry, awning, and front porch.

4. **Blank wall treatments. In pearls, walls longer than 30 feet that face public right-of-way or pedestrian space must incorporate two or more of the following:**

a. **Vegetation, such as trees, shrubs, and ground cover adjacent to and covering at least 50 percent of the wall surface. Such vegetation must be selected from the**

City of Lincoln City Guide to Landscape Selections or recommended as being suitable for the local climate by a licensed arborist, or registered landscape architect, who is licensed in the State of Oregon;

b. Artwork, such as bas-relief sculpture, original art displays, or trellis structures covering at least 50 percent of the wall surface;

c. Seating area with special paving and seasonal plantings; and/or

d. Masonry materials with architectural detailing, reveals, pilasters or other means of rustication techniques.

H. Entrances.

1. Primary entrances. Buildings must have clearly defined primary entrances that provide a weather protection shelter for a depth of not less than five feet extending from the building.

2. Transparency. Ground level entrances must be at least partly transparent, accomplished with a window in the door, a transom window above the door, or sidelights beside the door.

3. Corner entrances. Corner buildings that do not have at least one corner entrance must provide a corner plaza consistent with Section 17.74.080 or architectural features honoring the corner as a pedestrian space, such as an alcove with seating, public art, a vertical building element such as a tower, or other feature as approved by the review authority.

4. Accessibility. Accessibility must be consistent with Americans with Disabilities Act (ADA) standards and applicable building codes. Wheelchair ramp design must incorporate materials and detailing similar to the base of the building.

Figure 17.74.100-7. Examples of entrances.

Clearly defined building entry at corner.

Transparent ground level entrance.

I. Windows/Transparency.

1. Ground floor windows.

a. Consistent with a desired storefront character, and to avoid blank walls, each individual wall plane must contain partial transparency in the form of windows, windowed doors, or transom windows.

b. The required percentage of ground floor transparency in the individual wall plane must be placed in the area of that wall plane that is between 30 and 80 inches above the sidewalk grade.

c. Ground-floor elevation windows must be framed by piers or pilasters at their sides, awnings, canopies, or trim/hoods at their top; and kick plates or bulkheads at their base.

d. Decorative detailing and ornamentation around windows is encouraged, but is not required.

2. Upper floor windows. Upper-floor window orientation must be vertical or have a width that is no greater than the width of the ground-floor window immediately below it. Upper-floor windows should follow the vertical lines of the lower-level piers and the horizontal definition of spandrels and any cornices.

3. Transparency for non-street-facing elevations. The transparency standard must be met for any non-street-facing elevation that faces a pedestrian space or that contains a primary entrance.

4. Project windows, display cases. For durability and aesthetic reasons, projecting windows and display cases must be integral to the building design and contain trim or other detailing consistent with the overall composition of the building.

5. ATMs and service windows. ATMs and service windows must be visible from the public right-of-way for security and have a canopy, awning, or other weather protection shelter.

6. Prohibited windows. Highly tinted, opaque, or mirrored glass (except stained-glass windows) do not meet the intent of this section and are prohibited.

Figure 17.74.100-8. Examples of windows.

Large display windows along ground floor.

Upper floor windows that follow the vertical lines of the lower level.

J. Pedestrian shelters and weather protection.

1. Required pedestrian shelters must extend at least five feet over the pedestrian area, with a minimum clearance of 12 feet between the shelter and sidewalk surface.

2. Required pedestrian shelters must shed rain away from building entrance(s), be proportionate to the building in their dimensions, not obscure the building's architectural details, and be below any mezzanine or transom windows.

3. Pedestrian shelters must match the width of storefronts or window openings and be integral to the overall composition of the building. Designs must address the location and function of the shelter, building codes, architectural compatibility, durability, and right-of-way constraints, if any.

4. **Pedestrian shelters must be made of glass, metal, or a combination of these materials. Fabric awnings are not permitted.**

5. **Pedestrian shelters must be maintained and in good condition.**

K. Materials and color.

1. **Primary materials.**

   a. **Exterior building materials must consist predominantly of unfinished wood, painted or natural-stained wood, fiber cement lap siding, stone, rusticated concrete block, or comparable cladding.**

   b. **Rough-hewn wood, timbers, and metals may only be used as accents or secondary exterior materials, and not as the primary exterior cladding.**

   c. **Corrugated metal, foam/synthetic stucco, vinyl, and similar materials shall not be allowed.**

2. **Secondary materials.**

   a. **Any of the materials listed as primary exterior building materials also may be used as secondary materials or accents.**

   b. **Metals such as copper, steel, iron, bronze and similar-appearance metals may be used as trims or accents when compatible with the overall building design.**

3. **Change in materials.**

   a. **Elevations must incorporate changes in material that define a building's base, middle, and top and create visual interest and relief.**

   b. **Side and rear elevations that do not face a public right-of-way, street, public parking area, pedestrian space, or a public park may utilize changes in texture and/or color of materials in the interest of affordability; provided, that the design is consistent with the overall composition of the building.**

4. **Substitute materials. Substitute materials that are equal in appearance and durability to those in this section may be requested as an adjustment or modification for review and approval by the review authority. The application must provide specifications from the manufacturer as part of the adjustment or modification request.**

5. **Contemporary designs. Materials that provide a contemporary interpretation of local architecture styles, including arts and crafts, art deco, and vernacular (beach cottage) styles, are encouraged. Building designs that resemble suburban strip-malls or have been replicated in many suburbs and those that use highly-reflective glass and/or similar non-traditional features are not permitted.**

6. **Sustainability. Where possible, use materials indigenous to the region and/or manufactured or supplied locally and that have minimal adverse impacts to the environment.**

Figure 17.74.100-9. Examples of building materials.

Natural wood for primary building material demonstrating local architectural style.

Variations in wood siding, concrete base, and metal roof and awnings.

7. **Color.**

   a. **Muted and subtle earth tones or neutral colors, that are low-reflectance shades, are preferred as the primary colors of buildings. Brighter colors are acceptable if one or both of the adjacent buildings have brighter colors and if the chosen colors are complementary to the brighter colors of either or both of the adjacent buildings. Natural wood finishes are encouraged. Building trim may feature brighter colors as accents.**

   b. **Coordinated color. Color schemes must be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes must tie together signs, ornamentation, awnings, canopies and entrances. Color choices must address the following:**

i. **Base color. Maximum of one base color for every 25 feet of the front elevation. One base color for the entire front elevation is preferred; and**

ii. **Accent color. Up to two accent colors, except where precedent exists for using more than two colors with some architectural styles.**

c. **Metals. Metals must have a brushed finish or be painted in muted earth tones or neutral colors to minimize glare.**

d. **Prohibited colors. Luminescent, sparkling, neon and "day-glow" colors are not acceptable, except that neon signs are allowed subject to applicable sign codes.**

8. **Restoration and rehabilitation. Restoration and rehabilitation projects are encouraged to incorporate the building's original materials and design elements to the extent practicable.**

L. Sustainable design.

1. **When used, sustainable technologies must be an integral part of the building's form and must be designed to include exterior elements visible from public right-of-way. The review body will make the final determination as to the design integration and appropriateness of sustainable elements.**

2. **Consider passive heating and cooling techniques during building design.**

3. **Control solar heat gain and glare using external shading devices.**

4. **Solar panel installations must minimize glare reflected onto adjacent properties.**

5. **All overhanging elements must be at least eight feet above the adjacent sidewalk or grade.**

Article III. Design Regulations for Multi-unit structures and developments.

17.74.130. Building design.

A. Intent.

1. **Lincoln City's natural setting contributes to the area's high quality of life. Exterior building materials and structural and architectural details reflect the city's natural setting. The design of new development is durable and withstands the harsh coastal climate and provides protection from the elements.**

2. Development has a human scale, balancing affordability with development that is harmonious with the surrounding context, especially in areas that are adjacent to detached single-unit dwellings. Exteriors of large buildings resemble smaller-scale buildings and offer common open spaces.

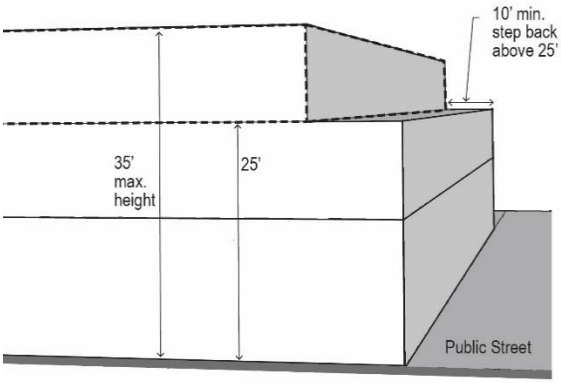
B. Building step-back.

1. Upper floor step-back. The upper elevations of building facades facing a public right-of-way or pedestrian space must step back above 25 feet or above the second story, whichever is the lesser height. (Figure 17.74.130-1) The following options are acceptable to meet this standard:

a. The top floor must step back at least 10 feet; or

b. Progressive step-backs of several upper floors must total at least 10 feet.

Figure 17.74.130-1. Building step-back.



C. Building form. All buildings must incorporate elements to preclude blank building elevations facing a public right-of-way or pedestrian space. (Figure 17.74.130-2) Along the facade of the structure, such features must occur at a minimum of every 30 lineal feet, with each floor containing at least two of the following features:

1. Roof line offset of at least two feet from the top surface of one roof to the top surface of the other;

2. An offset on the building face of at least eight inches from one exterior wall to the other;

3. A section of the façade, at least four feet in width, that is either recessed or bumped out by at least one foot deep from the front wall plane;

4. **A recessed building entry at least two feet deep, as measured horizontally from the face of the main building façade, and at least four feet wide;**

5. **A balcony at least four feet deep and eight feet wide, that is accessible from at least one interior room;**

6. **A covered porch at least two feet deep (measured horizontally from the face of the main façade) and at least four feet wide;**

7. **Recess with a minimum depth of four feet; or**

8. **Extension projecting a minimum of two feet and running horizontally a minimum of four feet.**

Figure 17.74.130-2. Building form.

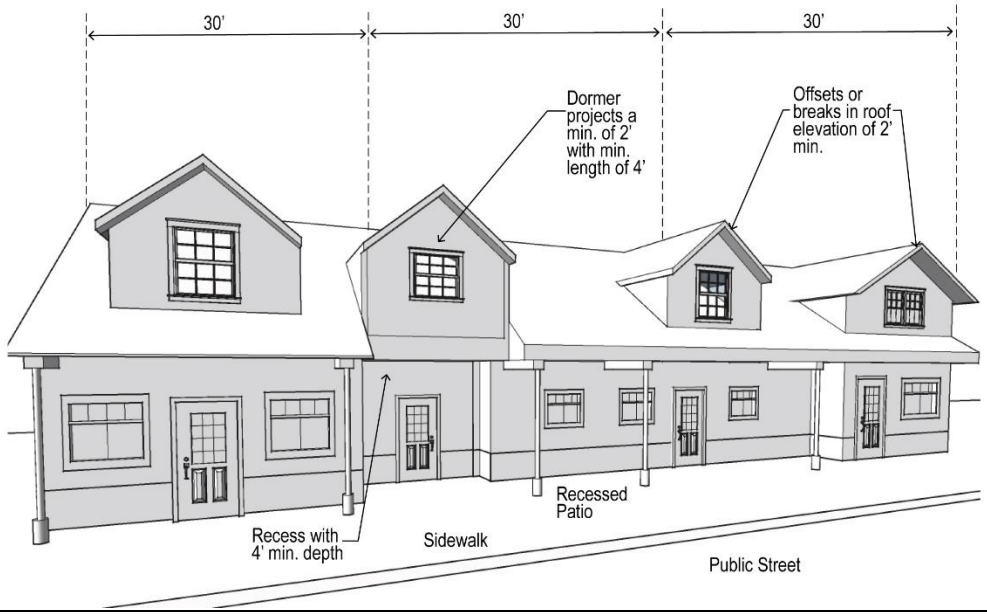


Figure 17.74.130-3. Examples of building form.

Recessed entries and balconies, and covered porches.

Roof line and building face offsets, and recessed balconies.

D. Roof form.

1. **Sloped roofs are required for buildings with a front façade width less than 50 feet.**

2. **Sloped roofs are the preferred roof form for buildings with a front façade width 50 feet or greater. Flat roofs should be avoided.**

3. **Sloped roofs must have a pitch between 6:12 and 12:12. Mono-pitch (shed) roofs must have a pitch of at least 4:12. (Figure 17.74.130-4)**

4. **In instances where sloped roofs are not practicable and a flat roof is the only option, the flat roof must have projecting cornices to create a prominent edge when viewed against the sky. Cornices must be made of a different material and color than the predominate siding of the building, except that brick siding may include matching brick cornices.**

5. **Dual-pitched or hipped "mansard" and A-frame roof forms are not permitted.**

Figure 17.74.130-4. Roof form.

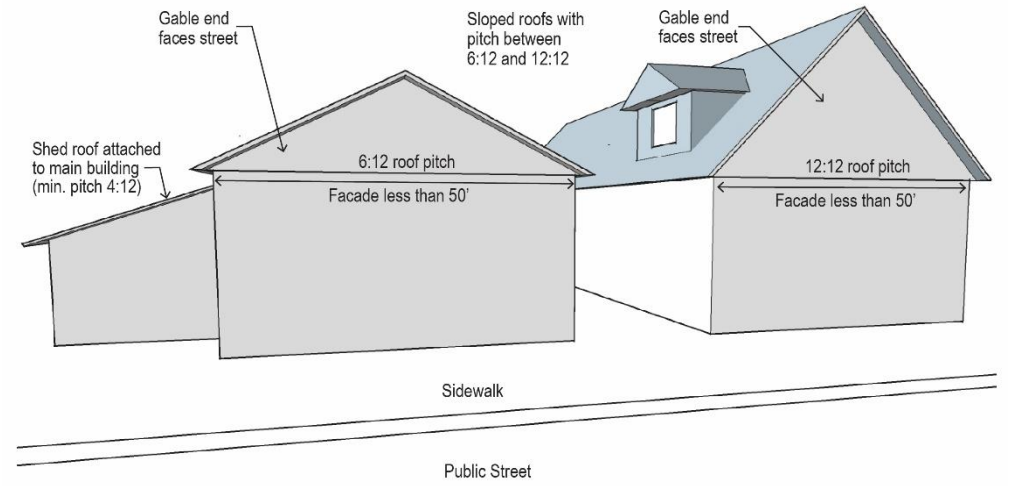


Figure 17.74.130-5. Examples of roof form.

Street-facing gables.

Pitched roof with attached shed roof.

E. Building entrances.

1. **Porches. Useable porches and stoops are recommended to form a predominant motif of the building design and should be located on the front and/or side of the building to respond to the climatic conditions and the character of nearby residential uses.**

2. **Primary entrances. Buildings must have clearly defined primary entrances that provide a weather protection shelter for a depth of not less than five feet extending from the building entry.**

3. **Accessibility. Each building must have at least one ADA-compliant entrance connecting required parking to the building.**

12. Building windows.

1. **Facades facing a public right-of-way. At least 15 percent of the area of each façade that faces a public right-of-way must have, and maintain, clear and transparent windows or main entrance doors. Windows or doors contributing to this standard must allow views from inside the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. Only transparency in doors at the main entrance and facing the street property line counts toward this standard.**

2. **Garage windows. Garages with a side or rear wall that faces the street must have a window on the street-facing wall that is a minimum of six square feet in area.**

G. Building materials. Exterior walls of all buildings and structures, including accessory, must be primarily clad in wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, or architectural-grade synthetic materials. Natural materials or natural stain or unfinished wood is the preferred primary cladding.

H. Building colors. Facade colors must be low reflectance and be muted earth tones or neutral colors. Variations in color schemes and building material must be provided to articulate entry ways so as to draw attention to these features.

I. Garage requirements. Garage and carport design and construction must use the same architectural features and exterior materials and colors as the primary building.

17.52.250 Standards for manufactured homes. ~~in residential zones.~~
All manufactured homes shall: ~~on individual lots in the R-1 and R-M zones shall:~~

A. ~~Be multi-sectional (double-wide or wider) and enclose~~ Enclose a floor area of not less than 600 ~~1,000~~ square feet;

17.52.150 Exterior Lighting. Artificial exterior lighting shall not be designed to shine or create glares in any residential zone or residential use, adjacent dwelling unit or in a public right-of-way.

A. Light poles must not exceed a height of 20 feet.

B. All lighting must be shielded to avoid glare, light pollution (night sky), and light spillover onto residential properties. Shielding must be integral to the light fixture and direct light downward.

C. Luminance at the property line, or no more than five feet over the property line, must be zero.

D. Maximum initial luminance of outdoor sales displays, outdoor storage areas, service station canopies, and similar areas must not exceed 20 foot-candles.

E. Maximum initial luminance of parking lots must not exceed four foot-candles.

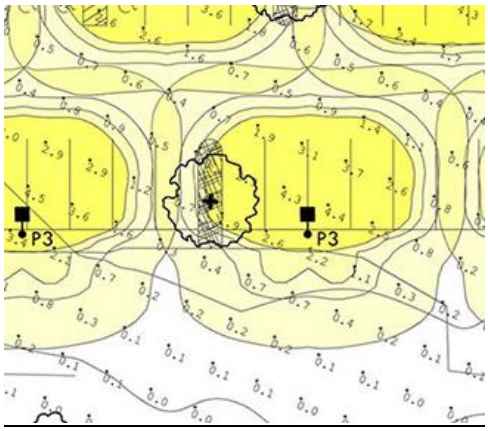
F. Up-lighting is prohibited. The maximum illumination limits for wall washing are one foot-candle for dark colored surfaces and one-half foot-candle for light colored surfaces.

G. Pedestrian ways and building entrances not otherwise illuminated by building-mounted lights or streetlights must provide between one and two foot-candles of light from bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas.

H. The manufacturer's data or measurement must demonstrate conformance with this section. Cut sheets, a photometric plan analysis, and an exterior lighting plan showing the locations, types, sizes, and heights of all exterior lighting fixtures shall be included with the applicable application submittal.

Figure 17.52.150-1 Examples of exterior lighting and photometric plan.

Full cut-off lighting illuminating parking and pedestrian connection.
(Credit: landscapeonline.com)



Example photometric or lighting plan detail.
(Credit: beamltd.com).

17.64.040.B. The following elements shall be made compliant with the ~~design standards~~ provisions as outlined below ~~in Chapter 17.74 LCMC~~, or, as approved by the ~~planning and community development director~~ review authority, as close to compliant as possible within the cost limitation defined in subsection (A) of this section.

1. Pedestrian spaces, as set out in LCMC 17.74.080; ~~Pedestrian circulation, as set out in LCMC 17.74.070~~
2. Materials and colors as set out in LCMC 17.74.100(K); ~~LCMC 17.74.080(B)(13);~~

3. Pedestrian shelters and weather protection as set out in LCMC 17.74.100(J); ~~LCMC 17.74.00;~~

~~1. Screening and parking area landscaping as set out in LCMC 17.74.120;~~
~~2. Water quality as set out in LCMC 17.74.120(B)(5);~~
3. 4. Exterior lighting as set out in LCMC 17.52.150; ~~17.74.130;~~
4. 5. Windows/Transparency as set out in LCMC 17.74.100(I); ~~17.74.080(B)(3);~~ and
6. Landscaping as set out in Chapter 17.55 LCMC.

~~5. Landscaping of existing setbacks and yard areas.~~

~~Chapter 17.74~~
~~COMMERCIAL DESIGN STANDARDS~~

~~Sections:~~

~~Article I. General Provisions~~
~~17.74.005 Definitions.~~
~~17.74.010 Purpose and intent.~~
~~17.74.020 Applicability.~~

~~17.74.030 Administration of design standards and guidelines.~~
~~Article II. Guiding Principles~~
~~17.74.040 Guiding principles – Pearls.~~
~~17.74.050 Guiding principles – Strings.~~
~~Article III. Design Standards and Guidelines~~
~~17.74.060 Site design.~~
~~17.74.070 Pedestrian circulation.~~
~~17.74.080 Building design.~~
~~17.74.090 Transportation and streetscape standards.~~
~~17.74.100 Pedestrian spaces.~~
~~17.74.110 Parking.~~
~~17.74.120 Landscaping.~~
~~17.74.130 Exterior lighting.~~

~~Article I. General Provisions~~

~~17.74.005 Definitions.~~
~~The following definitions are informational. Where conflicts occur between the definitions below and an adopted building code, the adopted building code shall apply. For terms that are not defined below and are not defined in the building code, the reviewing authority will use its discretion in selecting from professional source materials that are most relevant to the question at hand.~~
~~"Accessibility" means the locational and design characteristics of a use, structure, or facility that permit it to be reached by one with a disability, as prescribed under the Americans with Disabilities Act and associated building codes and guidelines.~~
~~"Alcove" means a recessed section of a building's exterior wall; may provide weather protection, outdoor seating or other pedestrian amenities.~~
~~"Basement" means the lowest story of a building where 50 percent or more of the floor is located below the grade plane.~~
~~"Belt course" means a horizontal course in a masonry wall that is of a different color, texture, size, or material and which is compatible with the overall form and architectural composition.~~
~~"Bollard" means a post of metal, wood or masonry, or a combination thereof, that is used to separate or direct traffic (vehicles, pedestrians or both). Bollards may contain sidewalk or pathway lighting.~~
~~"Clerestory" means a window that extends from the ground floor of a building to near the top of an outside wall.~~
~~"Corbel" means a projection of a building out from a masonry wall, sometimes to support a load and sometimes for decorative effect.~~
~~"Cornice" means the exterior trim of a structure at the meeting of the roof and wall.~~
~~"Facade" means the front or principal face of a building, any side of a building that faces a street, way, or pedestrian space.~~

~~"False front" means a front wall that extends beyond the side walls or rooftop of a building to create a more imposing facade. (See also "Parapet.")~~

~~"Fenestration" means the arrangement and design of windows and doors in a building.~~

~~"Grade" means the surface elevation of the ground.~~

~~"Grade plane" represents the average of the finished ground level adjoining the building at all exterior walls or, for common wall buildings, the exterior walls and common wall. Where the finished ground level slopes away from the exterior wall(s), the reference plane is established by the lowest points within the area between the building and the property line or, where the property line is more than six feet from the building, between the structure and a point six feet from the building.~~

~~"Guideline" means a recommended approach, parameter, example, and/or rationale for interpreting, applying, and/or modifying a standard through the design review process. For the purpose of design review, the photographs, illustrations, and diagrams contained in this chapter are intended to be used as guidelines, except where an illustration contains a specific dimensional requirement or is accompanied by the words "shall" or "must," then the illustration is intended as a standard.~~

~~"Height" is measured from the grade plane to the highest point on a flat roof, including any parapet, or to the average height of the highest gable on a pitched or sloped roof.~~

~~"Lintel" means a heavy horizontal beam of wood or stone over an opening of a door or window to support the weight above it.~~

~~"Medallion" means a small decorative detail used to accent a building's exterior.~~

~~"Mezzanine" means an intermediate level between a ground floor and the upper story(ies) occupying a partial area of floor space.~~

~~"Parapet" means a low protective wall at the edge of a roof.~~

~~"Pearl" means an area on the zoning map designated to support the revitalization or preservation of one of Lincoln City's historic village centers (e.g., Wecoma, DeLake, and Cutler City) by facilitating compact, pedestrian-friendly development at an appropriate village scale and character. The pearl overlay is an interim designation; it is intended to be removed as the city adopts redevelopment plans and specific design standards for a specific pearl, as it has for Oceanlake, Nelscott, and Taft.~~

~~"Pedestrian-scale lighting" means lighting that is designed and located to illuminate a sidewalk, pathway or other area that is used principally by pedestrians. Bollards, wall-mounted lights and step lights are typical of pedestrian-scale lighting.~~

~~"Pedestrian space" means a public gathering space, such as a plaza, square, outdoor seating area, alcove, sculpture garden, or similar space, oriented to pedestrians and connecting one or more developments to the adjacent streetscape.~~

~~"Pediment" means a low-pitched gable over a portico, door or window; may be used to reduce the scale of a building facade.~~

~~"Pier" means a portion of a wall between windows, doors or other openings.~~

~~"Pilaster" means a shallow pier used to buttress a wall; or a rectangular column with a capital and base, projecting only slightly from a wall as an ornamental motif.~~

~~"Pocket park" means a small plaza or landscaped pedestrian space, typically less than one-quarter acre and not for recreational use.~~

~~"Portico" means a porch or entrance to a building consisting of a covered and often columned area; may be used to address building orientation standards where redeveloping a building to meet the front property line is not feasible.~~

~~"Public art" means artwork in the public realm, regardless of whether it is on public or private property, or whether it is acquired through public or private funding. Public art can be a sculpture, mural, manhole cover, paving pattern, lighting, seating, kiosk, gate, fountain, engraving, carving, fresco or similar artwork which is approved through design review. In evaluating public art proposals, the reviewing authority may refer to guidelines and inventories prepared by the city of Lincoln City, the National Trust for Historic Preservation and/or other references it deems appropriate.~~

~~"Spandrel" means the blank space between windows and successive stories, or the area between the top of a column or pier and the apex of the arch springing from it.~~

~~"Split-barrel roof" means a rounded roof that resembles a barrel split in half and resting rounded side up.~~

~~"Standard" means a requirement for the purposes of design review approval. Dimensional requirements and provisions containing the words "shall," "must," "not permitted," "prohibited," "required/requirement," or similar prescriptive or proscriptive terms indicate the presence of a standard.~~

~~"Streetscape" means the interface between development and a public street along the development's street frontage; it typically includes storefronts, building entrances, weather protective canopies or awnings, pedestrian spaces such as plazas and curb extensions at intersections, a building front zone along the sidewalk where outdoor seating may occur, a through zone for pedestrians, a street furnishings zone for lights, trees, and other furnishings, and on-street parking where applicable.~~

~~"String" means any area on Lincoln City's zoning map not included in a designated "pearl."~~

~~"Transom" means a window immediately above a window or door; may or may not be hinged to a transom.~~

~~"Transparency (windows)" means nonreflective glass with a visible transmittance rating of 0.50 or greater, per the National Fenestration Rating Council.~~

~~"Turret" means a small tower extending above a building.~~

~~"Wayfinding sign" means a directional sign that is part of an overall sign program for a district, neighborhood, or other city-recognized area as approved through design review.~~

~~17.74.010 Purpose and intent.~~

~~A. These commercial development design standards are intended to enhance and protect the city's quality of life and community image through clearly articulated commercial development design goals and policies and minimum design standards; to protect and promote the city's economic vitality through commercial design standards that encourage and reward high quality development while discouraging less attractive and less enduring alternatives; and to enhance and protect the security and health, safety, and welfare of the public. In addition, the standards are intended to serve as interim~~

~~design standards for "pearl" areas until such a time that the city adopts specific standards for each pearl.~~

~~B. In furtherance of this purpose, the city considers the following design features to be desirable elements of commercial development, and the standards set forth in this chapter are intended to facilitate incorporation of these features into all commercial development projects:~~

~~1. Access driveways consistent with LCMC 17.52.060 that provide for safe access and egress with clear visibility of entrances and retail signage.~~

~~2. Interconnected driveways with access to local streets wherever possible.~~

~~3. Consolidated access and shared driveways, where possible.~~

~~4. Continuous landscape frontage, with specific standards based on building orientation and front setbacks.~~

~~5. Landscaped and screened parking areas with natural landscape swales for stormwater and aesthetics.~~

~~6. Coordinated lighting, retaining walls, street furnishings, public art and landscape design that ties together the highway corridor (i.e., "string" areas between Oceanlake, DeLake, Nelscott, Taft and Cutler City).~~

~~7. Visual compatibility with development on adjacent sites.~~

~~8. Reduced visual clutter associated with overhead utilities, freestanding signs (in the pearls), rooftop signs (in the strings), and outdoor storage.~~

~~9. Quality exterior building materials, surfaces, and textures.~~

~~10. Building locations close to street sidewalks and streetscapes that provide pedestrian amenities.~~

~~11. Connections between building entrances, sidewalks and associated pedestrian areas to encourage visual and physical integration with a strong sense of place.~~

~~12. Stepped-down building scale adjacent to pedestrian routes.~~

~~13. Pedestrian-oriented ornamentation and detail at ground level in architectural and landscape designs.~~

~~14. Multi-planed pitched roofs with meaningful overhangs and weather protection features such as awnings, canopies and pedestrian arcades.~~

~~15. Regular or traditional window rhythm.~~

~~16. Articulated building forms and massing with significant wall articulation.~~

~~C. In furtherance of this purpose, the city considers the following design features to be undesirable elements of commercial development:~~

~~1. Poorly defined site access points.~~

~~2. Excessive surface parking lot paving and redundant driveways.~~

~~3. Disjointed parking areas, confusing or unsafe circulation pattern.~~

~~4. Square, box-like structures with large, blank, unarticulated wall surfaces.~~

~~5. Highly reflective surfaces or heavily tinted glass storefronts.~~

~~6. Strongly thematic architectural styles including some forms of franchise architectural styles associated with some chain commercial establishments.~~

~~7. Inadequate landscape buffers adjacent to parking lots, walkways, streets, and the highway.~~

~~8. Visible outdoor storage, loading, and equipment areas.~~

~~17.74.020 Applicability.~~

~~A. This chapter applies to all commercial and mixed use development in the General Commercial and Recreation Commercial zones for which site plan review is required, except where superseded by a specific plan district or overlay zone (e.g., Oceanlake and Taft) established for a similar purpose. Different standards apply depending on whether a property is within a designated "pearl" or "string" district.~~

~~B. Where an existing use or development is proposed to be modified through redevelopment or exterior remodeling, the standards shall apply only to that portion of the use or development that is to be modified; however, where more than 50 percent of the use or development is to be modified, the entire use or development, as applicable, shall comply with the provisions of this chapter.~~

~~C. The applicant has the burden of proof of demonstrating conformity with the standards and criteria of this chapter.~~

~~D. Where conflicts occur between the design standards and other municipal code regulations or other ordinances, the provisions of this chapter shall apply.~~

~~E. Existing uses and/or developments that do not conform to the provisions of this chapter, but were established lawfully prior to the city adopting this chapter, shall be allowed to continue, as provided in Chapter 17.64 LCMC, Nonconforming Situations.~~

~~17.74.030 Administration of design standards and guidelines.~~

~~A. Site Plan Review. For properties within the RC and GC zones, site plan review required by LCMC 17.52.240 must include review of these commercial design standards. The site plan review process is an administrative review by the planning director. The planning director may refer any site plan review application to the planning commission for a public hearing when:~~

~~1. The applicant has requested an adjustment or modification to one or more code standard(s), as provided in subsection (D) of this section; or~~

~~2. The applicant requests a hearing; or~~

~~3. The planning director determines that the size or scale of the development (vis-a-vis its appearance, traffic generation, parking, or other characteristics) warrants a public hearing.~~

~~B. Design Standards Versus Guidelines. The code sections that follow provide intent statements, followed by standards and guidelines. Most sections contain objective standards and approval criteria; however, some criteria require the reviewing body to apply discretion. Where discretion is involved, the code provides guidelines to assist the reviewing body in evaluating a proposal. The following further explains the relationship between intent statements, standards and guidelines.~~

~~1. Intent statements are not applicable approval criteria, except requests for adjustments or variance must demonstrate how the proposal conforms to the code's intent.~~

~~2. Standards use the words "shall" or "must" and are mandatory.~~

~~3. Guidelines use the words "should," "may," "preferred," and "discouraged," and are advisory. Guidelines supplement the standards and provide examples of acceptable or unacceptable design. Guidelines also assist in reviewing requests for adjustments and variances and may serve as the basis for approval, denial, or approval with modifications in such instances.~~

~~4. Graphics are used to illustrate standards and guidelines. They are not intended to prescribe a particular design but serve as examples of acceptable or unacceptable design solutions.~~

~~5. Standards and guidelines both serve as approval criteria, but the reviewing body is afforded greater latitude in applying guidelines. Where the word "should" is used, the applicant must demonstrate that the proposal is consistent with the guideline, or that applying an alternate design solution is consistent with the code's stated intent. Where a guideline conflicts with any code standard, the standard shall prevail.~~

~~6. In the case of a proposed variance or adjustment to a code standard, the applicant must demonstrate how the variance or adjustment results in equal or greater conformity to the intent of the code and all other applicable standards and guidelines.~~

~~7. Nullification of one standard or guideline by a court of competent jurisdiction shall not cause any other standard or guideline to be nullified (severability).~~

~~C. Burden of Proof. The applicant must demonstrate how his or her proposal meets all of the applicable standards contained in this chapter and other applicable city regulations. The applicant must also demonstrate that the proposal is consistent with the guidelines, or provide evidence of why a particular guideline is not relevant given the context of the site and proposed use.~~

~~D. Adjustments/Modifications to the Standards. The standards contained in this chapter may be adjusted or modified without the need for a variance if the applicant demonstrates that:~~

~~1. The code's guiding principles, as contained in Article II of this chapter, and the intent statement(s) under the applicable standard to be adjusted (Article III of this chapter) can be better met through a proposed alternative design solution; or~~

~~2. Necessary characteristics of an allowed use present practical difficulties in meeting a standard. In such cases the design must provide other features that tend to meet the goal of the standard (such as a trellis with vines, a sculpture, or a pergola).~~

~~Where the code language suggests more than one way to meet a particular standard, the applicant is encouraged to be creative and propose the most appropriate design solution given the site's context and the purpose of the code. The decision-making body shall refer to the purpose and intent in LCMC 17.74.010, and the intent under each standard to be adjusted, in making its decision; the purpose, guiding principles and intent statements shall serve as the approval criteria for adjustments.~~

~~Article II. Guiding Principles~~

~~17.74.040 Guiding principles – Pearls.~~

~~The following are intended to serve as interim design standards for areas zoned GC-PO and RC-PO until the city adopts redevelopment plans and implementing regulations for such areas. The standards reflect the following values and objectives:~~

~~A. Enhance Lincoln City's historic village centers.~~

~~B. Facilitate the development of compact, walkable village centers.~~

~~C. Support the formation of a mixed use, pedestrian-oriented district serving residents and visitors.~~

~~D. Develop an interconnected system of driveways or alleys with central public parking and encourage the provision of shared private off-street parking.~~

~~E. Encourage architecture that is consistent with the character of each village or pearl, while ensuring that new development creates a close, intimate human scale and architectural designs address all four sides of a building.~~

~~F. Encourage the use of contextually appropriate materials, textures and colors.~~

~~G. Promote storefront uses by orienting buildings and their entrances to the street or to pedestrian spaces abutting the street.~~

~~H. Create vibrant pedestrian spaces (e.g., plazas, public art, cafe seating areas, etc.) oriented to take advantage of southern exposures; pedestrian spaces should help identify the village, create intrigue, and offer weather protection and comfort to pedestrians while adding value to adjoining properties.~~

~~I. Break down large building masses and provide visual interest along the street.~~

~~J. Balance rhythm and continuity; encourage creativity in the design of building elevations, rooflines and facade elements.~~

~~K. Treat corner lots as focal points with vertical elements, public art, seating, and other design features.~~

~~L. Provide weather protection where commercial and mixed use buildings abut the street.~~

~~17.74.050 Guiding principles – Strings.~~

~~A wide variety of site conditions within the commercial areas of the community make uniform application of design standards difficult. Most of the string areas are developed with commercial uses, although some are sparsely developed. Some buildings are placed right up to the highway; others are set back 100 feet or more behind large parking lots. In many locations, grade changes make connections between individual properties difficult and have resulted in a disjointed pattern with closely spaced driveways onto the highway and few secondary accesses or local street connections. The design standards for strings are intended to accomplish the following objectives:~~

~~A. Improve transportation operations and safety for all modes of travel.~~

~~B. Better integrate land use and transportation planning.~~

~~C. Protect and enhance aesthetic values.~~

~~D. Contribute to the unique identity and design of each pearl (e.g., by providing landscape and building orientation standards that distinguish between strings and pearls).~~

~~Article III. Design Standards and Guidelines~~

~~17.74.060 Site design.~~

~~A. Intent.~~

~~1. Define the edges of the highway with noticeable transitions between strings and pearls.~~

~~2. Institute a continuous landscape frontage. Utilize planters with shrubs and street trees in tree wells where space does not allow planting strips.~~

~~3. Orient buildings to streets or, where buildings are to be set back from the street, require pedestrian orientation and appropriate landscaping.~~

~~4. Maintain on-street parking where it currently exists.~~

~~5. Over time, remove visual clutter along streets, such as power poles, overhead lines, rooftop signs, and internally illuminated freestanding signs.~~

~~6. Use coastal vegetation in landscapes.~~

~~7. Use landscapes and building orientation to create visual transitions between pearls and strings.~~

~~8. Maintain views to the ocean, bay, rivers, and forested hillsides and bluffs where practicable.~~

~~9. Facilitate the development of a continuous pedestrian network and bicycle ways connecting pearls and strings and extending into adjacent neighborhoods.~~

~~10. Reduce reliance on the highway for local vehicle trips (e.g., from one store to another store in the same vicinity).~~

~~11. Develop an interconnected system of driveways or alleys with central public parking and encourage the provision of shared off-street parking.~~

~~B. Standards. Due to the wide variety of site conditions and challenges posed by existing parcel configurations and development patterns, the city has adopted flexible, performance-based site design standards.~~

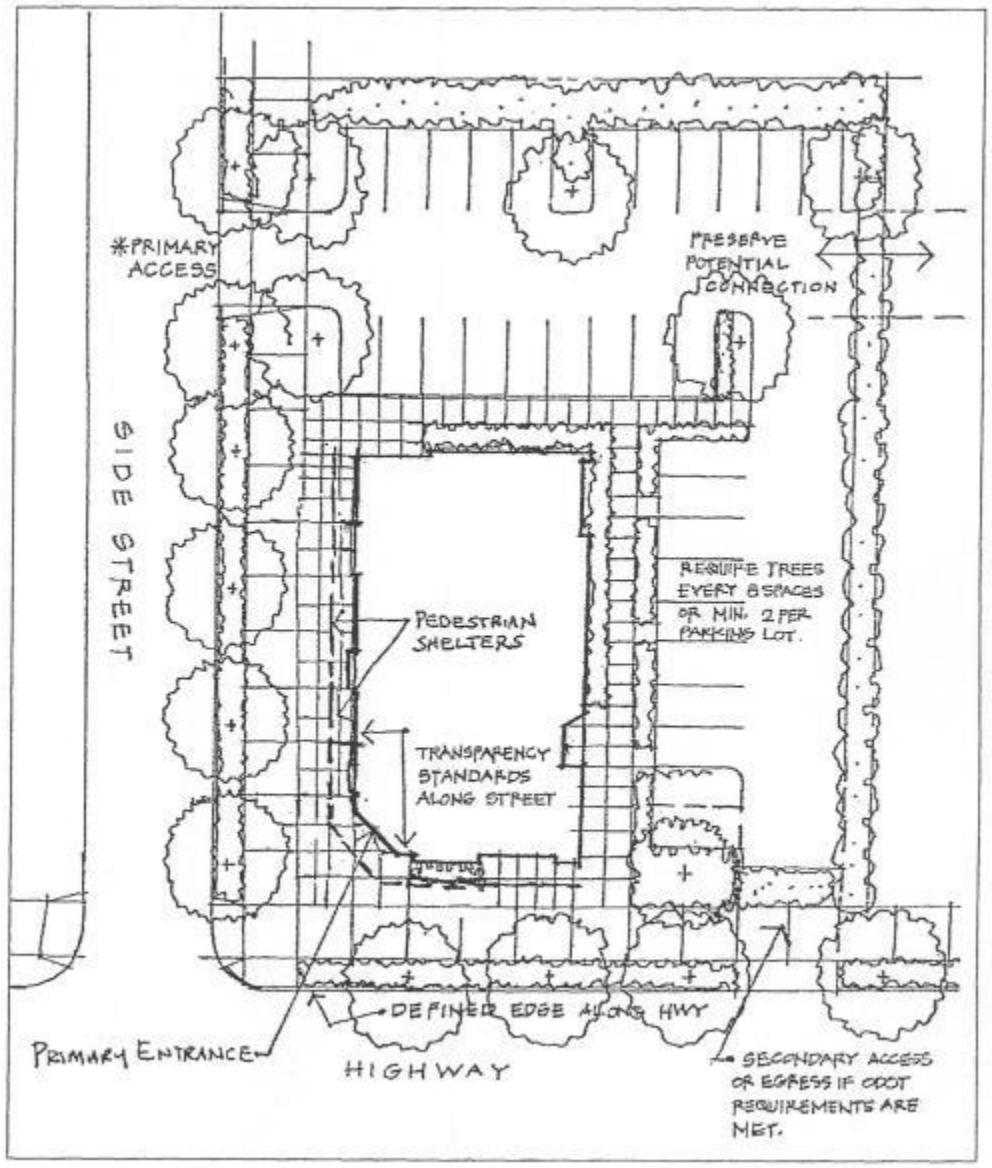
~~1. Building Setback, Orientation and Pedestrian Circulation. In determining the specific access, circulation, building orientation, and street frontage requirements for a particular project, the applicant, in consultation with the planning director, shall select from prototypes in subsections (B)(1)(a) through (f) of this section. Within pearl areas, at least 50 percent of the street-facing elevation of new buildings must be within 20 feet of the right-of-way, or the primary building entrance must be within 10 feet of the right-of-way and directly connected to a public sidewalk. New buildings within string areas shall be not more than 40 feet from public right-of-way or shopping street, consistent with the performance standards in this section. Primary building entrances may be oriented to a front yard or a side yard, consistent with the standards specified in subsections (B)(1)(a) through (f) of this section.~~

~~a. Corner Property. On corner properties designated "pearl," buildings shall be oriented to the corner, with vehicle access provided from a side street. Primary building entrances shall be located within 20 feet of a street right-of-way. The building shall meet transparency and weather protection standards along all street-facing elevations. If the primary building entrance is more than 20 feet from the sidewalk, a minimum 10-foot landscape pedestrian space shall connect them.~~

~~If a property is designated "string," the building entrance need not be oriented to a corner; provided, that a minimum 20-foot-wide landscape screen separates all off-street~~

~~parking areas from adjacent rights-of-way, except where the screen is interrupted for walkways required by code. See LCMC 17.74.120, Landscaping.~~

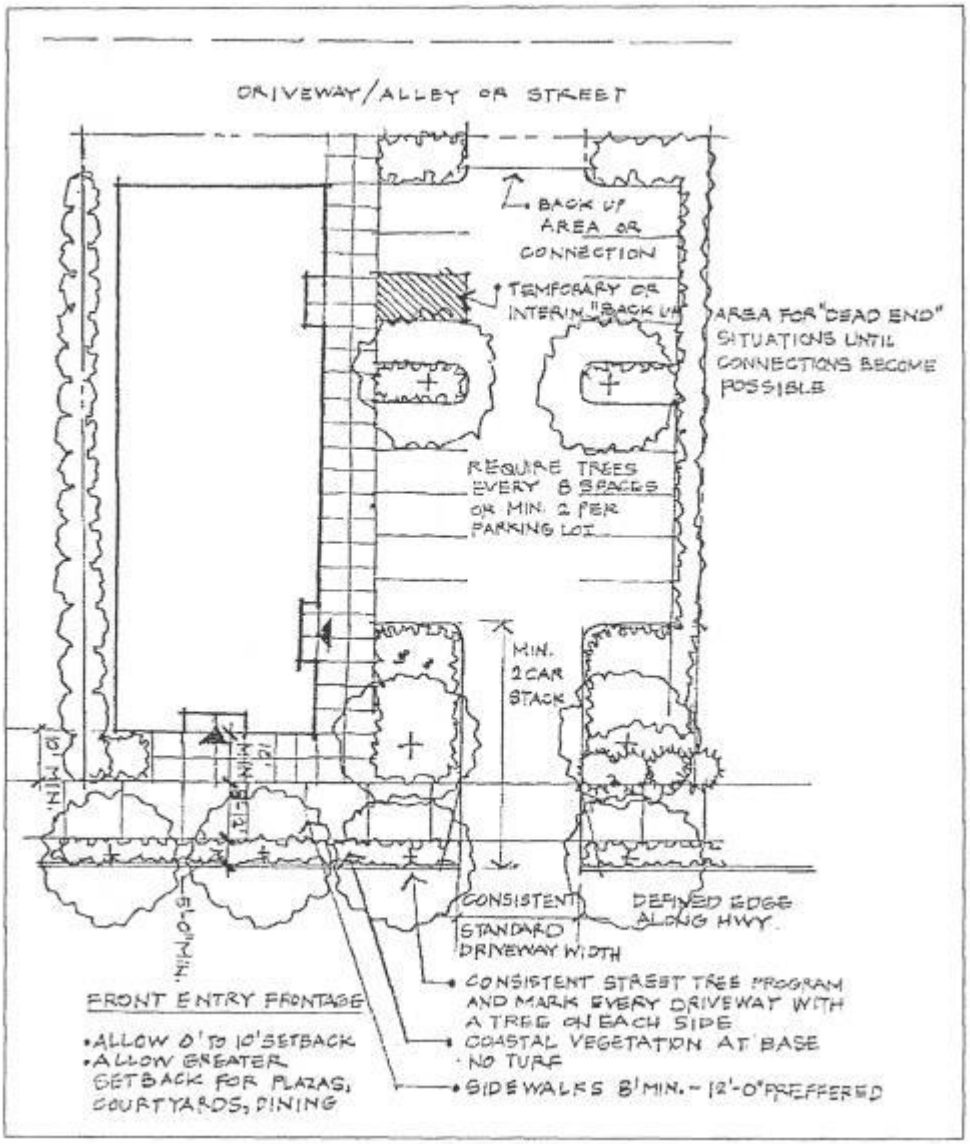
~~Highway access is subject to ODOT review and approval. A connection to a rear alley or shared driveway (where applicable), or a temporary turnaround where such connection cannot be made, may be required.~~



~~b. Front Entrance at Street. On non-corner parcels designated "pearl," the building shall be oriented to the street and have a primary entrance placed at or within 10 feet of the right-of-way. This maximum setback distance may be increased only where a pedestrian space of not less than six feet in width connects the sidewalk and primary building entrance, and no parking is allowed between them. The building shall meet weather protection and transparency standards along all street-facing elevations.~~

If a **property is designated "string," the building entrance need not be placed within 10 feet of the street edge; provided, that a minimum 20-foot-wide landscape screen separates all off-street parking areas from adjacent rights-of-way (except where the screen is interrupted for walkways required by code). See LCMC 17.74.120, Landscaping.**

Highway access is subject to ODOT review and approval. A connection to a rear alley or shared driveway (where applicable), or a temporary turnaround where such connection cannot be made, may be required.



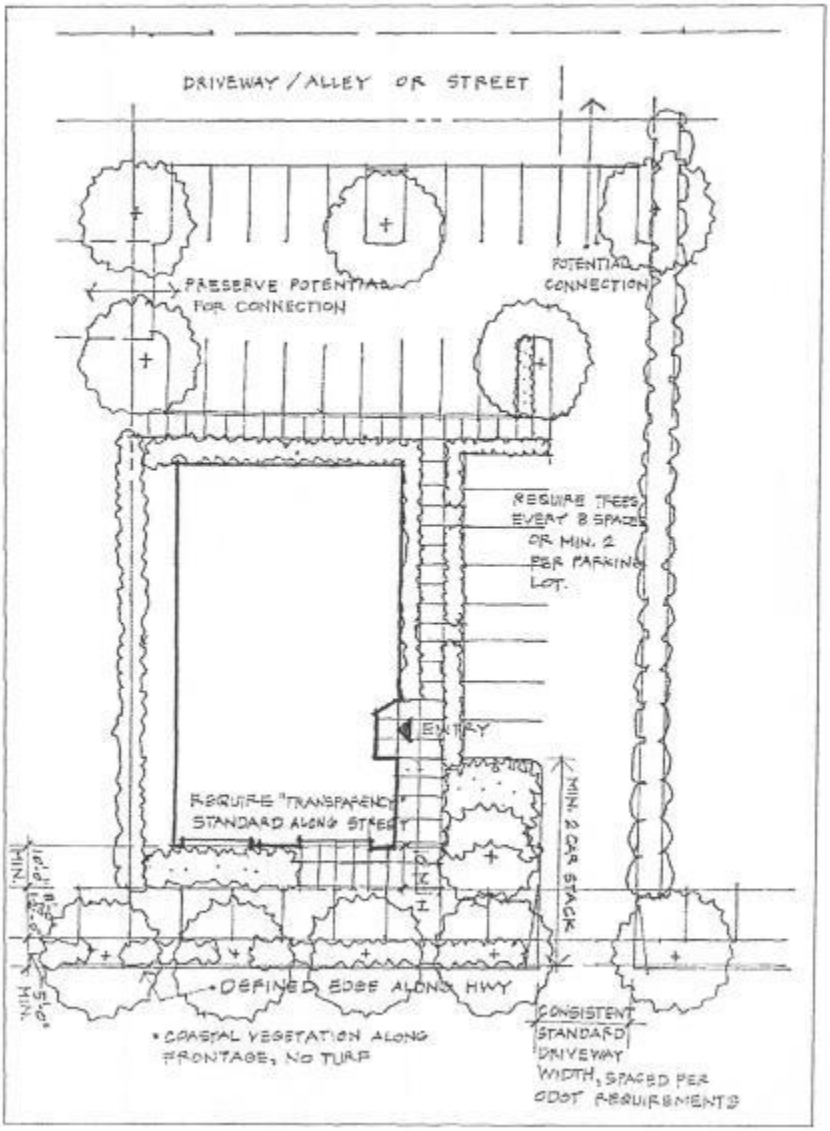
c. Building at Street with Side Entrance. On properties designated "pearl," and where the planning director determines that a building may have its primary entrance placed on a side elevation not facing a street, a primary building entrance shall be placed within 40 feet of a street right-of-way, and a pedestrian pathway shall connect the entrance directly to the right-of-way. No parking shall be located between the building and any

~~street frontage. The building shall meet weather protection and transparency standards on all street-facing elevations.~~

~~If the primary building entrance is more than 20 feet from the sidewalk, a pedestrian space of not less than six feet in width shall connect them. See LCMC 17.74.100, Pedestrian spaces.~~

~~Where a property is designated "string," the building entrance need not be placed within 40 feet of a street right-of-way, and surface parking may be located between the building and street; provided, that a minimum 20-foot-wide landscape screen separates all off-street parking areas from adjacent rights-of-way (except where the screen is interrupted for walkways required by code). See LCMC 17.74.120, Landscaping.~~

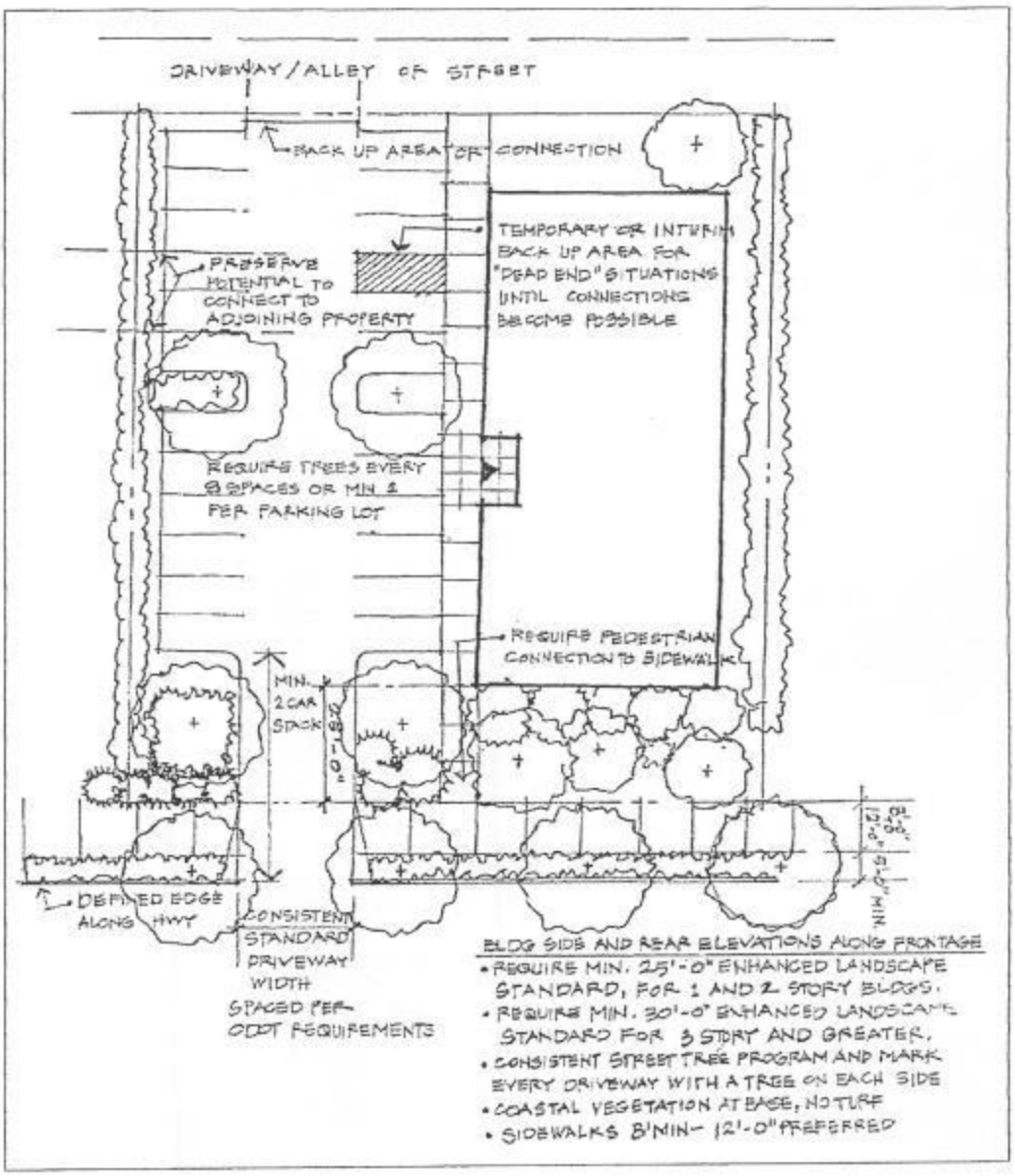
~~Highway access shall be subject to ODOT review and approval; a connection to a rear alley or shared driveway (where applicable), or a temporary turnaround where such connection cannot be made, may be required.~~



~~**d. Building Set Back with Side Entrance. Where the planning director determines that a building may be oriented to an internal parking area and it may have its primary entrance placed on a side elevation (strings only), the following standards shall apply: all street-facing elevations and elevations on which a primary building entrance is placed shall meet the transparency and weather protection requirements of this code.**~~

~~**No parking shall be located between the building and street; buildings with primary entrances more than 40 feet from the street edge need not meet weather protection and transparency standards along the street frontage; provided, that a landscape buffer of 25 to 30 feet in width shall be planted in front of those portions of the wall facing the street that do not meet the standards. (Plantings shall conform to the "volume landscape" requirements of this code.) See LCMC 17.74.120, Landscaping.**~~

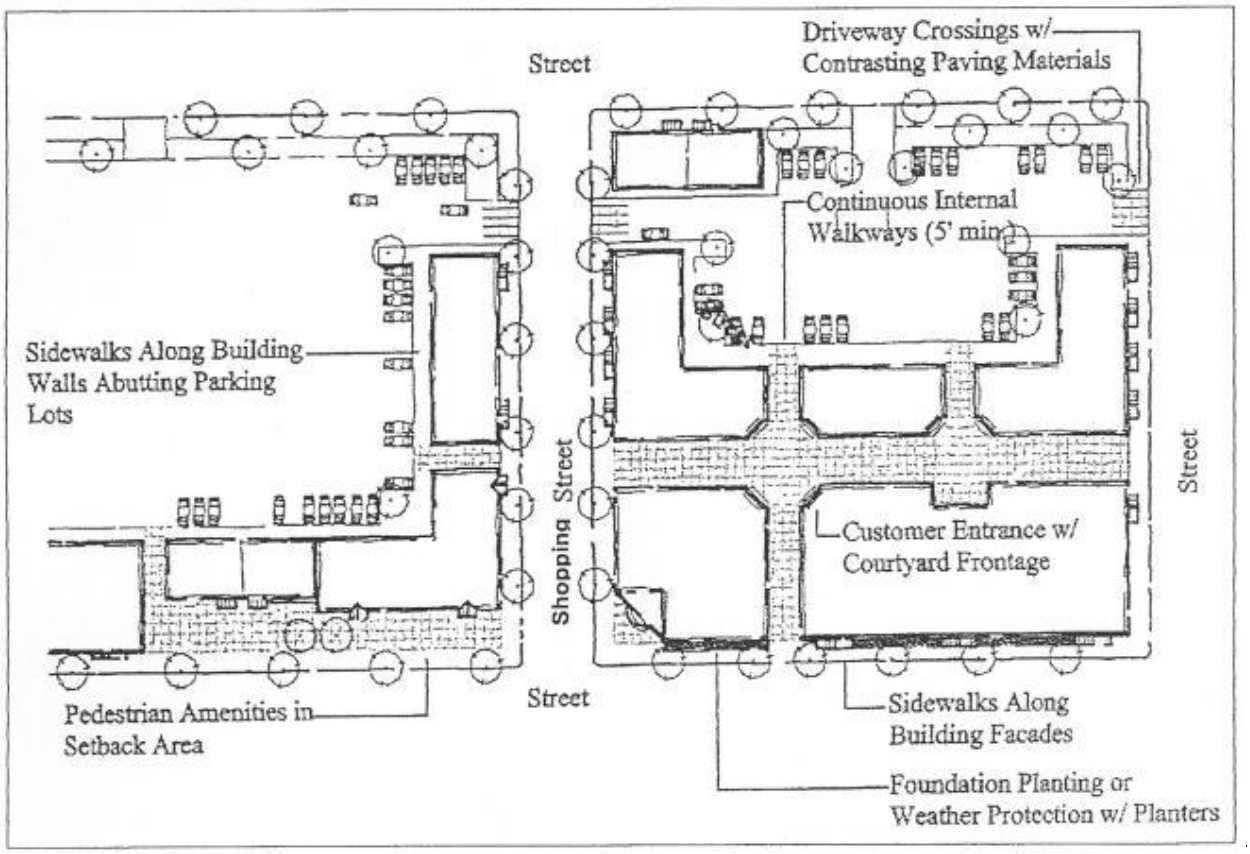
~~**Highway access shall be subject to ODOT review and approval; a connection to a rear alley or shared driveway (where applicable), or a temporary turnaround where such connection is not possible, may be required.**~~

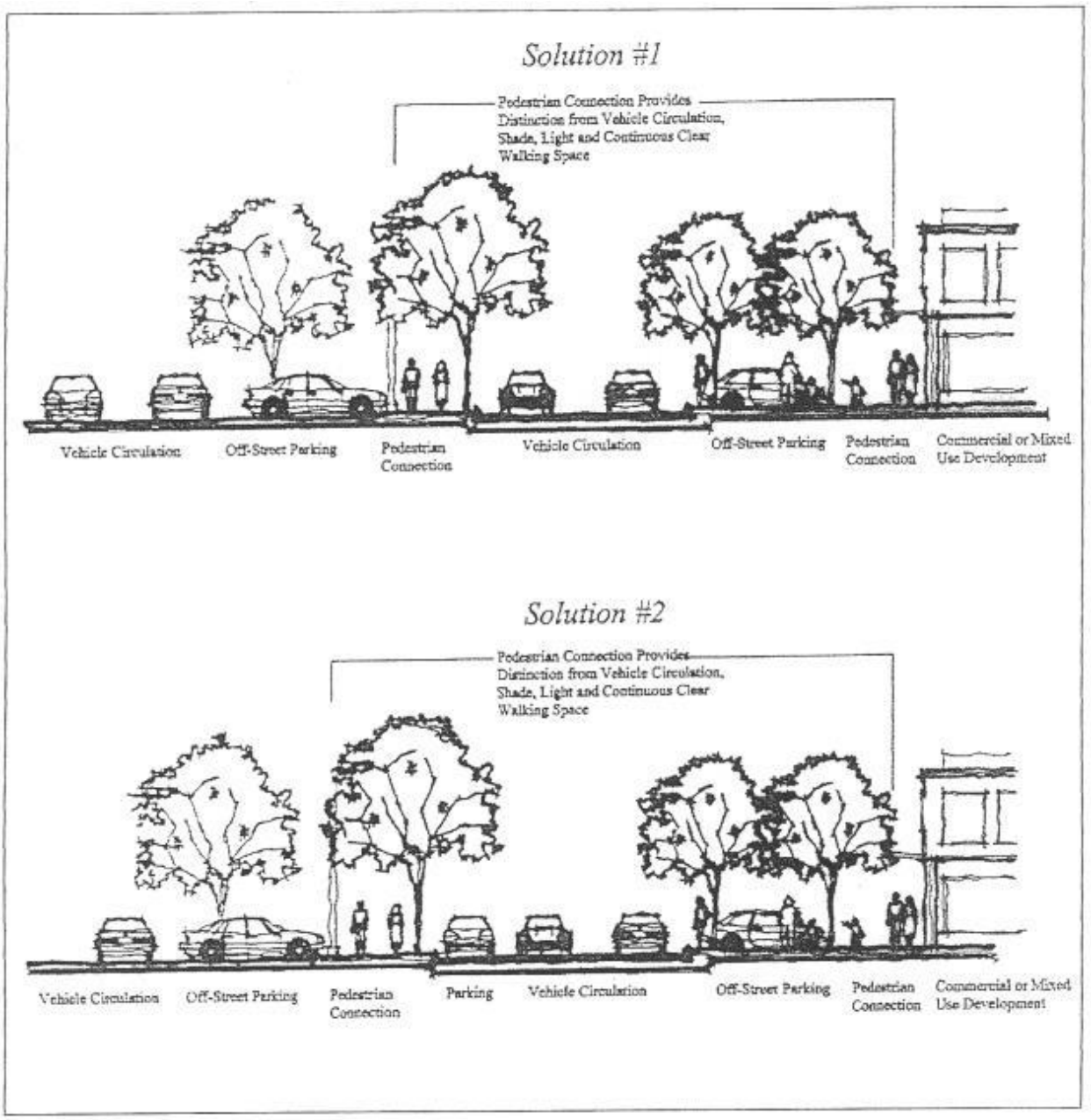


e. Parking in Front. Where the planning director finds that multiple buildings and/or building pads should be set back from the street right-of-way behind surface parking and oriented to internal driveways instead of streets (strings only), such driveways shall be designed as "shopping streets." Shopping streets shall contain, at a minimum, on-street parking, sidewalks/walkways with raised curbs, street trees and pedestrian lighting, as generally shown below. Such buildings may have their primary entrance(s) placed along the shopping street instead of a public street; in such cases, primary building entrances shall be within 10 feet of a walkway (eight-foot minimum width), except where a pedestrian space (e.g., plaza or outdoor seating area) is provided, the setback may be increased accordingly. Surface parking shall be set back and screened from the street right-of-way behind a 20-foot (minimum width) landscape buffer.

~~**Buildings shall meet weather protection and transparency standards along all shopping streets. See LCMC 17.74.080, Building design, and LCMC 17.74.120, Landscaping.**~~

~~**Highway access is subject to ODOT review and approval; connection to a rear alley or abutting driveway (where applicable), or a temporary turnaround where such connection is not possible, may be required.**~~



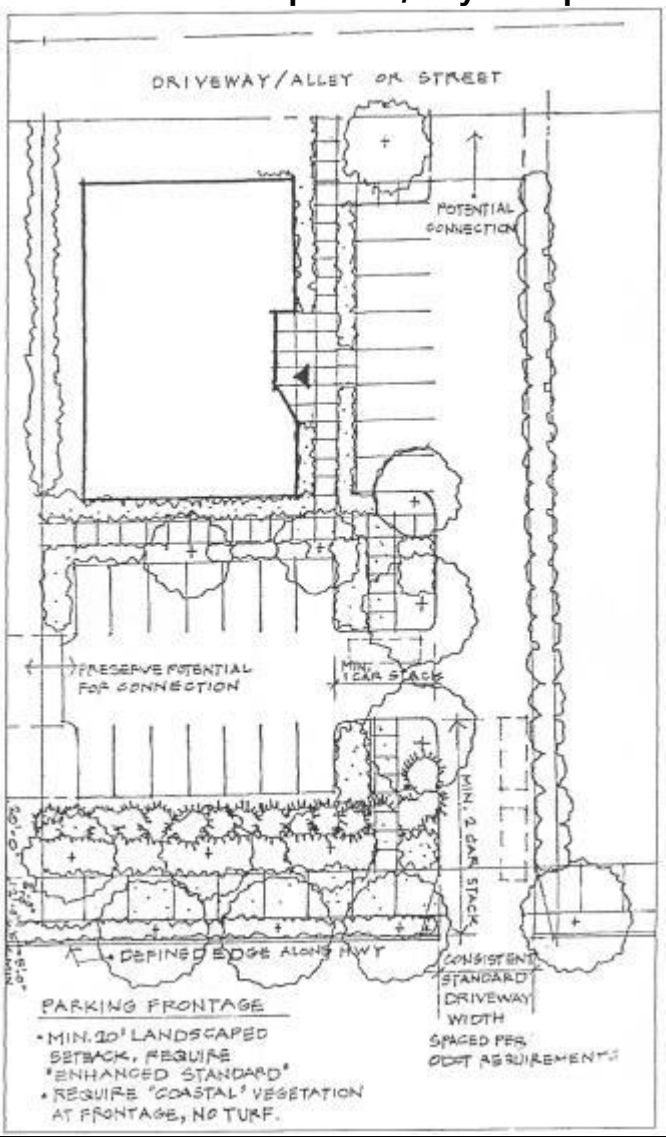


~~**Examples of internal shopping streets that meet the building orientation requirement when building(s) are not oriented to the highway (strings only). Note: The above driveways do not have to extend through to Highway 101; provided, that a pedestrian connection is made to required sidewalk.**~~

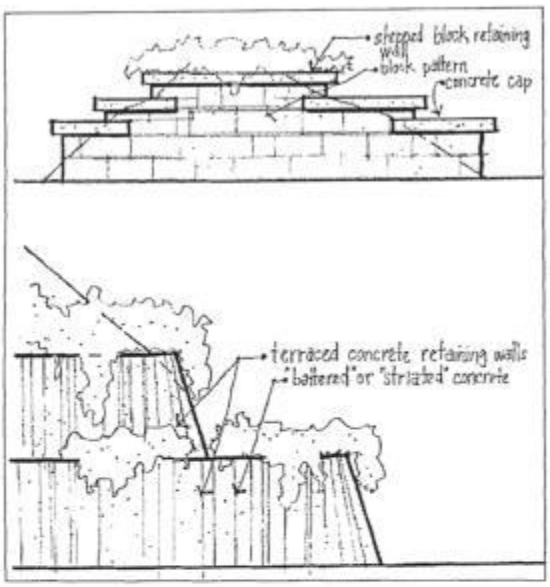
~~**f. Parking in Front without Shopping Street. Where the planning director finds that it is necessary to place surface parking between a building's primary entrance and the highway or other public street (strings only), and it is not possible to develop an internal shopping street as described above, e.g., due to the small size of a property, its configuration, or other physical site constraints, then the following standards shall apply: all surface parking and internal drives shall be set back at least 20 feet from the**~~

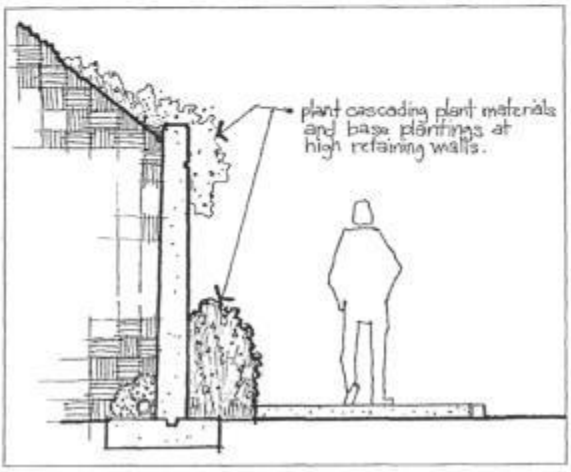
~~street right-of-way behind a landscape buffer; adequate vehicle queuing distances shall be provided between the highway right-of-way and all parking areas, subject to review and approval by ODOT; a six-foot minimum width walkway shall connect the primary building entrance to a public sidewalk with three-foot minimum width planter strips placed between such walkways and abutting driveways; raised or textured paving with ADA wheelchair accessible ramps shall be provided at all pedestrian crossings of vehicle areas; and provisions shall be made for potential future driveway extensions as adjacent properties are developed or street connections can be made. See also LCMC 17.74.120, Landscaping.~~

~~Highway access is subject to ODOT review and approval; connection to a rear alley or abutting driveway (where applicable), or a temporary turnaround where such connection is not possible, may be required.~~



2. Property with Grade Change. Where retaining walls are required adjacent to a public right-of-way (strings or pearls), they shall incorporate rusticated concrete block, striated or battered concrete, or natural stone. Applications for site plan review shall include proposed retaining wall detail drawings.





17.74.070 Pedestrian circulation.

Pedestrian facilities shall be provided in accordance with the site design standards in LCMC 17.74.060.

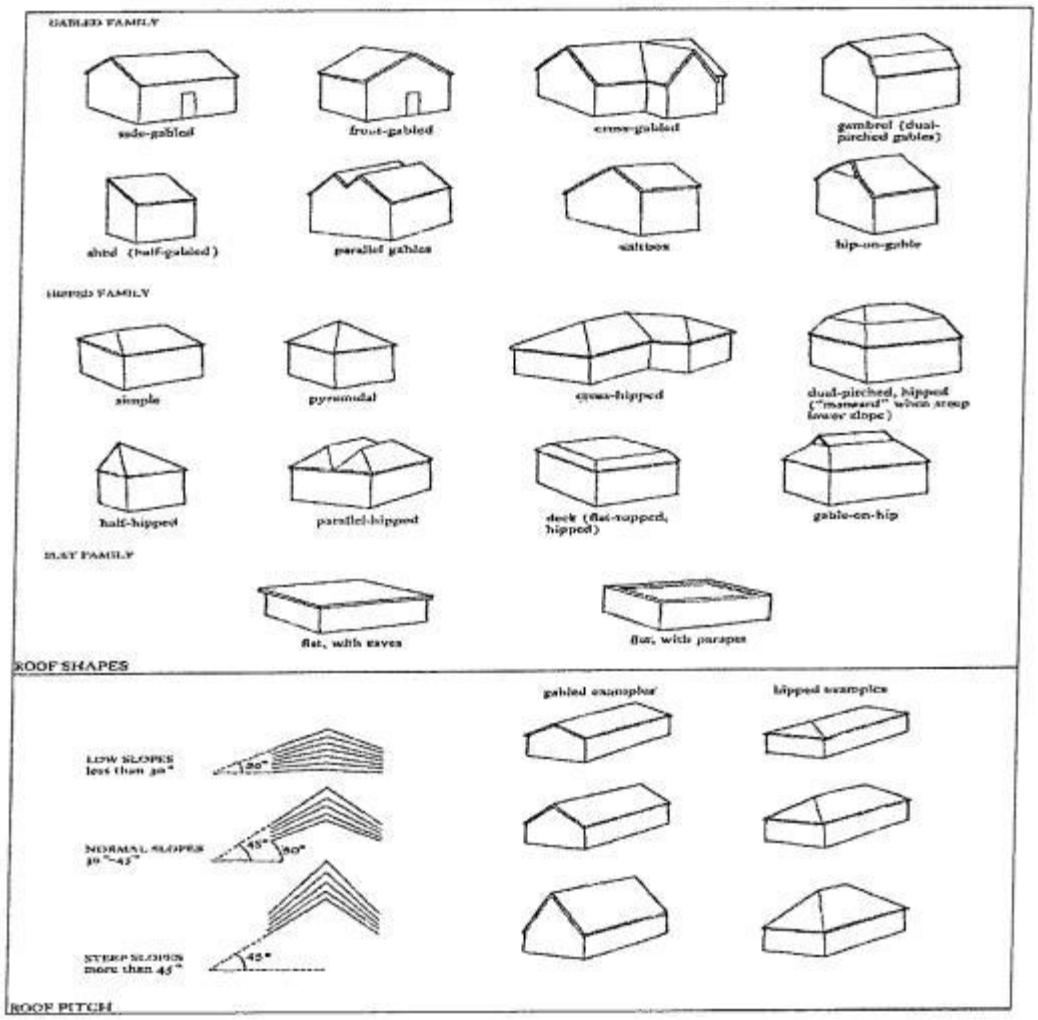
17.74.080 Building design.

A. Intent. The building design standards reflect the following community values:

1. Eclectic coastal architecture.

2. Building orientation to streets to create a sense of enclosure and human scale.

~~3. Articulated building facades to break up large volumes and promote human scale.~~
~~4. Contextually appropriate materials, textures and colors.~~
~~5. Storefront character (windows, pedestrian shelter, furnishings, etc.).~~
~~6. Corner buildings that serve as focal points with vertical elements, furnishings and/or public art.~~
~~B. Standards.~~
~~1. Height.~~
~~a. Maximum Height. Maximum height is established by the underlying zone.~~
~~b. Minimum Height. Buildings within pearls (GC-PO or RC-PO zoned properties) shall be built to a height of not less than 18 feet where those buildings are required to orient to a public right-of-way. The minimum height is intended to maintain a sense of enclosure of the street. Single-story buildings shall incorporate parapets, towers or other design elements that reach the minimum height.~~
~~2. Building Form.~~
~~a. Overall Design. Architectural designs shall address all four sides of a building, for example by continuing architectural elements (e.g., articulation, materials, detailing, etc.) around building corners. New buildings should not mimic any other building in their form or detailing, but instead should reflect the predominant form(s) within each pearl or string, as applicable, while expressing individuality.~~
~~b. Stepped Rooflines. Height should vary from building to building to avoid a homogenous appearance. This standard is met by using stepped parapets, gables, or slightly dissimilar height from building to building. Abrupt changes in height between buildings can be managed by having the taller building follow the horizontal lines of the shorter building along the ground floor, and by having the taller building reference elements or detailing of the shorter building(s) on its upper stories. See also subsection (B)(3) of this section concerning storefront character.~~
~~c. Roof Forms. Roof designs shall conform predominately to one of the following: flat with stepped parapet, gabled, or hipped. Secondary roof forms may include towers, dormers, turrets or other features with rounded (e.g., split-barrel), shed (e.g., dormer), pyramidal, or crossing elevations. Gambrel, dual-pitched (e.g., hipped "mansard"), deck (flat-topped, hipped), A-frame, and similar roof forms are discouraged. Where roofs are pitched, a minimum pitch of at least 30 degrees should be maintained.~~



1 _____.

2 **~~3. Window Transparency.~~**

3 **~~a. Applicability. The window transparency requirement does not apply to the auditorium~~**
4 **~~portion of a theater (but does apply to the lobby and concession area), to the guestroom~~**
5 **~~portion of a motel, hotel, or resort (but does apply to the lobby and other portions), or~~**
6 **~~to multiple-family dwellings (but does apply to the commercial parts of mixed use~~**
7 **~~buildings incorporating multiple-family dwellings).~~**

8 **~~b. Standard. Consistent with a desired storefront character, and to avoid the creation of~~**
9 **~~large blank walls, buildings shall have large display windows, windowed doors and~~**
10 **~~transom windows. In the pearls this standard is met when the ground floor, street-facing~~**
11 **~~elevation of a building between the building base (or 30 inches above the sidewalk~~**
12 **~~grade, whichever is less) and a plane 80 inches above the sidewalk grade is comprised~~**
13 **~~of at least 60 percent transparent windows. In the strings, this standard is reduced to 40~~**
14 **~~percent. Upper floors may have less window area, but should follow the vertical lines of~~**
15 **~~the lower level piers and the horizontal definition of spandrels and any cornices.~~**
16 **~~Buildings not containing a street-facing elevation, such as those that are set back behind~~**

~~another building and those that are oriented to a pedestrian space (e.g., side plaza or court), shall meet the transparency standard on all elevations abutting pedestrian space(s) and on elevations containing a primary entrance. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)~~

~~4. Building Orientation. New buildings shall be placed consistent with the performance standards in LCMC 17.74.060, Site design.~~

~~5. Primary Entrances. Buildings shall have clearly defined primary entrances that provide a weather protection shelter for a depth of not less than five feet (e.g., either by recess, overhang, canopy, portico and/or awning) extending from the building entry. See also subsection (B)(14) of this section, Pedestrian Shelters.~~

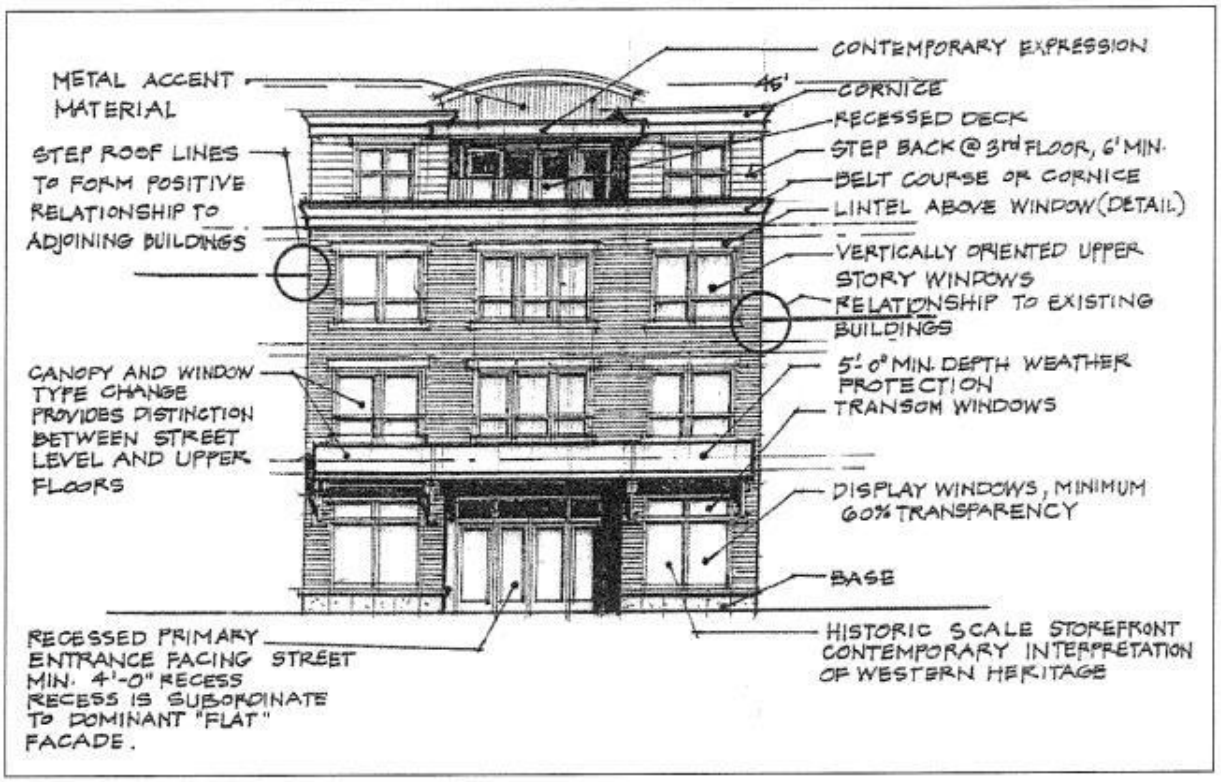
~~6. Secondary Entrances. Buildings in pearl areas should provide at least one entrance for every 40 feet of street frontage, consistent with a walkable storefront character. Where it is not practical to provide entrances every 40 feet (e.g., a large building is designed for only one or two uses requiring street access), building entries may be spaced an average of 90 feet apart or less.~~

~~7. Armature of the Block. In pearl areas, where practical, the width of buildings should extend from side lot line to side lot line, to create a human scale and to maintain continuity of the storefront character.~~

~~8. Building Mass (Strings and Pearls).~~

~~a. Articulation. Building elevations shall incorporate offsets or divisions to reduce the apparent building scale and to improve aesthetics of large buildings. Elevations of a structure shall be divided into smaller areas or planes to minimize the appearance of bulk as viewed from any street, pedestrian space or adjacent property. When an elevation of a primary structure is more than 800 square feet in area, the elevation must be divided into distinct planes of not more than 800 square feet. For the purpose of this standard, areas of wall planes that are entirely separated from other wall planes are those that result in a change in plane such as a recessed or projecting section of the structure that projects or recedes at least one foot from the adjacent plane, for a length of at least six feet. Changes in plane may include but are not limited to recessed entries, bays, stepped parapets, secondary roof forms (e.g., gables, lower roof sheds, dormers and towers), building bases, canopies, awnings, projections, recesses, alcoves, pergolas, porticos, roof overhangs, or other features that are consistent with the overall composition of the building. See also subsection (B)(11) of this section, Horizontal Rhythms. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)~~

~~b. Street Level/Upper Floor. The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt course, or similar detailing, materials and/or fenestration. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)~~



~~Figure 17.74.080-1: Example of acceptable building elements (applicable to single- or multi-~~
~~story buildings).~~

~~9. Accessibility. Accessibility shall be provided consistent with applicable building codes. Where wheelchair ramps are required, the ramp design shall incorporate materials and detailing similar to the base of the building.~~

~~10. Openings.~~

~~a. Ground Floor Windows. Ground floor elevations shall conform to subsection (B)(3) of this section and should contain windows that are framed by piers or pilasters (sides); awnings, canopies or trim/hoods (tops); and kick plates or bulkheads (base). Decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features) is encouraged. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)~~

~~b. Upper Floor Windows. Upper floor window orientation should be primarily vertical, or have a width that is no greater than the width of the ground floor windows. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)~~

~~c. Projecting Windows, Display Cases. For durability and aesthetic reasons, display cases, when provided, shall be integral to the building design (not affixed to the exterior) and contain trim or other detailing consistent with the overall composition of the building.~~

~~d. Entrances. Ground level entrances shall be at least partly transparent. This standard may be met by providing a door with a window(s), a transom window above the door, or sidelights beside the door.~~

~~e. ATMs and Service Windows. Where ATMs or service windows are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy,~~

~~awning, or other weather protection shelter. Where drive-up windows or similar automobile-oriented uses are provided, they shall conform to the standards in LCMC 17.32.040.~~

~~f. Corner Entrances. Buildings on corner lots should have corner entrances, consistent with LCMC 17.74.060, Site design. Such entrances are not required to be recessed, but shall have an awning or canopy of at least five feet in depth for weather protection. Where a corner building is to be built in a pearl area but does not have a corner entrance, it shall provide for a corner plaza consistent with LCMC 17.74.100, or architectural features shall be provided honoring the corner as a pedestrian space; such features may include but are not limited to an alcove with seating, public art (e.g., sculpture or fountain), a vertical building element such as a tower (e.g., clock tower), or other feature approved through site plan review. (See also LCMC 17.74.100, Pedestrian spaces.)~~

~~g. Remodels. The scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, columns, weather protection shelters, and other features should be visually compatible with the overall composition of the building (i.e., including building materials, color, detailing, etc.). The approval body may require modifications to a proposed design to address scale and proportion.~~

~~11. Horizontal Rhythms.~~

~~a. Horizontal Lines. New building designs and exterior remodels should establish prominent horizontal lines and avoid blank walls. Examples of such horizontal lines include: the base below a series of storefront windows; an existing awning or canopy line, or belt course between building stories; and/or an existing cornice or parapet line. It is not necessary for new lines to match existing lines. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)~~

~~b. Ground Floor/Upper Floor Division. A clear visual division shall be maintained between the ground level floor and upper floors, for example, through the use of a belt course, transom, awnings or canopies. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)~~

~~c. Building Base. Buildings shall have a foundation or base, typically from ground to the bottom of the lower windowsills, with changes in volume or material, to give a sense of strength and symmetry. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)~~

Figure 17.74.080-2: Rhythm, massing, and building openings.

12. Vertical Lines. New construction or front elevation remodels shall reflect a vertical orientation, either through breaks in volume or the use of surface details, to divide large walls and create a human scale. Building designs for corner properties in pearl areas should accentuate the corner location with a vertical element. (Recommended: Figure 17.74.080-3.)

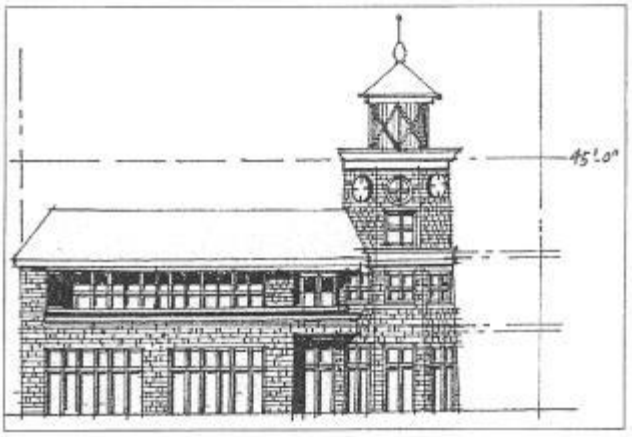


Figure 17.74.080-3: Example of vertical element and desirable building height on a corner property in a pearl.

13. Materials and Color.

a. Primary Materials. Exterior building materials shall predominately consist of painted or natural stain wood, stone, brick, rusticated concrete block (warm tones) or comparable cladding. Rough-hewn wood, timbers and metals may be used as accents but not as the

~~primary exterior cladding. The following may not be used as primary cladding on new buildings: corrugated metal, foam/synthetic stucco, and similar materials as determined by the decision body. See also subsections (B)(13)(c), Secondary Materials, and (B)(13)(d), Substitute Materials, of this section.~~

~~b. Change in Materials. Elevations shall incorporate changes in material that define a building's base, middle and top and create visual interest and relief. Side and rear elevations that do not face a street, public parking area, pedestrian access way or plaza may utilize changes in texture and/or color of materials in the interest of affordability; provided, that the design is consistent with the overall composition of the building.~~

~~c. Secondary Materials. Any of the materials listed as primary materials may also be used as secondary materials or accents. Metals such as copper, steel, iron, bronze and similar appearance metals may be used as trims or accents (e.g., flashing, weather protection features, ornamentation, etc.) when compatible with the overall building design, and subject to review and approval through site plan review.~~

~~d. Substitute Materials. Substitute materials that are equal in appearance and durability to those in subsections (B)(13)(a) and (c) of this section may be approved at the discretion of the reviewing authority through site plan review. The applicant will be required to provide specifications from the manufacturer.~~

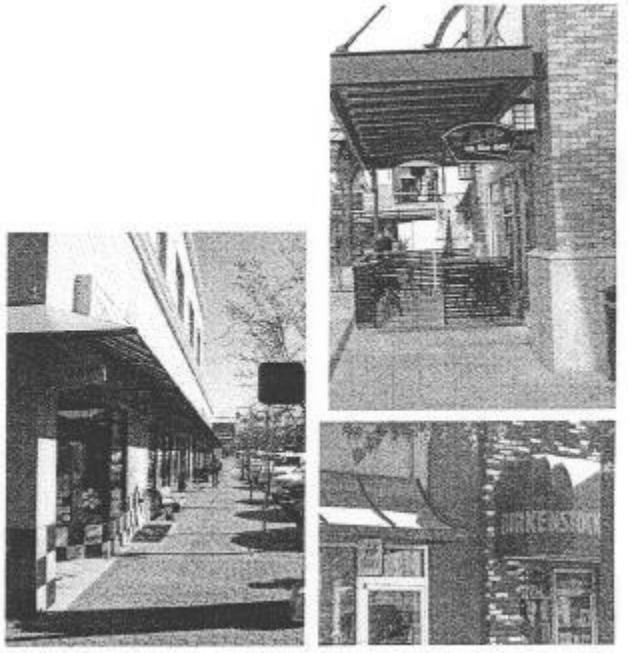
~~e. Color. Color schemes should be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes should tie together signs, ornamentation, awnings, canopies and entrances. There shall be no more than one base color for each 25 feet of the front elevation; one base color for the entire front elevation is preferred. Using only one or two accent colors is also preferred, except where precedent exists for using more than two colors with some architectural styles (e.g., arts and crafts). Natural wood finishes are appropriate for doors, window sashes and trim, signs, canopies and other architectural accents. Luminescent, sparkling, neon and "day-glow" colors are not allowed (e.g., outlining building), except that neon signs are allowed subject to applicable sign codes. Metals shall be brushed finish or painted in mute or earth tones to minimize glare.~~

~~f. Contemporary Designs. Materials that provide a contemporary interpretation of local architecture styles, including arts and crafts, art deco, and vernacular (beach cottage) styles, are encouraged. Buildings that resemble suburban strip-malls (e.g., picture windows extending to near grade level) and those that use highly reflective glass, clerestory windows and/or similar non-traditional features are discouraged.~~

~~g. Restoration and Rehabilitation. Restoration and rehabilitation projects should incorporate original materials and design elements (e.g., previously covered over) to the extent practicable.~~

~~14. Pedestrian Shelters. Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least 60 percent of a building's ground floor elevation(s) where the building abuts a sidewalk, plaza, pedestrian access way or outdoor seating area. Pedestrian shelters used to meet the above standard shall extend at least five feet over the pedestrian area, shed rain away from building entrance(s), be proportionate to the building in its dimensions, and not obscure the building's architectural details. If~~

~~mezzanine or transom windows exist, the shelter shall be below such windows where feasible.~~



~~Pedestrian shelters may come in a variety of forms, materials, and colors, provided they fit the overall composition of the building. Actual designs should address the location and function of the shelter, building codes, architectural compatibility, durability, and right-of-way constraints, if any.~~

~~15. Mechanical Equipment.~~

~~a. Screening. When mechanical equipment, such as utility vaults, air compressors, generators, antennas, satellite dishes, or similar equipment is adjacent to a street, sidewalk or pedestrian space, it shall be screened from view from all streets. Where such equipment is installed on a side or rear building elevation and is adjacent to an alley, access way, or pedestrian space, its appearance shall be minimized or screened using materials and/or colors that are similar to those used on the subject building. Standpipes, meters, vaults and similar equipment should not be placed on a front elevation when other alternative locations exist; such equipment shall be placed on a side or rear elevation when practicable.~~

~~b. Rooftops. Rooftop mechanical units shall not be visible from any street.~~

~~c. Ground-Mounted Units. Ground-mounted mechanical units shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges may also be used as screens where there is adequate sunlight and irrigation to ensure their successful growth. (Ord. 2011-12 § 1; Ord. 2007-10 § 5)~~

~~17.74.090 Transportation and streetscape standards.~~

~~A. Intent. The relationship between the local street system, Highway 101 and adjoining properties is important from both a transportation planning and a land use perspective.~~

~~Oregon Department of Transportation (ODOT) is the permitting authority for all access onto Highway 101. As the permitting agency for land use, the city works cooperatively with ODOT to manage development adjacent to the highway. The city's design standards are intended to implement the community's vision of a cohesive streetscape, with on-street parking, wide sidewalks, weather protection (pedestrian) shelters, benches, pedestrian-scaled lighting, public art, opportunities for cafe seating, and other amenities. A safe, inviting and comfortable pedestrian environment benefits businesses, highway users and the community as a whole.~~

~~B. Standards. In addition to site design standards in LCMC 17.74.060, the following provisions apply to all new development:~~

~~1. Transportation Plan Conformity. New development shall conform to the policies, standards, specifications and design details (e.g., street sections) contained in the city's transportation system plan (TSP) and the standards in LCMC 17.74.060. When streetscape improvements are required of new development, such improvements shall conform to the TSP.~~

~~2. A connection to a rear alley or shared driveway (where applicable) may be required, or where such connection cannot be made, a temporary turnaround may be required.~~

~~3. Streetscapes. Where a project is subject to a redevelopment plan, it shall conform to applicable streetscape provisions (e.g., sidewalks, street furnishings, etc.) of the redevelopment plan. (Ord. 2011-12 § 1; Ord. 2007-10 § 5)~~

~~17.74.100 Pedestrian spaces.~~

~~A. Intent. The increased development intensity, mixture of uses, pedestrian activity, close building orientation and minimal private open space envisioned for the pearl areas should be offset by pedestrian spaces along building frontages and in breaks between buildings. Pedestrian spaces, such as plazas, extra-wide sidewalks, outdoor seating areas, pedestrian access ways between buildings, alcoves and pocket parks, provide visual relief, pedestrian resting areas and opportunities for socialization. Pedestrian spaces do not have to be publicly owned or maintained. Therefore, projects within pearl areas are required to contribute their proportionate share of pedestrian space. String area projects are encouraged to incorporate appropriate pedestrian space. Pedestrian spaces count toward the required minimum landscape area in each zone.~~

~~B. Standards.~~

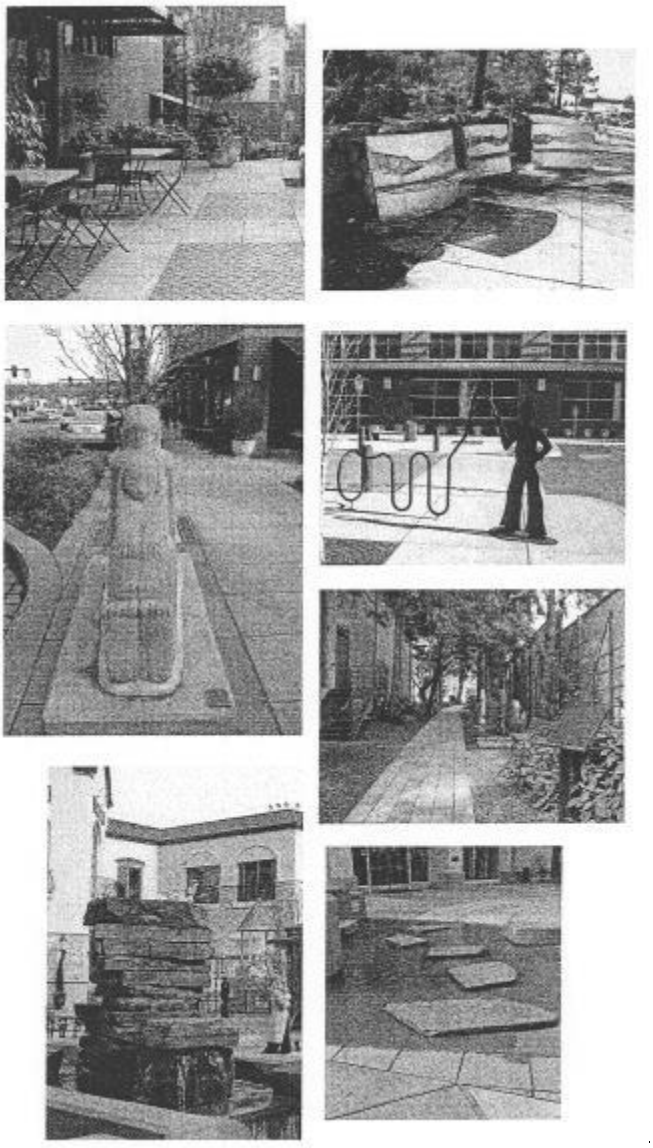
~~1. Pedestrian Space Standard. At least three percent of every pearl development site, except for residential developments, shall be designated and improved as pedestrian space. The highest priority locations for pedestrian space are those areas with the highest pedestrian activity (e.g., street corners and mid-block pedestrian access ways) that have a western or southern exposure (within 45 degrees of true south or west). Where no such area exists, then pedestrian space should be provided as an extended sidewalk or walkway connecting multiple developments.~~

~~The reviewing authority may find that the creation of pedestrian space is not practicable based on the project location or other relevant factors. In such cases, the city may accept an in-lieu fee equal to the fair market value of the land and improvements that would~~

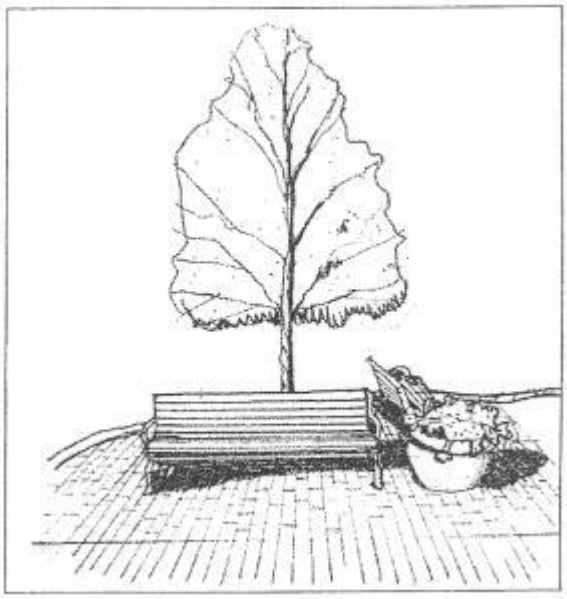
~~have otherwise been required. The fair market value shall be determined after the city approves the site plan review application and before issuance of any building permits on the project.~~

~~2. Dimensions. All pedestrian spaces shall have dimensions of not less than eight feet across and have a surface area of not less than 64 square feet.~~

~~3. Public Access. Such areas shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns and/or texture). Where a right-of-way connection is not possible, the owner shall be required to provide a public access way easement to the pedestrian space. Pedestrian spaces shall not be gated or closed to public access, unless otherwise required by the city. (Recommended: Figures 17.74.100-1 and 17.74.100-2.)~~



~~Pedestrian spaces should serve as focal points and gathering places, giving the downtown a unique identity and sense of place. Pedestrian amenities may include, but are not limited to, outdoor seating areas or cafes, pedestrian access ways, weather protection, plazas, benches, public art, and street furnishings such as bicycle racks and pedestrian lighting (e.g., bollards) at crossings.~~



~~Figure 17.74.100-1: Example of a small pedestrian space containing approximately 64 square feet.~~

~~4. Pedestrian Amenities Required. Where pedestrian space is required, it shall contain pedestrian amenities such as plaza space, extra-wide sidewalks (i.e., outdoor cafe space), benches, public art, pedestrian-scale lighting, wayfinding signs (as approved by the city) or similar pedestrian areas in an amount equal to or greater than one-half of one percent of the estimated construction cost of the subject building(s). Where a pedestrian space adjoins a building entrance it should incorporate a canopy, awning, pergola, portico, or similar weather protection feature. Pedestrian amenities such as seating, planters, public art and pedestrian lighting (e.g., antique lamps or bollard lights) at street corners or pedestrian access ways may be counted in fulfilling the one-half of one percent requirement. (See Figure 17.74.100-2.) Cost estimates for pedestrian amenity improvements shall be prepared by a licensed architect, landscape architect, or other qualified professional, and shall be subject to review and approval by the planning and community development director.~~

~~5. Mechanical Equipment and Garbage Storage Areas. Mechanical equipment and garbage storage areas are not counted in the pedestrian space(s) required under subsection (B)(1) of this section. Such facilities shall be screened completely from view and set back 20 feet or more from a pedestrian space for aesthetic reasons and to minimize odors and noise.~~

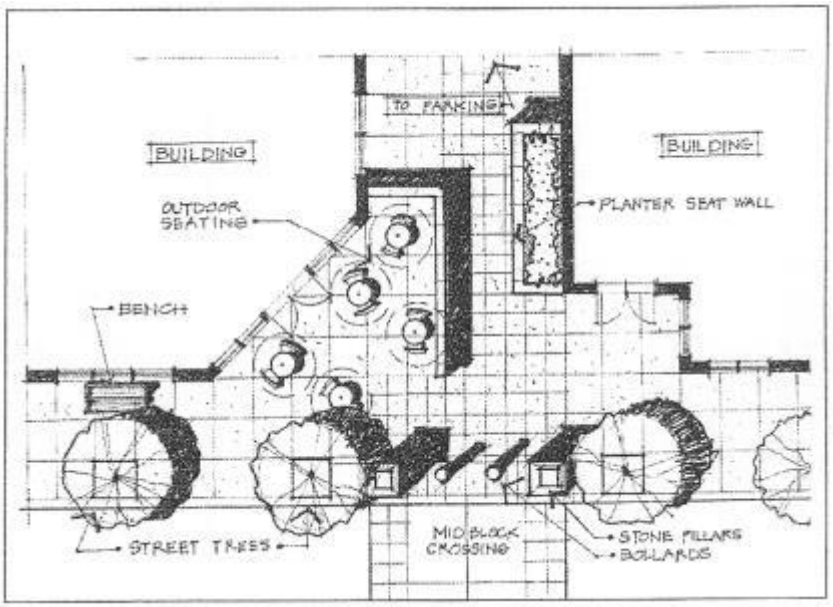


Figure 17.74.100-2: Example of preferred types of pedestrian amenities, shown with access way between buildings leading to an internal parking area or street end.

17.74.110 Parking.

The off-street parking standards are the same as provided in Chapter 17.56 LCMC, except that credit toward minimum parking standards shall be granted for on-street parking spaces abutting the development. Shared parking between uses is allowed, in conformance with LCMC 17.56.060.

17.74.120 Landscaping.

A. Intent. Lincoln City is identifiable, in part, by its shore pines and other coastal vegetation. While it is inevitable that some existing trees will be removed with new development, native vegetation should be preserved where practicable or otherwise replanted in required landscape areas. Trees and hedges serve as windbreaks and visual screens in an area that is otherwise being exposed to high winds. Grassy swales capture and cleanse surface water runoff before it infiltrates into the ground or seeps onto the beach. Mature vegetation also enhances real estate values. For these reasons, as well as for aesthetic reasons, the city requires that all new developments and redevelopment projects attempt to save mature vegetation that is not within building envelopes and provide landscaping in surface parking areas, as buffers between uses, within street planter strips, and to soften the appearance of large building elevations. Landscaping must conform to the following provisions, in addition to those in LCMC 17.52.100.

B. Standards.

1. Mature Landscaping. Site plans shall incorporate existing, mature vegetation that is not within building envelopes and not within areas that are required to be graded or excavated (e.g., for utilities, foundations, and driveways) into the project's landscape design to the greatest extent practicable. Where mature tree removal is unavoidable

~~(e.g., a tree's location precludes reasonable development consistent with prescribed building envelopes, required building orientation, or public improvement requirements), mitigation shall be required as per subsection (B)(3)(g) of this section.~~

~~2. Volume Landscaping and Screening. Large trees and/or shrub planting may be required in quantities exceeding the base requirements of this code to mitigate adjustments to other standards or the loss of mature trees as described under subsection (B)(1) of this section.~~

~~3. Minimum Landscape Standards.~~

~~a. All off-street parking and vehicular use areas (including driveways and loading docks) shall have perimeter landscaping of not less than four feet in depth, and interior landscaping covering at least 10 percent of the entire vehicular use area.~~

~~The planning commission may reduce the minimum landscape area to not less than five percent where the development preserves and protects one or more existing mature trees. The commission shall use its discretion in awarding credit; provided, that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from public rights-of-way including the beach. Areas with preserved trees are counted toward the required parking lot landscaping.~~

~~b. Each separate landscape area shall be a minimum of 24 square feet with a minimum dimension of at least four feet and, on parking lot islands and in park strips along a street, shall contain at least one tree. All remaining land in the landscape area shall be covered by a combination of shrubs, ground cover plants or other city-approved nonvegetative ground cover.~~

~~c. All required buffer strips, screens, and other required landscape areas shall be planted at a density to ensure the intended buffering or screening intent is met; in no case shall a landscape area have less than one tree per 200 square feet of surface or less than one shrub per 50 square feet of area.~~

~~d. Required trees and shrubs shall be non-invasive species that are known to thrive in the northern Oregon coastal environment.~~

~~e. The following guidelines apply:~~

~~i. Vegetation native to the Pacific Northwest coast is encouraged;~~

~~ii. Turf and grass is discouraged, except in residential developments;~~

~~iii. Species should be those contained in the Lincoln City Tree Planting Guide and List of Recommended Species, or species recommended by a licensed nurseryman as being suitable for the local climate, as approved by the planning director.~~

~~f. Trees shall be at least two-inch caliper at time of planting.~~

~~g. When tree mitigation is required, the number of mitigation trees required shall be equal to the total number required to achieve at least half of the number of inches of mature tree(s) removed (diameter measured at four feet above grade). For instance, if a 12-inch diameter tree is removed, then at least two three-inch trees of the same or comparable species shall be planted. Alternatively, the reviewing authority may require fewer trees of a larger size be planted.~~

~~h. Irrigation systems shall be provided for all planted areas for a period of at least two years, or until it is demonstrated that new plants have become naturalized.~~

~~i. Shrubs shall be at least three-gallon size when planted.~~

~~j. If hedges are planted for screening, plants shall be at least of an initial size so that the required screening will be achieved within two years.~~

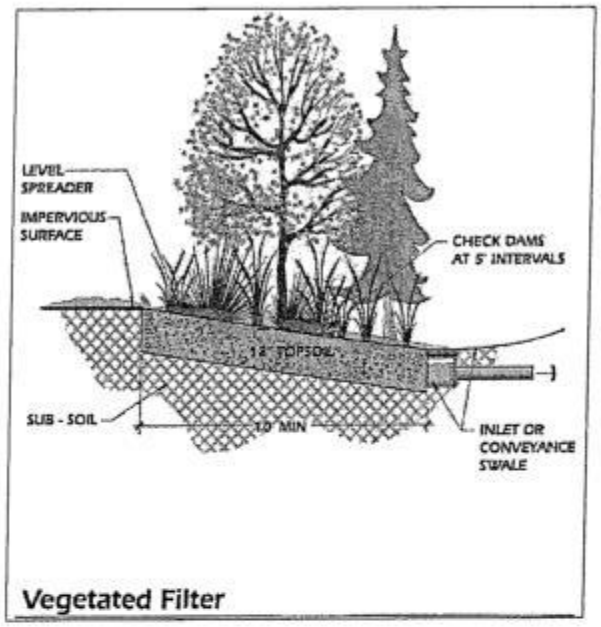
~~k. Trees shall be planted so that encroachment below eight feet into a public right-of-way can be prevented without long-term detriment to the subject tree.~~

~~l. Landscaping shall preserve an adequate line of sight around vehicle accesses.~~

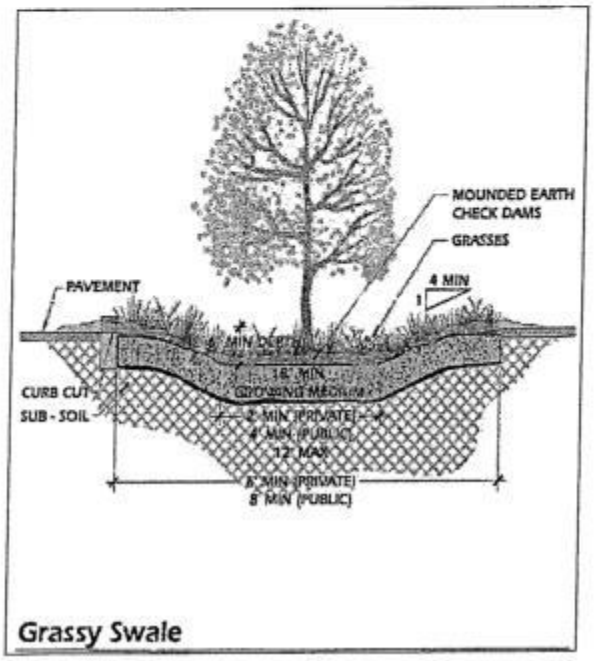
~~m. All landscaping materials shall be in vigorous and healthy growing condition and shall be installed according to common planting procedures, with consideration given to soil condition. The property owner is responsible for maintaining and replacing, as necessary, all approved landscape plants on his property and those within abutting rights-of-way (e.g., street trees).~~

~~4. Parking Area Landscaping. Surface parking areas shall have perimeter landscaping, as described above. Surface parking lots containing more than 20 parking stalls shall be divided into rows of not more than 12 continuous parking spaces. (Recommended: Figure 17.74.120.)~~

~~5. Water Quality. Where a surface parking area incorporates water quality filters/swales and porous paving materials, such as pavers set in sand, concrete blocks allowing grass to grow through, and/or porous concrete (e.g., particularly along walkways and in parking areas that are used infrequently), the reviewing authority may allow additional building (lot) coverage. Porous paving may also be used for small areas, such as the first four feet of a parking lot's perimeter, where it would help reduce or slow surface water runoff. (Recommended: Figure 17.74.120.)~~

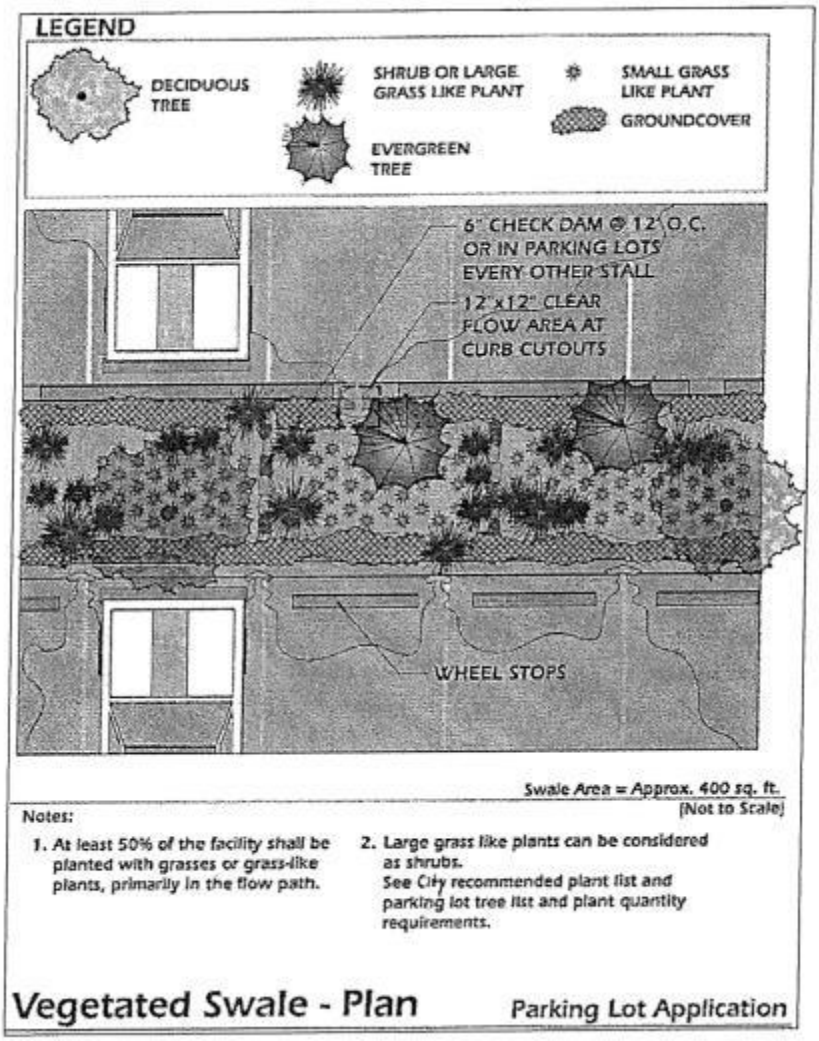


Vegetated Filter



Grassy Swale

1



~~Figure 17.74.120: Typical parking lot landscaping concepts, incorporating water quality features.~~

~~17.74.130 Exterior lighting.~~

~~A. Intent. The number, size, design and placement of lights all contribute to creating a safe and aesthetically pleasing development. Excessive lighting contributes to light pollution, glare and light trespass, and it diminishes views of the night sky. Outdoor lights should function primarily as tools for pedestrian wayfinding and business visibility. Business visibility does not require that owners fully illuminate their building and parking areas. Urban renewal plans for some areas (e.g., Taft and Oceanlake) include sidewalk lighting (antique street lamps) that, together with modest on-site lighting in developments, will enable motorists and pedestrians to recognize businesses and safely walk to them. Lights in string areas need not be designed to a highway scale.~~

~~B. Standards. Outdoor light fixtures shall not be installed without site plan review approval. Where a light fixture is required as part of a larger project, the lighting package shall be~~

~~reviewed under the following guidelines and standards. Where an outdoor light fixture is to be installed apart from any other development application, it shall be processed administratively. Outdoor lighting that does not conform to current standards, but conformed to city standards prior to the effective date of the ordinance codified in this section, is allowed to continue as nonconforming until such time that the light fixture and/or building is remodeled or replaced.~~

~~1. Contextual Design. Exterior lights shall be designed to fit their particular location and function. They should be simple in character and similar in color and intensity to those used traditionally. High pressure sodium lights are appropriate, except where good color rendition is required; enhanced color rendition high pressure sodium lamps, or more uniform spectrum lamps, may also be used.~~

~~a. Pedestrian ways and entrances that are not otherwise illuminated by building-mounted lights or streetlights shall be illuminated using bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas. Illumination between one and two foot-candles for such areas is required.~~

~~b. Building-mounted lights should complement the building background in style; using lights to draw attention to (wash) architectural elements is permitted; provided, that unshielded, high intensity light sources and sources that direct light upward without cut-offs are not permitted. (See subsection (B)(2) of this section.)~~

~~c. Antique-style lights are preferred over recessed can lights and globe fixtures. Contemporary light fixtures that draw on historic elements or provide a new interpretation of an historic style are encouraged.~~

~~d. Maximum initial luminance of outdoor sales areas, storage areas and service station canopies and similar areas shall not exceed 20 foot-candles, except as otherwise approved by the planning director.~~

~~e. Maximum initial luminance of parking lots shall not exceed four foot-candles, except as otherwise approved by the planning director.~~

~~2. Impacts of Lighting. The visual impacts of site and architectural lighting, such as overspray of lights onto adjacent residential properties and lights shining into the night sky, shall be avoided.~~

~~a. Light poles shall not exceed a height of 20 feet.~~

~~b. Only shielded lights are permitted. Shielding should be integral to the light fixture and direct light downward. Exception: Up-lighting of official flags may be allowed; provided, that the luminance level is minimized.~~

~~c. Lighting associated with service areas, parking lots and parking structures, as well as streetlights, shall be shielded or provide cut-offs to avoid glare, light pollution (night sky) and light spillover onto residential properties. Luminance at the property line, or no more than five feet over the property line, shall be zero.~~

~~d. The planning director may require the installation and use of timers or activity switches to prevent unnecessary sources of light by controlling the length of time that exterior lights are in use late at night.~~

~~e. Lights used to wash a building elevation (including any signs) shall not wash more than 75 percent of the facade. Interior lights (e.g., store displays, etc.) are exempt.~~

f. Up-lighting is prohibited. Where lighting is used to wash an exterior wall, the use of recessed eave lighting is preferred. The maximum illumination limits for wall washing are one foot-candle for dark colored surfaces and one-half foot-candle for light colored surfaces.

g. The manufacturer's data or measurement shall be provided to demonstrate conformance with subsection (B)(1) of this section. Photometric plans are required with site plan review applications, unless waived by the planning director.

Figure 17.74.130: Examples of acceptable lights.

17.34.005 Definitions.

Note: The following definitions are informational. Where conflicts occur between the definitions below and an adopted building code, the adopted building code shall apply. For terms that are not defined below and are not defined in the building code, the reviewing authority will use its discretion in selecting from professional source materials that are most relevant to the question at hand.

"Accessibility" means the locational and design characteristics of a use, structure, or facility that permit it to be reached by one with a disability, as prescribed under the Americans with Disabilities Act and associated building codes and guidelines.

"Accessory dwelling unit" means a dwelling unit either attached to a single-family or duplex primary dwelling unit or located on the same lot, having an independent primary means of access, visually subordinate to the primary dwelling, and having a total floor area of not more than 750 square feet.

~~"Alcove" means a recessed section of a building's exterior wall; may provide weather protection, outdoor seating or other pedestrian amenities.~~

~~"Basement" means the lowest story of a building where 50 percent or more of the floor is located below the grade plane.~~

~~"Belt course" means a horizontal course in a masonry wall that is of a different color, texture, size, or material and which is compatible with the overall form and architectural composition.~~

~~"Bollard" means a post of metal, wood or masonry, or a combination thereof, that is used to separate or direct traffic (vehicles, pedestrians or both). Bollards may contain sidewalk or pathway lighting.~~

~~"Clerestory" means a window that extends from the ground floor of a building to near the top of an outside wall.~~

~~"Corbel" means a projection on a building out from a masonry wall, sometimes to support a load and sometimes for decorative effect.~~

~~"Cornice" means the exterior trim of a structure at the meeting of the roof and wall.~~

~~"Facade" means the front or principal face of a building; any side of a building that faces a street, way, or pedestrian space.~~

~~"False-front" means a front wall that extends beyond the side walls or rooftop of a building to create a more imposing facade. (See also "Parapet.")~~

~~"Fenestration" means the arrangement and design of windows and doors in a building.~~

~~"Grade" means the surface elevation of the ground.~~

~~"Guideline" means a recommended approach, parameter, example, and/or rationale for interpreting, applying, and/or modifying a standard through the site plan review process. For the purpose of site plan review, the photographs, illustrations, and diagrams contained in this chapter are intended to be used as guidelines, except where an illustration contains a specific dimensional requirement or is accompanied by the words "shall" or "must," then the illustration is intended as a standard.~~

~~"Lintel" means a heavy horizontal beam of wood or stone over an opening of a door or window to support the weight above it.~~

~~"Medallion" means a small decorative detail used to accent a building's exterior.~~

~~"Mezzanine" means an intermediate level between a ground floor and the upper story(ies) occupying a partial area of floor space.~~

~~"Parapet" means a low protective wall at the edge of a roof.~~

~~"Pedestrian-scale lighting" means lighting that is designed and located to illuminate a sidewalk, pathway or other area that is used principally by pedestrians. Bollards, wall-mounted lights and step lights are typical of pedestrian-scale lighting.~~

~~"Pedestrian space" means a public gathering space, such as a plaza, square, outdoor seating area, alcove, sculpture garden, or similar space, oriented to pedestrians and connecting one or more developments to the adjacent streetscape.~~

~~"Pediment" means a low-pitched gable over a portico, door or window; may be used to reduce the scale of a building facade.~~

~~"Pier" means a portion of a wall between windows, doors or other openings.~~

~~"Pilaster" means a shallow pier used to buttress a wall; or a rectangular column with a capital and base, projecting only slightly from a wall as an ornamental motif.~~

~~"Pocket park" means a small plaza or landscaped pedestrian space, typically less than one-quarter acre and not for recreational use.~~
~~"Portico" means a porch or entrance to a building consisting of a covered and often columned area; may be used to address building orientation standards where redeveloping a building to meet the front property line is not feasible.~~
~~"Public art" means artwork in the public realm, regardless of whether it is on public or private property, or whether it is acquired through public or private funding. Public art can be a sculpture, mural, manhole cover, paving pattern, lighting, seating, kiosk, gate, fountain, engraving, carving, fresco or similar artwork which is approved through design review. In evaluating public art proposals, the reviewing authority may refer to guidelines and inventories prepared by the Arts Committee, the National Trust for Historic Preservation and/or other references it deems appropriate.~~
~~"Spandrel" means the blank space between windows and successive stories; or the area between the top of a column or pier and the apex of the arch springing from it.~~
~~"Split-barrel roof" means a rounded roof that resembles a barrel split in half and resting rounded side up.~~
~~"Standard" means a requirement for the purposes of design review approval. Dimensional requirements and provisions containing the words "shall," "must," "not permitted," "prohibited," "required/requirement," or similar prescriptive or proscriptive terms indicate the presence of a standard.~~
~~"Streetscape" means the interface between development and a public street along the development's street frontage; it typically includes storefronts, building entrances, weather protective canopies or awnings, pedestrian spaces such as plazas and curb extensions at intersections, a building front zone along the sidewalk where outdoor seating may occur, a through zone for pedestrians, a street furnishings zone for lights, trees, and other furnishings, and on-street parking where applicable.~~
~~"Transparency (windows)" means nonreflective glass with a visible transmittance rating of 0.50 or greater, per the National Fenestration Rating Council.~~
~~"Turret" means a small tower extending above a building.~~
~~"Wayfinding sign" means a directional sign that is part of an overall sign program for a district, neighborhood, or other city-recognized area as approved through design review.~~

~~17.34.030 Applicability of municipal code regulations.~~
~~A. Applicability. The provisions of the Nelscott Plan District, in addition to all other applicable regulations of this title and other city ordinances, shall apply to all uses of land and development within the NP district.~~
~~B. Redevelopment and Remodels. Where an existing use or development is proposed to be modified through redevelopment or exterior remodeling, the standards shall apply only to that portion of the use or development that is to be modified; where more than 50 percent of the use or development is to be modified, the reviewing body may require the entire development to conform to the provisions of this chapter, as provided in subsection (E) of this section.~~
~~C. Burden of Proof. The applicant has the burden of proof of demonstrating conformity with the standards and criteria of this chapter.~~

D. Ordinance Conflicts. Where conflicts occur between this chapter and other Lincoln City Municipal Code regulations, the provisions of this chapter shall apply.

E. Nonconforming Situations. Existing uses and/or developments that do not conform to the provisions of this chapter, but were established lawfully prior to the city adopting this chapter, shall be allowed to continue, as provided in Chapter 17.64 LCMC, Nonconforming Situations, except, however, that a nonconforming residence that is destroyed by any cause to an extent exceeding 50 percent of the appraised value as determined by the records of the county assessor for the year preceding destruction may be rebuilt within the same footprint. To the extent any such rebuilt residence is expanded, including a vertical expansion, the area of expansion must conform to the NP regulations.

17.34.040 Administration of design standards.

A. Site Plan Review. The design standards will be applied to commercial development (including mixed use and multifamily dwellings, but not including single-family or two-family dwellings) that must receive approval through the city's site plan review process during that process and prior to issuance of building permits. Single-family or two-family dwellings are subject to the design standards requirements relating to block layout and must receive approval through the building permit review process. The planning director may refer any site plan review application to the planning commission for a public hearing when:

1. The applicant has requested an adjustment or modification to one or more Nelscott code standard(s), as provided in subsection (C) of this section; or
2. The applicant requests a hearing; or
3. The planning director determines that the size or scale of the development (relative to its appearance, traffic generation, parking, or other characteristics) warrants a public hearing.

B. Design Standards Versus Guidelines. The code sections that follow provide intent statements, followed by standards and guidelines. Most sections contain objective standards and approval criteria; however, some criteria require the reviewing body to apply discretion. Where discretion is involved, the code provides guidelines to assist the reviewing body in evaluating a proposal. The following further explains the relationship between intent statements, standards and guidelines.

1. Intent statements are not applicable approval criteria, except requests for adjustments or variance must demonstrate how the proposal conforms to the code's intent.
2. Standards use the words "shall" or "must" and are mandatory.
3. Guidelines use the words "should," "may," "preferred," and "discouraged," and are advisory. Guidelines supplement the standards and provide examples of acceptable or unacceptable design. Guidelines also assist in reviewing requests for adjustments and variances and may serve as the basis for approval, denial, or approval with modifications in such instances.
4. Graphics are used to illustrate standards and guidelines. They are not intended to prescribe a particular design but serve as examples of acceptable or unacceptable design solutions.
5. Standards and guidelines both serve as approval criteria, but the reviewing body is afforded greater latitude in applying guidelines. Where the word "should" is used, the applicant must demonstrate that the proposal is consistent with the guideline, or that

applying an alternate design solution is consistent with the code's stated intent. Where a guideline conflicts with any code standard, the standard shall prevail.

6. In the case of a proposed variance or adjustment to a code standard, the applicant must demonstrate how the variance or adjustment results in equal or greater conformity to the intent of the code and all other applicable standards and guidelines.

7. Nullification of one standard or guideline by a court of competent jurisdiction shall not cause any other standard or guideline to be nullified.

C. Adjustments/Modifications to the Standards. The standards contained in this chapter may be adjusted or modified without the need for a variance if the applicant demonstrates that:

1. The chapter's guiding principles and the intent statement(s) under the applicable standard to be adjusted can be better met through a proposed alternative design solution; or

2. There are practical difficulties in meeting a standard based on the necessary characteristics of an allowed use. In such cases the design must provide other features that tend to meet the goal of the standard (such as a trellis with vines, a sculpture, or a pergola).

Where the code language suggests more than one way to meet a particular standard, the applicant is encouraged to be creative and propose the most appropriate design solution given the site's context and the purpose of the code. The decision-making body shall refer to the guiding principles in LCMC 17.34.010, the purpose in LCMC 17.34.070, and the intent under each standard in making its decision; the purpose, guiding principles and intent statements shall serve as the approval criteria for adjustments.

D. Incentives for Design Excellence. The city encourages excellence in design. Projects that provide superior pedestrian spaces, pedestrian amenities, public art, alleys, shared parking, or superior architecture may be rewarded, for example, with reduced off-street parking requirements, reduced lot sizes, increased allowable building coverage, and/or assistance from the city's urban renewal program. These "incentives" are in addition to the "adjustments" provided in subsection (C) of this section. In granting incentives, the hearing body shall find that the incentive results in a design that is superior to what is required under the base standard(s), and is consistent with one or more of the following guidelines:

1. Integration and Functionality of Land Uses. Mixed-use projects combining upper-story residential uses with ground floor commercial or civic uses are preferred over single-use developments in the NBD and NBMU subdistricts.

2. Connecting Nelscott to the Ocean. Oceanfront projects that provide the public with physical beach access are preferred over those that provide only visual access or no access at all. Nonoceanfront projects should maintain views of the ocean from public rights-of-way where such views currently exist. Where a project results in diminished ocean views, the decision body may consider other mitigating circumstances in approving an incentive, such as the provision of pedestrian spaces (e.g., plaza) or public parking facilities in the vicinity that enable the public to more easily access the shoreline.

3. Respecting Neighborhood Transitions. Where an applicant requests an exception to the maximum building height standards abutting a residential zone, the project must incorporate mitigating design features, such as additional open space or buffering adjacent to residential uses. Applicants are encouraged to do neighborhood outreach prior to

submitting site plans to the city for review. The applicant's efforts to engage the public (e.g., through a design charrette) prior to submitting a site plan application may influence the decision body in approving or denying incentives.

4. Designing for the Climate. Design elements that show special attention to the Nelscott climate, such as innovative rain protection features, wind protection features, and solar exposure features, are encouraged. Projects going beyond basic wind and rain protection and taking advantage of solar exposure are preferred over projects that do not.

5. Sustainability. Incentives may be appropriate for projects incorporating green building practices, such as the preservation of existing mature vegetation, use of water quality treatment in parking lots, rooftops, and landscapes, use of renewable energy, and energy conservation in construction. Projects eligible for green certification through a nationally recognized program (e.g., Leadership Through Energy and Environmental Design (LEED) or similar program approved by the city) are preferred over those that do not meet such criteria.

6. Aesthetics and Context-Sensitive Design. Architecture that goes beyond base code requirements and achieves the vision contained in the Nelscott Redevelopment Plan is preferred over architecture that merely conforms to the base code requirements. For example, corner properties along Highway 101, particularly those in gateway locations, should incorporate a tower or other signature architectural feature. Oceanfront designs should be superior in both their street-fronting elevation as well as their ocean-fronting elevation.

7. Balancing Durability and Affordability. In granting incentives, preference may be given to projects providing affordable workforce housing or affordable commercial space to small businesses (except overnight accommodations). "Affordable housing" means households earning less than the area median income pay no more than 30 percent of their income toward housing costs. Where incentives are provided, the reviewing authority may require the applicant/owner to record deed restrictions or provide other assurances that the subject housing remains affordable for not less than 10 years.

Article III. Nelscott Design Standards

17.34.070 Purpose.

The Nelscott design standards are intended to implement the vision for Nelscott, specifically to help ensure that new buildings and rehabilitated existing buildings convey an image consistent with local history and the Oregon coastal environment. The standards reflect the following values and objectives:

• Retain Nelscott's compact, walkable character and the traditional small-scale commercial development in the Highway 101 commercial area;

• Promote the formation of pedestrian-friendly facilities and structures;

• Encourage architectural variety, consistent with the eclectic character of Nelscott; provided, that new development creates a close, intimate human scale and architectural design addresses all four sides of a building;

• Encourage the use of contextually appropriate materials, textures and colors;

• Create vibrant pedestrian spaces (e.g., plazas, public art, cafe seating areas, etc.); pedestrian spaces should help identify Nelscott, create intrigue, and offer weather protection and comfort to pedestrians while adding value to the district;
• Break down large building masses and provide visual interest along the street;
• Balance rhythm and continuity – encourage creativity in the design of building elevations, rooflines and facade elements;
• Retain the small-scale beach cottage character of the interior residential area. (Ord. 2008-18 § 4(3)(A))

17.34.080 Block layout.

A. Intent. New development and redevelopment projects should reinforce the historic street grid of Nelscott. Commercial and mixed use buildings should be placed at or near the sidewalk edge and parking should be set back behind or beside such buildings. Parking should be provided on-street where shoulders are approved to accommodate parking spaces or bays. By maintaining the integrity of Nelscott's historic form, land is used efficiently, traffic is distributed evenly, and new development contributes to a cohesive, pedestrian-friendly district.

B. Standards.

1. Rights-of-Way.

a. New development and redevelopment projects that are projected to generate additional vehicle and/or pedestrian traffic may be required to dedicate rights-of-way and/or improve abutting streets and walkways.

b. Street and walkway right-of-way shall not be vacated, except where it is demonstrated that the development will improve the pedestrian environment.

2. Street Access.

a. New vehicle access to Highway 101 is discouraged. Access to Highway 101 and connecting streets is subject to the provisions of Lincoln City highway access standards. The city or ODOT may require vehicle access be provided from side streets, and existing highway approaches be consolidated as a condition of development approval.

b. The alignment of streets and walkways shall be maintained in new development to ensure connectivity from block to block. The city may require the extension and improvement of a walkway as a condition of development approval. Walkway extensions shall be 10 to 20 feet in width (consistent with the existing width of the walkway), subject to site plan review.

c. Walkways shall be contained in a public right-of-way or public access easement improved to city standards.

3. Buildings Abutting Interior Parking Areas. Where a block is planned to contain an interior parking area (i.e., served by an alley or shared access drive), buildings abutting the parking area shall provide entrance(s) opening onto it or be connected to the street by a continuous pedestrian walkway (e.g., between buildings). Buildings and development shall not be configured in a way that precludes public access to such public parking facilities. (See also LCMC 17.34.090 through 17.34.130.) (Ord. 2008-18 § 4(3)(B))

17.34.090 Buildings and structures.

A. Single-Family Dwellings and Duplexes.

1. Intent. The guidelines for single-family dwellings and duplexes are intended to help ensure that new buildings and rehabilitated dwellings convey an image consistent with local history and

~~the Oregon coastal environment. Clear and basic building forms and quality design details are preferred.~~

~~2. Incentives.~~

~~a. Accessory Dwelling Units. A dwelling that complies with at least four of the five guidelines below is eligible for an accessory dwelling unit.~~

~~b. Building Coverage. A dwelling that complies with at least four of the five guidelines below is eligible for increased building coverage of 10 percent. For example, if a dwelling would be allowed 35 percent building coverage without compliance, with compliance it would be entitled to 45 percent building coverage.~~

~~3. Guidelines.~~

~~a. Roofs. Roofs should be pitched, not flat, and should include dormers, gables, and eave trim that enrich the visual quality of the community. High quality architectural embellishments are encouraged.~~

~~b. Facades. The facades are the fronts of the dwellings and convey the relationship of the building to the street and neighborhood. They include windows, doors, shutters, awnings, molding, porches, steps, stoops, and other design elements arranged to convey the character of the building. One- to two-story homes are encouraged. Porches are common in Nelscott and should be provided unless the configuration of the lot precludes it. High-quality exterior woodwork and attention to detail elements is encouraged. Garage entrances should not be a part of the primary building facade.~~

~~c. Chimneys. In Nelscott many buildings include unique chimneys of varying shapes that are sheathed with a range of materials including stone, brick, and wood shingles. Dwellings should include chimneys as design elements.~~

~~d. Texture and Materials. In Nelscott many homes use textures and materials that relate to elements of the local natural environment, such as river rock chimneys, wood shingled siding, brick, and exposed aggregate paving. Dwellings should make use of high-quality natural materials and should be sided with historic wood materials such as shingles, clapboard, bevel siding, or board-and-batten. Foundations should be faced with rock.~~

~~e. Landscape Materials. These include trees, shrubs, grasses, fences, walls, outdoor lighting, walkways and other hard surface gathering areas. Landscape materials add value to homes by enhancing the outdoor space and relate to the architecture of the building and surrounding areas. River rock and quarry stone are equally suitable for walls in Nelscott. Landscape materials should predominately incorporate native materials such as wood and rock and hardy native plantings. The front yard should consist primarily of landscaping, and should not be dominated by paved parking areas.~~

~~B. Multifamily Dwellings and Commercial Buildings in the Business District and Beachside Mixed Use District.~~

~~1. Intent. The Nelscott Strip, the eclectic group of buildings existing along Highway 101, is an iconic element of Nelscott's image. Commercial development and redevelopment along the highway should continue the pattern established in the existing Nelscott Strip. Therefore building design standards for the business district draw on the design elements characterizing the strip while allowing for design variety. In the Beachside mixed-use area, the building design standards draw on the cottage-scale development that exists there now. It is not the city's intent~~

~~to create an architectural theme or to freeze time. The design standards are not meant to halt progress or restrict property rights, but rather to ensure that new buildings and remodels fit within the context of their surroundings and support a compact, pedestrian-oriented district. In this way, the city can ensure that Nelscott retains its sense of place, vitality and economic base. The key elements of the building design standards are:~~

~~• Eclectic coastal architecture, including commercial and mixed use development;~~

~~• Building height and articulated facades that create a sense of street enclosure at a human scale;~~

~~• Contextually appropriate materials, textures and colors;~~

~~• Storefront character (windows, pedestrian shelter, furnishings, etc.);~~

~~• Adaptable building styles that comfortably accommodate commercial and mixed land uses;~~

~~• A diversity of building facades and rooflines that fall into a consistent rhythm;~~

~~• Corner lots as focal points with vertical elements, furnishings and public art.~~

~~2. Standards.~~

~~a. Height. The maximum allowable height is 45 feet in the Nelscott Business District and 35 feet in the Nelscott Beachside Mixed Use District, except that in the Nelscott Beachside Mixed Use District buildings in existence on July 1, 2008, that exceed a height of 35 feet shall continue to be considered conforming and may be rebuilt if destroyed by any cause to an extent exceeding 50 percent of the appraised value (expansions of such buildings must conform to the 35-foot height limit). Chimneys, spires, towers, and other architectural projections exceeding the allowed height may be allowed through site plan review. To the extent they are permitted, building stories and projections exceeding 35 feet in height must be recessed behind the next lower building stories by not less than 10 feet, unless a lesser recess is allowed through site plan review on the basis of superior architectural design or as described in subsection (B)(2)(h)(ii) of this section.~~

~~b. Building Form.~~

~~i. Overall Form. Architectural designs shall address all four sides of a building. The predominant form abutting Highway 101 is a generally "flat" elevation on the lowest story with any recesses or projections ("articulations") appearing subordinate to the dominant rectangular form. Upper stories generally are accommodated within gables and dormers (either gable or shed). New buildings should reflect the predominant form while expressing individuality, for example with vertical elements such as cupolas, turrets or towers on corner properties. New buildings should not mimic any other building in their form or detailing.~~

~~ii. Stepped Rooflines. Height shall vary from building to building to avoid a homogeneous appearance. This standard is met by using either stepped rooflines or slightly dissimilar overall height (i.e., building-to-building). Abrupt changes in height between buildings can be managed by having the taller building follow the horizontal lines of the shorter building along the first two floors and reference elements or detailing of the shorter building(s) on its upper stories. See also subsection (B)(2)(c) of this section.~~

~~iii. Roof Form. Side-facing gable roofs are the predominant roof form in the Highway 101 area, usually incorporating front-facing dormers, and this form shall be followed on new buildings. Shed roofs sloping to the rear are allowed as well. Mansard roofs, including false mansards~~

~~(applied forms without windows), are discouraged and A-frame buildings and other nontraditional Nelscott forms are prohibited.~~

~~c. Storefront Character.~~

~~i. Fenestration (Windows and Doors).~~

~~(A) Applicability. The window transparency requirement does not apply to the auditorium portion of a theater (but does apply to the lobby and concession area), to the guestroom portion of a motel, hotel, or resort (but does apply to the lobby and other portions), or to multiple-family dwellings (but does apply to the commercial parts of mixed use buildings incorporating multiple-family dwellings).~~

~~(B) Standard. Consistent with the desired storefront character, buildings shall provide large display windows, windowed doors and transom windows. The ground floor, street-facing elevation of all buildings shall contain at least 60 percent transparent windows, measured as a section extending the width of the street-facing elevation between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane 80 inches above the sidewalk grade. Upper floors may have less window area, but should follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. Buildings without a street-facing elevation, such as those that are set back behind another building and those that are oriented to a pedestrian space (e.g., side plaza or court), shall meet the 60 percent transparency standard on all elevations abutting pedestrian spaces and on elevations containing a primary entrance.~~

~~d. Building Orientation. New buildings shall conform to the build-to line requirements in LCMC 17.34.060. Primary building entrances shall be oriented to a front yard or a side yard, consistent with the build-to line requirement.~~

~~e. Primary Entrances. Buildings shall have clearly defined primary entrances. Primary entrances for buildings fronting onto Highway 101 shall be oriented to the highway or a corner where the highway and a side street meet. Buildings on other streets shall have primary entrances oriented to a street, court or walkway. All primary entrances shall be covered for a depth of not less than five feet; either by recess, overhang, canopy, portico and/or awning extending at least five feet over the entrance. See also subsection (B)(2)(n) of this section, Pedestrian Shelters.~~

~~f. Secondary Entrances. Buildings with more than 90 feet of frontage on a street shall have a second entrance oriented to that street. Buildings adjacent to an internal parking area shall provide a secondary entrance in conformance with LCMC 17.34.080(B)(3). (See also this section and LCMC 17.34.100, Streetscapes.)~~

~~g. Armature of the Block. Buildings fronting Highway 101 or Anchor Avenue shall give the impression of being individual, small-scale structures. This may be accomplished by providing a minimum six-foot separation between individual buildings, by a significant change in roofline combined with changes in cladding material and recessed entryways at the point of change, or by other means approved by the reviewing authority. Building separations shall contribute positively to the pedestrian environment, for example by providing a pedestrian space, a pedestrian access way to a parking facility, or an access to residences located on an upper building story or behind a commercial use.~~

~~h. Building Mass.~~

i. Traditional Building Pattern. Buildings shall incorporate offsets or divisions in the facade to express the traditional lot pattern and building width of Nelscott. Changes in facade material, window design, facade height or decorative details are examples of techniques that should be used. These variations should be expressed throughout the width of the structure such that the composition appears to be a collection of smaller buildings or storefronts.

ii. Height Step-Back. For properties fronting Highway 101, portions of a building exceeding two stories shall be set back on the street sides of each successive story of the building above the second story a minimum of 10 feet from the next immediate lower story. The purpose of the height step-back is to maintain the appearance of a shorter building from the street and to provide for light filtering down to the street. Note: Height step-backs also apply along the east-west (numbered) streets for the purpose of protecting coastal views and solar access, per subsection (A) of this section. The planning and community development director may approve an adjustment waiving the above standard for a portion of a building incorporating a signature vertical element (e.g., clock tower) on a street corner, as recommended in subsection (B)(2)(l) of this section. Any projection exceeding 45 feet shall not contain habitable floor space.

iii. Street Level/Upper Floor. The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt courses, or similar detailing, materials and/or fenestration.

i. Accessibility. Accessibility shall be provided consistent with applicable building codes. Where wheelchair ramps are required, the ramp design shall incorporate materials and detailing similar to the base of the building.

j. Openings.

i. Ground Floor Windows. Ground floor elevations shall conform to subsection (B)(2)(c)(i) of this section. Decorative detailing and ornamentation around windows (e.g., sills, corbels, medallions, pediments, or similar features) is encouraged.

ii. Upper Floor Windows. Upper floor window orientation should be primarily vertical, or have a width that is no greater than the width of the ground floor windows.

iii. Projecting Windows, Display Cases. Where windows, flower boxes or display cases break the front plane of the building on its ground floor, such items shall not encroach into a required sidewalk clear zone. For durability and aesthetic reasons, display cases, when provided, shall be part of the building (not affixed to the exterior) and integrated into the building with trim or other detailing.

iv. Entrances. Ground level entrances shall be recessed behind the front facade not less than three feet and be at least partly transparent, except transparency is not required on entrances to residences. This standard may be met by providing a door with a window(s) or sidelights beside the door.

v. ATMs and Service Windows. Where ATMs or service windows are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.

vi. Corner Entrances. Buildings on corner lots should have corner entrances. Such entrances are not required to be recessed, but shall have an awning or canopy for weather protection. Where a corner entrance is not provided, the building plan shall provide for a corner plaza consistent with LCMC 17.34.110, or the building shall provide architectural features that honor the corner

~~as a pedestrian space; such features may include but are not limited to an alcove with seating, public art (e.g., sculpture or fountain), a vertical building element such as a tower (e.g., clock tower), or other feature approved through site plan review. (See also LCMC 17.34.110, Pedestrian spaces.)~~

~~vii. Remodels. The scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, columns, weather protection shelters, and other features shall be visually compatible with the overall composition of the building (i.e., including building materials, color, detailing, etc.).~~

~~k. Horizontal Rhythms.~~

~~i. Traditional Lot and Building Pattern. Street-facing elevations shall be articulated not less than once every 25 feet to maintain a pedestrian scale and to avoid blank walls. Other elevations may be articulated less frequently but should complement the overall building design. The approving authority may require detailing on a zero-lot-line elevation to reduce the apparent scale and avoid blank walls, i.e., until an abutting property develops.~~

~~ii. Horizontal Lines. New building designs and exterior remodels shall establish prominent horizontal lines and avoid blank walls. Examples of such horizontal lines include: base materials and detailing below a series of storefront windows, awning or canopy lines, belt courses between building stories, and cornice or parapet lines. It is not necessary for new lines to match existing lines.~~

~~iii. Ground Floor/Upper Floor Division. A clear visual division shall be maintained between the ground level floor and upper floors, for example, through the placement of windows, transoms, canopies, awnings, and signage. The majority of signage should be placed on the ground floor elevation (e.g., sign bands, canopy signs, or blade signs).~~

~~l. Vertical Lines. New construction or front elevation remodels should reflect a vertical orientation, either through breaks in volume or the use of surface details, to divide large walls and create a pedestrian scale. Building massing for corner properties on Highway 101 should accentuate the corner location with a vertical element. See also LCMC 17.34.080, Block layout.~~

~~m. Materials and Color.~~

~~i. Primary Materials. Exterior building materials shall predominately consist of painted or natural stain wood, stone, brick, rusticated concrete block (warm earth tones) or comparable cladding. Rough-hewn wood, timbers and metals may be used as accents but not as the primary exterior cladding. See also subsection (B)(2)(m)(ii) and (iii) of this section, Secondary Materials and Substitute Materials.~~

~~ii. Secondary Materials. Any of the primary materials listed in subsection (B)(2)(m)(i) of this section may also be used as secondary materials or accents. Metals such as copper, steel, iron, bronze and similar appearance metals may be used as trims or accents (e.g., flashing, weather protection features, ornamentation, etc.) when compatible with the overall building design, and subject to review and approval through site plan review.~~

~~iii. Substitute Materials. Substitute materials that are equal in appearance and durability to those in subsection (B)(2)(m)(i) of this section may be approved at the discretion of the reviewing authority through site plan review. The applicant will be required to provide specifications from the manufacturer.~~

~~iv. Color. Color schemes should be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes should tie together signs, ornamentation, awnings, canopies and entrances. There shall be no more than one base color for each 25 horizontal feet of the front elevation; one base color for the entire front elevation is preferred. Using only one or two accent colors is also preferred, except where precedent exists for using more than two colors with some architectural styles (e.g., arts and crafts). Natural wood finishes are appropriate for doors, window sashes and trim, signs, canopies and other architectural accents. Luminescent, sparkling, neon and "day-glow" colors are not allowed (e.g., outlining building), except that neon signs are allowed subject to applicable sign codes. Metals shall be brushed finish or painted in muted or earth tones to minimize glare.~~

~~v. Contemporary Designs. Materials that provide a contemporary interpretation of local architecture styles, including arts and crafts, art deco, and vernacular (beach cottage) styles are encouraged. Buildings that resemble suburban strip malls (e.g., picture windows extending to near grade level) and those that use highly reflective glass, clerestory windows and/or similar nontraditional features are discouraged.~~

~~vi. Restoration and Rehabilitation. Restoration and rehabilitation projects should incorporate original materials and design elements (e.g., previously covered over), to the extent practicable.~~

~~n. Pedestrian Shelters. Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least 60 percent of a building's ground floor elevation(s) where the building abuts a sidewalk, walkway, plaza, pedestrian access way, or outdoor seating area. Pedestrian shelters used to meet the above standard shall extend at least five feet over the pedestrian area, shed rain away from building entrance(s), be proportionate to the building in its dimensions, and not obscure the building's architectural details. If mezzanine or transom windows exist, the shelter shall be below such windows where feasible.~~

~~Exception: The reviewing authority may reduce the minimum shelter depth upon finding that existing right-of-way dimensions or building code requirements preclude a larger shelter.~~

~~o. Mechanical Equipment.~~

~~i. Screening. When mechanical equipment, such as utility vaults, air compressors, generators, private antennas, private satellite dishes, or similar equipment, is adjacent to a street, sidewalk or pedestrian space, it shall be screened from view on all streets. Where such equipment is installed on a side or rear building elevation and is adjacent to a walkway, access way, or pedestrian space, its appearance shall be minimized or screened using materials and/or colors that are similar to those used on the subject building. Standpipes, meters, vaults and similar equipment should not be placed on a front elevation when other alternative locations exist; such equipment shall be placed on a side or rear elevation when practicable.~~

~~ii. Rooftops. Rooftop mechanical units shall not be visible from any street and shall not exceed the allowable building height.~~

~~iii. Ground-Mounted Units. Ground-mounted mechanical units shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges may also be used as screens where there is adequate sunlight and irrigation to ensure their successful growth. (Ord. 2010-06 § 5; Ord. 2008-18 § 4(3)(C))~~

~~17.34.100 Streetscapes.~~

A. Intent. The relationship between the local street system, Highway 101 and adjoining properties is important from both a transportation planning and a land use perspective. The Oregon Department of Transportation (ODOT) is the permitting authority for all access onto Highway 101. As the permitting agency for land use, the city works cooperatively with ODOT to manage development adjacent to the highway. The city's design standards are intended to implement the community's vision of a cohesive streetscape, with on-street parking, wide sidewalks, weather protection (pedestrian) shelters, benches, pedestrian-scaled lighting, public art, opportunities for cafe seating, and other amenities. A safe, inviting and comfortable pedestrian environment benefits businesses, highway users and the community as a whole.

B. Standards. In addition to standards for block layout, alleys and parking lot access provided in LCMC 17.34.080, the following provisions apply to all new development:

1. Transportation Plan Conformity. New development shall conform to the policies, standards, specifications and design details (e.g., street sections) contained in the city's transportation system plan (TSP) and the requirements of this chapter, specifically LCMC 17.34.080, Block layout, and 17.34.110, Pedestrian spaces. When streetscape improvements are required of new development, such improvements shall conform to the TSP.

2. Local Streets. LCMC 17.34.080 provides standards for local street improvements.

3. Pedestrian Amenities. LCMC 17.34.110 provides standards for pedestrian spaces and pedestrian amenities. Additionally, the Nelscott Redevelopment Plan provides specifications for street furnishings such as benches, trash receptacles, wayfinding signs, and streetlights. (Ord. 2008-18 § 4(3)(D))

17.34.110 Pedestrian spaces.

A. Intent. The increased development intensity, mixture of uses, pedestrian activity, close building orientation and minimal private open space envisioned for Nelscott require that pedestrian space be provided along building frontages and in breaks between buildings. Pedestrian spaces, such as plazas, extra-wide sidewalks, outdoor seating areas, pedestrian access ways between buildings, alcoves and pocket parks, provide visual relief, pedestrian resting areas and opportunities for socialization. Pedestrian spaces do not have to be publicly owned or maintained. Public or private, they are as important as building design and central parking to the success of Nelscott. Therefore, the city requires that all new developments and redevelopment projects contribute their proportionate share of pedestrian space.

B. Standards.

1. Pedestrian Space Standard. At least three percent of every development site, except for residential developments (but including mixed use developments), shall be designated and improved as pedestrian space. The highest priority locations for pedestrian space are those areas with the highest pedestrian activity (e.g., street corners and mid-block pedestrian access ways) that have a western or southern exposure (within 45 degrees of true south or west). Where no such area exists, then pedestrian space should be provided as an extended sidewalk or walkway connecting multiple developments.

2. Dimensions. All pedestrian spaces shall have dimensions of not less than eight feet across and have a surface area of not less than 64 square feet.

3. Public Access. Such areas shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be

identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns and/or texture). Where a right-of-way connection is not possible, the owner shall be required to provide a public access way easement to the pedestrian space. Pedestrian spaces shall not be gated or closed to public access, unless otherwise required by the city.

4. Pedestrian Amenities Required. Where pedestrian space is required, it shall contain pedestrian amenities such as plaza space, extra-wide sidewalks (e.g., outdoor cafe space), benches, public art, pedestrian-scale lighting, wayfinding signs (as approved by the city) or similar pedestrian areas in an amount equal to or greater than one-half of one percent of the estimated construction cost of the subject building(s). Where a pedestrian space adjoins a building entrance it should incorporate a canopy, awning, pergola, portico, or similar weather protection feature. Pedestrian amenities such as seating, planters, public art and pedestrian lighting (e.g., antique lamps or bollard lights) at street corners or pedestrian access ways may be counted in fulfilling the one-half of one percent percent requirement. Cost estimates for pedestrian amenity improvements shall be prepared by a licensed architect, landscape architect, or other qualified professional, and shall be subject to review and approval by the administrator.

5. Mechanical Equipment and Garbage Storage Areas. Mechanical equipment and garbage storage areas are not permitted within pedestrian space(s). Such facilities shall be screened completely from view and set back 20 feet or more from a pedestrian space for aesthetic reasons and to minimize odors and noise. (Ord. 2008-18 § 4(3)(E))

17.34.120 Off-street parking and circulation.

A. Intent. Parking is to be provided to meet the anticipated normal demand. Where areas of surface parking exist, such areas shall be oriented behind or to the side of buildings. Off-street parking and loading for uses within the Nelscott Plan District are to be provided in accordance with Chapter 17.56 LCMC except as provided below.

B. Standards. In addition to the standards of Chapter 17.56 LCMC and the standards for block layout, alleys and parking lot access provided in LCMC 17.34.080, the following provisions apply to all new development:

1. Drive-Up and Drive-Through Uses. New drive-up/drive-through facilities (e.g., windows, ATMs, etc.) are not permitted. Where applicable, the reviewing authority may approve the relocation and improvement of existing drive-up facilities, subject to a conditional use permit.

2. On-Street Parking. Existing or required paved, standard-sized parking spaces that abut a parcel and that are located in a public street may be counted toward the required parking for commercial development on that parcel. For parcels fronting on Highway 101, the number of on-street parking spaces for standard-sized vehicles within 200 feet of a parcel may be counted toward the required number of parking spaces for commercial or mixed uses.

3. Off-Street Parking. There is no minimum off-street parking requirement for the commercial component of any mixed use building within 400 feet of a public parking facility; all other uses shall conform to the minimum parking standards of the municipal code except that required off-street parking spaces may be located on another parcel not more than 400 feet from the parcel they are intended to serve. Where new surface parking is planned, it shall be limited to parallel on-street parking spaces, parking bays abutting the street, and/or parking areas located behind or to the side of a building.

4. Parking Lot Design. Surface parking areas shall be divided into bays of not more than 12 parking spaces per bay. The minimum dimensions for landscape areas are four feet in width and 24 square feet in area. Additionally, where a parking area or access drive abuts a street or pedestrian access way, a landscape screen of not less than four feet in width and four feet in height shall be provided. Alternatively, the screen may be reduced to two feet in width where a masonry, wrought iron, brick or similar architectural-grade wall is also provided, subject to site plan review. Landscaping shall be provided in conformance with LCMC 17.34.140. The planning commission may allow a greater number of consecutive parking spaces where the development preserves and protects one or more existing mature trees or exceeds the minimum pedestrian space requirement in LCMC 17.34.110. The commission shall use its discretion in adjusting the standard; provided, that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from public rights-of-way.

5. Redevelopment of Surface Parking Lots. Site plans for properties adjacent to city-owned parking lots should allow for conversion of such lots to structured parking in the future. Site plans should also allow for the conversion of nonconforming, front yard parking lots to new building sites or pedestrian spaces as properties redevelop. Where a proposed project would construct underground parking, the review authority may adjust building coverage, setbacks, or other development standards to facilitate provision of public-private parking spaces.

6. Parking in Front of Buildings. Due to the pedestrian orientation of Nelscott, surface parking is not allowed between any new building and the street to which is it oriented. Where such parking currently exists, the owner may be required to install landscaping or other buffering between the parking area and the sidewalk with future redevelopment.

7. Service and Loading Areas. The visual, traffic, odor and noise impacts of service and loading areas, relative to streets, pedestrian spaces, pedestrian access ways and adjacent residences, shall be minimized. Service areas and loading docks/bays shall be accessed from an alley and screened using architectural elements that are compatible with adjacent building(s). Where no alley exists, service areas shall be accessed from streets other than Highway 101.

8. Exception for Commercial Vacation Rental Dwellings. A vacation rental dwelling in the NBMU or NBD subdistricts that (a) is in a building that existed on October 1, 2008, or pursuant to LCMC 17.34.040(E), replaces, with no increase in the number of bedrooms, such a building that was destroyed by calamity (e.g., fire, flood, earthquake), and (b) is on a lot that is too small to accommodate the number of parking spaces required by LCMC 17.80.050, need only provide the number of parking spaces that, as determined by the planning and community development director, reasonably can be accommodated on the lot. (Ord. 2010-06 § 5; Ord. 2008-18 § 4(3)(F))

17.34.130 Pedestrian access.

A. Intent. In new development, the pedestrian circulation system shall provide a direct, convenient and comfortable means of accessing individual uses and connecting to other parts of Nelscott. The pedestrian system includes sidewalks, pathways, mid-block access ways, and the ocean beach.

B. Standards. To ensure safe, direct and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system conforming to city standards. (Ord. 2008-18 § 4(3)(G))

17.34.140 Landscaping.

A. Intent. Nelscott is identifiable, in part, by its shore pines and other coastal vegetation. While it is inevitable that some existing trees will be removed with new development, native vegetation should be preserved where practicable or otherwise replanted in required landscape areas. Trees and hedges serve as windbreaks and visual screens in an area that is otherwise being exposed to high winds. Grassy swales capture and cleanse surface water runoff before it infiltrates into the ground or seeps onto the beach. Mature vegetation also enhances real estate values. For these reasons, as well for aesthetic reasons, the city requires that all new developments and redevelopment projects attempt to save mature vegetation that is not within building envelopes and provide landscaping in surface parking areas, as buffers between uses, within street planter strips, and to soften the appearance of large building elevations.

B. Standards.

1. Mature Landscaping. Site plans shall incorporate existing, mature vegetation that is not within building envelopes and not within areas that are required to be graded or excavated (e.g., for utilities, foundations, and driveways) into the project's landscape design to the greatest extent practicable. Where mature tree removal is unavoidable (e.g., a tree's location precludes reasonable development consistent with prescribed building envelopes, required building orientation, or public improvement requirements), mitigation shall be required as per subsection (B)(3)(g) of this section.

2. Volume Landscaping and Screening. Large trees and/or shrub planting may be required in quantities exceeding the base requirements of this code to mitigate adjustments to other standards or the loss of mature trees as described under subsection (B)(1) of this section.

3. Minimum Landscape Standards.

a. All off-street parking and vehicular use areas (including driveways and loading docks) shall have perimeter landscaping of not less than four feet in depth, and interior landscaping covering at least 10 percent of the entire vehicular use area. The planning commission authority may reduce the minimum landscape area to not less than five percent where the development preserves and protects one or more existing mature trees. The commission shall use its discretion in awarding credit; provided, that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from public rights-of-way including the beach. Areas with preserved trees are counted toward the required parking lot landscaping.

b. Each separate landscape area shall be a minimum of 24 square feet with a minimum dimension of at least four feet and shall contain at least one tree. All remaining land in the landscape area shall be covered by a combination of shrubs, ground cover plants or other city-approved nonvegetative ground cover.

c. All required buffer strips, screens, and other required landscape areas shall be planted at a density to ensure the intended buffering or screening intent is met; in no case shall a landscape area have less than one tree per 200 square feet of surface or less than one shrub per 50 square feet of area.

d. Required trees and shrubs shall be noninvasive species that are known to thrive in the northern Oregon coastal environment.

e. The following guidelines apply:

i. Vegetation native to the Pacific Northwest coast is encouraged.

ii. Turf and grass is discouraged, except in residential developments and in water treatment swales.

iii. Species should be those contained in the Lincoln City tree planting guide and list of recommended species, or species recommended by a licensed nurseryman as being suitable for the local climate, as approved by the planning director.

f. Trees shall be at least two inch caliper at time of planting.

g. When tree mitigation is required the number of mitigation trees required shall be equal to at least one-half total number required to achieve the number of inches of mature tree(s) removed (diameter measured at four feet above grade). For instance, if a 12-inch diameter tree is removed, then two three-inch trees of the same or comparable species shall be planted.

h. Irrigation systems shall be provided for all planted areas for a period of at least two years, or until it is demonstrated that new plants have become naturalized.

i. Shrubs shall be at least a three-gallon size when planted.

j. If hedges are planted for screening, plants shall be at least of an initial size so that the required screening will be achieved within two years.

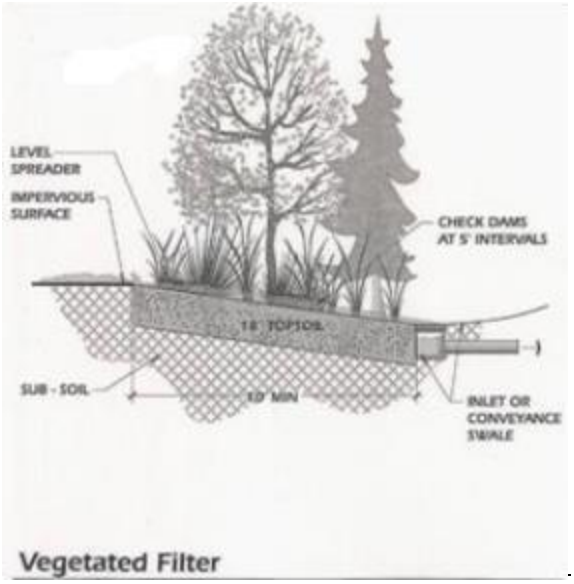
k. Trees shall be planted so that encroachment below eight feet into a public right-of-way can be prevented without long-term detriment to the subject tree.

l. Landscaping shall preserve an adequate line of sight around vehicle accesses.

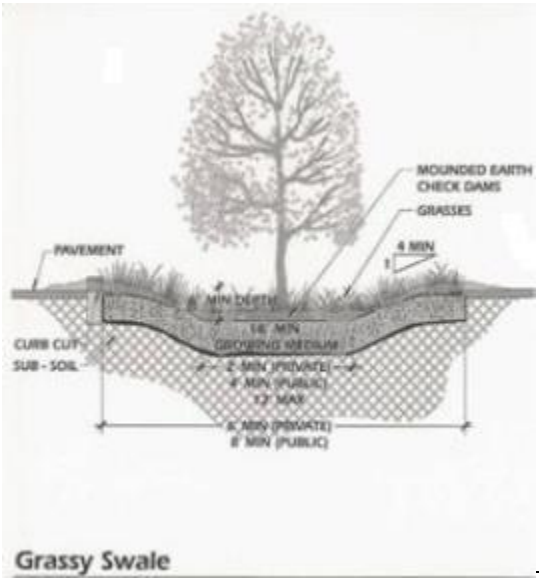
m. All landscaping materials shall be in vigorous and healthy growing condition and shall be installed according to common planting procedures, with consideration given to soil condition. The property owner is responsible for maintaining and replacing, as necessary, all approved landscape plants on his property and those within abutting rights-of-way (e.g., street trees).

4. Parking Area Landscaping. Surface parking areas shall contain landscaping as described under LCMC 17.34.120.

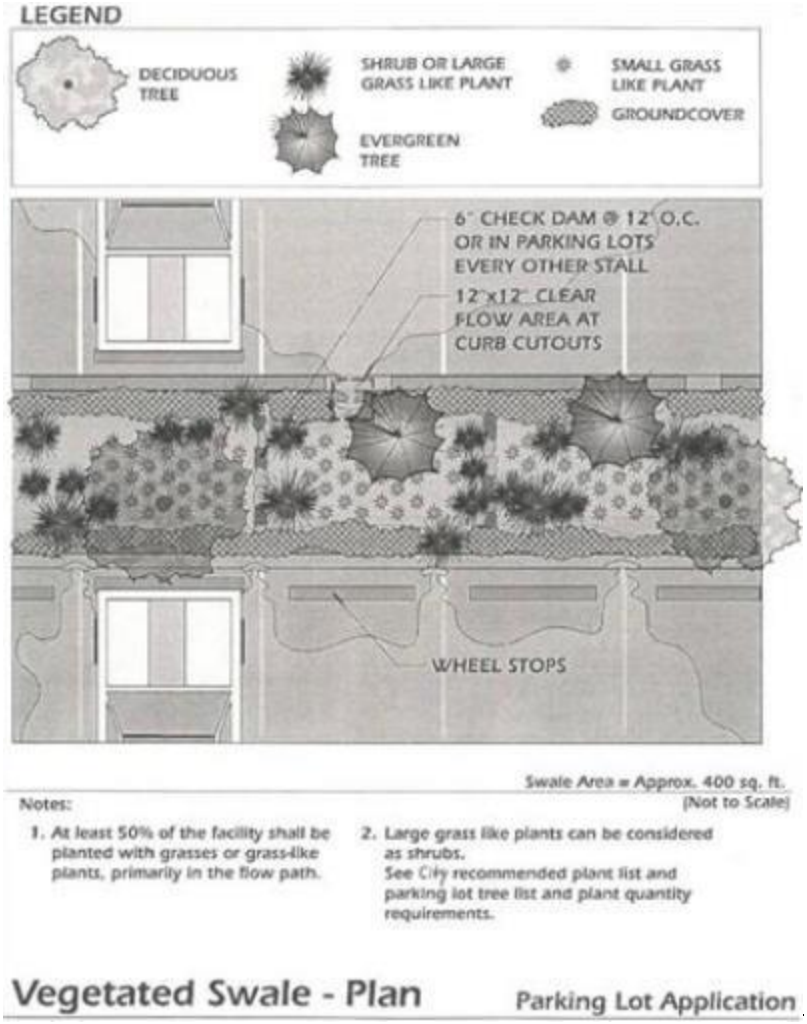
5. Water Quality. Where a surface parking area incorporates water quality filters/swales and porous paving materials, such as pavers set in sand, concrete blocks allowing grass to grow through, and/or porous concrete (e.g., particularly along walkways and in parking areas that are used infrequently), the reviewing authority may allow additional building (lot) coverage, consistent with the standards in Table 17.34.060.B. Porous paving may also be used for small areas, such as the first four feet of a parking lot's perimeter, where it would help reduce or slow surface water runoff. (Recommended: Figure 17.34.140.)



Vegetated Filter



Grassy Swale



~~Figure 17.34.140: Typical parking lot landscape concepts, incorporating water quality features.~~

~~(Ord. 2008-18 § 4(3)(H))~~

~~17.34.150 Signs.~~

~~A. Intent. The number, size, configuration, placement, color, materials and illumination of signs all play a part in shaping the built environment. Signs in Nelscott should function primarily as cues for pedestrian wayfinding and business identification. Business identification does not require that owners maximize the size or number of signs. The highway streetscape has built-in traffic calming features that, together with the building design standards, will enable motorists and pedestrians to notice signs at a relatively small scale. Signs designed to a "highway scale" are not necessary and are discouraged through the following standards.~~

~~B. Standards. Signs shall not be installed without a sign permit. Where a sign permit is required as part of a larger project, the sign package shall be reviewed with the site plan under the applicable provisions of Chapter 17.72 LCMC and the following guidelines and standards. Where a sign permit is requested apart from any other development application, it shall be processed~~

~~administratively under the applicable provisions of the Lincoln City Municipal Code and the following guidelines and standards:~~

~~1. Building Signs. Building-mounted signs shall be positioned to emphasize established architectural elements such as entrances, windows, gables, etc. Signs should appear to fit within "frames" created by components of the facade design. Signs should not obscure building details. An individual building shall have no more than six building-mounted signs totaling not more than 48 square feet.~~

~~2. Freestanding Signs. New freestanding signs shall not exceed six feet in height, except that signs suspended from an awning, canopy or similar architectural feature may be approved subject to applicable building codes. Portable signs shall conform to LCMC 17.72.060(C)(4).~~

~~3. Contextual Design. Signs should complement Nelscott's natural surroundings. For example, signs engraved or sculpted from metal or wood (natural or painted wood) are preferred over those that are predominately made of plastic, Plexiglas, or similar reflective materials. Pictographic symbols are encouraged, as they often communicate more than text and add visual interest to the street. Fluorescent (e.g., day-glow), sparkling, reflective, or similar colors or finishes are not permitted. Banner signs, streamers, moving signs, video or animated signs, flashing signs, and similar sign types are considered a nuisance and traffic safety hazard and are therefore not permitted.~~

~~4. Pedestrian Signs. Pedestrian-scale signs, such as blade signs, wood cutout signs, door signs and permanent stylized window signs (allowing at least 50 percent transparency throughout the window) are encouraged. Such signs are exempt from the overall sign area limitations.~~

~~5. Signs for buildings with multiple tenants should be designed to allow for new business names to be added or replaced easily.~~

~~6. Illuminated Signs. When signs are to be illuminated, external light sources shall be used. Light sources shall be placed close to and directed onto the sign they are intended to illuminate, and shielded to minimize glare into the street or onto adjacent properties. Where possible, lights should be incorporated into the sign bracket. Lights placed below any sign (up-lighting) shall be cut off to minimize spillover into the night sky. Lights in canisters and backlit signs, except for those existing prior to the effective date of the ordinance codified in this chapter, are prohibited. See also LCMC 17.34.160, Exterior lighting.~~

Figure 17.34.150: Examples of encouraged sign types (from top, left to right: mural, blade, wood cutout, hanging sign).

(Ord. 2019-14 § 3; Ord. 2008-18 § 4(3)(I))

17.34.160 Exterior lighting.

A. Intent. The number, size, design and placement of lights all contribute to creating a safe and aesthetically pleasing development. Excessive lighting contributes to light pollution, glare and light trespass, and it diminishes views of the night sky. Lights in Nelscott should function primarily as tools for pedestrian wayfinding and business visibility. Business visibility does not require that owners fully illuminate their building and parking areas.

B. Standards. Outdoor light fixtures shall not be installed without site plan review approval. Where a light fixture is required as part of a larger project, the lighting package shall be reviewed under the following guidelines and standards. Where an outdoor light fixture is to be installed apart from any other development application, it shall be processed administratively. Outdoor lighting that does not conform to current standards, but conformed to city standards prior to the effective date of the ordinance codified in this chapter are allowed to continue as nonconforming until such time that the light fixture and/or building is remodeled or replaced.

1. Contextual Design. Exterior lights shall be designed to fit their particular location and function. They should be simple in character and similar in color and intensity to those used traditionally. High-pressure sodium lights are appropriate, except where good color rendition is required; enhanced color rendition high-pressure sodium lamps, or more uniform spectrum lamps, may also be used.

a. Pedestrian ways and entrances that are not otherwise illuminated by building-mounted lights or streetlights shall be illuminated using bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas. Illumination between one to two foot-candles for such areas is required.

b. Building-mounted lights should complement the building background in style; using lights to draw attention to (wash) architectural elements is permitted; provided, that unshielded, high intensity light sources and sources that direct light upward without cut-offs are not permitted. (See subsection (B)(2) of this section.)

c. Antique-style lights are preferred over recessed can lights and globe fixtures. Contemporary light fixtures that draw on historic elements or provide a new interpretation of a historic style are encouraged.

d. Maximum initial luminance of outdoor sales areas, storage areas and service station canopies and similar areas shall not exceed 20 foot-candles, except as otherwise approved by the planning director.

~~e. Maximum initial luminance of parking lots shall not exceed four foot-candles, except as otherwise approved by the planning director.~~

~~2. Impacts of Lighting. The visual impacts of site and architectural lighting, such as overspray of lights onto adjacent residential properties and lights shining into the night sky, shall be avoided.~~

~~a. Light poles shall not exceed a height of 20 feet.~~

~~b. Only shielded lights are permitted. Shielding should be integral to the light fixture and direct light downward. Exception: Up-lighting of official flags may be allowed; provided, that the luminance level is minimized.~~

~~c. Lighting associated with service areas, parking lots and parking structures, as well as streetlights, shall be shielded or provide cut-offs to avoid glare, light pollution (night sky) and light spillover onto residential properties. Luminance at the property line, or no more than five feet over the property line, shall be zero.~~

~~d. The planning director may require the installation and use of timers or activity switches to prevent unnecessary sources of light by controlling the length of time that exterior lights are in use late at night.~~

~~e. Lights used to wash a building elevation (including any signs) shall not wash more than 75 percent of the facade. Interior lights (e.g., store displays, etc.) are exempt.~~

~~f. Uplighting is prohibited. Where lighting is used to wash an exterior wall, the use of recessed eave lighting is preferred. The maximum illumination limits for wall washing are one foot-candle for dark-colored surfaces and one-half foot-candle for light-colored surfaces.~~

~~g. The manufacturer's data or measurement shall be provided to demonstrate conformance with the standards set out in subsection (B)(1) of this section. Photometric plans are required with site plan review applications, unless waived by the planning director.~~

~~Figure 17.34.160: Examples of acceptable lights.~~

~~17.45.030 Definitions.~~

~~For purposes of the TVC zone, the following definitions shall apply:~~

~~"Automated teller machine (ATM)" means a pedestrian-oriented machine used by bank and financial patrons for conducting transactions including deposits, withdrawals, and fund transfer, without contact with financial institution personnel.~~

~~"Building facade" means the entire building front including the parapet.~~

~~"Building facade – primary" means the side of a building that faces the street and has a main pedestrian entrance from the street.~~

~~"Building footprint" means the ground surface area above which a building, including cantilevered parts of the building, is located.~~

~~"Building orientation" means the manner in which the building is positioned on a lot and its architectural features relate to surrounding structures, spaces, and landscapes.~~

~~"Development incentives" means discretionary measures provided to applicants of new development by the city of Lincoln City or the urban renewal agency to encourage improvements with a pedestrian orientation.~~

~~"Edge treatment" means the design treatment of the setback between a building facade and an adjacent street.~~

~~"Floor area – gross" means the total area of all floors in a structure, or on a specified level of a structure, as measured from the outside surface of exterior walls or the centerline of common walls. It excludes any crawl space, area used exclusively for vehicle parking or loading, breezeway, attic without floor, and an open porch, colonnade, deck, balcony, or terrace.~~

~~"Joint use parking" means the sharing of parking areas by two or more uses, structures, or parcels of land to satisfy parking requirements, reduce the amount of land dedicated to vehicular parking, and increase the amount of land available for new development, plazas, or other uses.~~

~~"Mixed use" means a development that includes a mix of commercial and residential uses that are planned and developed together on the same site or adjoining sites. The mix of uses may occur in the same building or in separate buildings.~~

~~"Monument sign" means a freestanding sign that is permanently affixed at grade and has a monolithic or columnar line and which maintains essentially the same contour from grade to top.~~

~~"New development" means any construction, or alteration of an existing structure or land use, or establishment of a land use, after December 31, 2000.~~

~~"Outdoor sales" means the outdoor retail sales of merchandise associated with an adjacent existing commercial establishment.~~

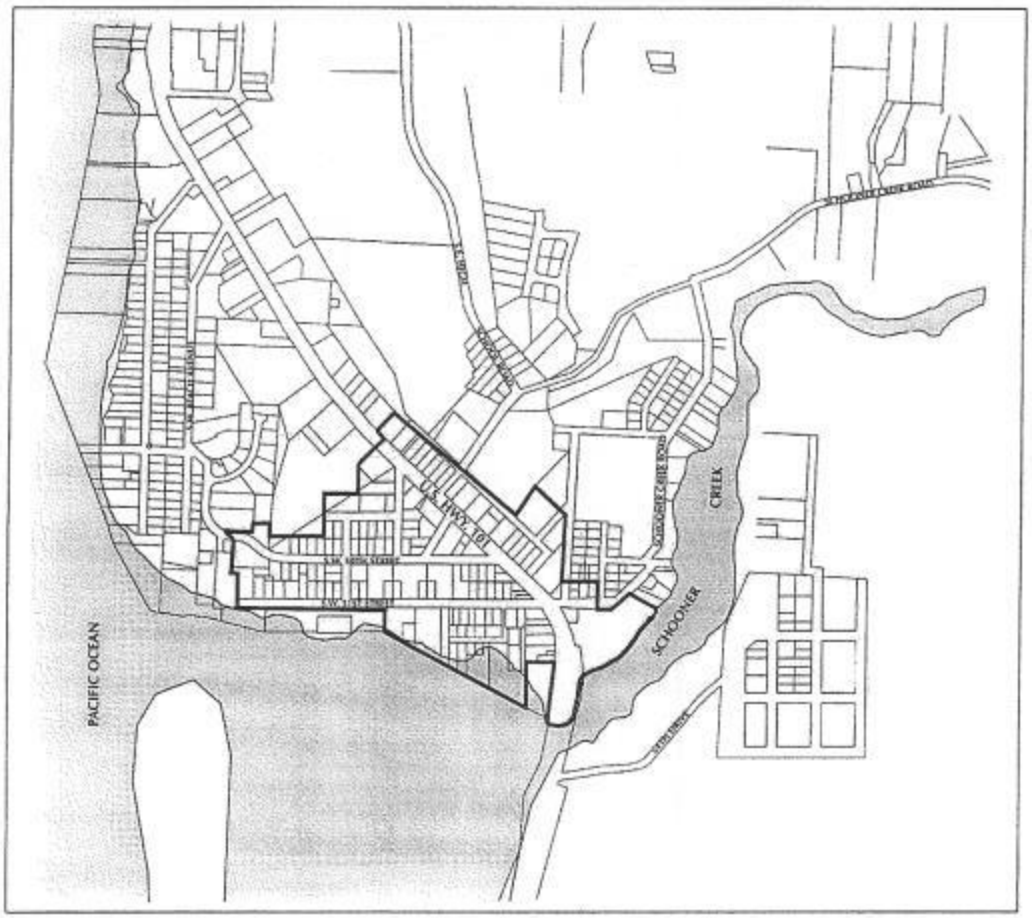
~~"Pedestrian orientation" means any physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians, including but not limited to:~~

~~1. Street furniture;~~

~~2. Design amenities related to the street level such as awnings, pedestrian connections, colonnades, and arcades;~~

~~3. Visibility into buildings at the street level;~~

~~4. Highly articulated facades at the street level with interesting uses of material, color, and architectural detailing;~~
~~5. Continuity of the sidewalk with a minimum of intrusions into pedestrian right-of-way;~~
~~6. Continuity of building facades along the street with few interruptions in the progression of buildings and stores;~~
~~7. Pedestrian-oriented signs; and~~
~~8. Landscaping.~~
~~"Pedestrian-oriented sign" means a sign with design qualities and elements that are oriented and scaled to the pedestrian rather than the motorist.~~
~~"Plaza" means a public or private area generally open to the public on a controlled basis and used for passive recreational activities and relaxation. Plazas are pedestrian areas typically provided with amenities such as seating, fountains, art, and landscaping. The paving or surface materials of plazas must comply with Americans with Disabilities Act requirements.~~
~~"Pole sign" means any sign which is supported by one or more uprights, poles or braces in or upon the ground which are not a part of any building or enclosed within the exterior walls of any building and are separated therefrom by a distance of at least six inches.~~
~~"Setback" means the distance by which a structure or parking area must be separated from a lot line or other structure.~~
~~"Sidewalk cafe" is any group of tables and chairs, and its authorized decorative and accessory devices, situated and maintained upon the public sidewalk or along the private porches, plazas, and arcades for use in connection with the consumption of food and beverage sold to the public from or in an adjoining indoor restaurant or delicatessen.~~
~~"Story" means that portion of a building included between the surface of any floor and the surface of the next floor above or, if there is no floor above, the space between the floor and the ceiling.~~
~~"Structured parking" means a structure established for the short-term storage of operative vehicles for patrons. Structured parking can be constructed as an accessory to another primary use or uses that require the provision of off-street parking.~~
~~"Taft Village core" means the area depicted graphically below and generally defined by the Fleet Avenue alignment at Highway 101 (north), Schooner Creek bridge and Siletz Bay (south), Inlet Avenue (east), and the west end of SW 51st Street (west).~~



Taft Village Core

(Ord. 2008-21 § 3; Ord. 2000-09 § 3; Ord. 84-2 § 3.105(3))

17.45.050 Site development standards.

This section establishes development standards for projects in the TVC zone.

A. Development standards for single-family residential uses shall be in accordance with Chapter 17.16 LCMC, except as modified in this section.

B. Development standards for multiple-family residential uses and duplexes shall be in accordance with Chapter 17.20 LCMC, except as modified in this section.

C. Maximum building height is 38 feet (subject to the exceptions contained in LCMC 17.52.200, e.g., chimneys, spires, towers, etc.). Buildings must have a gable, hipped gable, hipped, or shed roofline. Buildings of more than two stories shall be set back on the street sides of each successive story of the building (above the second story) a minimum of 10 feet from the building face of the next immediate lower story.

D. Setbacks shall be provided consistent with the edge treatments contained in Table 17.45.050-1 and Figure 17.45.050-A.

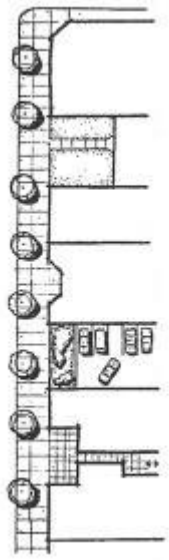
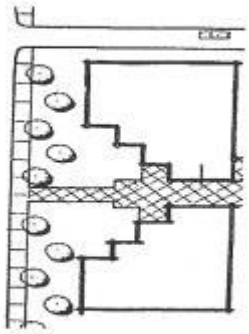
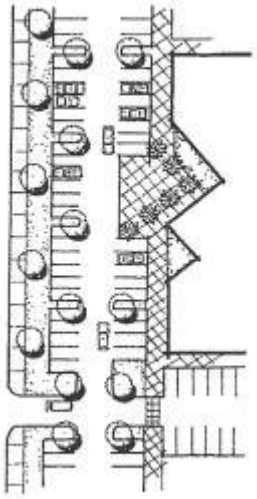
E. For parking areas adjacent to a public right-of-way, a minimum 10-foot landscaped setback from face of curb shall be provided.

F. Weather protection structures, e.g., canopies, porches, arcades, and colonnades, must be provided to the curb line within the existing street right-of-way along street frontages designated for edge treatment A. (Figure 17.45.050-A)
G. Public facilities are exempt from site development standards.
H. All development with edge treatment A shall incorporate mixed use. See Figure 17.45.050-A.
I. A minimum of 50 percent of the ground-level gross floor area of new hotels/motels and condominiums with nightly rentals shall be comprised of eating/drinking establishments, entertainment/recreation establishments, or retail commercial uses.
J. If a hotel, motel, condominium, or other lodging facility in the TVC zone is destroyed by any cause to an extent exceeding 50 percent of the appraised value as determined by the records of the county assessor for the year preceding destruction, such lodging facility may be rebuilt with the same or fewer number of rooms, Chapter 17.64 LCMC to the contrary notwithstanding.
K. A cap of 212 units in boarding and lodging facilities are permitted in the TVC zone, not including bed and breakfast accommodations and other boarding and lodging facilities with 10 units or less.

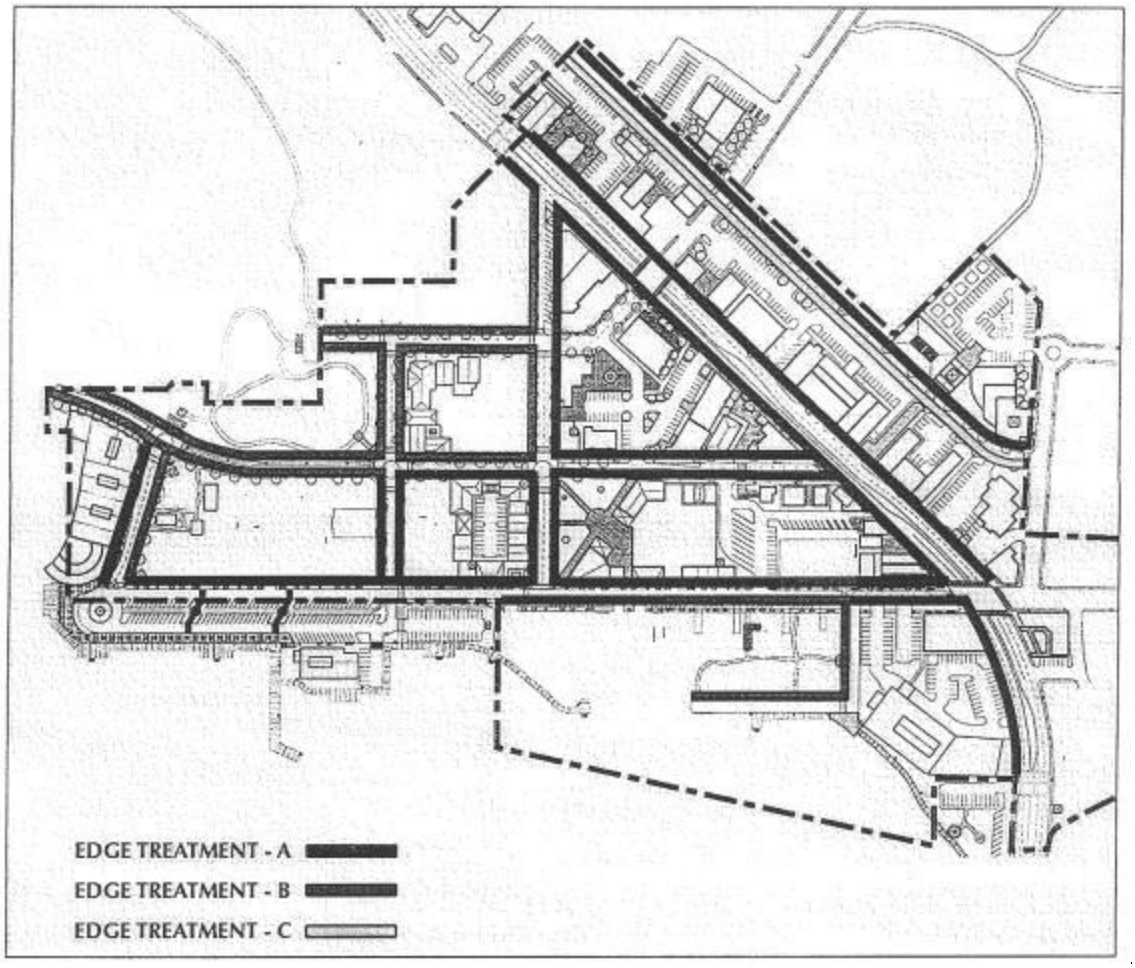
Table 17.45.050-1

	Edge Treatments		
	A – Street Adjacent	**B – Semi-Street Adjacent**	**C – Setback from Street**
Description	Street Adjacent – Pedestrian Orientation. This edge treatment requires placing the front elevation or landscaping of new development on the front property line and at the sidewalk edge to create a strong relationship between buildings and the street, excluding architectural projections or other architectural features.	Semi-Street Adjacent – Landscaped Perimeters. This edge treatment requires landscaped setbacks of a minimum five feet between buildings and streets, interrupted only by pedestrian areas, plazas, and sidewalks.	Setback from Street – Limited Parking. This edge treatment requires one bay of parking (one to two rows plus aisle) between the street and new development, with landscaped parkway or street trees accenting the sidewalk edge.
General Areas of Applicability	Highway 101, 51st Street, Fleet Avenue, and portions of local streets. Refer to Figure 17.45.050-A for	Cottage commercial and residential environments. Refer to Figure 17.45.050-A for	Along east edge of Inlet Avenue only. Refer to Figure 17.45.050-A for specific

Table 17.45.050-1			
	Edge Treatments		
	A – Street Adjacent	B – Semi-Street Adjacent	C – Setback from Street
	specific edge condition locations.	specific edge condition locations.	edge condition locations.
Key Details	• Avoid setbacks from the sidewalk edge. • Create continuous pedestrian activity in an uninterrupted sequence by minimizing gaps between buildings, blank walls and parking lots. • Create pedestrian connections to parking lots at the rear or sides of buildings. • Use building indentations to create small pedestrian plazas along the street wall.	• Create pedestrian connections between buildings. • Use landscaped setbacks to create "outdoor rooms" with plazas and gardens. • Parking absent from front yards and landscaped setbacks.	• Create pedestrian linkages from the public sidewalk to building perimeter and entries. • Provide vehicular access and pedestrian connections to adjoining parcels whenever possible. • Provide accent landscaping and enhanced paving at vehicular entries.
Edge Illustration			

~~Table 17.45.050-1~~			
	~~Edge Treatments~~ ~~A – Street Adjacent~~	~~B – Semi-Street Adjacent~~	~~C – Setback from Street~~
			

~~Figure 17.45.050-A~~



~~(Ord. 2000-09 § 3; Ord. 84-2 § 3.105(5))~~

~~17.45.060 General preferences, requirements and standards.~~

~~The following general preferences, requirements and standards apply to new development in the TVC zone.~~

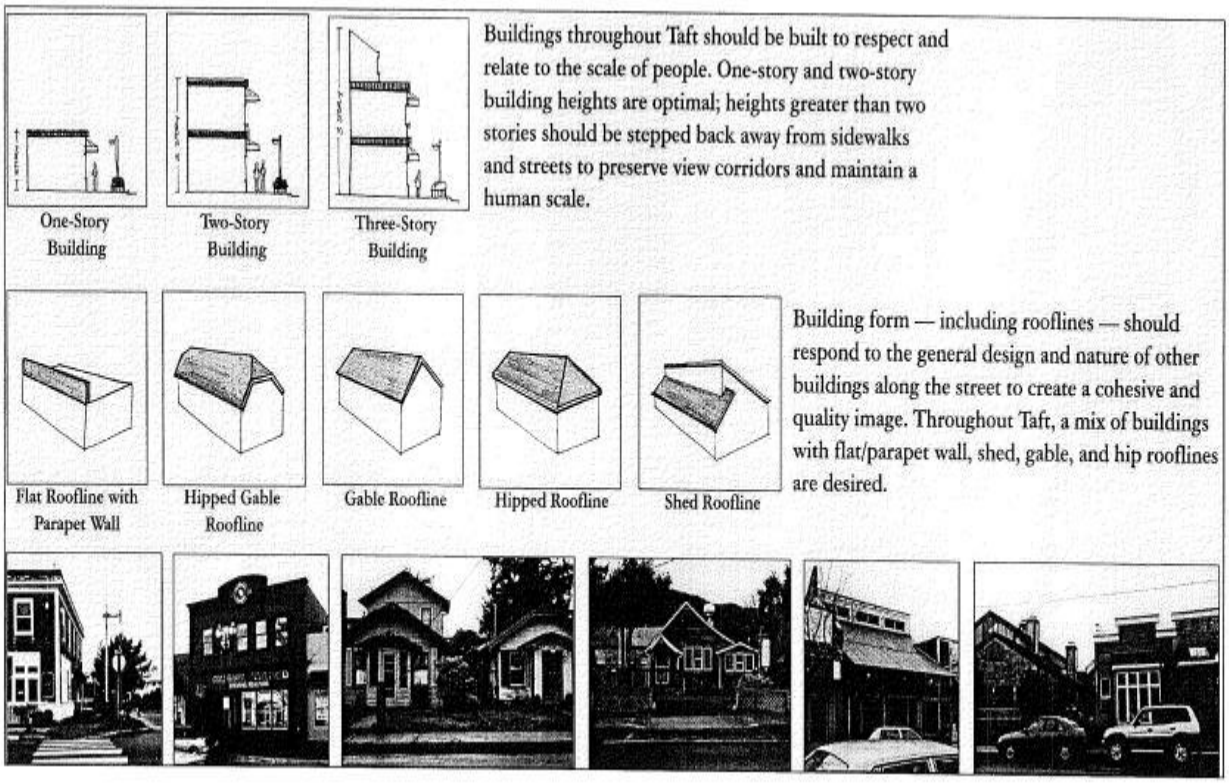
~~A. Preferences. This subsection (A) is intended to promote compatible and enhanced site and building design throughout the village of Taft core area. This process provides a means for property owners to implement both the comprehensive plan and the village of Taft redevelopment plan related to Taft's physical development and to the preservation of its unique character. This subsection (A) is not intended to create standards, approval criteria or legally enforceable requirements.~~

~~In reviewing projects/improvements subject to any approval, the planning director shall refer to appropriate design guidelines in the village of Taft redevelopment plan (or any others that may be adopted by the city) in order to provide guidance to applicants seeking to comply with the requirements of the village of Taft redevelopment plan and the TVC zone.~~

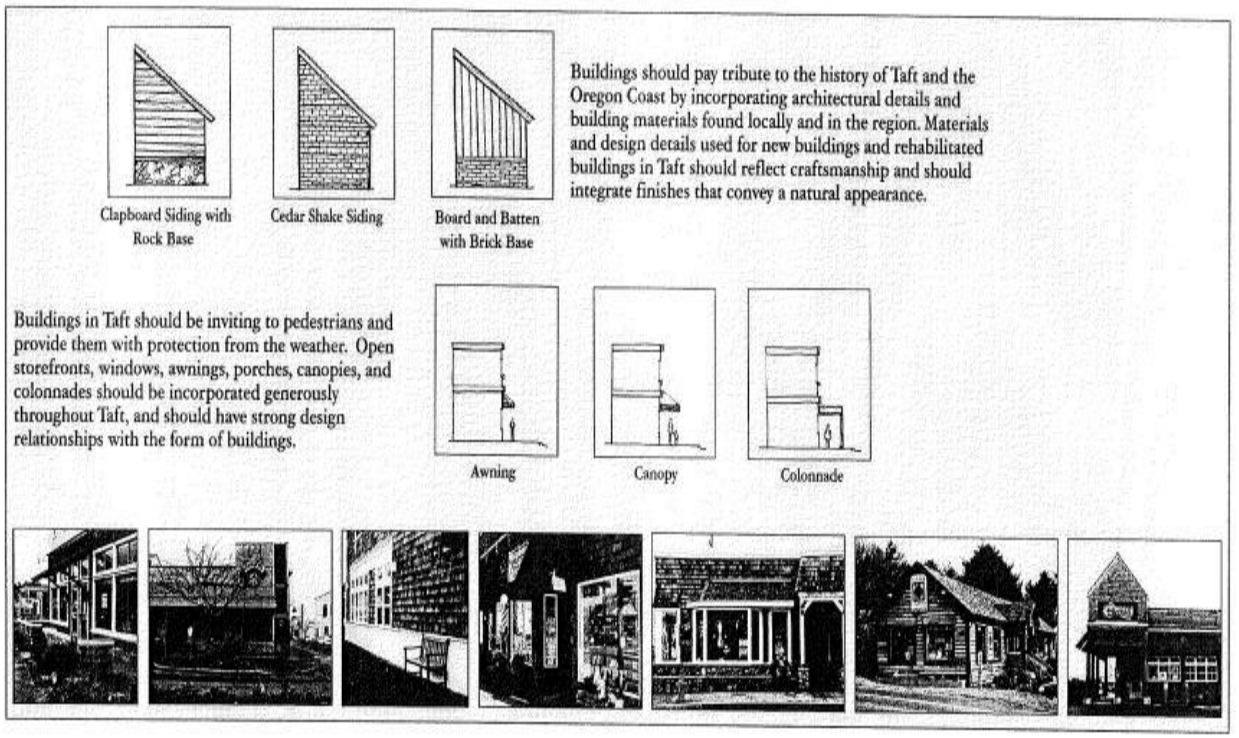
~~The design theme poster contained in Figure 17.45.060-A, Parts I, II, and III, is to be used by property owners, developers, architects, landscape architects and designers in the planning and design of projects in the village of Taft. The design guidance provided by the poster~~

~~communicates the Lincoln City community and city's desired qualities and characteristics of development and are intended to promote quality design that is compatible with Taft's unique character and its vision for the future.~~

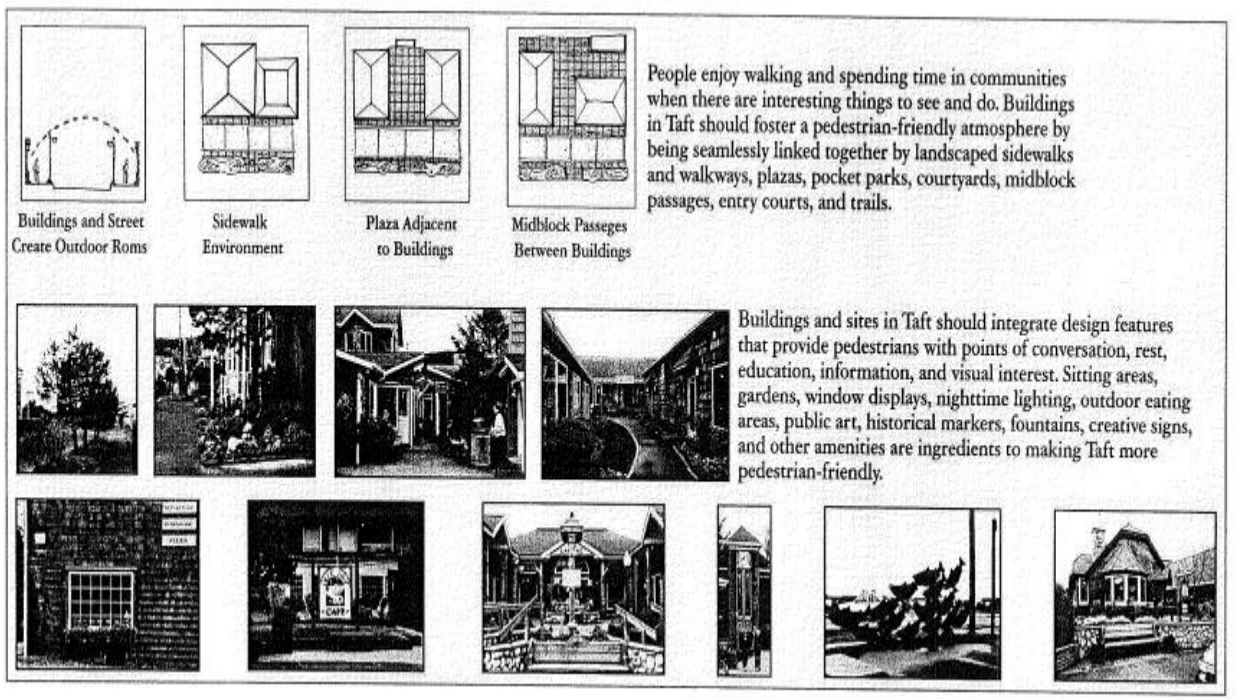
~~Figure 17.45.060-A, Part I~~



~~Figure 17.45.060-A, Part II~~



~~Figure 17.45.060-A, Part III~~



~~B. New Commercial/Mixed Use. New commercial buildings and mixed use buildings shall comply with the following pedestrian-oriented design standards and location and development criteria:~~

~~1. For building facades that face an abutting street, a minimum of 50 percent of the ground floor facade shall include windows and/or doors. The building facade shall be designed so a blank wall without a window or doorway is no greater than 20 feet in length.~~
~~2. A minimum of 50 percent of the lot frontage abutting a street shall be occupied by a building facade. For lots with three or more street frontages, this standard shall apply to two lot frontages.~~
~~3. Residential units must not be located on street level.~~
~~4. Public facilities are exempt from the mixed use requirement.~~
~~C. New Multifamily and Attached Single-Family Residential.~~
~~1. These standards do not apply to mixed use development in which residential uses are located above commercial uses.~~
~~2. Building Orientation. New multifamily and attached single-family dwellings shall meet the following standards:~~
~~a. Each ground floor unit located along a street shall include a covered or recessed entry, or porch, oriented to the street.~~
~~b. Units along a street shall be oriented with building fronts parallel to the street.~~
~~3. New Multifamily and Attached Single-Family Parking, Site Access, and Circulation. Parking areas or driveways adjacent to any street frontage shall not occupy more than the greater of: 25 percent of the street frontage; or 20 feet, if a two-way driveway. If garages are oriented to front on a street, the following standards shall be met:~~
~~a. Only single-car garage doors are permitted;~~
~~b. Garage doors must be recessed at least three feet behind the front facade.~~
~~D. Accessory Dwelling Units. Accessory dwelling units must meet the following criteria:~~
~~1. Density. One accessory dwelling unit may be allowed as an accessory use to a single-family dwelling on any residential lot that meets the minimum lot size requirement.~~
~~2. Unit Size. An accessory dwelling unit must not exceed 750 square feet.~~
~~3. Off-Street Parking. If paved, on-street parking is available abutting the lot, no off-street parking will be required for an accessory dwelling unit. If such on-street parking is not available, one off-street parking space must be provided on the lot for the accessory dwelling unit in addition to the parking required for the single-family dwelling.~~
~~F. Installation of Public Improvements. Project developers are responsible for providing public improvements in compliance with city standards at the time of development, in accordance with LCMC 17.52.230. For the purposes of this requirement, development shall also include the expansion of existing structures by 50 percent or more of the gross floor area.~~
~~G. Undergrounding of On-Site Utilities. All new development shall provide underground utilities service installation or connections in compliance with LCMC 17.52.120(B). For the purposes of this requirement, development shall also include the expansion of existing structures by 50 percent or more of the gross floor area.~~
~~H. Landscaping. In parking areas adjacent to public right-of-way, landscaping shall provide a two-and-one-half-foot to three-foot-high screen across the entire parking frontage except for driveways. Landscape screening may include a combination of low hedgerow plantings, landscaped berms or low decorative masonry walls. The minimum width of a landscaped area required for screening purposes shall be five feet. In addition, landscaping shall be provided in~~

accordance with Table 17.45.050-1 and Figure 17.45.050-A, and LCMC 17.52.100, with the following exceptions:

1. Pedestrian plazas may be used to meet up to 50 percent of the lot area landscaping requirement.

2. Landscaping requirements may be reduced by 50 percent for lots under 10,000 square feet, where a primary building front is located adjacent to the right-of-way or adjacent to a pedestrian plaza that itself is adjacent to the right-of-way, and on-site parking within a surface lot is not provided.

3. Properties with structured or garage parking of more than 50 spaces are eligible for a 50 percent reduction of landscaping requirements.

4. Street trees and landscaping located in public right-of-way are exempted from the provisions of LCMC 17.52.100.

I. Mechanical Equipment. No mechanical equipment, vents, ducts, HVAC equipment, transformers, or dish antennas shall be visible from ground level from any adjacent parcel, or any public street or right-of-way. This shall be accomplished through the extension of the main structure or roof, or screening in a manner that is architecturally integrated with the main structure. Plantings may be used to screen mechanical equipment at ground level; provided, that the plantings achieve full screening upon installation.

J. Business Address Required. Each business or structure (as appropriate) shall provide its address in numbers a minimum of six inches in height. The address shall be placed on the building, awning valance, or canopy in a manner to be clearly visible from the adjacent street, alley, and sidewalk. The preferred locations are above the main pedestrian entrance and at rear or side entrances.

17.45.070 Signs.

Signs are allowed within the TVC zone in compliance with the provisions of Chapter 17.72 LCMC, except that:

A. Freestanding pole signs and internally illuminated signs are prohibited.

B. Sign Area.

1. Attached Signs. The total cumulative square footage allowable for attached signs per commercial establishment in the TVC zone is 32 square feet. There is no limit to the number of attached signs.

2. Freestanding Signs. The total cumulative square footage allowable for freestanding signs per commercial establishment in the TVC zone is 32 square feet. The maximum number of freestanding signs is one per lot. The maximum height is six feet.

C. Sign Area Bonus. For commercial establishments that do not have an on-site freestanding sign, the maximum allowable sign area for attached signs can be increased to 64 square feet.

D. Pedestrian-Oriented Sign Bonus. The maximum size for any one bonus pedestrian sign shall be six square feet, up to a total of 12 square feet for all such signs. Pedestrian-oriented signs include: window signs, small wall-mounted or projecting signs located not more than 10 feet above grade, signs placed on awning valances, and signs suspended under canopies and awnings. Signs that are suspended above pedestrian walkways shall provide a minimum of seven and one-half feet of clearance. (Ord. 2019-14 § 4; Ord. 2000-09 § 3; Ord. 84-2 § 3.105(7))

~~17.45.080 Parking.~~

~~Off-street parking and loading for uses within the TVC zone shall be provided in accordance with Chapter 17.56 LCMC with the following modifications:~~

~~A. Number of Parking Spaces.~~

~~1. Commercial and Mixed Use. The TVC has no minimum off-street parking requirement for any commercial or mixed use building.~~

~~2. Residential. Multifamily dwellings, duplexes, and attached single-family dwellings in the TVC zone must have one and one-half spaces per dwelling unit.~~

~~3. Any other uses must provide the number of spaces required by LCMC 17.56.050.~~

~~B. Location of Parking.~~

~~1. All Properties. Except for one-family and two-family dwellings, new surface parking must be parallel on-street parking spaces, parking bays abutting the street, parking areas located behind or to the side of a building, or a combination of the above. Paved parking spaces for standard-sized vehicles in a public street or alley that abuts a parcel are eligible to meet part or all of the parking requirements for the development on that parcel.~~

~~2. Properties on Highway 101. For parcels fronting on Highway 101, the number of on-street parking spaces for standard-sized vehicles within 200 feet of a parcel may be counted toward the required number of parking spaces. (Ord. 2019-04 § 1; Ord. 2000-09 § 3; Ord. 84-2 § 3.105(8))~~

~~17.45.090 Development incentives.~~

~~In order to achieve the type and quality of development and revitalization envisioned for Taft, certain development incentives may be allowed to encourage developers and property owners to participate in the various programs described below. Incentive bonuses may be granted at the discretion of the planning director and nothing contained herein shall obligate the planning director to provide any of the following bonuses or give an applicant any right to any of the following bonuses.~~

~~A. Pedestrian Amenities Incentive. Within the TVC zone, it is desirable to encourage the provision of pedestrian amenities, which include linkages between adjacent uses, public plazas and other pedestrian-oriented areas that encourage interaction between people and vitality to bayside environment.~~

~~1. Incentive Bonuses. For projects meeting the requirements for pedestrian linkage, public plazas or weather protection, the following development bonuses may be available:~~

~~a. Required parking may be reduced by 10 percent; provided, that a finding can be made that adequate parking will be available to the project.~~

~~b. Area of permitted signs may be increased by a maximum of 10 percent; provided, that a finding can be made that the increased sign area does not detract from the beautification and pedestrian-oriented objectives for Taft.~~

~~c. Through the development agreement process, the planning director may consider other incentive bonuses, such as reductions in processing fees, in-lieu fees, low interest loans or utility connection fees. The extent of such bonuses may vary on a case-by-case basis between the project applicant and the planning director.~~

~~For projects meeting all three requirements (pedestrian linkage, public plazas and weather protection) the above development bonuses plus up to one additional dwelling unit for each 5,000 square feet of lot size may be available.~~

~~2. Requirements for Incentive Bonuses.~~

~~a. Pedestrian Linkage. In order to qualify for the pedestrian linkage bonus, a proposed project must meet all of the following requirements, unless otherwise determined by the planning director:~~

~~i. Pedestrian linkages and pathways that run between buildings shall be a minimum of 10 feet in width; linkages and pathways longer than 50 feet shall be an average of 20 feet wide.~~

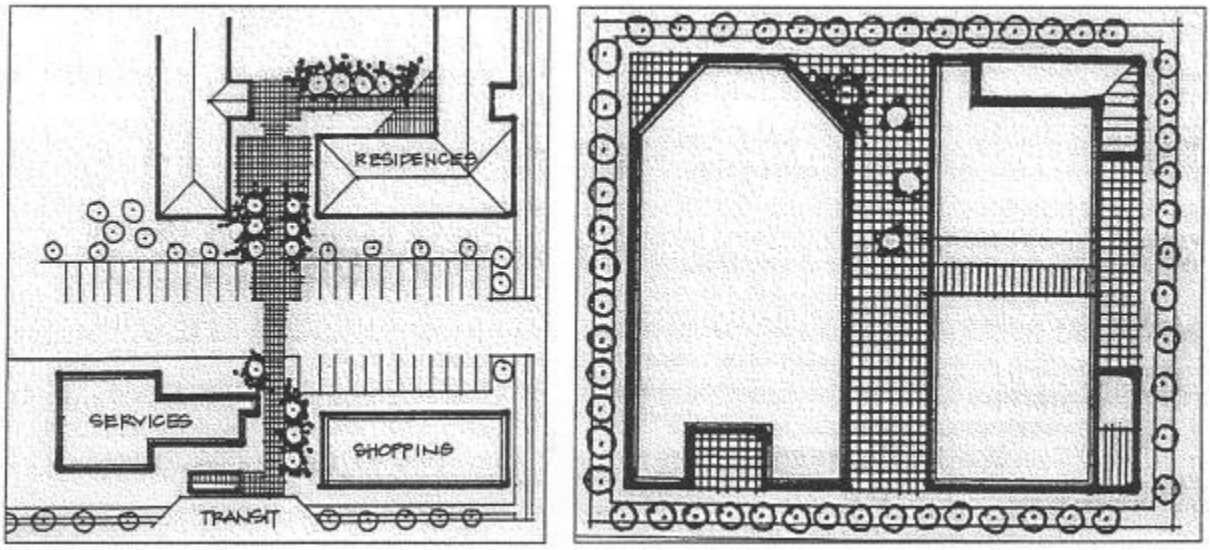
~~ii. Pedestrian linkages shall be designed to be an integral part of the overall project and shall be configured to provide straightforward access from the development to adjacent land uses. The incorporation of plazas into the design of pedestrian linkages is highly encouraged.~~

~~iii. Business entrances are encouraged to front onto a pedestrian linkage or pathway. If it is deemed that a ground floor business entrance cannot front onto a pedestrian linkage or pathway, a minimum of one display window per business shall be provided facing onto the pathway or linkage.~~

~~iv. The pedestrian linkage or pathway shall incorporate landscape features, lighting, shade, textured paving, or other design elements to enhance the overall pedestrian environment and provide a high level of security, attractiveness, and convenience.~~

~~v. The property owner shall be responsible for maintenance and other liabilities of the pedestrian linkages.~~

~~**Pedestrian Linkages**~~



~~b. Public Plaza. In order to qualify for the public plaza incentive bonus, a proposed project must meet all of the following requirements. Where inconsistent setbacks occur along the street, plazas shall be considered to compensate for the broken building edge.~~

~~i. Plazas shall be designed with unimpeded lines of sight to and from the public sidewalk and pedestrian linkages.~~

~~ii. Physical access shall be provided from the public sidewalk to plazas, via pedestrian linkages.~~

~~iii. Visual features, such as public art or a fountain, shall be incorporated in plazas to attract pedestrians.~~

~~iv. Shade trees or other elements providing relief from the sun, rain, and wind shall be incorporated within plazas. Landscaping shall provide special interest through unique foliage, color, and seasonal changes in plant habit, scent, or floral display.~~

~~v. Special paving and street furniture per the Taft streetscape furniture palette, as provided in Figure 17.45.090-A, shall be used in plazas to complement the streetscape elements in the public right-of-way.~~

~~vi. The property owner shall be responsible for maintenance and other liabilities of the public plazas.~~

~~c. Weather Protection. In order to qualify for incentive bonuses, a weather protection structure shall be provided along all street frontages designed for edge treatment A. Weather protection structures shall be reviewed and approved by the planning director, city engineer and all affected public utility agencies. The weather protection structure shall incorporate the following design features:~~

~~i. The structure, e.g., canopies, porches, porticos, arcades, colonnades, verandas, balconies, building cantilevers, and building second stories, shall provide weather protection between the building face and curb line either within the existing public right-of-way or sidewalk easement.~~

~~ii. A minimum 10-foot clearance must be achieved between the bottom of the weather protection structure and the ground below.~~

~~iii. All-weather protection structure support features such as columns, posts, pillars, etc., must be located so as to align with the existing curb line. A minimum 10-foot separation shall be achieved between support features. In addition, a sidewalk with a minimum width of five feet shall be achieved between the building face and back of curb.~~

~~iv. Where existing weather protection structures exist on adjacent properties, proposed protection structures shall be fully attached and integrated with the existing structure so as to achieve continuous weather protection along the street frontage.~~

~~v. The design of the weather protection structure and materials utilized shall generally comply with the design theme guidelines adopted for the Taft Village core and will include property owner input into alternative designs.~~

~~**Figure 17.45.090-A**~~

~~17.45.100 Nonconforming uses and structures.~~

~~A. Continuation of Nonconforming Use. A use lawfully occupying a structure or site on November 6, 2000, that does not conform to the regulations for the Taft Village core zone shall be deemed to be a nonconforming use and may be continued, subject to the following regulations:~~

~~1. Routine maintenance and repairs may be performed on structures or sites the use of which is nonconforming.~~

~~2. Structures or sites, the use of which is nonconforming, may be altered, renovated, enlarged, replaced, or moved if, and only if:~~

~~a. As to any added area, at least the entire added area will be used for a use that conforms to the regulations for the Taft Village core zone; and~~

~~b. The area continuing to be used for the nonconforming use is not more than the area lawfully used for the nonconforming use immediately prior to the alteration, renovation, enlargement, replacement, or movement.~~

~~B. Continuation of Nonconforming Structure. A structure lawfully occupying a site on November 6, 2000, that does not conform to the regulations for the Taft Village core zone shall be deemed to be a nonconforming structure and may be continued or replaced, subject to the following regulations:~~

~~1. Routine maintenance and repairs may be performed on nonconforming structures.~~

~~2. Nonconforming structures may be altered, renovated, enlarged, replaced, or moved if, and only if, the alteration, renovation, enlargement, replacement, or movement does not cause the~~

~~ultimate structure to further violate the regulation or regulations under which the structure was nonconforming.~~

~~C. Applicability of Chapter 17.64 LCMC (Nonconforming Uses). LCMC 17.64.020(A) and 17.64.030(A) shall not apply to nonconforming uses and structures in the Taft Village core zone. Except as so limited, Chapter 17.64 LCMC shall apply to nonconforming uses and structures in the Taft Village core zone.~~

~~Article I. General Provisions~~

~~17.50.005 Definitions.~~

~~The following definitions are informational. Where conflicts occur between the definitions below and an adopted building code, the adopted building code shall apply. For terms that are not defined below and are not defined in the building code, the reviewing authority will use its discretion in selecting from professional source materials that are most relevant to the question at hand.~~

~~"Accessibility" means the locational and design characteristics of a use, structure, or facility that permit it to be reached by one with a disability, as prescribed under the Americans with Disabilities Act and associated building codes and guidelines.~~

~~"Alcove" means a recessed section of a building's exterior wall; may provide weather protection, outdoor seating or other pedestrian amenities.~~

~~"Basement" means the lowest story of a building where 50 percent or more of the floor is located below the grade plane.~~

~~"Belt course" means a horizontal course in a masonry wall that is of a different color, texture, size, or material and which is compatible with the overall form and architectural composition.~~

~~"Bollard" means a post of metal, wood or masonry, or a combination thereof, that is used to separate or direct traffic (vehicles, pedestrians or both). Bollards may contain sidewalk or pathway lighting.~~

~~"Clerestory" means a window that extends from the ground floor of a building to near the top of an outside wall.~~

~~"Corbel" means a projection of a building out from a masonry wall, sometimes to support a load and sometimes for decorative effect.~~

~~"Cornice" means the exterior trim of a structure at the meeting of the roof and wall.~~

~~"Facade" means the front or principal face of a building, or any side of a building that faces a street, way, or pedestrian space.~~

~~"False-front" means a front wall that extends beyond the sidewalls or rooftop of a building to create a more imposing facade. (See also "Parapet.")~~

~~"Fenestration" means the arrangement and design of windows and doors in a building.~~

~~"Grade" means the surface elevation of the ground.~~

~~"Guideline" means a recommended approach, parameter, example, and/or rationale for interpreting, applying, and/or modifying a standard through the site plan review process. For the purpose of site plan review, the photographs, illustrations, and diagrams contained in this chapter are intended to be used as guidelines, except where an~~

~~illustration contains a specific dimensional requirement or is accompanied by the words "shall" or "must," then the illustration is intended as a standard.~~

~~"Island alley" means an alley that does not connect to any street but is designed to allow for future extension through abutting properties and connection to a street or public parking facility. Island alleys serving one or more parcels may be approved through site plan review.~~

~~"Lintel" means a heavy horizontal beam of wood or stone over an opening of a door or window to support the weight above it.~~

~~"Medallion" means a small decorative detail used to accent a building's exterior.~~

~~"Mezzanine" means an intermediate level between a ground floor and the upper story(ies) occupying a partial area of floor space.~~

~~"Parapet" means a low protective wall at the edge of a roof.~~

~~"Pedestrian-scale lighting" means lighting that is designed and located to illuminate a sidewalk, pathway or other area that is used principally by pedestrians. Bollards, wall-mounted lights and step lights are typical of pedestrian-scale lighting.~~

~~"Pedestrian space" means a public gathering space, such as a plaza, square, outdoor seating area, alcove, sculpture garden, or similar space, oriented to pedestrians and connecting one or more developments to the adjacent streetscape.~~

~~"Pediment" means a low-pitched gable over a portico, door or window; may be used to reduce the scale of a building facade.~~

~~"Pier" means a portion of a wall between windows, doors or other openings.~~

~~"Pilaster" means a shallow pier used to buttress a wall; or a rectangular column with a capital and base, projecting only slightly from a wall as an ornamental motif.~~

~~"Pocket park" means a small plaza or landscaped pedestrian space, typically less than one-quarter acre and not for recreational use.~~

~~"Portico" means a porch or entrance to a building consisting of a covered and often columned area; may be used to address building orientation standards where redeveloping a building to meet the front property line is not feasible.~~

~~"Public art" means artwork in the public realm, regardless of whether it is on public or private property, or whether it is acquired through public or private funding. Public art can be a sculpture, mural, manhole cover, paving pattern, lighting, seating, kiosk, gate, fountain, engraving, carving, fresco or similar artwork which is approved through design review. In evaluating public art proposals, the reviewing authority may refer to guidelines and inventories prepared by the arts committee, the National Trust for Historic Preservation and/or other references it deems appropriate.~~

~~"Spandrel" means the blank space between windows and successive stories; or the area between the top of a column or pier and the apex of the arch springing from it.~~

~~"Split-barrel roof" means a rounded roof that resembles a barrel split in half and resting rounded side up.~~

~~"Standard" means a requirement for the purposes of design review approval. Dimensional requirements and provisions containing the words "shall," "must," "not permitted," "prohibited," "required/requirement," or similar prescriptive or proscriptive terms indicate the presence of a standard.~~

~~"Streetscape" means the interface between development and a public street along the development's street frontage; it typically includes storefronts, building entrances, weather protective canopies or awnings, pedestrian spaces such as plazas and curb extensions at intersections, a building front zone along the sidewalk where outdoor seating may occur, a through zone for pedestrians, a street furnishings zone for lights, trees, and other furnishings, and on-street parking where applicable.~~

~~"Transom" means a window immediately above a window or door; may or may not be hinged to a transom.~~

~~"Transparency (windows)" means nonreflective glass with a visible transmittance rating of 0.50 or greater, per the National Fenestration Rating Council.~~

~~"Turret" means a small tower extending above a building.~~

~~"Wayfinding sign" means a directional sign that is part of an overall sign program for a district, neighborhood, or other city-recognized area as approved through design review.~~

~~(Ord. 2007-08 § 1 (Exh. B, Appx. A))~~

~~Article III. Design Standards~~

~~17.50.070 Purpose.~~

~~The Oceanlake design standards are intended to implement the redevelopment plan and vision for Oceanlake. The standards reflect the following values and objectives:~~

~~A. Retain Oceanlake's compact, walkable main street character and improve the Highway 101 commercial area as the district's main working, shopping and entertainment district.~~

~~B. Support the formation of a mixed use, pedestrian-oriented district drawing visitors from Highway 101 to the ocean.~~

~~C. Encourage architectural variety, consistent with the eclectic character of Oceanlake; provided, that new development creates a close, intimate human scale and architectural design addresses all four sides of a building.~~

~~D. Encourage the use of contextually appropriate materials, textures and colors.~~

~~E. Provide a continuous system of alleys and mid-block lanes with central public parking and encourage the provision of shared private off-street parking.~~

~~F. Create vibrant pedestrian spaces (e.g., plazas, public art, cafe seating areas, etc.); pedestrian spaces should help identify Oceanlake, create intrigue, and offer weather protection and comfort to pedestrians while adding value to the district.~~

~~G. Break down large building masses and provide visual interest along the street.~~

~~H. Balance rhythm and continuity; encourage creativity in the design of building elevations, rooflines and facade elements.~~

~~I. Treat corner lots as focal points with vertical elements, public art, seating, and other features.~~

~~J. Provide weather protection where buildings abut the street. (Ord. 2007-08 § 1 (Exh. B § 3(A))~~

~~17.50.080 Block layout, alleys and connections to public parking facilities.~~

~~A. Intent. New development and redevelopment projects should reinforce the historic street grid of Oceanlake and contribute to the development of central parking facilities interconnected by a system of alleys. Buildings should be placed at or near the sidewalk edge and parking should be set back behind or beside buildings. Parking should be provided on street where shoulders are approved to accommodate parking spaces or bays, and shared parking areas internal to each~~

~~block. By maintaining the integrity of Oceanlake's historic urban form, land is used efficiently, traffic is distributed evenly, and new development contributes to a cohesive, pedestrian-friendly district.~~

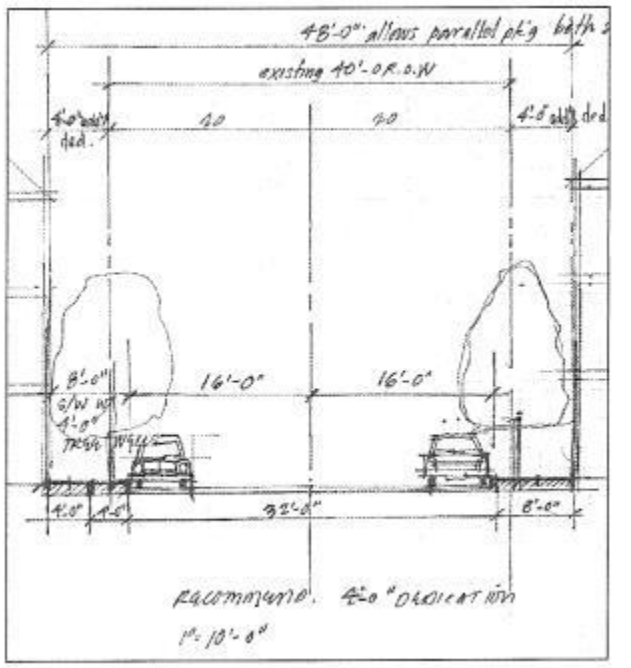
~~B. Standards.~~

~~1. Rights-of-Way.~~

~~a. New development and redevelopment projects that are projected to generate additional vehicle and/or pedestrian traffic may be required to dedicate right-of-way and/or improve abutting streets and alleys. See Figure 17.50.080-1.~~

~~b. Street right-of-way shall not be vacated, except where it is demonstrated that the vacation is necessary to facilitate development of shared parking facilities and the development will improve the pedestrian environment.~~

~~Dedicating right-of-way for the creation of internal public parking facilities and/or pedestrian ways are examples of improving the pedestrian environment.~~



~~Figure 17.50.080-1: Typical local street.~~

~~2. Street/Alley Access.~~

~~a. New vehicle access to/from Highway 101 is discouraged; the city or ODOT may require vehicle access be provided from side street or alley, and existing highway approaches be consolidated as a condition of development approval.~~

~~b. The alignment of streets and alleys shall be maintained in new development to ensure connectivity from block to block. The city may require the extension and improvement of an alley as a condition of development approval. Where a block contains no alley, development may be required to configure off-street parking such that an alley can be extended through it in the future. Alleys shall be 12 to 16 feet in width, subject to site plan review. See example in Figure 17.50.080-2.~~

c. Where a development receives credit toward off-street parking requirements based on its proximity to a public parking facility and/or abutting on-street parking, the city may require the owner to dedicate and improve an alley.

d. Alleys should be continuous through a block to facilitate property access and full utilization of internal parking areas, except where existing development or the highway precludes the continuation of an alley.

e. Alleys shall be contained in a public right-of-way or public access easement improved to city standards.

f. Where an interior lot or parcel is unable to connect to an existing alley and the proposed site plan provides a parking facility oriented to the rear of the property, the reviewing authority may allow the creation of a temporary island alley. Island alleys must allow for future extension(s) to abutting vacant and/or redevelopable properties.

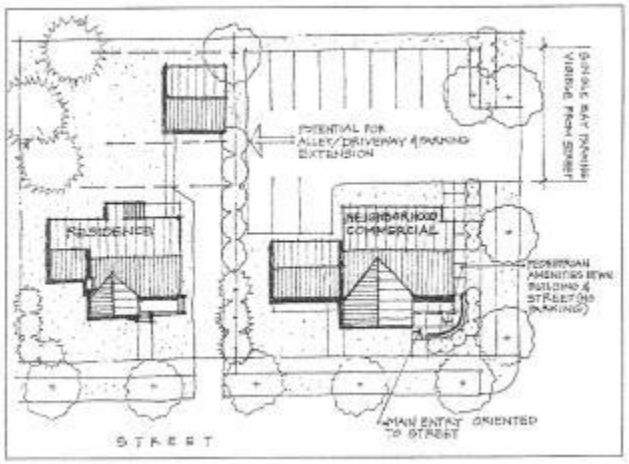


Figure 17.50.080-2: Typical parking lot configuration allowing for future alley.

3. Buildings Abutting Interior Parking Areas. Where a block is planned to contain an interior parking area (i.e., served by an alley or shared access drive), buildings abutting the parking area shall provide entrance(s) opening onto it or be connected to the street by a continuous pedestrian walkway (e.g., between buildings). Buildings and development shall not be configured in a way that precludes public access to such public parking facilities. (See also LCMC 17.50.090 through 17.50.130.)

17.50.090 Buildings and structures.

A. Intent. While many communities attempt to create or re-create an urban downtown of their own, Oceanlake already has a main street with a mixture of older and contemporary buildings. The interior area of Oceanlake, between the highway and ocean, also has the potential to become a vibrant, mixed use neighborhood, as envisioned by the Oceanlake redevelopment plan.

The eclectic group of buildings existing along the highway loosely follows the ageless rhythm of a traditional main street. Therefore building design standards draw on traditional main street elements while allowing for design variety. It is not the city's intent to create an architectural theme or to freeze time. The design standards are not meant to halt progress or restrict property rights, but rather to ensure that new buildings and remodels fit within the context of

their surroundings and support a compact, pedestrian-oriented district. In this way, the city can ensure that Oceanlake retains its sense of place, its vitality and economic base.

The key elements of the building design standards are:

1. Eclectic coastal architecture, including residential, commercial, and mixed use development.
2. Building height and articulated facades that create a sense of street enclosure at a human scale.
3. Contextually appropriate materials, textures and colors.
4. Storefront character (windows, pedestrian shelter, furnishings, etc.).
5. Adaptable building styles that comfortably accommodate commercial, residential and mixed land uses.
6. A diversity of building facades and rooflines that fall into a consistent rhythm.
7. Corner lots as focal points with vertical elements, furnishings and public art.

B. Standards.

1. Height.

a. Maximum Height. The maximum allowable height is 35 feet, except that chimneys, spires, towers, and other architectural projections with an area of no more than 150 square feet may be allowed through site plan review. Building projections exceeding 35 feet in height within an ocean view corridor must be recessed behind lower building stories by not less than six feet. For the purpose of the OP district, ocean view corridors are all rights-of-way and parcels abutting 14th, 15th, 16th, 17th, 18th, and 19th Streets west of Highway 101, including rights-of-way and parcels extending west of NW Harbor Street to the ocean. (See Figures 17.50.090-1, 17.50.090-2 and 17.50.090-3.)

b. Minimum Height. Buildings fronting onto Highway 101 shall be built to a height of not less than 18 feet to maintain a sense of enclosure and a human scale relative to the street. Single-story buildings shall incorporate parapets, towers or other design elements that reach the minimum height. Single-story structures of less than 18 feet in height and fronting onto Highway 101 may be approved by the reviewing authority where the proposed building is replacing an automobile-oriented use as defined in LCMC 17.32.030.

2. Building Form.

a. Overall Form. Architectural designs shall address all four sides of a building. The predominant form abutting Highway 101 is a generally flat elevation with any recesses, projections, or rounded edges ("articulations") appearing subordinate to the dominant rectangular form. New buildings should reflect the predominant form while expressing individuality; for example, with vertical elements such as cupolas, turrets or towers on corner properties. New buildings should not mimic any other building in their form or detailing.

b. Stepped Rooflines. Height shall vary from building to building to avoid a homogenous appearance. This standard is met by using either stepped parapets or slightly dissimilar overall height (i.e., building-to-building). Abrupt changes in height between buildings can be managed by having the taller building follow the horizontal lines of the shorter building along the first two floors and reference elements or detailing of the shorter building(s) on its upper stories. See also subsection (B)(3) of this section, Storefront Character.

c. Sloping Roof. Front-facing gables as a primary roof form are not allowed in the Highway 101 area, unless visually screened from the right-of-way by a parapet. Where a building in the

~~Highway 101 area has a roof sloping to the rear of the site, it should have side parapets that screen the roof and step down toward the rear of the building. Front gables, split-barrel roofs, rounded parapets, turrets and similar forms may be used as secondary building elements or accents but not primary roof forms in the Highway 101 area. Front-facing gables are allowed as a primary roof form in the interior and oceanfront areas. Mansard roofs, including false mansards (applied forms without windows), are discouraged and A-frame buildings and other nontraditional Oceanlake forms are prohibited.~~

~~d. False Fronts. False fronts (e.g., boards, panels, flashing, etc.) covering historic masonry facades are not permitted. Exterior remodeling is encouraged where it would remove the false front(s) and restore or replace historically appropriate materials.~~

~~3. Storefront Character.~~

~~a. Fenestration (Windows and Doors).~~

~~i. Applicability. The window transparency requirement does not apply to the auditorium portion of a theater (but does apply to the lobby and concession area), to the guestroom portion of a motel, hotel, or resort (but does apply to the lobby and other portions), or to multiple-family dwellings (but does apply to the commercial parts of mixed use buildings incorporating multiple-family dwellings).~~

~~ii. Standard. Consistent with the desired storefront character in the Highway 101 area, buildings shall provide large display windows, windowed doors and transom windows. The ground floor, street-facing elevation of all buildings shall contain at least 60 percent transparent windows, measured as a section extending the width of the street-facing elevation between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane 80 inches above the sidewalk grade. Upper floors may have less window area, but should follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. Buildings without a street-facing elevation, such as those that are set back behind another building and those that are oriented to a pedestrian space (e.g., side plaza or court), shall meet the 60 percent transparency standard on all elevations abutting pedestrian spaces(s) and on elevations containing a primary entrance. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)~~

~~4. Building Orientation. New buildings shall conform to the build-to line requirements in LCMC 17.50.060. Primary building entrances shall be oriented to a front yard or a side yard, consistent with the build-to line requirement.~~

~~5. Primary Entrances. Buildings shall have clearly defined primary entrances. Primary entrances for buildings fronting onto Main Street/Highway 101 shall be oriented to the highway or a corner where the highway and a side street meet. Buildings on other streets shall have primary entrances oriented to a street, court or alley, as described in subsection (B)(2) of this section. All primary entrances shall be covered for a depth of not less than five feet, either by recess, overhang, canopy, portico and/or awning extending at least five feet over the entrance. See also subsection (B)(14) of this section, Pedestrian Shelters.~~

~~6. Secondary Entrances. Buildings with more than 90 feet of frontage on a street shall have a second entrance oriented to that street. Buildings adjacent to an internal parking area shall provide a secondary entrance in conformance with subsection (B)(5) of this section. (See also this section and LCMC 17.50.100, Streetscapes.)~~

7. Armature of the Block. The width of all buildings fronting Highway 101 shall extend from side lot line to side lot line to maintain continuity of the storefront character. Exceptions to this standard may be granted where the applicant demonstrates that the provision of side yards contributes positively to the pedestrian environment, for example, by providing a pedestrian space, a pedestrian access way to a parking facility, or an access to residences located on an upper building story or behind a commercial use.

8. Building Mass.

a. Traditional Building Pattern. Buildings shall incorporate offsets or divisions in the facade to express the traditional lot pattern and building width of Oceanlake. Changes in facade material, window design, facade height or decorative details are examples of techniques that should be used. These variations should be expressed throughout the width of the structure such that the composition appears to be a collection of smaller buildings or storefronts. See also subsection (B)(11) of this section, Horizontal Rhythms. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)

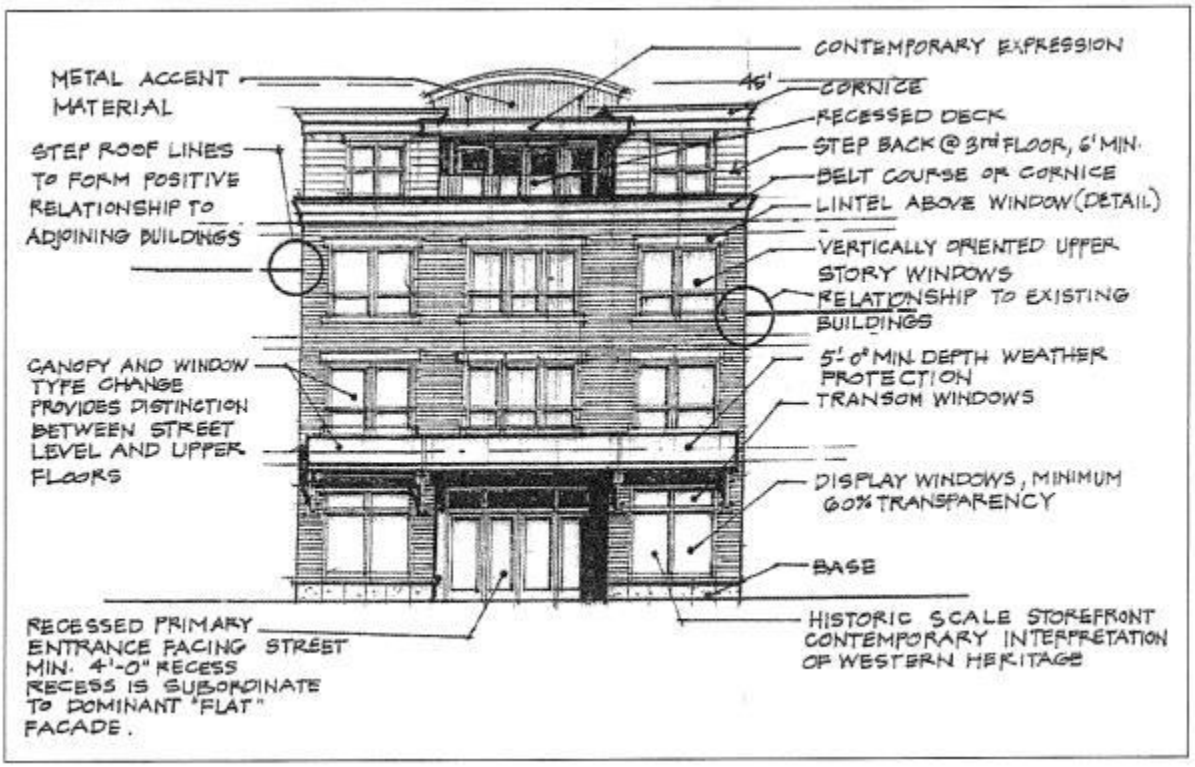


Figure 17.50.090-1: Example of acceptable building elements (35 feet).

b. Height Step-Back. For properties fronting Highway 101, portions of a building exceeding two stories shall be set back on the street sides of each successive story of the building above the second story a minimum of six feet from the next immediate lower story. The purpose of the height step-back is to maintain the appearance of a shorter building from the street and to provide for light filtering down to the street. Note: Height step-backs also apply along the east-west (numbered) streets for the purpose of protecting coastal views and solar access, per subsection (B)(1) of this section. (Recommended: Figures 17.50.090-1 and 17.50.090-2.) The

planning and community development director may approve an adjustment waiving the above standard for a portion of a building incorporating a signature vertical element (e.g., clock tower) on a street corner, as recommended in subsection (B)(12) of this section. Any projection exceeding 35 feet shall be ornamental only and not contain habitable floor space. (See Figure 17.50.090-3.)

c. Street Level/Upper Floor. The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt course, or similar detailing, materials and/or fenestration. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)

9. Accessibility. Accessibility shall be provided consistent with applicable building codes. Where wheelchair ramps are required, the ramp design shall incorporate materials and detailing similar to the base of the building.

10. Openings.

a. Ground Floor Windows. Ground floor elevations shall conform to subsection (B)(3)(a) of this section and should contain windows that are framed by piers or pilasters (sides); awnings, canopies or trim/hoods (tops); and kick plates or bulkheads (base). Decorative detailing and ornamentation around windows (e.g., sills, corbels, medallions, pediments, or similar features) is encouraged. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)

b. Upper Floor Windows. Upper floor window orientation should primarily be vertical, or have a width that is no greater than the width of the ground floor windows. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)

c. Projecting Windows, Display Cases. Where windows, flower boxes or display cases break the front plane of the building on its ground floor, such windows shall not encroach into a required sidewalk clear zone. For durability and aesthetic reasons, display cases, when provided, shall be part of the building (not affixed to the exterior) and integrated into the building with trim or other detailing.

d. Entrances. Ground level entrances shall be recessed behind the front facade not less than three feet and be at least partly transparent, except transparency is not required on entrances to residences. This standard may be met by providing a door with a window(s), a transom window above the door, or sidelights beside the door.

e. ATMs and Service Windows. Where ATMs or service windows are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.

f. Corner Entrances. Buildings on corner lots should have corner entrances. Such entrances are not required to be recessed, but shall have an awning or canopy for weather protection. Where a corner entrance is not provided, the building plan shall provide for a corner plaza consistent with LCMC 17.50.110, or the building shall provide architectural features that honor the corner as a pedestrian space; such features may include but are not limited to an alcove with seating, public art (e.g., sculpture or fountain), a vertical building element such as a tower (e.g., clock tower), or other feature approved through site plan review. (See also LCMC 17.50.110, Pedestrian spaces.)

g. Remodels. The scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, columns, weather protection shelters, and

~~other features shall be visually compatible with the overall composition of the building (i.e., including building materials, color, detailing, etc.).~~

~~11. Horizontal Rhythms.~~

~~a. Traditional Lot and Building Pattern. Front elevations shall be articulated not less than once every 25 feet to maintain a pedestrian scale and to avoid blank walls. Articulation should be subtle. For example, slight offsets in a building elevation or roofline, and/or the rhythmic placement of windows, pilasters, awnings, trim, art/medallions, or other detailing and ornamentation are preferred. Abrupt divisions, such as changes in cladding materials, or offsets greater than eight feet, should be avoided. Side and rear elevations may be articulated less frequently but should complement the overall building design. The approving authority may require detailing on a zero-lot line elevation to reduce the apparent scale and avoid blank walls, i.e., until an abutting property develops. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)~~

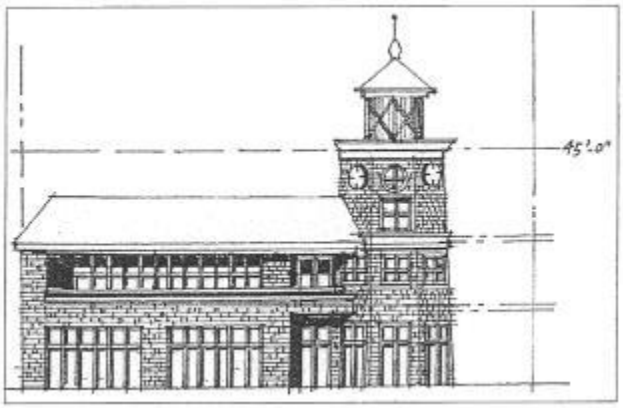
~~b. Horizontal Lines. New building designs and exterior remodels shall establish prominent horizontal lines and avoid blank walls. Examples of such horizontal lines include: base materials and detailing below a series of storefront windows, awning or canopy line, belt course between building stories, and cornice or parapet lines. It is not necessary for new lines to match existing lines. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)~~

~~c. Ground Floor/Upper Floor Division. A clear visual division shall be maintained between the ground level floor and upper floors, for example, through the placement of windows, transoms, canopies, awnings, and signage. The majority of signage should be placed on the ground floor elevation (e.g., sign bands, canopy signs, or blade signs). (Recommended: Figures 17.50.090-1 and 17.50.090-2.)~~

~~d. Building Base. Buildings shall have a foundation or base, typically from ground to the bottom of the lower windowsills, with changes in volume or material, to give a sense of strength and symmetry. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)~~

~~Figure 17.50.090-2: Rhythm, massing, and building openings.~~

~~12. Vertical Lines. New construction or front elevation remodels should reflect a vertical orientation, either through breaks in volume or the use of surface details, to divide large walls and create a pedestrian scale. Building massing for corner properties on Highway 101 should accentuate the corner location with a vertical element. See also subsection (B)(11)(a) of this section, Traditional Lot and Building Pattern. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)~~



~~Figure 17.50.090-3: Example of vertical element and desirable building height for corner property on Highway 101. Note: building step-back not required on east side of Highway 101.~~

~~13. Materials and Color.~~

~~a. Primary Materials. Exterior building materials shall predominantly consist of painted or natural stain wood, stone, brick, rusticated concrete block (warm earth tones) or comparable cladding. Rough-hewn wood, timbers and metals may be used as accents but not as the primary exterior~~

~~cladding. See also subsections (B)(13)(c), Secondary Materials, and (B)(13)(d), Substitute Materials, of this section.~~

~~b. Change in Materials. Elevations shall incorporate changes in material that define a building's base, middle and top and create visual interest and relief. Side and rear elevations that do not face a street, public parking area, pedestrian access way or plaza may utilize changes in texture and/or color of materials in the interest of affordability; provided, that the design is consistent with the overall composition of the building.~~

~~c. Secondary Materials. Any of the primary materials listed above may also be used as secondary materials or accents. Metals such as copper, steel, iron, bronze and similar appearance metals may be used as trims or accents (e.g., flashing, weather protection features, ornamentation, etc.) when compatible with the overall building design, and subject to review and approval through site plan review.~~

~~d. Substitute Materials. Substitute materials that are equal in appearance and durability to those in subsection (B)(13)(a) of this section may be approved at the discretion of the reviewing authority through site plan review. The applicant will be required to provide specifications from the manufacturer.~~

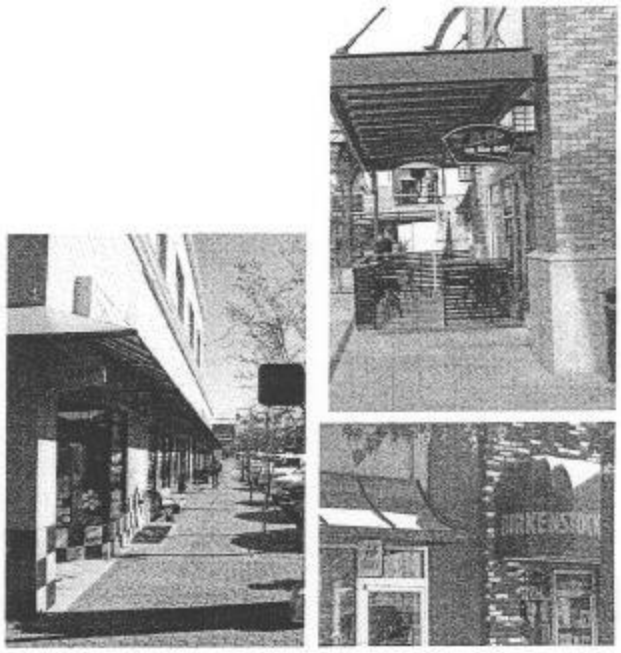
~~e. Color. Color schemes should be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes should tie together signs, ornamentation, awnings, canopies and entrances. There shall be no more than one base color for each 25 horizontal feet of the front elevation; one base color for the entire front elevation is preferred. Using only one or two accent colors is also preferred, except where precedent exists for using more than two colors with some architectural styles (e.g., arts and crafts). Natural wood finishes are appropriate for doors, window sashes and trim, signs, canopies and other architectural accents. Luminescent, sparkling, neon and "day-glow" colors are not allowed (e.g., outlining building), except that neon signs are allowed subject to applicable sign codes. Metals shall be brushed finish or painted in mute or earth tones to minimize glare.~~

~~f. Contemporary Designs. Materials that provide a contemporary interpretation of local architecture styles, including arts and crafts, art deco, and vernacular (beach cottage) styles are encouraged. Buildings that resemble suburban strip malls (e.g., picture windows extending to near grade level) and those that use highly reflective glass, clerestory windows and/or similar nontraditional features are discouraged.~~

~~g. Restoration and Rehabilitation. Restoration and rehabilitation projects should incorporate original materials and design elements (e.g., previously covered over), to the extent practicable.~~

~~14. Pedestrian Shelters. Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least 60 percent of a building's ground floor elevation(s) where the building abuts a sidewalk, plaza, pedestrian access way, or outdoor seating area. Pedestrian shelters used to meet the above standard shall extend at least five feet over the pedestrian area, shed rain away from building entrance(s), be proportionate to the building in its dimensions, and not obscure the building's architectural details. If mezzanine or transom windows exist, the shelter shall be below such windows where feasible.~~

~~Exception: The reviewing authority may reduce the minimum shelter depth to four feet upon finding that existing right-of-way dimensions or building code requirements preclude a larger shelter.~~



~~Pedestrian shelters may come in a variety of forms, materials, and colors, provided they fit the overall composition of the building. Actual designs should address the location and function of the shelter, building codes, architecture, durability, and right-of-way constraints, if any.~~

~~15. Mechanical Equipment.~~

~~a. Screening. When mechanical equipment, such as utility vaults, air compressors, generators, antennas, satellite dishes, or similar equipment, is adjacent to a street, sidewalk or pedestrian space, it shall be screened from view on all streets. Where such equipment is installed on a side or rear building elevation and is adjacent to an alley, access way, or pedestrian space, its appearance shall be minimized or screened using materials and/or colors that are similar to those used on the subject building. Standpipes, meters, vaults and similar equipment should not be placed on a front elevation when other alternative locations exist; such equipment shall be placed on a side or rear elevation when practicable.~~

~~b. Rooftops. Rooftop mechanical units shall not be visible from any street and shall not exceed the allowable building height.~~

~~c. Ground-Mounted Units. Ground-mounted mechanical units shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges may also be used as screens where there is adequate sunlight and irrigation to ensure their successful growth.~~

~~17.50.100 Streetscapes.~~

~~A. Intent. The relationship between the local street system, Highway 101 and adjoining properties is important from both a transportation planning and a land use perspective. Oregon Department of Transportation (ODOT) is the permitting authority for all access onto Highway 101. As the permitting agency for land use, the city works cooperatively with ODOT to manage development adjacent to the highway. The city's design standards are intended to implement the community's vision of a cohesive streetscape, with on-street parking, wide sidewalks,~~

~~weather protection (pedestrian) shelters, benches, pedestrian-scaled lighting, public art, opportunities for cafe seating, and other amenities. A safe, inviting and comfortable pedestrian environment benefits businesses, highway users and the community as a whole.~~

~~B. Standards. In addition to standards for block layout, alleys and parking lot access provided in LCMC 17.50.080, the following provisions apply to all new development:~~

~~1. Transportation Plan Conformity. New development shall conform to the policies, standards, specifications and design details (e.g., street sections) contained in the city's transportation system plan (TSP) and the requirements of this chapter, specifically LCMC 17.50.080 (Block layout, alleys and connections to public parking facilities) and 17.50.110 (Pedestrian spaces). When streetscape improvements are required of new development, such improvements shall conform to the TSP. Additionally, street furnishing shall conform to the specifications contained in the Oceanlake redevelopment plan.~~

~~2. Local Streets and Alleys. LCMC 17.50.080 provides standards for extending alleys through blocks and local street improvements.~~

~~3. Pedestrian Amenities. LCMC 17.50.110 provides standards for pedestrian spaces and pedestrian amenities. Additionally, the Oceanlake redevelopment plan provides specifications for street furnishings such as benches, trash receptacles, wayfinding signs, and streetlights.~~

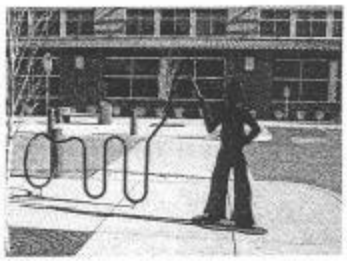
~~**17.50.110 Pedestrian spaces.**~~

~~A. Intent. The increased development intensity, mixture of uses, pedestrian activity, close building orientation and minimal private open space envisioned for Oceanlake require that pedestrian space be provided along building frontages and in breaks between buildings. Pedestrian space, such as plazas, extra-wide sidewalks, outdoor seating areas, pedestrian access ways between buildings, alcoves and pocket parks, provides visual relief, pedestrian resting areas and opportunities for socialization. Pedestrian spaces do not have to be publicly owned or maintained. Public or private, they are as important as building design and central parking to the success of Oceanlake. Therefore, the city requires that all new developments and redevelopment projects contribute their proportionate share of pedestrian space.~~

~~B. Standards.~~

~~1. Pedestrian Space Standard. At least three percent of every development site, except for residential developments, shall be designated and improved as pedestrian space. The highest priority locations for pedestrian space are those areas with the highest pedestrian activity (e.g., street corners and mid-block pedestrian access ways) that have a western or southern exposure (within 45 degrees of true south or west). Where no such area exists, then pedestrian space should be provided as an extended sidewalk or walkway connecting multiple developments. See photo examples in subsection (B)(2) of this section.~~

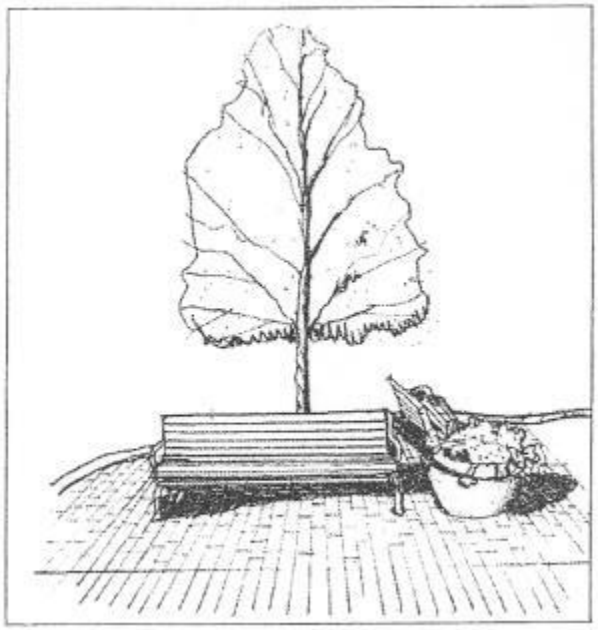
~~2. Dimensions. All pedestrian spaces shall have dimensions of not less than eight feet across and have a surface area of not less than 64 square feet.~~



~~Pedestrian spaces should serve as focal points and gathering places, giving the downtown a unique identity and sense of place. Pedestrian amenities may include, but are not limited to, outdoor seating areas or cafes, pedestrian access ways, weather protection, plazas, benches, public art, and street furnishings such as bicycle racks and pedestrian lighting (e.g., bollards) at crossings.~~

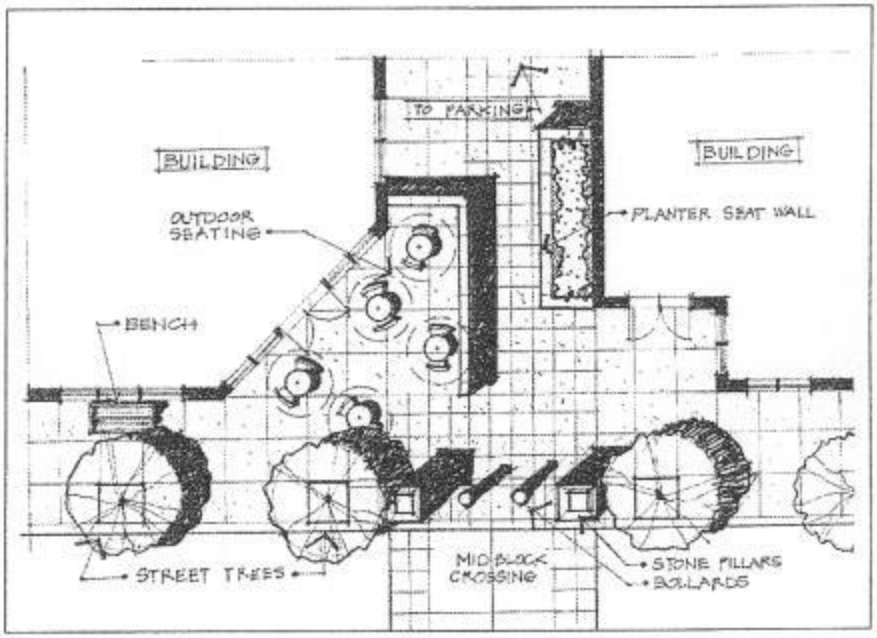
~~3. Public Access. Such areas shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns and/or texture). Where a right-of-way connection is not possible, the owner shall be required to provide a public access way easement to the pedestrian space.~~

~~Pedestrian spaces shall not be gated or closed to public access, unless otherwise required by the city. (Recommended: Figures 17.50.110-1 and 17.50.110-2.)~~



~~Figure 17.50.110-1: Example of a small pedestrian space containing approximately 64 square feet.~~

~~4. Pedestrian Amenities Required. Where pedestrian space is required, it shall contain pedestrian amenities such as plaza space, extra-wide sidewalks (i.e., outdoor cafe space), benches, public art, pedestrian-scale lighting, wayfinding signs (as approved by the city) or similar pedestrian areas in an amount equal to or greater than one-half of one percent of the estimated construction cost of the subject building(s). Where a pedestrian space adjoins a building entrance, it should incorporate a canopy, awning, pergola, portico, or similar weather protection feature. Pedestrian amenities such as seating, planters, public art and pedestrian lighting (e.g., antique lamps or bollard lights) at street corners or pedestrian access ways may be counted in fulfilling the one-half percent requirement. (See Figure 17.50.110-2.) Cost estimates for pedestrian amenity improvements shall be prepared by a licensed architect, landscape architect, or other qualified professional, and shall be subject to review and approval by the administrator.~~



~~Figure 17.50.110-2: Example of preferred types of pedestrian amenities, shown with access way between buildings leading to an internal parking area or street end.~~

~~5. Mechanical Equipment and Garbage Storage Areas. Mechanical equipment and garbage storage areas are not permitted within pedestrian space(s). Such facilities shall be screened completely from view and set back 20 feet or more from a pedestrian space for aesthetic reasons and to minimize odors and noise.~~

~~17.50.120 Off-street parking and circulation.~~

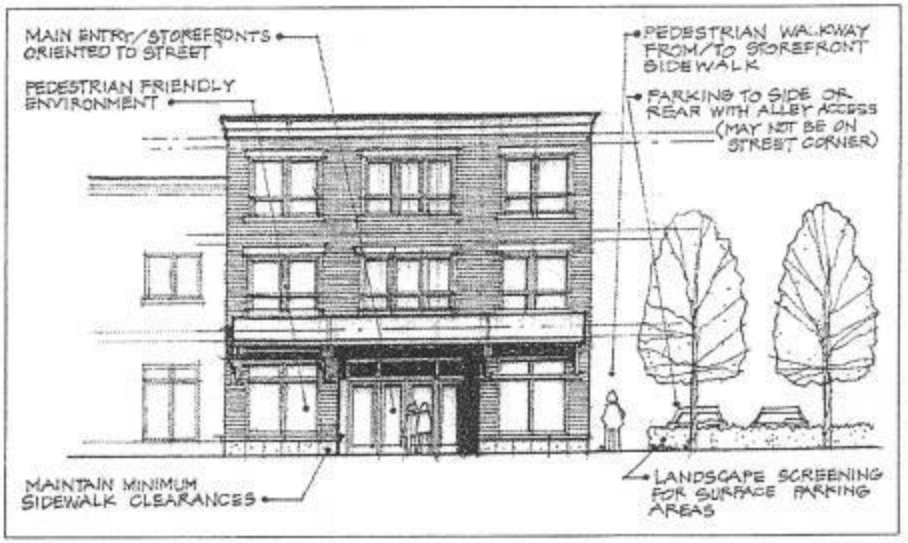
~~A. Intent. Parking is to be primarily in on-street parking spaces, parking bays abutting streets, garages, and in shared public or private parking areas internal to each block. Areas of surface parking must be behind or to the side of buildings. Surface parking may transition to structured parking over time as the market and public-private partnerships allow.~~

~~B. Standards. In addition to standards for block layout, alleys and parking lot access provided in LCMC 17.50.080, the following provisions apply to all new development and redevelopment:~~

~~1. Drive-Up and Drive-Through Uses. The Oceanlake plan district does not allow new drive-up/drive-through facilities. Where applicable, the reviewing authority may approve the relocation and improvement of existing drive-up facilities, subject to a conditional use permit.~~

~~2. Number of Required Parking Spaces. The Oceanlake plan district has no parking requirement for any commercial or mixed use building in the main street highway overlay zone or for the commercial component of any mixed use building in the interior-mixed use or oceanfront overlay zones; all other uses must conform to the minimum parking standards of the LCMC 17.56.050.~~

~~3. Location of Required Parking. New surface parking must be parallel on-street parking spaces, parking bays abutting the street, parking areas located behind or to the side of a building, or a combination of the above. (Recommended: Figure 17.50.120-I.)~~



~~Figure 17.50.120-1: Parking is subordinate to storefront character. Parking must be buffered from adjacent streets and pedestrian ways. Drive-up/drive-through uses, where allowed, shall be oriented away from Main Street.~~

~~4. Parking Lot Design. Surface parking areas must be in bays of not more than 12 parking spaces. The minimum dimension for landscape areas is four feet in width and 24 square feet in area. Additionally, a landscape screen of not less than four feet in width and four feet in height must separate a parking area or access drive from an abutting street or pedestrian access way. Alternatively, and subject to site plan approval, the screen may be reduced to two feet in width where a masonry, wrought iron, brick or similar architectural-grade wall is provided. Landscaping must conform with LCMC 17.50.140. The planning commission may use its discretion to allow a greater number of consecutive parking spaces where the development preserves and protects one or more existing mature trees or exceeds the minimum pedestrian space requirement in LCMC 17.50.110. The commission may award more credit to projects that preserve the largest or most visible trees as viewed from public rights-of-way.~~

~~5. Redevelopment of Surface Parking Lots. Site plans for properties adjacent to city-owned parking lots must allow for conversion of such lots to structured parking in the future. Site plans must allow for the conversion of nonconforming, front yard parking lots to new building sites or pedestrian spaces as properties redevelop.~~

~~6. Parking in Front of Buildings. Due to the pedestrian orientation of this zone, surface parking is not allowed between any new building and the street to which it is oriented. Where such parking currently exists and the owner proposes to redevelop the site, the city may require the owner to install landscaping or other buffering between the parking area and the sidewalk.~~

~~7. Parking Structures. Parking structures (e.g., garages, decks, lids, etc.) may not open onto Highway 101, but must instead access a street, alley, or other access approved through site plan review. Structured parking must not directly abut Highway 101; it must instead be clad with commercial building(s) and/or pedestrian space a minimum of 10 feet in depth along the highway frontage.~~

~~8. Service and Loading Areas. Access to service areas and loading docks/bays must be from an alley and must be screened using architectural elements that are compatible with adjacent~~

~~building(s). Where no alley exists, access to service areas must be from a street other than Highway 101.~~

~~17.50.130 Pedestrian access.~~

~~A. Intent. In new development, the pedestrian circulation system shall provide a direct, convenient and comfortable means of accessing individual uses and connecting to other parts of Oceanlake. The pedestrian system includes sidewalks, pathways, mid-block access ways, and the ocean beach.~~

~~B. Standards. To ensure safe, direct and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system conforming to city standards.~~

~~17.50.140 Landscaping.~~

~~A. Intent. Oceanlake is identifiable, in part, by its shore pines and other coastal vegetation. While it is inevitable that some existing trees will be removed with new development, native vegetation should be preserved where practicable or otherwise replanted in required landscape areas. Trees and hedges serve as windbreaks and visual screens in an area that is otherwise being exposed to high winds. Grassy swales capture and cleanse surface water runoff before it infiltrates into the ground or seeps onto the beach. Mature vegetation also enhances real estate values. For these reasons, as well as for aesthetic reasons, the city requires that all new developments and redevelopment projects attempt to save mature vegetation that is not within building envelopes and provide landscaping in surface parking areas, as buffers between uses, within street planter strips, and to soften the appearance of large building elevations.~~

~~B. Standards.~~

~~1. Mature Landscaping. Site plans shall incorporate existing, mature vegetation that is not within building envelopes and not within areas that are required to be graded or excavated (e.g., for utilities, foundations, and driveways) into the project's landscape design to the greatest extent practicable. Where mature tree removal is unavoidable (e.g., a tree's location precludes reasonable development consistent with prescribed building envelopes, required building orientation, or public improvement requirements), mitigation shall be required as per subsection (B)(3)(g) of this section.~~

~~2. Volume Landscaping and Screening. Large trees and/or shrub planting may be required in quantities exceeding the base requirements of this code to mitigate adjustments to other standard or the loss of mature trees as described under subsection (B)(1) of this section.~~

~~3. Minimum Landscape Standards.~~

~~a. All off-street parking and vehicular use areas (including driveways and loading docks) shall have perimeter landscaping of not less than four feet in depth, and interior landscaping covering at least 10 percent of the entire vehicular use area. The planning commission authority may reduce the minimum landscape area to not less than five percent where the development preserves and protects one or more existing mature trees. The commission shall use its discretion in awarding credit; provided, that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from public rights-of-way including the beach. Areas with preserved trees are counted toward the required parking lot landscaping.~~

~~b. Each separate landscape area shall be a minimum of 24 square feet with a minimum dimension of at least four feet and shall contain at least one tree. All remaining land in the~~

~~landscape area shall be covered by a combination of shrubs, ground cover plants or other city-approved nonvegetative ground cover.~~

~~c. All required buffer strips, screens, and other required landscape areas shall be planted at a density to ensure the intended buffering or screening intent is met; in no case shall a landscape area have less than one tree per 200 square feet of surface or less than one shrub per 50 square feet of area.~~

~~d. Required trees and shrubs shall be noninvasive species that are known to thrive in the northern Oregon coastal environment.~~

~~e. The following guidelines apply:~~

~~i. Vegetation native to the Pacific Northwest coast is encouraged.~~

~~ii. Turf and grass is discouraged, except in residential developments and in water treatment swales.~~

~~iii. Species should be those contained in the Lincoln City Tree Planting Guide and List of Recommended Species, or species recommended by a licensed nurseryman as being suitable for the local climate, as approved by the planning director.~~

~~f. Trees shall be at least two-inch caliper at time of planting.~~

~~g. When tree mitigation is required, the number of mitigation trees required shall be equal to at least one-half the total number required to achieve the number of inches of mature tree(s) removed (diameter measured at four feet above grade). For instance, if a 12-inch diameter tree is removed, then two three-inch trees of the same or comparable species shall be planted.~~

~~h. Irrigation systems shall be provided for all planted areas for a period of at least two years, or until it is demonstrated that new plants have become naturalized.~~

~~i. Shrubs shall be at least three-gallon size when planted.~~

~~j. If hedges are planted for screening, plants shall be at least of an initial size so that the required screening will be achieved within two years.~~

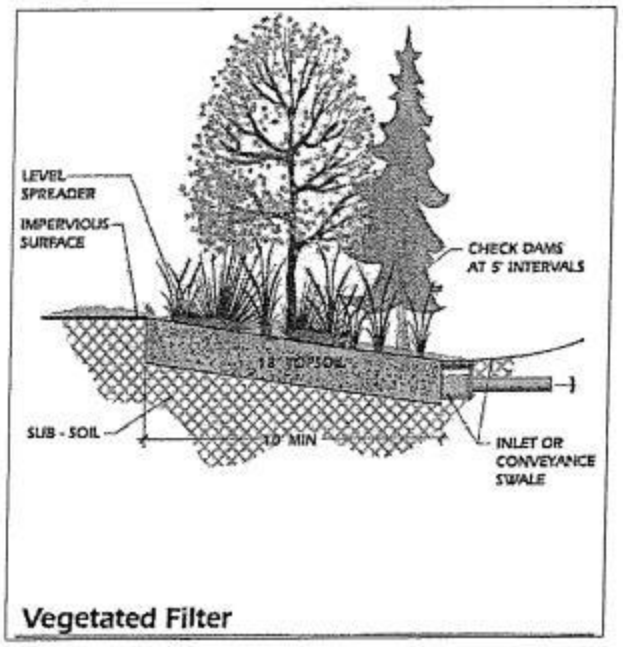
~~k. Trees shall be planted so that encroachment below eight feet into a public right-of-way can be prevented without long-term detriment to the subject tree.~~

~~l. Landscaping shall preserve an adequate line of sight around vehicle accesses.~~

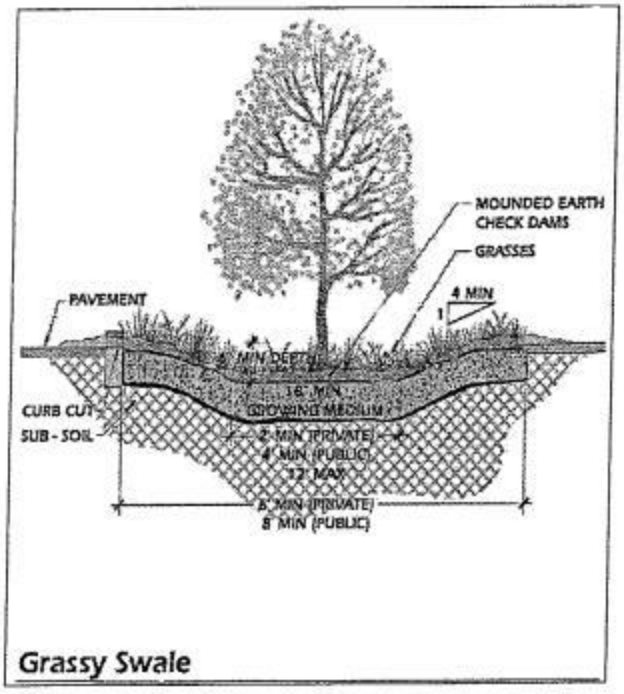
~~m. All landscaping materials shall be in vigorous and healthy growing condition and shall be installed according to common planting procedures, with consideration given to soil condition. The property owner is responsible for maintaining and replacing, as necessary, all approved landscape plants on his property and those within abutting rights-of-way (e.g., street trees).~~

~~4. Parking Area Landscaping. Surface parking areas shall contain landscaping as described under LCMC 17.50.120, Off-street parking and circulation.~~

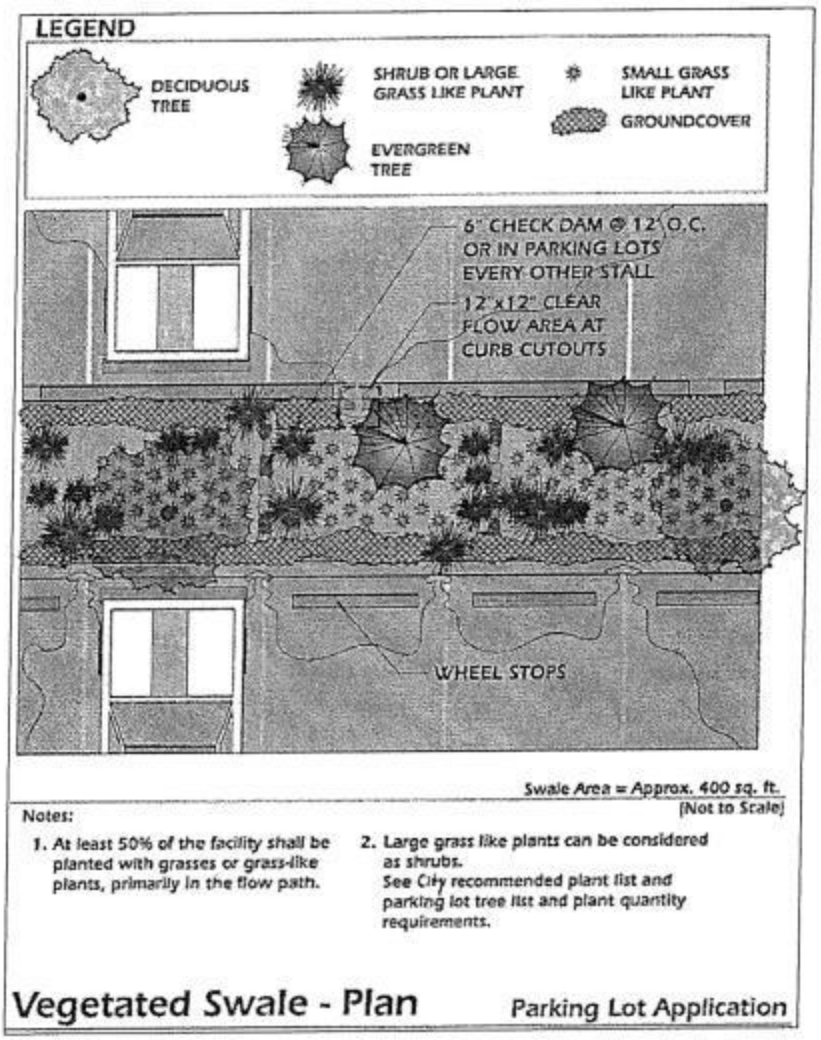
~~5. Water Quality. Where a surface parking area incorporates water quality filters/swales and porous paving materials, such as pavers set in sand, concrete blocks allowing grass to grow through, and/or porous concrete (e.g., particularly along walkways and in parking areas that are used infrequently), the reviewing authority may allow additional building (lot) coverage, consistent with the standards in Table 17.50.060. Porous paving may also be used for small areas, such as the first four feet of a parking lot's perimeter, where it would help reduce or slow surface water runoff. (Recommended: Figure 17.50.140.)~~



Vegetated Filter



Grassy Swale



~~Figure 17.50.140~~

~~17.50.150 Signs.~~

~~A. Intent. The number, size, configuration, placement, color, materials and illumination of signs all play a part in shaping the built environment. Signs in Oceanlake should function primarily as cues for pedestrian wayfinding and business identification. Business identification does not require that owners maximize the size or number of signs. The highway streetscape has built-in traffic calming features that, together with the building design standards, will enable motorists and pedestrians to notice signs at a relatively small scale. Signs designed to a highway scale are not necessary and are discouraged through the following standards.~~

~~B. Standards. Signs shall not be installed without a sign permit. Where a sign permit is required as part of a larger project, the sign package shall be reviewed with the site plan under the applicable provisions of Chapter 17.72 LCMC and the following guidelines and standards. Where a sign permit is requested apart from any other development application, it shall be processed administratively under the applicable provisions of the Lincoln City Municipal Code and the following guidelines and standards:~~

~~1. Building Signs. Building-mounted signs shall be positioned to emphasize established architectural elements such as entrances, windows, gables, etc. Signs should appear to fit within frames created by components of the facade design. Signs should not obscure building details. An individual building shall have no more than four building-mounted signs totaling not more than 48 square feet.~~

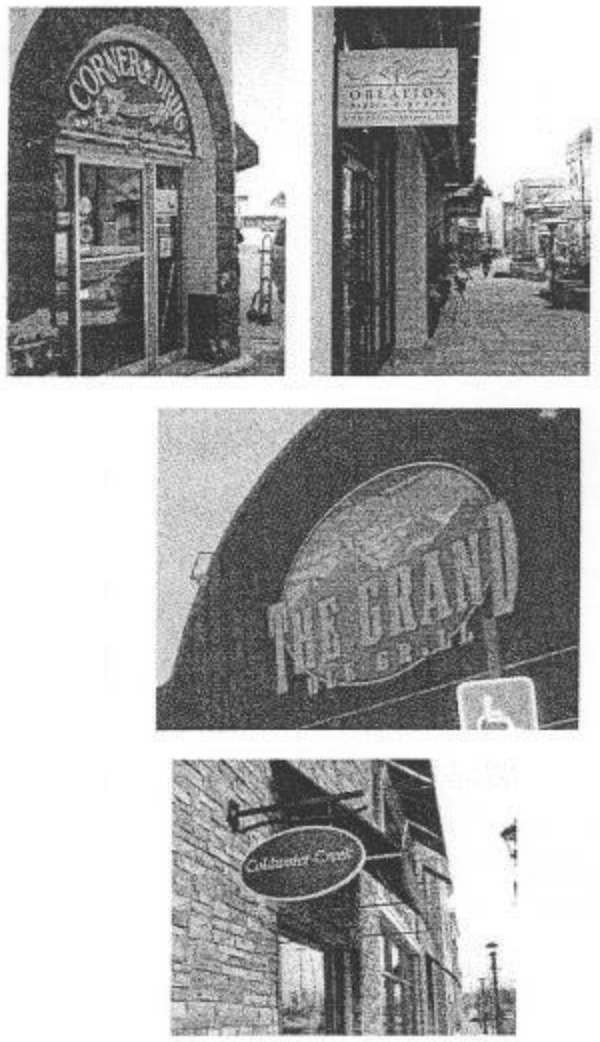
~~2. Freestanding Signs. New freestanding signs shall not exceed six feet in height, except that signs suspended from an awning, canopy or similar architectural feature may be approved subject to applicable building codes. Portable signs shall conform to LCMC 17.72.060(C)(4).~~

~~3. Contextual Design. Signs should complement Oceanlake's natural surroundings. For example, signs engraved or sculpted from metal or wood (natural or painted wood) are preferred over those that are predominantly made of plastic, Plexiglas, or similar reflective materials. Pictographic symbols are encouraged, as they often communicate more than text and add visual interest to the street. Fluorescent (e.g., day-glow), sparkling, reflective, or similar colors or finishes are not permitted. Banner signs, streamers, moving signs, video or animated signs, flashing signs, and similar sign types are considered a nuisance and traffic safety hazard and are therefore not permitted.~~

~~4. Pedestrian Signs. Pedestrian-scale signs, such as blade signs, wood cutout signs, door signs and permanent stylized window signs (allowing at least 50 percent transparency throughout the window) are encouraged. Such signs are exempt from the overall sign area limitations.~~

~~5. Signs for buildings with multiple tenants should be designed to allow for new business names to be added or replaced easily.~~

~~6. Illuminated Signs. When signs are to be illuminated, external light sources shall be used. Light sources shall be placed close to and directed onto the sign they are intended to illuminate, and shielded to minimize glare into the street or onto adjacent properties. Where possible, lights should be incorporated into the sign bracket. Lights placed below any sign (up-lighting) shall be cut off to minimize spillover into the night sky. Lights in canisters and backlit signs, except for those existing prior to the effective date of the design standards, are prohibited. See also LCMC 17.50.160, Exterior lighting.~~



~~Figure 17.50.150-1: Examples of encouraged sign types (from top: mural, blade, wood cutout, hanging sign).~~

~~17.50.160 Exterior lighting.~~

~~A. Intent. The number, size, design and placement of lights all contribute to creating a safe and aesthetically pleasing development. Excessive lighting contributes to light pollution, glare and light trespass, and it diminishes views of the night sky. Lights in Oceanlake should function primarily as tools for pedestrian wayfinding and business visibility. Business visibility does not require that owners fully illuminate their building and parking areas. The urban renewal plan for Oceanlake includes sidewalk lighting (antique street lamps) that, together with modest on-site lighting in developments, will enable motorists and pedestrians to recognize businesses and safely walk to them. Lights designed to a highway scale or large urban commercial scale (e.g., cobra head standards, or car sales lot lighting) are not permitted.~~

~~B. Standards. Outdoor light fixtures shall not be installed without site plan review approval. Where a light fixture is required as part of a larger project, the lighting package shall be~~

~~reviewed under the following guidelines and standards. Where an outdoor light fixture is to be installed apart from any other development application, it shall be processed administratively. Outdoor lighting that does not conform to current standards, but conformed to city standards prior to the effective date of the ordinance codified in this section, is allowed to continue as nonconforming until such time that the light fixture and/or building is remodeled or replaced.~~

~~1. Contextual Design. Exterior lights shall be designed to fit their particular location and function. They should be simple in character and similar in color and intensity to those used traditionally. High pressure sodium lights are appropriate, except where good color rendition is required; enhanced color rendition high pressure sodium lamps, or more uniform spectrum lamps, may also be used.~~

~~a. Pedestrian ways and entrances that are not otherwise illuminated by building-mounted lights or streetlights shall be illuminated using bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas. Illumination between one and two foot-candles for such areas is required.~~

~~b. Building-mounted lights should complement the building background in style; using lights to draw attention to (wash) architectural elements is permitted; provided, that unshielded, high intensity light sources and sources that direct light upward without cut-offs are not permitted. (See subsection (B)(2) of this section.)~~

~~c. Antique-style lights are preferred over recessed can lights and globe fixtures. Contemporary light fixtures that draw on historic elements or provide a new interpretation of an historic style are encouraged.~~

~~d. Maximum initial luminance of outdoor sales areas, storage areas and service station canopies and similar areas shall not exceed 20 foot-candles, except as otherwise approved by the planning director.~~

~~e. Maximum initial luminance of parking lots shall not exceed four foot-candles, except as otherwise approved by the planning director.~~

~~2. Impacts of Lighting. The visual impacts of site and architectural lighting, such as overspray of lights onto adjacent residential properties and lights shining into the night sky, shall be avoided.~~

~~a. Light poles shall not exceed a height of 20 feet.~~

~~b. Only shielded lights are permitted. Shielding should be integral to the light fixture and direct light downward. Exception: Up-lighting of official flags may be allowed; provided, that the luminance level is minimized.~~

~~c. Lighting associated with service areas, parking lots and parking structures, as well as streetlights, shall be shielded or provide cut-offs to avoid glare, light pollution (night sky) and light spillover onto residential properties. Luminance at the property line, or no more than five feet over the property line, shall be zero.~~

~~d. The planning director may require the installation and use of timers or activity switches to prevent unnecessary sources of light by controlling the length of time that exterior lights are in use late at night.~~

~~e. Lights used to wash a building elevation (including any signs) shall not wash more than 75 percent of the facade. Interior lights (e.g., store displays, etc.) are exempt.~~

f. Up-lighting is prohibited. Where lighting is used to wash an exterior wall, the use of recessed eave lighting is preferred. The maximum illumination limits for wall washing are one foot-candle for dark-colored surfaces and one-half foot-candle for light-colored surfaces.

g. The manufacturer's data or measurement shall be provided to demonstrate conformance with subsection (B)(1) of this section. Photometric plans are required with site plan review applications, unless waived by the planning director.

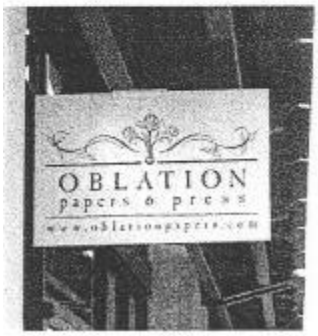


Figure 17.50.160-1: Examples of acceptable lights.

Chapter 17.34

NELSCOTT PLAN (NP) DISTRICT

Sections:

Article I. Nelscott Plan District – General Provisions
17.34.005 Definitions.
17.34.010 Purpose and overall guiding principles.
17.34.020 Nelscott district overlay zones.
17.34.030 Applicability of municipal code regulations.
17.34.040 Administration of design standards.
Article II. Nelscott Land Use Standards
17.34.050 Permitted uses.
17.34.060 General development standards.
Article III. Nelscott Design Standards

17.34.070 Purpose.
17.34.080 Block layout.
17.34.090 Buildings and structures.
17.34.100 Streetscapes.
17.34.110 Pedestrian spaces.
17.34.120 Off-street parking and circulation.
17.34.130 Pedestrian access.
17.34.140 Landscaping.
17.34.150 Signs.
17.34.160 Exterior lighting.
Article I. Nelscott Plan District – General Provisions
17.34.005 Definitions.
Note: The following definitions are informational. Where conflicts occur between the definitions below and an adopted building code, the adopted building code shall apply. For terms that are not defined below and are not defined in the building code, the reviewing authority will use its discretion in selecting from professional source materials that are most relevant to the question at hand.
"Accessibility" means the locational and design characteristics of a use, structure, or facility that permit it to be reached by one with a disability, as prescribed under the Americans with Disabilities Act and associated building codes and guidelines.
"Accessory dwelling unit" means a dwelling unit either attached to a single-family or duplex primary dwelling unit or located on the same lot, having an independent primary means of access, visually subordinate to the primary dwelling, and having a total floor area of not more than 750 square feet.
"Alcove" means a recessed section of a building's exterior wall; may provide weather protection, outdoor seating or other pedestrian amenities.
"Basement" means the lowest story of a building where 50 percent or more of the floor is located below the grade plane.
"Belt course" means a horizontal course in a masonry wall that is of a different color, texture, size, or material and which is compatible with the overall form and architectural composition.
"Bollard" means a post of metal, wood or masonry, or a combination thereof, that is used to separate or direct traffic (vehicles, pedestrians or both). Bollards may contain sidewalk or pathway lighting.
"Clerestory" means a window that extends from the ground floor of a building to near the top of an outside wall.
"Corbel" means a projection on a building out from a masonry wall, sometimes to support a load and sometimes for decorative effect.
"Cornice" means the exterior trim of a structure at the meeting of the roof and wall.
"Facade" means the front or principal face of a building; any side of a building that faces a street, way, or pedestrian space.
"False-front" means a front wall that extends beyond the side walls or rooftop of a building to create a more imposing facade. (See also "Parapet.")
"Fenestration" means the arrangement and design of windows and doors in a building.

~~"Grade" means the surface elevation of the ground.~~
~~"Guideline" means a recommended approach, parameter, example, and/or rationale for interpreting, applying, and/or modifying a standard through the site plan review process. For the purpose of site plan review, the photographs, illustrations, and diagrams contained in this chapter are intended to be used as guidelines, except where an illustration contains a specific dimensional requirement or is accompanied by the words "shall" or "must," then the illustration is intended as a standard.~~
~~"Lintel" means a heavy horizontal beam of wood or stone over an opening of a door or window to support the weight above it.~~
~~"Medallion" means a small decorative detail used to accent a building's exterior.~~
~~"Mezzanine" means an intermediate level between a ground floor and the upper story(ies) occupying a partial area of floor space.~~
~~"Parapet" means a low protective wall at the edge of a roof.~~
~~"Pedestrian-scale lighting" means lighting that is designed and located to illuminate a sidewalk, pathway or other area that is used principally by pedestrians. Bollards, wall-mounted lights and step lights are typical of pedestrian-scale lighting.~~
~~"Pedestrian space" means a public gathering space, such as a plaza, square, outdoor seating area, alcove, sculpture garden, or similar space, oriented to pedestrians and connecting one or more developments to the adjacent streetscape.~~
~~"Pediment" means a low-pitched gable over a portico, door or window; may be used to reduce the scale of a building facade.~~
~~"Pier" means a portion of a wall between windows, doors or other openings.~~
~~"Pilaster" means a shallow pier used to buttress a wall; or a rectangular column with a capital and base, projecting only slightly from a wall as an ornamental motif.~~
~~"Pocket park" means a small plaza or landscaped pedestrian space, typically less than one-quarter acre and not for recreational use.~~
~~"Portico" means a porch or entrance to a building consisting of a covered and often columned area; may be used to address building orientation standards where redeveloping a building to meet the front property line is not feasible.~~
~~"Public art" means artwork in the public realm, regardless of whether it is on public or private property, or whether it is acquired through public or private funding. Public art can be a sculpture, mural, manhole cover, paving pattern, lighting, seating, kiosk, gate, fountain, engraving, carving, fresco or similar artwork which is approved through design review. In evaluating public art proposals, the reviewing authority may refer to guidelines and inventories prepared by the Arts Committee, the National Trust for Historic Preservation and/or other references it deems appropriate.~~
~~"Spandrel" means the blank space between windows and successive stories; or the area between the top of a column or pier and the apex of the arch springing from it.~~
~~"Split-barrel roof" means a rounded roof that resembles a barrel split in half and resting rounded side up.~~
~~"Standard" means a requirement for the purposes of design review approval. Dimensional requirements and provisions containing the words "shall," "must," "not permitted," "prohibited,"~~

"required/requirement," or similar prescriptive or proscriptive terms indicate the presence of a standard.

"Streetscape" means the interface between development and a public street along the development's street frontage; it typically includes storefronts, building entrances, weather protective canopies or awnings, pedestrian spaces such as plazas and curb extensions at intersections, a building front zone along the sidewalk where outdoor seating may occur, a through zone for pedestrians, a street furnishings zone for lights, trees, and other furnishings, and on-street parking where applicable.

"Transparency (windows)" means nonreflective glass with a visible transmittance rating of 0.50 or greater, per the National Fenestration Rating Council.

"Turret" means a small tower extending above a building.

"Wayfinding sign" means a directional sign that is part of an overall sign program for a district, neighborhood, or other city-recognized area as approved through design review. (Ord. 2011-11 § 1; Ord. 2008-18 § 4, Appx. A)

17.34.010 Purpose and overall guiding principles.

The Nelscott plan district (NPD) is established to provide for the integration of residential, commercial, and recreational uses in a well-planned, pedestrian-oriented, mixed use environment. The purpose of the district is to provide maximum flexibility in land use while protecting the unique character of Nelscott. Where a proposed development meets the design requirements of this chapter, the land use approvals process should be as predictable and efficient as possible while striving for excellence in design. The NPD land use and design standards in Articles II and III are intended to ensure that projects support the following objectives:

- Integration and functionality of land uses;
- Connecting Nelscott to the ocean;
- Respecting neighborhood transitions;
- Designing for the climate;
- Aesthetics and context-sensitive design;
- Balancing durability and affordability.

A. Integration and Functionality of Land Uses. Connections between building entrances, sidewalks and associated pedestrian areas should be made to encourage visual and physical integration with a strong sense of place. Due to the small parcel sizes and limited right-of-way widths within Nelscott, developments should maximize the opportunity to consolidate and share parking, for example, by sharing driveways. Where such connections are not practicable, site plans should maximize the opportunity to provide shared parking serving multiple developments.

B. Connecting Nelscott to the Ocean. Nelscott has a network of east-west streets and alleys providing visual and, in some cases, physical access to the beach. The area is defined by village-scale storefronts, beach cottages and hotels nestled between rolling hills, shore pines, and the ocean. While the city recognizes that it is not possible or practical to preserve all views of the ocean, new projects should be designed to take advantage of ocean views while maintaining view corridors from adjacent rights-of-way and pedestrian spaces to the greatest extent practicable.

~~C. Respecting Neighborhood Transitions. Developments on the edge of the Nelscott Plan District should be made compatible with abutting single-family residential uses outside the plan district – particularly the single-family dwellings and cottages to the north. The design standards for Nelscott are intended to address compatibility through height, mass, scale, materials, detailing, setbacks and other elements.~~

~~D. Designing for the Climate. Temperatures in Lincoln City vary widely and it can rain any day of the year. People like being outside and will often walk from place to place even when it's raining. Nelscott has many visitors in the summer and more people are making it their home, or second home. Therefore, buildings should be designed to withstand high winds, as storms can generate winds of 100 miles per hour. Rooflines should not be overly complex and should have proper drainage for rainwater. Roofs should shed and drain water away from building openings, parking, refuse storage areas and other such areas. Commercial buildings should incorporate canopies, awnings, porticos or similar weather protection features. Pedestrian amenities such as plazas and outdoor seating areas should take advantage of southern exposures and be protected from the wind, to the greatest extent practical.~~

~~E. Sustainability. In order to reduce the environmental and energy effects of development, sustainable building practices are encouraged. Permeable pavements for driveways, walkways, and parking areas are encouraged, as is energy conservation in construction. Site designs should maximize the preservation of existing mature vegetation and should provide for on-site storm water quality treatment and management such as through providing bioswales or other natural water treatment features.~~

~~F. Aesthetics and Context-Sensitive Design. Nelscott's aesthetic is rooted in the area's eclectic mix of beach cottages, hotels, and the Nelscott Strip nestled between rolling hills, shore pines, and the ocean. The Nelscott Plan District encourages new development and redevelopment that honors the past while providing a contemporary interpretation of the area's architecture and history. The predominant building materials are painted or natural-stain wood siding (shingle, lap, or board-and-batten), masonry block, brick and stone. Detailing may include any of these materials, as well as limited use of metal or vinyl for canopies, building detailing (e.g., flashing, roof gutters, drains, etc.), signs, art, and other detailing.~~

~~While each project is unique, the Nelscott design standards (Article III) are intended to provide clear and consistent standards. The standards discourage overly thematic, "formula" architecture, or designs used by retailers, national chain stores, franchises and other companies with stores or offices in multiple locations; provided, that corporate logos, art and similar commercial speech are not restricted.~~

~~G. Balancing Durability and Affordability. Balancing durability and affordability means that the city is practical in administering its codes. Great design does not have to be expensive. Sound design principles, quality workmanship, long-lasting materials, and routine maintenance are all important. Historically, development in Nelscott has been characterized by relatively simple building forms with moderate detailing and ornamentation. Traditional materials such as wood, stone, and brick are preferred, but other materials such as architectural-grade composite boards, shingles and trim may be used when it is demonstrated that the material is durable and fits the overall composition of the proposed design. Project designs should respect the past, while being practical and durable for the future. (Ord. 2008-18 § 4(1)(A))~~

~~17.34.030 Applicability of municipal code regulations.~~

~~A. Applicability. The provisions of the Nelscott Plan District, in addition to all other applicable regulations of this title and other city ordinances, shall apply to all uses of land and development within the NP district.~~

~~B. Redevelopment and Remodels. Where an existing use or development is proposed to be modified through redevelopment or exterior remodeling, the standards shall apply only to that portion of the use or development that is to be modified; where more than 50 percent of the use or development is to be modified, the reviewing body may require the entire development to conform to the provisions of this chapter, as provided in subsection (E) of this section.~~

~~C. Burden of Proof. The applicant has the burden of proof of demonstrating conformity with the standards and criteria of this chapter.~~

~~D. Ordinance Conflicts. Where conflicts occur between this chapter and other Lincoln City Municipal Code regulations, the provisions of this chapter shall apply.~~

~~E. Nonconforming Situations. Existing uses and/or developments that do not conform to the provisions of this chapter, but were established lawfully prior to the city adopting this chapter, shall be allowed to continue, as provided in Chapter 17.64 LCMC, Nonconforming Situations, except, however, that a nonconforming residence that is destroyed by any cause to an extent exceeding 50 percent of the appraised value as determined by the records of the county assessor for the year preceding destruction may be rebuilt within the same footprint. To the extent any such rebuilt residence is expanded, including a vertical expansion, the area of expansion must conform to the NP regulations. (Ord. 2008-18 § 4(1)(C))~~

~~17.34.040 Administration of design standards.~~

~~A. Site Plan Review. The design standards will be applied to commercial development (including mixed-use and multifamily dwellings, but not including single-family or two-family dwellings) that must receive approval through the city's site plan review process during that process and prior to issuance of building permits. Single-family or two-family dwellings are subject to the design standards requirements relating to block layout and must receive approval through the building permit review process. The planning director may refer any site plan review application to the planning commission for a public hearing when:~~

~~1. The applicant has requested an adjustment or modification to one or more Nelscott code standard(s), as provided in subsection (C) of this section; or~~

~~2. The applicant requests a hearing; or~~

~~3. The planning director determines that the size or scale of the development (relative to its appearance, traffic generation, parking, or other characteristics) warrants a public hearing.~~

~~B. Design Standards Versus Guidelines. The code sections that follow provide intent statements, followed by standards and guidelines. Most sections contain objective standards and approval criteria; however, some criteria require the reviewing body to apply discretion. Where discretion is involved, the code provides guidelines to assist the reviewing body in evaluating a proposal. The following further explains the relationship between intent statements, standards and guidelines.~~

~~1. Intent statements are not applicable approval criteria, except requests for adjustments or variance must demonstrate how the proposal conforms to the code's intent.~~

~~2. Standards use the words "shall" or "must" and are mandatory.~~
~~3. Guidelines use the words "should," "may," "preferred," and "discouraged," and are advisory. Guidelines supplement the standards and provide examples of acceptable or unacceptable design. Guidelines also assist in reviewing requests for adjustments and variances and may serve as the basis for approval, denial, or approval with modifications in such instances.~~
~~4. Graphics are used to illustrate standards and guidelines. They are not intended to prescribe a particular design but serve as examples of acceptable or unacceptable design solutions.~~
~~5. Standards and guidelines both serve as approval criteria, but the reviewing body is afforded greater latitude in applying guidelines. Where the word "should" is used, the applicant must demonstrate that the proposal is consistent with the guideline, or that applying an alternate design solution is consistent with the code's stated intent. Where a guideline conflicts with any code standard, the standard shall prevail.~~
~~6. In the case of a proposed variance or adjustment to a code standard, the applicant must demonstrate how the variance or adjustment results in equal or greater conformity to the intent of the code and all other applicable standards and guidelines.~~
~~7. Nullification of one standard or guideline by a court of competent jurisdiction shall not cause any other standard or guideline to be nullified.~~
~~C. Adjustments/Modifications to the Standards. The standards contained in this chapter may be adjusted or modified without the need for a variance if the applicant demonstrates that:~~
~~1. The chapter's guiding principles and the intent statement(s) under the applicable standard to be adjusted can be better met through a proposed alternative design solution; or~~
~~2. There are practical difficulties in meeting a standard based on the necessary characteristics of an allowed use. In such cases the design must provide other features that tend to meet the goal of the standard (such as a trellis with vines, a sculpture, or a pergola).~~
~~Where the code language suggests more than one way to meet a particular standard, the applicant is encouraged to be creative and propose the most appropriate design solution given the site's context and the purpose of the code. The decision-making body shall refer to the guiding principles in LCMC 17.34.010, the purpose in LCMC 17.34.070, and the intent under each standard in making its decision; the purpose, guiding principles and intent statements shall serve as the approval criteria for adjustments.~~
~~D. Incentives for Design Excellence. The city encourages excellence in design. Projects that provide superior pedestrian spaces, pedestrian amenities, public art, alleys, shared parking, or superior architecture may be rewarded, for example, with reduced off-street parking requirements, reduced lot sizes, increased allowable building coverage, and/or assistance from the city's urban renewal program. These "incentives" are in addition to the "adjustments" provided in subsection (C) of this section. In granting incentives, the hearing body shall find that the incentive results in a design that is superior to what is required under the base standard(s), and is consistent with one or more of the following guidelines:~~
~~1. Integration and Functionality of Land Uses. Mixed use projects combining upper-story residential uses with ground floor commercial or civic uses are preferred over single-use developments in the NBD and NBMU subdistricts.~~
~~2. Connecting Nelscott to the Ocean. Oceanfront projects that provide the public with physical beach access are preferred over those that provide only visual access or no access at all.~~

~~Nonoceanfront projects should maintain views of the ocean from public rights-of-way where such views currently exist. Where a project results in diminished ocean views, the decision body may consider other mitigating circumstances in approving an incentive, such as the provision of pedestrian spaces (e.g., plaza) or public parking facilities in the vicinity that enable the public to more easily access the shoreline.~~

~~3. Respecting Neighborhood Transitions. Where an applicant requests an exception to the maximum building height standards abutting a residential zone, the project must incorporate mitigating design features, such as additional open space or buffering adjacent to residential uses. Applicants are encouraged to do neighborhood outreach prior to submitting site plans to the city for review. The applicant's efforts to engage the public (e.g., through a design charrette) prior to submitting a site plan application may influence the decision body in approving or denying incentives.~~

~~4. Designing for the Climate. Design elements that show special attention to the Nelscott climate, such as innovative rain protection features, wind protection features, and solar exposure features, are encouraged. Projects going beyond basic wind and rain protection and taking advantage of solar exposure are preferred over projects that do not.~~

~~5. Sustainability. Incentives may be appropriate for projects incorporating green building practices, such as the preservation of existing mature vegetation, use of water quality treatment in parking lots, rooftops, and landscapes, use of renewable energy, and energy conservation in construction. Projects eligible for green certification through a nationally recognized program (e.g., Leadership Through Energy and Environmental Design (LEED) or similar program approved by the city) are preferred over those that do not meet such criteria.~~

~~6. Aesthetics and Context-Sensitive Design. Architecture that goes beyond base code requirements and achieves the vision contained in the Nelscott Redevelopment Plan is preferred over architecture that merely conforms to the base code requirements. For example, corner properties along Highway 101, particularly those in gateway locations, should incorporate a tower or other signature architectural feature. Oceanfront designs should be superior in both their street-fronting elevation as well as their ocean-fronting elevation.~~

~~7. Balancing Durability and Affordability. In granting incentives, preference may be given to projects providing affordable workforce housing or affordable commercial space to small businesses (except overnight accommodations). "Affordable housing" means households earning less than the area median income pay no more than 30 percent of their income toward housing costs. Where incentives are provided, the reviewing authority may require the applicant/owner to record deed restrictions or provide other assurances that the subject housing remains affordable for not less than 10 years. (Ord. 2010-06 § 5; Ord. 2008-18 § 4(1)(D))~~

~~Article II. Nelscott Land Use Standards~~

~~17.34.050 Permitted uses.~~

~~Table 17.34.050.A identifies the land uses allowed in the each of the three Nelscott subdistricts. Uses permitted subject to site plan review are identified with "P"; those that are allowed subject to conditional use permit are identified with "C"; prohibited uses are identified with "N." If a use is not listed, the planning commission may interpret the code and make a similar use ruling following the procedure for authorization of similar uses found in LCMC 17.52.020.~~

~~Table 17.34.050.A – Land Uses Allowed in Nelscott~~

~~Uses Status of Use in District~~

~~Use Categories Business District Cottage Residential Beachside Mixed Use~~

~~Residential Categories~~

~~Single-family dwelling P P P~~

~~Attached single-family dwelling P N P~~

~~Duplex or two-family dwelling (when developed on a minimum 7,000-square-foot lot) P P P~~

~~Accessory dwelling unit, accessory to single-family dwelling or duplex, subject to compliance with design guidelines P P P~~

~~Multiple-family dwellings P N P~~

~~Mixed use~~

~~– dwelling(s) above or abutting a ground floor commercial use~~

~~– dwelling(s) below a ground floor commercial use fronting on Highway 101 P~~

~~N N~~

~~N P~~

~~P~~

~~Manufactured homes when developed in accordance with the standards set forth in LCMC 17.52.250 P~~

~~Commercial Categories~~

~~Drive-up/drive-in/drive-through (drive-up windows, ATMs, similar uses/facilities)~~

~~– lawfully existing as of June 1, 2008~~

~~– new or expanded use P~~

~~N N~~

~~N N~~

~~N~~

~~Walk-up windows, ATMs, similar uses/facilities P N P~~

~~Bed and breakfast inn, per LCMC 17.80.060 P P P~~

~~Educational services, not a school (e.g., tutoring or similar services) P P P~~

~~Entertainment, major event P N P~~

~~Overnight accommodations, except bed and breakfast inns P N P~~

~~Offices P N P~~

~~Outdoor recreation, commercial CU N CU~~

~~Surface parking lot, except for public facilities and parking as an accessory use CU CU CU~~

~~Vehicle servicing or vehicle repair N N N~~

~~Retail sales and service, excluding drive-up P N P~~

~~Retail sales and service, greater than 60,000 square feet N N N~~

~~Retail marijuana facility, subject to the provisions of LCMC 17.80.130 P N N~~

~~Self-service storage N N N~~

~~Vacation rental dwelling, subject to LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC P N P~~

~~Industrial Categories~~

~~Industrial service, excluding drive-up~~
~~– fully enclosed (e.g., office)~~
~~– not enclosed CU~~
~~N N~~
~~N N~~
~~N~~
~~Manufacturing and production in conjunction with an allowed commercial use~~
~~– fully enclosed~~
~~– not enclosed CU~~
~~N N~~
~~N N~~
~~N~~
~~Warehouse and freight movement N N N~~
~~Waste-related, except as accessory to a primary permitted use N N N~~
~~Wholesale sales~~
~~– fully enclosed~~
~~– not enclosed CU~~
~~N N~~
~~N N~~
~~N~~
~~Institutional Categories~~
~~Basic utilities P P P~~
~~Colleges CU N N~~
~~Government use P CU CU~~
~~Day care, adult or child day care; does not include family day care (16 or fewer children) under ORS 657A.440 CU CU CU~~
~~Nursing home, assisted living facility, hospital, rest home, sanitarium, and similar uses CU N N~~
~~Parks and open space~~
~~– pedestrian amenities~~
~~– parks and recreation facilities~~
~~– other open space P~~
~~P~~
~~P P~~
~~P~~
~~P P~~
~~P~~
~~P~~
~~Places of worship1 CU CU CU~~
~~Schools CU CU CU~~
~~Other Categories~~
~~Accessory structures (with a permitted use) P P P~~

~~Community gardens and market gardens not larger than 12,500 square feet, in accordance with the standards of LCMC 17.80.080 P P P~~
~~Gardens and animals, accessory to a permitted use and subject to the provisions of LCMC 17.80.080 P P P~~
~~Radio frequency transmission facilities such as mini-cell antennas and wi-fi antennas CU CU CU~~
~~Stand-alone wireless communication facilities N N N~~
~~Essential emergency communications, early warning and associated emergency facilities P P P~~
~~Transportation facilities (operation, maintenance, preservation, and construction in accordance with the city's transportation system plan) P P P~~
~~1. Together with accessory uses as specified in LCMC 17.80.160.~~
~~(Ord. 2019-29 § 1; Ord. 2019-24 § 11; Ord. 2019-21 § 7; Ord. 2016-20 §§ 4, 5; Ord. 2016-05 § 2; Ord. 2014-29 § 2; Ord. 2009-05 § 15; Ord. 2009-02 § 7; Ord. 2008-18 § 4(2)(A))~~
~~17.34.060 General development standards.~~
~~Except as modified through the procedures in LCMC 17.34.040(C) and (D), the development standards in Table 17.34.060.B apply to all Nelscott uses and development.~~
~~Table 17.34.060.B – Development Standards~~
~~Standard Business District Cottage Residential Beachside Mixed Use~~
~~Minimum Lot Area* (square feet)~~
~~*Development must conform to lot width, depth, yard setback and coverage standards~~
~~– Detached single-family dwelling~~
~~– Attached single-family dwelling~~
~~– Other structures 3,750 sq. ft.~~
~~3,750 sq. ft.~~
~~3,750 sq. ft. 3,750 sq. ft.~~
~~Not applicable~~
~~3,750 sq. ft. 3,750 sq. ft.~~
~~3,750 sq. ft.~~
~~3,750 sq. ft.~~
~~Maximum Dwelling Unit Density~~
~~– Single-family dwelling~~
~~– Duplex or two-family dwelling~~
~~– Multiple-family dwelling1~~
~~One unit per 3,750 sq. ft.~~
~~Two units per 7,000 sq. ft.~~
~~As in R-M zone (high density)One unit per 3,750 sq. ft.~~
~~Two units per 7,000 sq. ft.~~
~~Not applicableOne unit per 3,750 sq. ft.~~
~~Two units per 7,000 sq. ft.~~
~~As in R-M zone (high density)~~
~~Minimum Lot Width 50 ft. 35 ft. 50 ft.~~
~~Minimum Lot Depth 50 ft. 50 ft. 50 ft.~~

~~Building/Structure Height~~
~~Maximum height (see exceptions in LCMC 17.34.090(B)(2)(a))~~
~~Minimum height 45 ft.~~
~~18 ft. 35 ft.~~
~~None 35 ft.~~
~~None~~
~~Fences, retaining/garden walls~~
~~Max. height – Front and street yards~~
~~Max. height – Interior side and rear yards~~
~~3.5 ft.~~
~~6 ft.~~
~~3.5 ft.~~
~~6 ft.~~
~~3.5 ft.~~
~~6 ft., except as may be prohibited in coastal zone~~
~~Building Coverage~~
~~Maximum building coverage (footprint of building including projections such as balconies, cantilevers, etc.) 90% 35%2 80%~~
~~Min. Landscape Area (% site area), except does not apply to single-family dwellings. Landscape area may include plant areas and approved pedestrian spaces. Street trees and other street frontage landscaping included. Single-family and duplex development is subject to landscaping standards in LCMC 17.52.100.10% 10% (may be reduced to 5% where at least one significant shore pine is preserved on site, subject to site plan review) 10% (may be reduced to 5% where at least one significant shore pine is preserved on site, subject to site plan review)~~
~~Minimum Setbacks (feet):~~
~~(See also LCMC 17.34.090(B)(2)(h)(ii), Height Step-Back)~~
~~Front, street, side, and rear property lines, except garage or carport, and subject to building code~~
~~Garage/carport entry, setback from street~~
~~Alley or walkway, building setback from alley or walkway~~
~~0 ft., except as required for utility easements; single-family dwellings subject to NCR standards~~
~~20 ft.~~
~~5 ft.~~
~~5 ft. for one-story dwellings, 7.5 ft. for more than one-story dwellings~~
~~20 ft.~~
~~5 ft.~~
~~10 ft.; single-family dwellings subject to NCR standards~~
~~20 ft.~~
~~Not applicable~~
~~Build-To Line (feet):~~
~~New buildings only: At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a planned street improvement, then the build-to line increases accordingly. The build-to line may~~

also be increased through site plan review when pedestrian amenities are provided between a primary building entrance and the street right-of-way 10 ft. Not applicableNot applicable Special setback for planned street improvements 30 feet from the street centerline where the ultimate right-of-way width is 60 feet; 24 feet from the street centerline where the ultimate right-of-way width is 48 feet; 15 feet from the street centerline where the ultimate right-of-way width is 30 feet.

1. Multifamily dwellings must meet the standards of LCMC 17.20.100.

2. For lawfully created, pre-existing lots between 3,000 and 4,000 square feet, the maximum building coverage is 40 percent. For lawfully created, pre-existing lots smaller than 3,000 square feet, the maximum building coverage is 50 percent.

(Ord. 2010-06 §§ 5, 6; Ord. 2008-18 § 4(2)(B))

Article III. Nelscott Design Standards

17.34.070 Purpose.

The Nelscott design standards are intended to implement the vision for Nelscott, specifically to help ensure that new buildings and rehabilitated existing buildings convey an image consistent with local history and the Oregon coastal environment. The standards reflect the following values and objectives:

- Retain Nelscott's compact, walkable character and the traditional small-scale commercial development in the Highway 101 commercial area;
- Promote the formation of pedestrian-friendly facilities and structures;
- Encourage architectural variety, consistent with the eclectic character of Nelscott; provided, that new development creates a close, intimate human scale and architectural design addresses all four sides of a building;
- Encourage the use of contextually appropriate materials, textures and colors;
- Create vibrant pedestrian spaces (e.g., plazas, public art, cafe seating areas, etc.); pedestrian spaces should help identify Nelscott, create intrigue, and offer weather protection and comfort to pedestrians while adding value to the district;
- Break down large building masses and provide visual interest along the street;
- Balance rhythm and continuity – encourage creativity in the design of building elevations, rooflines and facade elements;
- Retain the small-scale beach cottage character of the interior residential area. (Ord. 2008-18 § 4(3)(A))

17.34.080 Block layout.

A. Intent. New development and redevelopment projects should reinforce the historic street grid of Nelscott. Commercial and mixed use buildings should be placed at or near the sidewalk edge and parking should be set back behind or beside such buildings. Parking should be provided on-street where shoulders are approved to accommodate parking spaces or bays. By maintaining the integrity of Nelscott's historic form, land is used efficiently, traffic is distributed evenly, and new development contributes to a cohesive, pedestrian-friendly district.

B. Standards.

1. Rights-of-Way.

~~a. New development and redevelopment projects that are projected to generate additional vehicle and/or pedestrian traffic may be required to dedicate rights-of-way and/or improve abutting streets and walkways.~~
~~b. Street and walkway right-of-way shall not be vacated, except where it is demonstrated that the development will improve the pedestrian environment.~~
~~2. Street Access.~~
~~a. New vehicle access to Highway 101 is discouraged. Access to Highway 101 and connecting streets is subject to the provisions of Lincoln City highway access standards. The city or ODOT may require vehicle access be provided from side streets, and existing highway approaches be consolidated as a condition of development approval.~~
~~b. The alignment of streets and walkways shall be maintained in new development to ensure connectivity from block to block. The city may require the extension and improvement of a walkway as a condition of development approval. Walkway extensions shall be 10 to 20 feet in width (consistent with the existing width of the walkway), subject to site plan review.~~
~~c. Walkways shall be contained in a public right-of-way or public access easement improved to city standards.~~
~~3. Buildings Abutting Interior Parking Areas. Where a block is planned to contain an interior parking area (i.e., served by an alley or shared access drive), buildings abutting the parking area shall provide entrance(s) opening onto it or be connected to the street by a continuous pedestrian walkway (e.g., between buildings). Buildings and development shall not be configured in a way that precludes public access to such public parking facilities. (See also LCMC 17.34.090 through 17.34.130.) (Ord. 2008-18 § 4(3)(B))~~
~~17.34.090 Buildings and structures.~~
~~A. Single-Family Dwellings and Duplexes.~~
~~1. Intent. The guidelines for single-family dwellings and duplexes are intended to help ensure that new buildings and rehabilitated dwellings convey an image consistent with local history and the Oregon coastal environment. Clear and basic building forms and quality design details are preferred.~~
~~2. Incentives.~~
~~a. Accessory Dwelling Units. A dwelling that complies with at least four of the five guidelines below is eligible for an accessory dwelling unit.~~
~~b. Building Coverage. A dwelling that complies with at least four of the five guidelines below is eligible for increased building coverage of 10 percent. For example, if a dwelling would be allowed 35 percent building coverage without compliance, with compliance it would be entitled to 45 percent building coverage.~~
~~3. Guidelines.~~
~~a. Roofs. Roofs should be pitched, not flat, and should include dormers, gables, and eave trim that enrich the visual quality of the community. High quality architectural embellishments are encouraged.~~
~~b. Facades. The facades are the fronts of the dwellings and convey the relationship of the building to the street and neighborhood. They include windows, doors, shutters, awnings, molding, porches, steps, stoops, and other design elements arranged to convey the character of the building. One- to two-story homes are encouraged. Porches are common in Nelscott and~~

should be provided unless the configuration of the lot precludes it. High-quality exterior woodwork and attention to detail elements is encouraged. Garage entrances should not be a part of the primary building facade.

c. Chimneys. In Nelscott many buildings include unique chimneys of varying shapes that are sheathed with a range of materials including stone, brick, and wood shingles. Dwellings should include chimneys as design elements.

d. Texture and Materials. In Nelscott many homes use textures and materials that relate to elements of the local natural environment, such as river rock chimneys, wood shingled siding, brick, and exposed aggregate paving. Dwellings should make use of high-quality natural materials and should be sided with historic wood materials such as shingles, clapboard, bevel siding, or board-and-batten. Foundations should be faced with rock.

e. Landscape Materials. These include trees, shrubs, grasses, fences, walls, outdoor lighting, walkways and other hard surface gathering areas. Landscape materials add value to homes by enhancing the outdoor space and relate to the architecture of the building and surrounding areas. River rock and quarry stone are equally suitable for walls in Nelscott. Landscape materials should predominately incorporate native materials such as wood and rock and hardy native plantings. The front yard should consist primarily of landscaping, and should not be dominated by paved parking areas.

B. Multifamily Dwellings and Commercial Buildings in the Business District and Beachside Mixed Use District.

1. Intent. The Nelscott Strip, the eclectic group of buildings existing along Highway 101, is an iconic element of Nelscott's image. Commercial development and redevelopment along the highway should continue the pattern established in the existing Nelscott Strip. Therefore building design standards for the business district draw on the design elements characterizing the strip while allowing for design variety. In the Beachside mixed use area, the building design standards draw on the cottage-scale development that exists there now. It is not the city's intent to create an architectural theme or to freeze time. The design standards are not meant to halt progress or restrict property rights, but rather to ensure that new buildings and remodels fit within the context of their surroundings and support a compact, pedestrian-oriented district. In this way, the city can ensure that Nelscott retains its sense of place, vitality and economic base. The key elements of the building design standards are:

• Eclectic coastal architecture, including commercial and mixed use development;

• Building height and articulated facades that create a sense of street enclosure at a human scale;

• Contextually appropriate materials, textures and colors;

• Storefront character (windows, pedestrian shelter, furnishings, etc.);

• Adaptable building styles that comfortably accommodate commercial and mixed land uses;

• A diversity of building facades and rooflines that fall into a consistent rhythm;

• Corner lots as focal points with vertical elements, furnishings and public art.

2. Standards.

a. Height. The maximum allowable height is 45 feet in the Nelscott Business District and 35 feet in the Nelscott Beachside Mixed Use District, except that in the Nelscott Beachside Mixed Use District buildings in existence on July 1, 2008, that exceed a height of 35 feet shall continue to

~~be considered conforming and may be rebuilt if destroyed by any cause to an extent exceeding 50 percent of the appraised value (expansions of such buildings must conform to the 35-foot height limit). Chimneys, spires, towers, and other architectural projections exceeding the allowed height may be allowed through site plan review. To the extent they are permitted, building stories and projections exceeding 35 feet in height must be recessed behind the next lower building stories by not less than 10 feet, unless a lesser recess is allowed through site plan review on the basis of superior architectural design or as described in subsection (B)(2)(h)(ii) of this section.~~

~~b. Building Form.~~

~~i. Overall Form. Architectural designs shall address all four sides of a building. The predominant form abutting Highway 101 is a generally "flat" elevation on the lowest story with any recesses or projections ("articulations") appearing subordinate to the dominant rectangular form. Upper stories generally are accommodated within gables and dormers (either gable or shed). New buildings should reflect the predominant form while expressing individuality, for example with vertical elements such as cupolas, turrets or towers on corner properties. New buildings should not mimic any other building in their form or detailing.~~

~~ii. Stepped Rooflines. Height shall vary from building to building to avoid a homogeneous appearance. This standard is met by using either stepped rooflines or slightly dissimilar overall height (i.e., building-to-building). Abrupt changes in height between buildings can be managed by having the taller building follow the horizontal lines of the shorter building along the first two floors and reference elements or detailing of the shorter building(s) on its upper stories. See also subsection (B)(2)(c) of this section.~~

~~iii. Roof Form. Side-facing gable roofs are the predominant roof form in the Highway 101 area, usually incorporating front-facing dormers, and this form shall be followed on new buildings. Shed roofs sloping to the rear are allowed as well. Mansard roofs, including false mansards (applied forms without windows), are discouraged and A-frame buildings and other nontraditional Nelscott forms are prohibited.~~

~~c. Storefront Character.~~

~~i. Fenestration (Windows and Doors).~~

~~(A) Applicability. The window transparency requirement does not apply to the auditorium portion of a theater (but does apply to the lobby and concession area), to the guestroom portion of a motel, hotel, or resort (but does apply to the lobby and other portions), or to multiple-family dwellings (but does apply to the commercial parts of mixed use buildings incorporating multiple-family dwellings).~~

~~(B) Standard. Consistent with the desired storefront character, buildings shall provide large display windows, windowed doors and transom windows. The ground floor, street-facing elevation of all buildings shall contain at least 60 percent transparent windows, measured as a section extending the width of the street-facing elevation between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane 80 inches above the sidewalk grade. Upper floors may have less window area, but should follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. Buildings without a street-facing elevation, such as those that are set back behind another building and those that are oriented to a pedestrian space (e.g., side plaza or court), shall meet the 60 percent~~

~~transparency standard on all elevations abutting pedestrian spaces and on elevations containing a primary entrance.~~

~~d. Building Orientation. New buildings shall conform to the build-to line requirements in LCMC 17.34.060. Primary building entrances shall be oriented to a front yard or a side yard, consistent with the build-to line requirement.~~

~~e. Primary Entrances. Buildings shall have clearly defined primary entrances. Primary entrances for buildings fronting onto Highway 101 shall be oriented to the highway or a corner where the highway and a side street meet. Buildings on other streets shall have primary entrances oriented to a street, court or walkway. All primary entrances shall be covered for a depth of not less than five feet; either by recess, overhang, canopy, portico and/or awning extending at least five feet over the entrance. See also subsection (B)(2)(n) of this section, Pedestrian Shelters.~~

~~f. Secondary Entrances. Buildings with more than 90 feet of frontage on a street shall have a second entrance oriented to that street. Buildings adjacent to an internal parking area shall provide a secondary entrance in conformance with LCMC 17.34.080(B)(3). (See also this section and LCMC 17.34.100, Streetscapes.)~~

~~g. Armature of the Block. Buildings fronting Highway 101 or Anchor Avenue shall give the impression of being individual, small-scale structures. This may be accomplished by providing a minimum six-foot separation between individual buildings, by a significant change in roofline combined with changes in cladding material and recessed entryways at the point of change, or by other means approved by the reviewing authority. Building separations shall contribute positively to the pedestrian environment, for example by providing a pedestrian space, a pedestrian access way to a parking facility, or an access to residences located on an upper building story or behind a commercial use.~~

~~h. Building Mass.~~

~~i. Traditional Building Pattern. Buildings shall incorporate offsets or divisions in the facade to express the traditional lot pattern and building width of Nelscott. Changes in facade material, window design, facade height or decorative details are examples of techniques that should be used. These variations should be expressed throughout the width of the structure such that the composition appears to be a collection of smaller buildings or storefronts.~~

~~ii. Height Step-Back. For properties fronting Highway 101, portions of a building exceeding two stories shall be set back on the street sides of each successive story of the building above the second story a minimum of 10 feet from the next immediate lower story. The purpose of the height step-back is to maintain the appearance of a shorter building from the street and to provide for light filtering down to the street. Note: Height step-backs also apply along the east-west (numbered) streets for the purpose of protecting coastal views and solar access, per subsection (A) of this section. The planning and community development director may approve an adjustment waiving the above standard for a portion of a building incorporating a signature vertical element (e.g., clock tower) on a street corner, as recommended in subsection (B)(2)(l) of this section. Any projection exceeding 45 feet shall not contain habitable floor space.~~

~~iii. Street Level/Upper Floor. The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt courses, or similar detailing, materials and/or fenestration.~~

~~i. Accessibility. Accessibility shall be provided consistent with applicable building codes. Where wheelchair ramps are required, the ramp design shall incorporate materials and detailing similar to the base of the building.~~

~~j. Openings.~~

~~i. Ground Floor Windows. Ground floor elevations shall conform to subsection (B)(2)(c)(i) of this section. Decorative detailing and ornamentation around windows (e.g., sills, corbels, medallions, pediments, or similar features) is encouraged.~~

~~ii. Upper Floor Windows. Upper floor window orientation should be primarily vertical, or have a width that is no greater than the width of the ground floor windows.~~

~~iii. Projecting Windows, Display Cases. Where windows, flower boxes or display cases break the front plane of the building on its ground floor, such items shall not encroach into a required sidewalk clear zone. For durability and aesthetic reasons, display cases, when provided, shall be part of the building (not affixed to the exterior) and integrated into the building with trim or other detailing.~~

~~iv. Entrances. Ground level entrances shall be recessed behind the front facade not less than three feet and be at least partly transparent, except transparency is not required on entrances to residences. This standard may be met by providing a door with a window(s) or sidelights beside the door.~~

~~v. ATMs and Service Windows. Where ATMs or service windows are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.~~

~~vi. Corner Entrances. Buildings on corner lots should have corner entrances. Such entrances are not required to be recessed, but shall have an awning or canopy for weather protection. Where a corner entrance is not provided, the building plan shall provide for a corner plaza consistent with LCMC 17.34.110, or the building shall provide architectural features that honor the corner as a pedestrian space; such features may include but are not limited to an alcove with seating, public art (e.g., sculpture or fountain), a vertical building element such as a tower (e.g., clock tower), or other feature approved through site plan review. (See also LCMC 17.34.110, Pedestrian spaces.)~~

~~vii. Remodels. The scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, columns, weather protection shelters, and other features shall be visually compatible with the overall composition of the building (i.e., including building materials, color, detailing, etc.).~~

~~k. Horizontal Rhythms.~~

~~i. Traditional Lot and Building Pattern. Street-facing elevations shall be articulated not less than once every 25 feet to maintain a pedestrian scale and to avoid blank walls. Other elevations may be articulated less frequently but should complement the overall building design. The approving authority may require detailing on a zero-lot-line elevation to reduce the apparent scale and avoid blank walls, i.e., until an abutting property develops.~~

~~ii. Horizontal Lines. New building designs and exterior remodels shall establish prominent horizontal lines and avoid blank walls. Examples of such horizontal lines include: base materials and detailing below a series of storefront windows, awning or canopy lines, belt courses~~

between building stories, and cornice or parapet lines. It is not necessary for new lines to match existing lines.

iii. Ground Floor/Upper Floor Division. A clear visual division shall be maintained between the ground level floor and upper floors, for example, through the placement of windows, transoms, canopies, awnings, and signage. The majority of signage should be placed on the ground floor elevation (e.g., sign bands, canopy signs, or blade signs).

l. Vertical Lines. New construction or front elevation remodels should reflect a vertical orientation, either through breaks in volume or the use of surface details, to divide large walls and create a pedestrian scale. Building massing for corner properties on Highway 101 should accentuate the corner location with a vertical element. See also LCMC 17.34.080, Block layout.

m. Materials and Color.

i. Primary Materials. Exterior building materials shall predominately consist of painted or natural stain wood, stone, brick, rusticated concrete block (warm earth tones) or comparable cladding. Rough-hewn wood, timbers and metals may be used as accents but not as the primary exterior cladding. See also subsection (B)(2)(m)(ii) and (iii) of this section, Secondary Materials and Substitute Materials.

ii. Secondary Materials. Any of the primary materials listed in subsection (B)(2)(m)(i) of this section may also be used as secondary materials or accents. Metals such as copper, steel, iron, bronze and similar appearance metals may be used as trims or accents (e.g., flashing, weather protection features, ornamentation, etc.) when compatible with the overall building design, and subject to review and approval through site plan review.

iii. Substitute Materials. Substitute materials that are equal in appearance and durability to those in subsection (B)(2)(m)(i) of this section may be approved at the discretion of the reviewing authority through site plan review. The applicant will be required to provide specifications from the manufacturer.

iv. Color. Color schemes should be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes should tie together signs, ornamentation, awnings, canopies and entrances. There shall be no more than one base color for each 25 horizontal feet of the front elevation; one base color for the entire front elevation is preferred. Using only one or two accent colors is also preferred, except where precedent exists for using more than two colors with some architectural styles (e.g., arts and crafts). Natural wood finishes are appropriate for doors, window sashes and trim, signs, canopies and other architectural accents. Luminescent, sparkling, neon and "day-glow" colors are not allowed (e.g., outlining building), except that neon signs are allowed subject to applicable sign codes. Metals shall be brushed finish or painted in muted or earth tones to minimize glare.

v. Contemporary Designs. Materials that provide a contemporary interpretation of local architecture styles, including arts and crafts, art deco, and vernacular (beach cottage) styles are encouraged. Buildings that resemble suburban strip malls (e.g., picture windows extending to near grade level) and those that use highly reflective glass, clerestory windows and/or similar nontraditional features are discouraged.

vi. Restoration and Rehabilitation. Restoration and rehabilitation projects should incorporate original materials and design elements (e.g., previously covered over), to the extent practicable.

n. Pedestrian Shelters. Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least 60 percent of a building's ground floor elevation(s) where the building abuts a sidewalk, walkway, plaza, pedestrian access way, or outdoor seating area. Pedestrian shelters used to meet the above standard shall extend at least five feet over the pedestrian area, shed rain away from building entrance(s), be proportionate to the building in its dimensions, and not obscure the building's architectural details. If mezzanine or transom windows exist, the shelter shall be below such windows where feasible.

Exception: The reviewing authority may reduce the minimum shelter depth upon finding that existing right-of-way dimensions or building code requirements preclude a larger shelter.

o. Mechanical Equipment.

i. Screening. When mechanical equipment, such as utility vaults, air compressors, generators, private antennas, private satellite dishes, or similar equipment, is adjacent to a street, sidewalk or pedestrian space, it shall be screened from view on all streets. Where such equipment is installed on a side or rear building elevation and is adjacent to a walkway, access way, or pedestrian space, its appearance shall be minimized or screened using materials and/or colors that are similar to those used on the subject building. Standpipes, meters, vaults and similar equipment should not be placed on a front elevation when other alternative locations exist; such equipment shall be placed on a side or rear elevation when practicable.

ii. Rooftops. Rooftop mechanical units shall not be visible from any street and shall not exceed the allowable building height.

iii. Ground-Mounted Units. Ground-mounted mechanical units shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges may also be used as screens where there is adequate sunlight and irrigation to ensure their successful growth. (Ord. 2010-06 § 5; Ord. 2008-18 § 4(3)(C))

17.34.100 Streetscapes.

A. Intent. The relationship between the local street system, Highway 101 and adjoining properties is important from both a transportation planning and a land use perspective. The Oregon Department of Transportation (ODOT) is the permitting authority for all access onto Highway 101. As the permitting agency for land use, the city works cooperatively with ODOT to manage development adjacent to the highway. The city's design standards are intended to implement the community's vision of a cohesive streetscape, with on-street parking, wide sidewalks, weather protection (pedestrian) shelters, benches, pedestrian-scaled lighting, public art, opportunities for cafe seating, and other amenities. A safe, inviting and comfortable pedestrian environment benefits businesses, highway users and the community as a whole.

B. Standards. In addition to standards for block layout, alleys and parking lot access provided in LCMC 17.34.080, the following provisions apply to all new development:

1. Transportation Plan Conformity. New development shall conform to the policies, standards, specifications and design details (e.g., street sections) contained in the city's transportation system plan (TSP) and the requirements of this chapter, specifically LCMC 17.34.080, Block layout, and 17.34.110, Pedestrian spaces. When streetscape improvements are required of new development, such improvements shall conform to the TSP.

2. Local Streets. LCMC 17.34.080 provides standards for local street improvements.

~~3. Pedestrian Amenities. LCMC 17.34.110 provides standards for pedestrian spaces and pedestrian amenities. Additionally, the Nelscott Redevelopment Plan provides specifications for street furnishings such as benches, trash receptacles, wayfinding signs, and streetlights. (Ord. 2008-18 § 4(3)(D))~~

~~17.34.110 Pedestrian spaces.~~

~~A. Intent. The increased development intensity, mixture of uses, pedestrian activity, close building orientation and minimal private open space envisioned for Nelscott require that pedestrian space be provided along building frontages and in breaks between buildings. Pedestrian spaces, such as plazas, extra-wide sidewalks, outdoor seating areas, pedestrian access ways between buildings, alcoves and pocket parks, provide visual relief, pedestrian resting areas and opportunities for socialization. Pedestrian spaces do not have to be publicly owned or maintained. Public or private, they are as important as building design and central parking to the success of Nelscott. Therefore, the city requires that all new developments and redevelopment projects contribute their proportionate share of pedestrian space.~~

~~B. Standards.~~

~~1. Pedestrian Space Standard. At least three percent of every development site, except for residential developments (but including mixed use developments), shall be designated and improved as pedestrian space. The highest priority locations for pedestrian space are those areas with the highest pedestrian activity (e.g., street corners and mid-block pedestrian access ways) that have a western or southern exposure (within 45 degrees of true south or west). Where no such area exists, then pedestrian space should be provided as an extended sidewalk or walkway connecting multiple developments.~~

~~2. Dimensions. All pedestrian spaces shall have dimensions of not less than eight feet across and have a surface area of not less than 64 square feet.~~

~~3. Public Access. Such areas shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns and/or texture). Where a right-of-way connection is not possible, the owner shall be required to provide a public access way easement to the pedestrian space. Pedestrian spaces shall not be gated or closed to public access, unless otherwise required by the city.~~

~~4. Pedestrian Amenities Required. Where pedestrian space is required, it shall contain pedestrian amenities such as plaza space, extra-wide sidewalks (e.g., outdoor cafe space), benches, public art, pedestrian-scale lighting, wayfinding signs (as approved by the city) or similar pedestrian areas in an amount equal to or greater than one-half of one percent of the estimated construction cost of the subject building(s). Where a pedestrian space adjoins a building entrance it should incorporate a canopy, awning, pergola, portico, or similar weather protection feature. Pedestrian amenities such as seating, planters, public art and pedestrian lighting (e.g., antique lamps or bollard lights) at street corners or pedestrian access ways may be counted in fulfilling the one-half of one percent percent requirement. Cost estimates for pedestrian amenity improvements shall be prepared by a licensed architect, landscape architect, or other qualified professional, and shall be subject to review and approval by the administrator.~~

~~5. Mechanical Equipment and Garbage Storage Areas. Mechanical equipment and garbage storage areas are not permitted within pedestrian space(s). Such facilities shall be screened completely from view and set back 20 feet or more from a pedestrian space for aesthetic reasons and to minimize odors and noise. (Ord. 2008-18 § 4(3)(E))~~

~~17.34.120 Off-street parking and circulation.~~

~~A. Intent. Parking is to be provided to meet the anticipated normal demand. Where areas of surface parking exist, such areas shall be oriented behind or to the side of buildings. Off-street parking and loading for uses within the Nelscott Plan District are to be provided in accordance with Chapter 17.56 LCMC except as provided below.~~

~~B. Standards. In addition to the standards of Chapter 17.56 LCMC and the standards for block layout, alleys and parking lot access provided in LCMC 17.34.080, the following provisions apply to all new development:~~

~~1. Drive-Up and Drive-Through Uses. New drive-up/drive-through facilities (e.g., windows, ATMs, etc.) are not permitted. Where applicable, the reviewing authority may approve the relocation and improvement of existing drive-up facilities, subject to a conditional use permit.~~

~~2. On-Street Parking. Existing or required paved, standard-sized parking spaces that abut a parcel and that are located in a public street may be counted toward the required parking for commercial development on that parcel. For parcels fronting on Highway 101, the number of on-street parking spaces for standard-sized vehicles within 200 feet of a parcel may be counted toward the required number of parking spaces for commercial or mixed uses.~~

~~3. Off-Street Parking. There is no minimum off-street parking requirement for the commercial component of any mixed use building within 400 feet of a public parking facility; all other uses shall conform to the minimum parking standards of the municipal code except that required off-street parking spaces may be located on another parcel not more than 400 feet from the parcel they are intended to serve. Where new surface parking is planned, it shall be limited to parallel on-street parking spaces, parking bays abutting the street, and/or parking areas located behind or to the side of a building.~~

~~4. Parking Lot Design. Surface parking areas shall be divided into bays of not more than 12 parking spaces per bay. The minimum dimensions for landscape areas are four feet in width and 24 square feet in area. Additionally, where a parking area or access drive abuts a street or pedestrian access way, a landscape screen of not less than four feet in width and four feet in height shall be provided. Alternatively, the screen may be reduced to two feet in width where a masonry, wrought iron, brick or similar architectural-grade wall is also provided, subject to site plan review. Landscaping shall be provided in conformance with LCMC 17.34.140. The planning commission may allow a greater number of consecutive parking spaces where the development preserves and protects one or more existing mature trees or exceeds the minimum pedestrian space requirement in LCMC 17.34.110. The commission shall use its discretion in adjusting the standard; provided, that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from public rights-of-way.~~

~~5. Redevelopment of Surface Parking Lots. Site plans for properties adjacent to city-owned parking lots should allow for conversion of such lots to structured parking in the future. Site plans should also allow for the conversion of nonconforming, front yard parking lots to new building sites or pedestrian spaces as properties redevelop. Where a proposed project would~~

construct underground parking, the review authority may adjust building coverage, setbacks, or other development standards to facilitate provision of public-private parking spaces.

6. Parking in Front of Buildings. Due to the pedestrian orientation of Nelscott, surface parking is not allowed between any new building and the street to which is it oriented. Where such parking currently exists, the owner may be required to install landscaping or other buffering between the parking area and the sidewalk with future redevelopment.

7. Service and Loading Areas. The visual, traffic, odor and noise impacts of service and loading areas, relative to streets, pedestrian spaces, pedestrian access ways and adjacent residences, shall be minimized. Service areas and loading docks/bays shall be accessed from an alley and screened using architectural elements that are compatible with adjacent building(s). Where no alley exists, service areas shall be accessed from streets other than Highway 101.

8. Exception for Commercial Vacation Rental Dwellings. A vacation rental dwelling in the NBMU or NBD subdistricts that (a) is in a building that existed on October 1, 2008, or pursuant to LCMC 17.34.040(E), replaces, with no increase in the number of bedrooms, such a building that was destroyed by calamity (e.g., fire, flood, earthquake), and (b) is on a lot that is too small to accommodate the number of parking spaces required by LCMC 17.80.050, need only provide the number of parking spaces that, as determined by the planning and community development director, reasonably can be accommodated on the lot. (Ord. 2010-06 § 5; Ord. 2008-18 § 4(3)(F))

17.34.130 Pedestrian access.

A. Intent. In new development, the pedestrian circulation system shall provide a direct, convenient and comfortable means of accessing individual uses and connecting to other parts of Nelscott. The pedestrian system includes sidewalks, pathways, mid-block access ways, and the ocean beach.

B. Standards. To ensure safe, direct and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system conforming to city standards. (Ord. 2008-18 § 4(3)(G))

17.34.140 Landscaping.

A. Intent. Nelscott is identifiable, in part, by its shore pines and other coastal vegetation. While it is inevitable that some existing trees will be removed with new development, native vegetation should be preserved where practicable or otherwise replanted in required landscape areas. Trees and hedges serve as windbreaks and visual screens in an area that is otherwise being exposed to high winds. Grassy swales capture and cleanse surface water runoff before it infiltrates into the ground or seeps onto the beach. Mature vegetation also enhances real estate values. For these reasons, as well for aesthetic reasons, the city requires that all new developments and redevelopment projects attempt to save mature vegetation that is not within building envelopes and provide landscaping in surface parking areas, as buffers between uses, within street planter strips, and to soften the appearance of large building elevations.

B. Standards.

1. Mature Landscaping. Site plans shall incorporate existing, mature vegetation that is not within building envelopes and not within areas that are required to be graded or excavated (e.g., for utilities, foundations, and driveways) into the project's landscape design to the greatest extent practicable. Where mature tree removal is unavoidable (e.g., a tree's location precludes reasonable development consistent with prescribed building envelopes, required building

orientation, or public improvement requirements), mitigation shall be required as per subsection (B)(3)(g) of this section.

2. Volume Landscaping and Screening. Large trees and/or shrub planting may be required in quantities exceeding the base requirements of this code to mitigate adjustments to other standards or the loss of mature trees as described under subsection (B)(1) of this section.

3. Minimum Landscape Standards.

a. All off-street parking and vehicular use areas (including driveways and loading docks) shall have perimeter landscaping of not less than four feet in depth, and interior landscaping covering at least 10 percent of the entire vehicular use area. The planning commission authority may reduce the minimum landscape area to not less than five percent where the development preserves and protects one or more existing mature trees. The commission shall use its discretion in awarding credit; provided, that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from public rights-of-way including the beach. Areas with preserved trees are counted toward the required parking lot landscaping.

b. Each separate landscape area shall be a minimum of 24 square feet with a minimum dimension of at least four feet and shall contain at least one tree. All remaining land in the landscape area shall be covered by a combination of shrubs, ground cover plants or other city-approved nonvegetative ground cover.

c. All required buffer strips, screens, and other required landscape areas shall be planted at a density to ensure the intended buffering or screening intent is met; in no case shall a landscape area have less than one tree per 200 square feet of surface or less than one shrub per 50 square feet of area.

d. Required trees and shrubs shall be noninvasive species that are known to thrive in the northern Oregon coastal environment.

e. The following guidelines apply:

i. Vegetation native to the Pacific Northwest coast is encouraged.

ii. Turf and grass is discouraged, except in residential developments and in water treatment swales.

iii. Species should be those contained in the Lincoln City tree planting guide and list of recommended species, or species recommended by a licensed nurseryman as being suitable for the local climate, as approved by the planning director.

f. Trees shall be at least two inch caliper at time of planting.

g. When tree mitigation is required the number of mitigation trees required shall be equal to at least one-half total number required to achieve the number of inches of mature tree(s) removed (diameter measured at four feet above grade). For instance, if a 12-inch diameter tree is removed, then two three-inch trees of the same or comparable species shall be planted.

h. Irrigation systems shall be provided for all planted areas for a period of at least two years, or until it is demonstrated that new plants have become naturalized.

i. Shrubs shall be at least a three-gallon size when planted.

j. If hedges are planted for screening, plants shall be at least of an initial size so that the required screening will be achieved within two years.

k. Trees shall be planted so that encroachment below eight feet into a public right-of-way can be prevented without long-term detriment to the subject tree.

l. Landscaping shall preserve an adequate line of sight around vehicle accesses.
m. All landscaping materials shall be in vigorous and healthy growing condition and shall be installed according to common planting procedures, with consideration given to soil condition. The property owner is responsible for maintaining and replacing, as necessary, all approved landscape plants on his property and those within abutting rights-of-way (e.g., street trees).
4. Parking Area Landscaping. Surface parking areas shall contain landscaping as described under LCMC 17.34.120.
5. Water Quality. Where a surface parking area incorporates water quality filters/swales and porous paving materials, such as pavers set in sand, concrete blocks allowing grass to grow through, and/or porous concrete (e.g., particularly along walkways and in parking areas that are used infrequently), the reviewing authority may allow additional building (lot) coverage, consistent with the standards in Table 17.34.060.B. Porous paving may also be used for small areas, such as the first four feet of a parking lot's perimeter, where it would help reduce or slow surface water runoff. (Recommended: Figure 17.34.140.)
Figure 17.34.140: Typical parking lot landscape concepts, incorporating water quality features.
(Ord. 2008-18 § 4(3)(H))
17.34.150 Signs.
A. Intent. The number, size, configuration, placement, color, materials and illumination of signs all play a part in shaping the built environment. Signs in Nelscott should function primarily as cues for pedestrian wayfinding and business identification. Business identification does not require that owners maximize the size or number of signs. The highway streetscape has built-in traffic calming features that, together with the building design standards, will enable motorists and pedestrians to notice signs at a relatively small scale. Signs designed to a "highway scale" are not necessary and are discouraged through the following standards.
B. Standards. Signs shall not be installed without a sign permit. Where a sign permit is required as part of a larger project, the sign package shall be reviewed with the site plan under the applicable provisions of Chapter 17.72 LCMC and the following guidelines and standards. Where a sign permit is requested apart from any other development application, it shall be processed administratively under the applicable provisions of the Lincoln City Municipal Code and the following guidelines and standards:
1. Building Signs. Building-mounted signs shall be positioned to emphasize established architectural elements such as entrances, windows, gables, etc. Signs should appear to fit within "frames" created by components of the facade design. Signs should not obscure building details. An individual building shall have no more than six building-mounted signs totaling not more than 48 square feet.
2. Freestanding Signs. New freestanding signs shall not exceed six feet in height, except that signs suspended from an awning, canopy or similar architectural feature may be approved subject to applicable building codes. Portable signs shall conform to LCMC 17.72.060(C)(4).
3. Contextual Design. Signs should complement Nelscott's natural surroundings. For example, signs engraved or sculpted from metal or wood (natural or painted wood) are preferred over those that are predominately made of plastic, Plexiglas, or similar reflective materials. Pictographic symbols are encouraged, as they often communicate more than text and add visual interest to the street. Fluorescent (e.g., day-glow), sparkling, reflective, or similar colors or

finishes are not permitted. Banner signs, streamers, moving signs, video or animated signs, flashing signs, and similar sign types are considered a nuisance and traffic safety hazard and are therefore not permitted.

4. Pedestrian Signs. Pedestrian-scale signs, such as blade signs, wood cutout signs, door signs and permanent stylized window signs (allowing at least 50 percent transparency throughout the window) are encouraged. Such signs are exempt from the overall sign area limitations.

5. Signs for buildings with multiple tenants should be designed to allow for new business names to be added or replaced easily.

6. Illuminated Signs. When signs are to be illuminated, external light sources shall be used. Light sources shall be placed close to and directed onto the sign they are intended to illuminate, and shielded to minimize glare into the street or onto adjacent properties. Where possible, lights should be incorporated into the sign bracket. Lights placed below any sign (up-lighting) shall be cut off to minimize spillover into the night sky. Lights in canisters and backlit signs, except for those existing prior to the effective date of the ordinance codified in this chapter, are prohibited. See also LCMC 17.34.160, Exterior lighting.

Figure 17.34.150: Examples of encouraged sign types (from top, left to right: mural, blade, wood cutout, hanging sign).

(Ord. 2019-14 § 3; Ord. 2008-18 § 4(3)(l))

17.34.160 Exterior lighting.

A. Intent. The number, size, design and placement of lights all contribute to creating a safe and aesthetically pleasing development. Excessive lighting contributes to light pollution, glare and light trespass, and it diminishes views of the night sky. Lights in Nelscott should function primarily as tools for pedestrian wayfinding and business visibility. Business visibility does not require that owners fully illuminate their building and parking areas.

B. Standards. Outdoor light fixtures shall not be installed without site plan review approval. Where a light fixture is required as part of a larger project, the lighting package shall be reviewed under the following guidelines and standards. Where an outdoor light fixture is to be installed apart from any other development application, it shall be processed administratively. Outdoor lighting that does not conform to current standards, but conformed to city standards prior to the effective date of the ordinance codified in this chapter are allowed to continue as nonconforming until such time that the light fixture and/or building is remodeled or replaced.

1. Contextual Design. Exterior lights shall be designed to fit their particular location and function. They should be simple in character and similar in color and intensity to those used traditionally. High-pressure sodium lights are appropriate, except where good color rendition is required; enhanced color rendition high-pressure sodium lamps, or more uniform spectrum lamps, may also be used.

a. Pedestrian ways and entrances that are not otherwise illuminated by building-mounted lights or streetlights shall be illuminated using bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas. Illumination between one to two foot-candles for such areas is required.

b. Building-mounted lights should complement the building background in style; using lights to draw attention to (wash) architectural elements is permitted; provided, that unshielded, high

~~intensity light sources and sources that direct light upward without cut-offs are not permitted. (See subsection (B)(2) of this section.)~~

~~c. Antique-style lights are preferred over recessed can lights and globe fixtures. Contemporary light fixtures that draw on historic elements or provide a new interpretation of a historic style are encouraged.~~

~~d. Maximum initial luminance of outdoor sales areas, storage areas and service station canopies and similar areas shall not exceed 20 foot-candles, except as otherwise approved by the planning director.~~

~~e. Maximum initial luminance of parking lots shall not exceed four foot-candles, except as otherwise approved by the planning director.~~

~~2. Impacts of Lighting. The visual impacts of site and architectural lighting, such as overspray of lights onto adjacent residential properties and lights shining into the night sky, shall be avoided.~~

~~a. Light poles shall not exceed a height of 20 feet.~~

~~b. Only shielded lights are permitted. Shielding should be integral to the light fixture and direct light downward. Exception: Up-lighting of official flags may be allowed; provided, that the luminance level is minimized.~~

~~c. Lighting associated with service areas, parking lots and parking structures, as well as streetlights, shall be shielded or provide cut-offs to avoid glare, light pollution (night sky) and light spillover onto residential properties. Luminance at the property line, or no more than five feet over the property line, shall be zero.~~

~~d. The planning director may require the installation and use of timers or activity switches to prevent unnecessary sources of light by controlling the length of time that exterior lights are in use late at night.~~

~~e. Lights used to wash a building elevation (including any signs) shall not wash more than 75 percent of the facade. Interior lights (e.g., store displays, etc.) are exempt.~~

~~f. Uplighting is prohibited. Where lighting is used to wash an exterior wall, the use of recessed eave lighting is preferred. The maximum illumination limits for wall washing are one foot-candle for dark-colored surfaces and one-half foot-candle for light-colored surfaces.~~

~~g. The manufacturer's data or measurement shall be provided to demonstrate conformance with the standards set out in subsection (B)(1) of this section. Photometric plans are required with site plan review applications, unless waived by the planning director.~~

~~Figure 17.34.160: Examples of acceptable lights.~~

~~(Ord. 2008-18 § 4(3)(J))~~

~~Chapter 17.45~~

~~TAFT VILLAGE CORE (TVC) ZONE~~

~~Sections:~~

~~17.45.010 Purpose.~~
~~17.45.020 Application.~~
~~17.45.030 Definitions.~~
~~17.45.040 Land use activities.~~

17.45.050 Site development standards.
17.45.060 General preferences, requirements and standards.
17.45.070 Signs.
17.45.080 Parking.
17.45.090 Development incentives.
17.45.100 Nonconforming uses and structures.

17.45.010 Purpose.

The purpose of the Taft Village core (TVC) zone is to provide for a wide variety of uses, including retail, professional office, service-oriented businesses, single-family and multifamily residences and combinations of the above in mixed use developments within a core area of the village of Taft where concentrations of a variety of uses will encourage a pedestrian-oriented pattern of development that is different from the patterns found between Lincoln City's village nodes. (Ord. 2000-09 § 3; Ord. 84-2 § 3.105(1))

17.45.020 Application.

The TVC zone constitutes the primary zoning provisions (development standards) for the core area of the village of Taft. The requirements of this chapter are in addition to other requirements of this title. If there is a conflict between the regulations provided in other chapters of this title and this chapter, the regulations provided in this chapter shall prevail. Where direction is not provided in this chapter, provisions in other chapters of this title shall prevail. (Ord. 2000-09 § 3; Ord. 84-2 § 3.105(2))

17.45.030 Definitions.

For purposes of the TVC zone, the following definitions shall apply:

"Automated teller machine (ATM)" means a pedestrian-oriented machine used by bank and financial patrons for conducting transactions including deposits, withdrawals, and fund transfer, without contact with financial institution personnel.

"Building facade" means the entire building front including the parapet.

"Building facade – primary" means the side of a building that faces the street and has a main pedestrian entrance from the street.

"Building footprint" means the ground surface area above which a building, including cantilevered parts of the building, is located.

"Building orientation" means the manner in which the building is positioned on a lot and its architectural features relate to surrounding structures, spaces, and landscapes.

"Development incentives" means discretionary measures provided to applicants of new development by the city of Lincoln City or the urban renewal agency to encourage improvements with a pedestrian orientation.

"Edge treatment" means the design treatment of the setback between a building facade and an adjacent street.

"Floor area – gross" means the total area of all floors in a structure, or on a specified level of a structure, as measured from the outside surface of exterior walls or the centerline of common walls. It excludes any crawl space, area used exclusively for vehicle parking or loading, breezeway, attic without floor, and an open porch, colonnade, deck, balcony, or terrace.

"Joint use parking" means the sharing of parking areas by two or more uses, structures, or parcels of land to satisfy parking requirements, reduce the amount of land dedicated to

~~vehicular parking, and increase the amount of land available for new development, plazas, or other uses.~~

~~"Mixed use" means a development that includes a mix of commercial and residential uses that are planned and developed together on the same site or adjoining sites. The mix of uses may occur in the same building or in separate buildings.~~

~~"Monument sign" means a freestanding sign that is permanently affixed at grade and has a monolithic or columnar line and which maintains essentially the same contour from grade to top.~~

~~"New development" means any construction, or alteration of an existing structure or land use, or establishment of a land use, after December 31, 2000.~~

~~"Outdoor sales" means the outdoor retail sales of merchandise associated with an adjacent existing commercial establishment.~~

~~"Pedestrian orientation" means any physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians, including but not limited to:~~

~~1. Street furniture;~~

~~2. Design amenities related to the street level such as awnings, pedestrian connections, colonnades, and arcades;~~

~~3. Visibility into buildings at the street level;~~

~~4. Highly articulated facades at the street level with interesting uses of material, color, and architectural detailing;~~

~~5. Continuity of the sidewalk with a minimum of intrusions into pedestrian right-of-way;~~

~~6. Continuity of building facades along the street with few interruptions in the progression of buildings and stores;~~

~~7. Pedestrian-oriented signs; and~~

~~8. Landscaping.~~

~~"Pedestrian-oriented sign" means a sign with design qualities and elements that are oriented and scaled to the pedestrian rather than the motorist.~~

~~"Plaza" means a public or private area generally open to the public on a controlled basis and used for passive recreational activities and relaxation. Plazas are pedestrian areas typically provided with amenities such as seating, fountains, art, and landscaping. The paving or surface materials of plazas must comply with Americans with Disabilities Act requirements.~~

~~"Pole sign" means any sign which is supported by one or more uprights, poles or braces in or upon the ground which are not a part of any building or enclosed within the exterior walls of any building and are separated therefrom by a distance of at least six inches.~~

~~"Setback" means the distance by which a structure or parking area must be separated from a lot line or other structure.~~

~~"Sidewalk cafe" is any group of tables and chairs, and its authorized decorative and accessory devices, situated and maintained upon the public sidewalk or along the private porches, plazas, and arcades for use in connection with the consumption of food and beverage sold to the public from or in an adjoining indoor restaurant or delicatessen.~~

"Story" means that portion of a building included between the surface of any floor and the surface of the next floor above or, if there is no floor above, the space between the floor and the ceiling.

"Structured parking" means a structure established for the short-term storage of operative vehicles for patrons. Structured parking can be constructed as an accessory to another primary use or uses that require the provision of off-street parking.

"Taft Village core" means the area depicted graphically below and generally defined by the Fleet Avenue alignment at Highway 101 (north), Schooner Creek bridge and Siletz Bay (south), Inlet Avenue (east), and the west end of SW 51st Street (west).

(Ord. 2008-21 § 3; Ord. 2000-09 § 3; Ord. 84-2 § 3.105(3))

17.45.040 Land use activities.

This section contains a matrix that establishes which land uses are permitted (P), conditionally permitted (C), or expressly prohibited (–) within the TVC zone. A conditionally permitted use requires approval of a use permit by the planning commission in compliance with applicable provisions of Chapter 17.60 LCMC. If a particular use is not listed, the planning director shall be responsible to make a use determination to decide if the proposed use is similar to a listed use. Unless a proposed use is determined to be similar to a listed permitted or conditionally permitted use, it is a prohibited use. A permitted or conditionally permitted use may be subject to site plan review in accordance with LCMC 17.52.240.

TVC Land Use Activity P or C

A. Administrative and Professional Offices –

Commercial establishments where the administrative, clerical and managerial functions of a business or industry are conducted or where members of a profession conduct their practice. Examples include accounting, medicine, physical therapy, veterinary with no kennels, engineering, real estate. P

B. Automotive Related Uses –

Commercial establishments which provide parts, repair and service for motor vehicles: –

1. Auto parts/supplies sales – No installations P

2. Auto parts/supplies sales – With installations –

3. Car washes –

4. Fuel/service stations –

5. Vehicle (car, RV and truck) sales/leasing –

C. Boarding and Lodging Facilities1 –

Commercial establishments which provide boarding and lodging facilities: –

1. Bed and breakfast accommodations P

2. Condominiums with 10 units or less and with nightly rentals2 C

3. Hotels/motels with 10 units or less P

4. Recreational vehicle parks –

5. Time-share units C

6. Vacation rental dwelling, subject to LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC P

D. Eating/Drinking Establishments –

~~Commercial establishments which serve prepared food or beverages for consumption on or off the premises:~~

~~1. Night clubs/bars/lounges/micro-brew pubs P~~

~~2. Restaurants – without drive-throughs (including cafes, coffee shops, family restaurants, etc.) P~~

~~3. Restaurants – with drive-throughs –~~

~~4. Restaurants – with walk-up windows (with or without seating) P~~

~~5. Sidewalk cafes C~~

~~6. Wine tasting P~~

~~E. Entertainment/Recreation Establishments~~

~~Commercial establishments which provide participant/spectator amusement, entertainment or sport, primarily for financial gain. Examples include auditoriums, theaters, museums. Game arcades are limited to five games/machines when located as an auxiliary use in an otherwise permitted use.~~

~~1. Auditoriums, convention centers, movie theaters, museums C~~

~~2. Miscellaneous indoor establishments (i.e., pool halls, billiard parlors, game arcades) C~~

~~3. Miscellaneous outdoor establishments (i.e., amphitheater, swimming/aquatics facility) C~~

~~F. Financial~~

~~Commercial establishments that engage in monetary transactions not directly related to the sale of a product/service. Examples include: banks, savings and loan, etc.~~

~~1. Financial land use, with no ATMs P~~

~~2. Financial land use, with interior ATMs P~~

~~3. Financial land use, with exterior ATMs C~~

~~4. Interior ATMs, as an accessory to another permitted or conditionally permitted use C~~

~~5. Exterior ATMs, as an accessory to another permitted or conditionally permitted use –~~

~~G. Mixed Use~~

~~Developments that contain office/retail/service establishments and residential uses, either within the same structure or on the same parcel. P~~

~~H. Personal Service~~

~~Commercial establishments which provide services of a personal nature. Examples include: barber/beauty/nail shops, tailor shops, dance school/karate studio, dry cleaners/laundromat, health/athletic clubs, travel agent, therapeutic massage. P~~

~~I. Residential~~

~~1. Single-family dwellings, in accordance with Chapter 17.16 LCMC P~~

~~2. Attached single-family dwellings, in accordance with LCMC 17.52.260 P~~

~~3. Two-family and duplexes, in accordance with Chapter 17.16 LCMC P~~

~~4. Multifamily dwelling units, with edge treatment B, in accordance with R-M zone standards C~~

~~5. Multifamily dwelling units, with edge treatment A or C, in accordance with R-M zone standards P~~

~~6. Accessory dwelling units, in accordance with LCMC 17.45.060(D) P~~

~~7. Manufactured homes, in accordance with Chapter 17.16 LCMC and LCMC 17.52.250 P~~

~~8. Four-flat dwellings, subject to the provisions of LCMC 17.80.140 P~~

~~J. Retail Commercial~~

~~Commercial establishments which sell merchandise generally needed/desired by the residents, employees and visitors of/to the community. Examples include: packaged food, liquor, grocery, drugs, video rental, general merchandise, gift shops, sporting goods, building materials, garden supplies/nurseries, antiques/second hand stores, convenience stores, but exclude mini-warehouses. P~~

~~Retail marijuana facility, if located within 100 feet of the right-of-way of Highway 101, and subject to the provisions of LCMC 17.80.130.P~~

~~K. Service Commercial~~

~~Commercial establishments which provide business, repair and miscellaneous services. Examples include: printing/publishing, laboratories, catering, interior design, miscellaneous repairs (indoor only). P~~

~~L. Other Uses~~

~~1. Ambulance service C~~

~~2. Art gallery and studio P~~

~~3. Places of worship3 C~~

~~4. Clubs, lodges, meeting halls C~~

~~5. Home occupations P~~

~~6. Handicraft-type industries with on-site sales (i.e., crafts, saddles) P~~

~~7. Parks/playgrounds/community gardens C~~

~~8. Police/fire facilities C~~

~~9. Public facilities/public parking lots P~~

~~10. Public/private schools, business/trade schools, in accordance with LCMC 17.80.010 C~~

~~11. Public utility or utility substation C~~

~~12. Essential emergency communications, early warning and associated emergency facilities P~~

~~13. Community gardens and market gardens not larger than 12,500 square feet, in accordance with the standards of LCMC 17.80.080 P~~

~~14. Gardens and animals, accessory to a permitted use and subject to the provisions of LCMC 17.80.080 P~~

~~15. Transportation uses, defined in Chapter 17.08 LCMC P~~

~~16. Docks, subject to the provisions of LCMC 17.44.040 C~~

~~1 A cap of 212 units in boarding and lodging facilities are permitted in the TVC zone, not including bed and breakfast accommodations and other boarding and lodging facilities with 10 units or less.~~

~~2 A minimum of 50 percent of the ground-level gross floor area of new hotels/motels and condominiums with nightly rentals shall be comprised of eating/drinking establishments, entertainment/recreation establishments, or retail commercial uses.~~

~~3 Together with accessory uses as specified in LCMC 17.80.160.~~

~~(Ord. 2019-24 § 16; Ord. 2019-23 § 8; Ord. 2019-21 § 8; Ord. 2019-02 § 6; Ord. 2017-09 § 12; Ord. 2016-20 § 7; Ord. 2016-05 § 3; Ord. 2014-29 § 3; Ord. 2012-06 § 9; Ord. 2009-05 § 16; Ord. 2009-02 § 6; Ord. 2005-14 § 12; Ord. 2000-09 § 3; Ord. 84-2 § 3.105(4))~~

~~17.45.050 Site development standards.~~

~~This section establishes development standards for projects in the TVC zone.~~

~~A. Development standards for single-family residential uses shall be in accordance with Chapter 17.16 LCMC, except as modified in this section.~~

~~B. Development standards for multiple-family residential uses and duplexes shall be in accordance with Chapter 17.20 LCMC, except as modified in this section.~~

~~C. Maximum building height is 38 feet (subject to the exceptions contained in LCMC 17.52.200, e.g., chimneys, spires, towers, etc.). Buildings must have a gable, hipped gable, hipped, or shed roofline. Buildings of more than two stories shall be set back on the street sides of each successive story of the building (above the second story) a minimum of 10 feet from the building face of the next immediate lower story.~~

~~D. Setbacks shall be provided consistent with the edge treatments contained in Table 17.45.050-1 and Figure 17.45.050-A.~~

~~E. For parking areas adjacent to a public right-of-way, a minimum 10-foot landscaped setback from face of curb shall be provided.~~

~~F. Weather protection structures, e.g., canopies, porches, arcades, and colonnades, must be provided to the curb line within the existing street right-of-way along street frontages designated for edge treatment A. (Figure 17.45.050-A)~~

~~G. Public facilities are exempt from site development standards.~~

~~H. All development with edge treatment A shall incorporate mixed use. See Figure 17.45.050-A.~~

~~I. A minimum of 50 percent of the ground-level gross floor area of new hotels/motels and condominiums with nightly rentals shall be comprised of eating/drinking establishments, entertainment/recreation establishments, or retail commercial uses.~~

~~J. If a hotel, motel, condominium, or other lodging facility in the TVC zone is destroyed by any cause to an extent exceeding 50 percent of the appraised value as determined by the records of the county assessor for the year preceding destruction, such lodging facility may be rebuilt with the same or fewer number of rooms, Chapter 17.64 LCMC to the contrary notwithstanding.~~

~~K. A cap of 212 units in boarding and lodging facilities are permitted in the TVC zone, not including bed and breakfast accommodations and other boarding and lodging facilities with 10 units or less.~~

~~Table 17.45.050-1~~

~~Edge Treatments~~

~~A – Street Adjacent B – Semi-Street Adjacent C – Setback from Street~~

~~Description Street Adjacent – Pedestrian Orientation. This edge treatment requires placing the front elevation or landscaping of new development on the front property line and at the sidewalk edge to create a strong relationship between buildings and the street, excluding architectural projections or other architectural features. Semi-Street Adjacent – Landscaped Perimeters. This edge treatment requires landscaped setbacks of a minimum five feet between buildings and streets, interrupted only by pedestrian areas, plazas, and sidewalks. Setback from Street – Limited Parking. This edge treatment requires one bay of parking (one to two rows plus aisle) between the street and new development, with landscaped parkway or street trees accenting the sidewalk edge.~~

General Areas of Applicability Highway 101, 51st Street, Fleet Avenue, and portions of local streets. Refer to Figure 17.45.050-A for specific edge condition locations. Cottage commercial and residential environments. Refer to Figure 17.45.050-A for specific edge condition locations. Along east edge of Inlet Avenue only. Refer to Figure 17.45.050-A for specific edge condition locations.

Key Details • Avoid setbacks from the sidewalk edge.

• Create continuous pedestrian activity in an uninterrupted sequence by minimizing gaps between buildings, blank walls and parking lots.

• Create pedestrian connections to parking lots at the rear or sides of buildings.

• Use building indentations to create small pedestrian plazas along the street wall. • Create pedestrian connections between buildings.

• Use landscaped setbacks to create "outdoor rooms" with plazas and gardens.

• Parking absent from front yards and landscaped setbacks.• Create pedestrian linkages from the public sidewalk to building perimeter and entries.

• Provide vehicular access and pedestrian connections to adjoining parcels whenever possible.

• Provide accent landscaping and enhanced paving at vehicular entries.

Edge Illustration

Figure 17.45.050-A

(Ord. 2000-09 § 3; Ord. 84-2 § 3.105(5))

17.45.060 General preferences, requirements and standards.

The following general preferences, requirements and standards apply to new development in the TVC zone.

A. Preferences. This subsection (A) is intended to promote compatible and enhanced site and building design throughout the village of Taft core area. This process provides a means for property owners to implement both the comprehensive plan and the village of Taft redevelopment plan related to Taft's physical development and to the preservation of its unique character. This subsection (A) is not intended to create standards, approval criteria or legally enforceable requirements.

In reviewing projects/improvements subject to any approval, the planning director shall refer to appropriate design guidelines in the village of Taft redevelopment plan (or any others that may be adopted by the city) in order to provide guidance to applicants seeking to comply with the requirements of the village of Taft redevelopment plan and the TVC zone.

The design theme poster contained in Figure 17.45.060-A, Parts I, II, and III, is to be used by property owners, developers, architects, landscape architects and designers in the planning and design of projects in the village of Taft. The design guidance provided by the poster communicates the Lincoln City community and city's desired qualities and characteristics of development and are intended to promote quality design that is compatible with Taft's unique character and its vision for the future.

~~Figure 17.45.060-A, Part I~~
~~Figure 17.45.060-A, Part II~~
~~Figure 17.45.060-A, Part III~~
~~B. New Commercial/Mixed Use. New commercial buildings and mixed use buildings shall comply with the following pedestrian-oriented design standards and location and development criteria:~~
~~1. For building facades that face an abutting street, a minimum of 50 percent of the ground floor facade shall include windows and/or doors. The building facade shall be designed so a blank wall without a window or doorway is no greater than 20 feet in length.~~
~~2. A minimum of 50 percent of the lot frontage abutting a street shall be occupied by a building facade. For lots with three or more street frontages, this standard shall apply to two lot frontages.~~
~~3. Residential units must not be located on street level.~~
~~4. Public facilities are exempt from the mixed use requirement.~~
~~C. New Multifamily and Attached Single-Family Residential.~~
~~1. These standards do not apply to mixed use development in which residential uses are located above commercial uses.~~
~~2. Building Orientation. New multifamily and attached single-family dwellings shall meet the following standards:~~
~~a. Each ground floor unit located along a street shall include a covered or recessed entry, or porch, oriented to the street.~~
~~b. Units along a street shall be oriented with building fronts parallel to the street.~~
~~3. New Multifamily and Attached Single-Family Parking, Site Access, and Circulation. Parking areas or driveways adjacent to any street frontage shall not occupy more than the greater of: 25 percent of the street frontage; or 20 feet, if a two-way driveway. If garages are oriented to front on a street, the following standards shall be met:~~
~~a. Only single-car garage doors are permitted;~~
~~b. Garage doors must be recessed at least three feet behind the front facade.~~
~~D. Accessory Dwelling Units. Accessory dwelling units must meet the following criteria:~~
~~1. Density. One accessory dwelling unit may be allowed as an accessory use to a single-family dwelling on any residential lot that meets the minimum lot size requirement.~~
~~2. Unit Size. An accessory dwelling unit must not exceed 750 square feet.~~
~~3. Off-Street Parking. If paved, on-street parking is available abutting the lot, no off-street parking will be required for an accessory dwelling unit. If such on-street parking is not available, one off-street parking space must be provided on the lot for the accessory dwelling unit in addition to the parking required for the single-family dwelling.~~
~~E. Outdoor Sales. All commercial uses, including repair, service and storage, shall be conducted within a completely enclosed building or be completely screened from view from off the subject site, except that the outdoor sales display of merchandise in conjunction with antique shops, flower shops, art galleries, beach equipment shops, kite shops, and similar specialty and craft businesses is permitted in the TVC zone subject to the following provisions:~~
~~1. Outdoor sales displays may be allowed upon the public sidewalk; provided, that a minimum width of four feet is maintained clear of any obstructions and the city grants a right-of-way incursion permit;~~

~~2. No additional signs or other advertising devices (temporary or permanent) shall be used in conjunction with outdoor sales displays except those allowed in compliance with this title;~~
~~3. The outdoor sales display of merchandise shall only occur during times when the associated establishment is also open for business; and~~
~~4. Only merchandise normally available at the associated business may be displayed outdoors.~~
~~F. Installation of Public Improvements. Project developers are responsible for providing public improvements in compliance with city standards at the time of development, in accordance with LCMC 17.52.230. For the purposes of this requirement, development shall also include the expansion of existing structures by 50 percent or more of the gross floor area.~~
~~G. Undergrounding of On-Site Utilities. All new development shall provide underground utilities service installation or connections in compliance with LCMC 17.52.120(B). For the purposes of this requirement, development shall also include the expansion of existing structures by 50 percent or more of the gross floor area.~~
~~H. Landscaping. In parking areas adjacent to public right-of-way, landscaping shall provide a two-and-one-half-foot to three-foot-high screen across the entire parking frontage except for driveways. Landscape screening may include a combination of low hedgerow plantings, landscaped berms or low decorative masonry walls. The minimum width of a landscaped area required for screening purposes shall be five feet. In addition, landscaping shall be provided in accordance with Table 17.45.050-1 and Figure 17.45.050-A, and LCMC 17.52.100, with the following exceptions:~~
~~1. Pedestrian plazas may be used to meet up to 50 percent of the lot area landscaping requirement.~~
~~2. Landscaping requirements may be reduced by 50 percent for lots under 10,000 square feet, where a primary building front is located adjacent to the right-of-way or adjacent to a pedestrian plaza that itself is adjacent to the right-of-way, and on-site parking within a surface lot is not provided.~~
~~3. Properties with structured or garage parking of more than 50 spaces are eligible for a 50 percent reduction of landscaping requirements.~~
~~4. Street trees and landscaping located in public right-of-way are exempted from the provisions of LCMC 17.52.100.~~
~~I. Mechanical Equipment. No mechanical equipment, vents, ducts, HVAC equipment, transformers, or dish antennas shall be visible from ground level from any adjacent parcel, or any public street or right-of-way. This shall be accomplished through the extension of the main structure or roof, or screening in a manner that is architecturally integrated with the main structure. Plantings may be used to screen mechanical equipment at ground level; provided, that the plantings achieve full screening upon installation.~~
~~J. Business Address Required. Each business or structure (as appropriate) shall provide its address in numbers a minimum of six inches in height. The address shall be placed on the building, awning valance, or canopy in a manner to be clearly visible from the adjacent street, alley, and sidewalk. The preferred locations are above the main pedestrian entrance and at rear or side entrances.~~
~~K. Sidewalk Cafes. Sidewalk cafes on public sidewalks can enhance the pedestrian ambiance of Taft and are encouraged. The purpose of this subsection is to set out the conditions and~~

~~requirements under which a sidewalk cafe may be permitted to operate on a public sidewalk within the TVC zone.~~

~~1. Conditional Use Permit Required. A conditional use permit is required for all sidewalk cafes in accordance with Chapter 17.60 LCMC. Notwithstanding the requirements of Chapter 17.60 LCMC, the planning director may grant a conditional use permit for a sidewalk cafe. The planning director may require an applicant for a permit to obtain the permit from the planning commission.~~

~~2. ODOT Right-of-Way. The Oregon Department of Transportation (ODOT) may require a separate permit for sidewalk cafes located adjacent to Highway 101 within the ODOT right-of-way.~~

~~3. Limitations and Requirements. A sidewalk cafe may be permitted in the TVC zone subject to the sidewalk cafe being situated adjacent to an indoor restaurant or delicatessen as specified below, and the sidewalk cafe's operation is incidental to and a part of the operation of such adjacent indoor restaurant or delicatessen.~~

~~a. A sidewalk cafe may be located on the public sidewalk immediately adjacent to and abutting the indoor restaurant or delicatessen which operates the cafe; provided, that the area in which the sidewalk cafe is located extends no farther along the sidewalk's length than the actual sidewalk frontage of the operating indoor restaurant or delicatessen and all other applicable provisions of this section are fulfilled.~~

~~b. An indoor restaurant or delicatessen may be permitted to operate only one sidewalk cafe and each sidewalk cafe shall be confined to a single location on the sidewalk.~~

~~c. A sidewalk cafe may be permitted only where the sidewalk or porch is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the proposed cafe, consistent with the Americans with Disabilities Act. There shall be a minimum 48-inch clear distance free of all obstructions, in order to allow adequate pedestrian movement.~~

~~d. All outdoor dining furniture, including tables, chairs, umbrellas, and planters, shall be movable. Umbrellas must be secured with a minimum base of not less than 60 pounds. Outdoor heaters, amplified music, or speakers shall be reviewed at the time of application for a conditional use permit.~~

~~e. No additional signing shall be allowed on or above public sidewalk at any outdoor cafe except for the name of the establishment on an awning or umbrella valance.~~

~~f. A sidewalk cafe may serve only food and beverages prepared or stocked for sale at the adjoining indoor restaurant or delicatessen.~~

~~g. The service of beer or wine, or both, must be solely for on-premises consumption by customers and must be expressly authorized as part of a conditional use permit approval.~~

~~h. The area in which the sidewalk cafe is authorized is identified in a manner, as approved by the planning director, which will clearly separate and delineate it from the areas of the sidewalk that will remain open to pedestrian traffic.~~

~~i. Outdoor preparation of food and busing facilities are prohibited at sidewalk cafes. All exterior surfaces within the cafe shall be easily cleaned and shall be kept clean at all times by the permittee.~~

~~j. Trash and refuse storage for the sidewalk cafe shall not be permitted within the outdoor dining area or on adjacent sidewalk areas and the permittee shall remove all trash and litter as~~

they accumulate. The permittee shall be responsible for maintaining the outdoor dining area, including the sidewalk surface and furniture and adjacent areas, in a clean and safe condition.
k. Hours of operation shall be no greater than those of the indoor restaurant or delicatessen.
l. The city shall have the right to prohibit the operation of a sidewalk cafe at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades, repairs to the street or sidewalk, or emergencies occurring in the area. To the extent possible, the permittee will be given prior written notice of any time period during which the city will prohibit the operation of the sidewalk cafe.
m. No off-street parking is required for a sidewalk cafe.
4. Approval Authority. For purposes of a sidewalk cafe conditional use permit, the planning director may exercise the authority of the planning commission under Chapter 17.60 LCMC.
5. Findings and Conditions. In connection with approval of a conditional use permit, the planning director shall make findings that the proposed operation meets the limitations of this section. The planning director may impose such conditions in granting approval as deemed necessary to assure that the proposed operation will meet the operating requirements and conditions set forth in this section and to assure that the general public health, safety and welfare will be protected.
6. Term and Renewal. The planning director may approve a conditional use permit for a sidewalk cafe for a maximum period of one year in accordance with Chapter 17.60 LCMC. Thereafter, the planning director, if an extension application is filed prior to any expiration date of the conditional use permit, may extend the permit for additional periods, with the same or modified conditions of approval, not to exceed one year for each extension, following his/her review and approval of the sidewalk cafe's operations. Alternatively, the planning director may decide not to extend the permit. The planning director must find that the conditions of the permit have not been violated in order to extend the permit.
7. Revocation. A conditional use permit may be revoked by the planning commission, following notice to the permittee and a public hearing, upon a finding that any of the following are true:
a. That one or more conditions of the permit have been violated;
b. That one or more conditions of this section have been violated;
c. That the sidewalk cafe is being operated in a manner which constitutes a nuisance; or
d. That the operation of the sidewalk cafe unduly impedes or restricts the movement of pedestrians past the sidewalk cafe.
L. Repealed by Ord. 2008-21. (Ord. 2008-21 § 2; Ord. 2000-09 § 3; Ord. 84-2 § 3.105(6))
17.45.070 Signs.
Signs are allowed within the TVC zone in compliance with the provisions of Chapter 17.72 LCMC, except that:
A. Freestanding pole signs and internally illuminated signs are prohibited.
B. Sign Area.
1. Attached Signs. The total cumulative square footage allowable for attached signs per commercial establishment in the TVC zone is 32 square feet. There is no limit to the number of attached signs.

~~2. Freestanding Signs. The total cumulative square footage allowable for freestanding signs per commercial establishment in the TVC zone is 32 square feet. The maximum number of freestanding signs is one per lot. The maximum height is six feet.~~

~~C. Sign Area Bonus. For commercial establishments that do not have an on-site freestanding sign, the maximum allowable sign area for attached signs can be increased to 64 square feet.~~

~~D. Pedestrian-Oriented Sign Bonus. The maximum size for any one bonus pedestrian sign shall be six square feet, up to a total of 12 square feet for all such signs. Pedestrian-oriented signs include: window signs, small wall-mounted or projecting signs located not more than 10 feet above grade, signs placed on awning valances, and signs suspended under canopies and awnings. Signs that are suspended above pedestrian walkways shall provide a minimum of seven and one-half feet of clearance. (Ord. 2019-14 § 4; Ord. 2000-09 § 3; Ord. 84-2 § 3.105(7))~~

~~17.45.080 Parking.~~

~~Off-street parking and loading for uses within the TVC zone shall be provided in accordance with Chapter 17.56 LCMC with the following modifications:~~

~~A. Number of Parking Spaces.~~

~~1. Commercial and Mixed Use. The TVC has no minimum off-street parking requirement for any commercial or mixed use building.~~

~~2. Residential. Multifamily dwellings, duplexes, and attached single-family dwellings in the TVC zone must have one and one-half spaces per dwelling unit.~~

~~3. Any other uses must provide the number of spaces required by LCMC 17.56.050.~~

~~B. Location of Parking.~~

~~1. All Properties. Except for one-family and two-family dwellings, new surface parking must be parallel on-street parking spaces, parking bays abutting the street, parking areas located behind or to the side of a building, or a combination of the above. Paved parking spaces for standard-sized vehicles in a public street or alley that abuts a parcel are eligible to meet part or all of the parking requirements for the development on that parcel.~~

~~2. Properties on Highway 101. For parcels fronting on Highway 101, the number of on-street parking spaces for standard-sized vehicles within 200 feet of a parcel may be counted toward the required number of parking spaces. (Ord. 2019-04 § 1; Ord. 2000-09 § 3; Ord. 84-2 § 3.105(8))~~

~~17.45.090 Development incentives.~~

~~In order to achieve the type and quality of development and revitalization envisioned for Taft, certain development incentives may be allowed to encourage developers and property owners to participate in the various programs described below. Incentive bonuses may be granted at the discretion of the planning director and nothing contained herein shall obligate the planning director to provide any of the following bonuses or give an applicant any right to any of the following bonuses.~~

~~A. Pedestrian Amenities Incentive. Within the TVC zone, it is desirable to encourage the provision of pedestrian amenities, which include linkages between adjacent uses, public plazas and other pedestrian-oriented areas that encourage interaction between people and vitality to bayside environment.~~

~~1. Incentive Bonuses. For projects meeting the requirements for pedestrian linkage, public plazas or weather protection, the following development bonuses may be available:~~

~~a. Required parking may be reduced by 10 percent; provided, that a finding can be made that adequate parking will be available to the project.~~
~~b. Area of permitted signs may be increased by a maximum of 10 percent; provided, that a finding can be made that the increased sign area does not detract from the beautification and pedestrian-oriented objectives for Taft.~~
~~c. Through the development agreement process, the planning director may consider other incentive bonuses, such as reductions in processing fees, in-lieu fees, low interest loans or utility connection fees. The extent of such bonuses may vary on a case-by-case basis between the project applicant and the planning director.~~
~~For projects meeting all three requirements (pedestrian linkage, public plazas and weather protection) the above development bonuses plus up to one additional dwelling unit for each 5,000 square feet of lot size may be available.~~
~~2. Requirements for Incentive Bonuses.~~
~~a. Pedestrian Linkage. In order to qualify for the pedestrian linkage bonus, a proposed project must meet all of the following requirements, unless otherwise determined by the planning director:~~
~~i. Pedestrian linkages and pathways that run between buildings shall be a minimum of 10 feet in width; linkages and pathways longer than 50 feet shall be an average of 20 feet wide.~~
~~ii. Pedestrian linkages shall be designed to be an integral part of the overall project and shall be configured to provide straightforward access from the development to adjacent land uses. The incorporation of plazas into the design of pedestrian linkages is highly encouraged.~~
~~iii. Business entrances are encouraged to front onto a pedestrian linkage or pathway. If it is deemed that a ground floor business entrance cannot front onto a pedestrian linkage or pathway, a minimum of one display window per business shall be provided facing onto the pathway or linkage.~~
~~iv. The pedestrian linkage or pathway shall incorporate landscape features, lighting, shade, textured paving, or other design elements to enhance the overall pedestrian environment and provide a high level of security, attractiveness, and convenience.~~
~~v. The property owner shall be responsible for maintenance and other liabilities of the pedestrian linkages.~~
~~Pedestrian Linkages~~

~~b. Public Plaza. In order to qualify for the public plaza incentive bonus, a proposed project must meet all of the following requirements. Where inconsistent setbacks occur along the street, plazas shall be considered to compensate for the broken building edge.~~
~~i. Plazas shall be designed with unimpeded lines of sight to and from the public sidewalk and pedestrian linkages.~~
~~ii. Physical access shall be provided from the public sidewalk to plazas, via pedestrian linkages.~~
~~iii. Visual features, such as public art or a fountain, shall be incorporated in plazas to attract pedestrians.~~
~~iv. Shade trees or other elements providing relief from the sun, rain, and wind shall be incorporated within plazas. Landscaping shall provide special interest through unique foliage, color, and seasonal changes in plant habit, scent, or floral display.~~

~~v. Special paving and street furniture per the Taft streetscape furniture palette, as provided in Figure 17.45.090-A, shall be used in plazas to complement the streetscape elements in the public right-of-way.~~
~~vi. The property owner shall be responsible for maintenance and other liabilities of the public plazas.~~
~~c. Weather Protection. In order to qualify for incentive bonuses, a weather protection structure shall be provided along all street frontages designed for edge treatment A. Weather protection structures shall be reviewed and approved by the planning director, city engineer and all affected public utility agencies. The weather protection structure shall incorporate the following design features:~~
~~i. The structure, e.g., canopies, porches, porticos, arcades, colonnades, verandas, balconies, building cantilevers, and building second stories, shall provide weather protection between the building face and curb line either within the existing public right-of-way or sidewalk easement.~~
~~ii. A minimum 10-foot clearance must be achieved between the bottom of the weather protection structure and the ground below.~~
~~iii. All-weather protection structure support features such as columns, posts, pillars, etc., must be located so as to align with the existing curb line. A minimum 10-foot separation shall be achieved between support features. In addition, a sidewalk with a minimum width of five feet shall be achieved between the building face and back of curb.~~
~~iv. Where existing weather protection structures exist on adjacent properties, proposed protection structures shall be fully attached and integrated with the existing structure so as to achieve continuous weather protection along the street frontage.~~
~~v. The design of the weather protection structure and materials utilized shall generally comply with the design theme guidelines adopted for the Taft Village core and will include property owner input into alternative designs.~~
~~Figure 17.45.090-A~~

~~(Ord. 2000-09 § 3; Ord. 84-2 § 3.105(9))~~
~~17.45.100 Nonconforming uses and structures.~~
~~A. Continuation of Nonconforming Use. A use lawfully occupying a structure or site on November 6, 2000, that does not conform to the regulations for the Taft Village core zone shall be deemed to be a nonconforming use and may be continued, subject to the following regulations:~~
~~1. Routine maintenance and repairs may be performed on structures or sites the use of which is nonconforming.~~
~~2. Structures or sites, the use of which is nonconforming, may be altered, renovated, enlarged, replaced, or moved if, and only if:~~
~~a. As to any added area, at least the entire added area will be used for a use that conforms to the regulations for the Taft Village core zone; and~~
~~b. The area continuing to be used for the nonconforming use is not more than the area lawfully used for the nonconforming use immediately prior to the alteration, renovation, enlargement, replacement, or movement.~~

~~B. Continuation of Nonconforming Structure. A structure lawfully occupying a site on November 6, 2000, that does not conform to the regulations for the Taft Village core zone shall be deemed to be a nonconforming structure and may be continued or replaced, subject to the following regulations:~~

~~1. Routine maintenance and repairs may be performed on nonconforming structures.~~

~~2. Nonconforming structures may be altered, renovated, enlarged, replaced, or moved if, and only if, the alteration, renovation, enlargement, replacement, or movement does not cause the ultimate structure to further violate the regulation or regulations under which the structure was nonconforming.~~

~~C. Applicability of Chapter 17.64 LCMC (Nonconforming Uses). LCMC 17.64.020(A) and 17.64.030(A) shall not apply to nonconforming uses and structures in the Taft Village core zone. Except as so limited, Chapter 17.64 LCMC shall apply to nonconforming uses and structures in the Taft Village core zone. (Ord. 2010-05 § 4; Ord. 2000-09 § 3; Ord. 84-2 § 3.105(10))~~

~~Chapter 17.50~~

~~OCEANLAKE PLAN (OP) DISTRICT~~

~~Sections:~~

~~Article I. General Provisions~~
~~17.50.005 Definitions.~~
~~17.50.010 Purpose and overall guiding principles.~~
~~17.50.020 Oceanlake district overlay zones.~~
~~17.50.030 Applicability of municipal code regulations.~~
~~17.50.040 Administration of design standards.~~
~~Article II. Land Use Standards~~
~~17.50.050 Permitted uses.~~
~~17.50.060 General development standards.~~
~~Article III. Design Standards~~
~~17.50.070 Purpose.~~
~~17.50.080 Block layout, alleys and connections to public parking facilities.~~
~~17.50.090 Buildings and structures.~~
~~17.50.100 Streetscapes.~~
~~17.50.110 Pedestrian spaces.~~
~~17.50.120 Off-street parking and circulation.~~
~~17.50.130 Pedestrian access.~~
~~17.50.140 Landscaping.~~
~~17.50.150 Signs.~~
~~17.50.160 Exterior lighting.~~

~~Article I. General Provisions~~

~~17.50.005 Definitions.~~

~~The following definitions are informational. Where conflicts occur between the definitions below and an adopted building code, the adopted building code shall apply. For terms that are not defined below and are not defined in the building code, the reviewing authority will use its~~

discretion in selecting from professional source materials that are most relevant to the question at hand.

"Accessibility" means the locational and design characteristics of a use, structure, or facility that permit it to be reached by one with a disability, as prescribed under the Americans with Disabilities Act and associated building codes and guidelines.

"Alcove" means a recessed section of a building's exterior wall; may provide weather protection, outdoor seating or other pedestrian amenities.

"Basement" means the lowest story of a building where 50 percent or more of the floor is located below the grade plane.

"Belt course" means a horizontal course in a masonry wall that is of a different color, texture, size, or material and which is compatible with the overall form and architectural composition.

"Bollard" means a post of metal, wood or masonry, or a combination thereof, that is used to separate or direct traffic (vehicles, pedestrians or both). Bollards may contain sidewalk or pathway lighting.

"Clerestory" means a window that extends from the ground floor of a building to near the top of an outside wall.

"Corbel" means a projection of a building out from a masonry wall, sometimes to support a load and sometimes for decorative effect.

"Cornice" means the exterior trim of a structure at the meeting of the roof and wall.

"Facade" means the front or principal face of a building, or any side of a building that faces a street, way, or pedestrian space.

"False-front" means a front wall that extends beyond the sidewalls or rooftop of a building to create a more imposing facade. (See also "Parapet.")

"Fenestration" means the arrangement and design of windows and doors in a building.

"Grade" means the surface elevation of the ground.

"Guideline" means a recommended approach, parameter, example, and/or rationale for interpreting, applying, and/or modifying a standard through the site plan review process. For the purpose of site plan review, the photographs, illustrations, and diagrams contained in this chapter are intended to be used as guidelines, except where an illustration contains a specific dimensional requirement or is accompanied by the words "shall" or "must," then the illustration is intended as a standard.

"Island alley" means an alley that does not connect to any street but is designed to allow for future extension through abutting properties and connection to a street or public parking facility. Island alleys serving one or more parcels may be approved through site plan review.

"Lintel" means a heavy horizontal beam of wood or stone over an opening of a door or window to support the weight above it.

"Medallion" means a small decorative detail used to accent a building's exterior.

"Mezzanine" means an intermediate level between a ground floor and the upper story(ies) occupying a partial area of floor space.

"Parapet" means a low protective wall at the edge of a roof.

"Pedestrian-scale lighting" means lighting that is designed and located to illuminate a sidewalk, pathway or other area that is used principally by pedestrians. Bollards, wall-mounted lights and step lights are typical of pedestrian-scale lighting.

~~"Pedestrian space" means a public gathering space, such as a plaza, square, outdoor seating area, alcove, sculpture garden, or similar space, oriented to pedestrians and connecting one or more developments to the adjacent streetscape.~~

~~"Pediment" means a low-pitched gable over a portico, door or window; may be used to reduce the scale of a building facade.~~

~~"Pier" means a portion of a wall between windows, doors or other openings.~~

~~"Pilaster" means a shallow pier used to buttress a wall; or a rectangular column with a capital and base, projecting only slightly from a wall as an ornamental motif.~~

~~"Pocket park" means a small plaza or landscaped pedestrian space, typically less than one-quarter acre and not for recreational use.~~

~~"Portico" means a porch or entrance to a building consisting of a covered and often columned area; may be used to address building orientation standards where redeveloping a building to meet the front property line is not feasible.~~

~~"Public art" means artwork in the public realm, regardless of whether it is on public or private property, or whether it is acquired through public or private funding. Public art can be a sculpture, mural, manhole cover, paving pattern, lighting, seating, kiosk, gate, fountain, engraving, carving, fresco or similar artwork which is approved through design review. In evaluating public art proposals, the reviewing authority may refer to guidelines and inventories prepared by the arts committee, the National Trust for Historic Preservation and/or other references it deems appropriate.~~

~~"Spandrel" means the blank space between windows and successive stories; or the area between the top of a column or pier and the apex of the arch springing from it.~~

~~"Split-barrel roof" means a rounded roof that resembles a barrel split in half and resting rounded side up.~~

~~"Standard" means a requirement for the purposes of design review approval. Dimensional requirements and provisions containing the words "shall," "must," "not permitted," "prohibited," "required/requirement," or similar prescriptive or proscriptive terms indicate the presence of a standard.~~

~~"Streetscape" means the interface between development and a public street along the development's street frontage; it typically includes storefronts, building entrances, weather protective canopies or awnings, pedestrian spaces such as plazas and curb extensions at intersections, a building front zone along the sidewalk where outdoor seating may occur, a through zone for pedestrians, a street furnishings zone for lights, trees, and other furnishings, and on-street parking where applicable.~~

~~"Transom" means a window immediately above a window or door; may or may not be hinged to a transom.~~

~~"Transparency (windows)" means nonreflective glass with a visible transmittance rating of 0.50 or greater, per the National Fenestration Rating Council.~~

~~"Turret" means a small tower extending above a building.~~

~~"Wayfinding sign" means a directional sign that is part of an overall sign program for a district, neighborhood, or other city-recognized area as approved through design review. (Ord. 2007-08 § 1 (Exh. B, Appx. A))~~

~~17.50.010 Purpose and overall guiding principles.~~

~~The Oceanlake plan (OP) district is established to provide for the integration of residential, commercial, and recreational uses in a well-planned, pedestrian-oriented, mixed use environment. The purpose of the district is to provide maximum flexibility in land use where a proposed development meets the design requirements of this chapter; the land use approvals process should be as predictable and efficient as possible while striving for excellence in design. The OP land use and design standards in Articles II and III of this chapter, respectively, are intended to ensure that projects support the following objectives:~~

~~• Integration and functionality of land uses,~~
~~• Connecting Oceanlake to the ocean,~~
~~• Respecting neighborhood transitions,~~
~~• Designing for the climate,~~
~~• Aesthetics and context-sensitive design,~~
~~• Balancing durability and affordability.~~

~~A. Integration and Functionality of Land Uses. Connections between building entrances, sidewalks and associated pedestrian areas should be made to encourage visual and physical integration with a strong sense of place. Due to the small parcel sizes and limited right-of-way widths within Oceanlake, developments should maximize the opportunity to consolidate and share parking, for example, by extending alleys or shared driveways, particularly those connecting to public parking facilities. Where such connections are not practicable, site plans should maximize the opportunity to provide shared parking serving multiple developments.~~

~~B. Connecting Oceanlake to the Ocean. Oceanlake has a well developed network of east-west (numbered) streets providing visual and, in some cases, physical access to the beach. The skyline is not defined by skyscrapers but village-scale storefronts, beach cottages and hotels nestled between rolling hills, shore pines, and ocean bluffs. While the city recognizes that it is not possible or practical to preserve all views of the ocean, new projects should be designed to take advantage of ocean views while maintaining view corridors from adjacent rights-of-way and pedestrian spaces to the greatest extent practicable. Building stories above 35 feet are required to step back away from the street to maintain a village scale along the street, and to allow for sunlight and ocean views.~~

~~C. Respecting Neighborhood Transitions. Developments on the edge of the Oceanlake plan district should be made compatible with abutting single-family residential uses outside the plan district, particularly the single-story bungalows and cottages in the R-1-5 zone north of NW 19th Street. The design standards for Oceanlake are intended to address compatibility through height, mass, scale, materials, detailing, setbacks and other elements.~~

~~D. Designing for the Climate. Temperatures in Lincoln City vary widely and it can rain any day of the year. People like being outside and will often walk from place to place even when it's raining. Oceanlake has many visitors in the summer and more people are making it their home, or second home. Therefore, buildings should be designed to withstand high winds, as storms can generate winds of 100 miles per hour. Rooflines should not be overly complex and should have proper drainage for rainwater. Roofs should shed and drain water away from building openings, parking, refuse storage areas and other such areas. Buildings should incorporate canopies, awnings, porticos or similar weather protection features. Pedestrian amenities such as plazas~~

and outdoor seating areas should take advantage of southern exposures and be protected from the wind, to the greatest extent practical.

E. Aesthetics and Context-Sensitive Design. Oceanlake's aesthetic is rooted in the area's eclectic mix of beach cottages, hotels, and main street storefronts nestled between rolling hills, shore pines, and ocean bluffs. The Oceanlake plan district encourages new development and redevelopment that honors the past while providing a contemporary interpretation of the area's architecture and history. The predominant building materials are painted or natural-stain wood siding (shingle, lap, or board-and-batten), masonry block, brick and stone. Detailing may include any of these materials, as well as limited use of metal or vinyl for canopies, building detailing (e.g., flashing, roof gutters, drains, etc.), signs, art, and other detailing.

While each project is unique, the Oceanlake design standards (Article III of this chapter) are intended to provide clear and consistent standards. The standards discourage overly thematic, "formula" architecture, or designs used by retailers, national chain stores, franchises and other companies with stores or offices in multiple locations; provided, that corporate logos, art and similar commercial speech are not restricted.

F. Balancing Durability and Affordability. "Balancing durability and affordability" means that the city is practical in administering its codes. Great design does not have to be expensive. Sound design principles, quality workmanship, long-lasting materials, and routine maintenance are all important. Historically, development in Oceanlake has been characterized by relatively simple building forms with moderate detailing and ornamentation. Traditional materials such as wood, stone, and brick are preferred, but other materials, such as architectural-grade composite boards, shingles and trim, may be used when it is demonstrated that the material is durable and fits the overall composition of the proposed design. Project designs should respect the past, while being practical and durable for the future. (Ord. 2007-08 § 1 (Exh. B § 1(A))

17.50.030 Applicability of municipal code regulations.

A. Applicability. The provisions of the Oceanlake plan district, in addition to all other applicable regulations of this title and other city ordinances, shall apply to all uses of land and development within the OP district.

B. Redevelopment and Remodels. Where an existing use or development is proposed to be modified through redevelopment or exterior remodeling, the standards shall apply only to that portion of the use or development that is to be modified; where more than 50 percent of the use or development is to be modified, the reviewing body may require the entire development to conform to the provisions of this chapter, as provided in subsection (E) of this section.

C. Burden of Proof. The applicant has the burden of proof of demonstrating conformity with the standards and criteria of this chapter.

D. Ordinance Conflicts. Where conflicts occur between the design standards and other municipal code regulations, the provisions of this chapter shall apply.

E. Nonconforming Situations. Existing uses and/or developments that do not conform to the provisions of this chapter, but were established lawfully prior to the city adopting this chapter, shall be allowed to continue, as provided in Chapter 17.64 LCMC, Nonconforming Situations. (Ord. 2007-08 § 1 (Exh. B § 1(C))

17.50.040 Administration of design standards.

A. Site Plan Review. The design standards will be applied to commercial development (including mixed use and multifamily dwellings, but not including single-family or two-family dwellings) that must receive approval through the city's site plan review process during that process and prior to issuance of building permits. Single-family or two-family dwellings are subject to the design standards requirements relating to block layout, alleys, and connections to public parking facilities (LCMC 17.50.080) and must receive approval through the building permit review process. The planning director may refer any site plan review application to the planning commission for a public hearing when:

1. The applicant has requested an adjustment or modification to one or more Oceanlake code standard(s), as provided in subsection (C) of this section; or

2. The applicant requests a hearing; or

3. The planning director determines that the size or scale of the development (vis-a-vis its appearance, traffic generation, parking, or other characteristics) warrants a public hearing.

B. Design Standards Versus Guidelines. The code sections that follow provide intent statements, followed by standards and guidelines. Most sections contain objective standards and approval criteria; however, some criteria require the reviewing body to apply discretion. Where discretion is involved, the code provides guidelines to assist the reviewing body in evaluating a proposal. The following further explains the relationship between intent statements, standards and guidelines:

1. Intent statements are not applicable approval criteria, except requests for adjustments or variance must demonstrate how the proposal conforms to the code's intent.

2. Standards use the words "shall" or "must" and are mandatory.

3. Guidelines use the words "should," "may," "preferred," and "discouraged," and are advisory. Guidelines supplement the standards and provide examples of acceptable or unacceptable design. Guidelines also assist in reviewing requests for adjustments and variances and may serve as the basis for approval, denial, or approval with modifications in such instances.

4. Graphics are used to illustrate standards and guidelines. They are not intended to prescribe a particular design but serve as examples of acceptable or unacceptable design solutions.

5. Standards and guidelines both serve as approval criteria, but the reviewing body is afforded greater latitude in applying guidelines. Where the word "should" is used, the applicant must demonstrate that the proposal is consistent with the guideline, or that applying an alternate design solution is consistent with the code's stated intent. Where a guideline conflicts with any code standard, the standard shall prevail.

6. In the case of a proposed variance or adjustment to a code standard, the applicant must demonstrate how the variance or adjustment results in equal or greater conformity to the intent of the code and all other applicable standards and guidelines.

7. Nullification of one standard or guideline by a court of competent jurisdiction shall not cause any other standard or guideline to be nullified.

C. Adjustments/Modifications to the Standards. The standards contained in this chapter may be adjusted or modified without the need for a variance if the applicant demonstrates that:

1. The chapter's guiding principles and the intent statement(s) under the applicable standard to be adjusted can be better met through a proposed alternative design solution; or

~~2. There are practical difficulties in meeting a standard based on the necessary characteristics of an allowed use. In such cases the design must provide other features that tend to meet the goal of the standard (such as a trellis with vines, a sculpture, or a pergola).~~

~~Where the code language suggests more than one way to meet a particular standard, the applicant is encouraged to be creative and propose the most appropriate design solution given the site's context and the purpose of the code. The decision-making body shall refer to the guiding principles in LCMC 17.50.010, the purpose in LCMC 17.50.070, and the intent under each standard, in making its decision; the purpose, guiding principles and intent statements shall serve as the approval criteria for adjustments.~~

~~D. Incentives for Design Excellence. The city encourages excellence in design. Projects that provide superior pedestrian spaces, pedestrian amenities, public art, alleys, shared parking, or superior architecture may be rewarded, for example, with reduced off-street parking requirements, reduced lot sizes, increased allowable building coverage, and/or assistance from the city's urban renewal program. These incentives are in addition to the adjustments provided in Article III of this chapter. In granting incentives, the hearing body shall find that the incentive results in a design that is superior to what is required under the base standard(s), and is consistent with one or more of the following guidelines:~~

~~1. Integration and Functionality of Land Uses. Mixed use projects combining upper-story residential uses with ground floor commercial or civic uses are preferred over single-use developments.~~

~~2. Connecting Oceanlake to the Ocean. Oceanfront projects that provide physical beach access to the public are preferred over those that provide only visual access or no access at all. Non-oceanfront projects should maintain views of the ocean from public rights-of-way where such views currently exist. Where a project results in diminished ocean views, the decision body may consider other mitigating circumstances in approving an incentive, such as the provision of pedestrian spaces (e.g., plaza) or public parking facilities in the vicinity that enable to the public to more easily access the shoreline.~~

~~3. Respecting Neighborhood Transitions. Where an applicant requests an exception to the maximum building height standards abutting a residential zone, the project must incorporate mitigating design features, such as additional open space or buffering adjacent to residential uses. Applicants are encouraged to do neighborhood outreach prior to submitting site plans to the city for review. The applicant's efforts to engage the public (e.g., through a design charrette) prior to submitting a site plan application may influence the decision body in approving or denying incentives.~~

~~4. Designing for the Climate. Incentives may be appropriate for projects incorporating green building practices, such as the preservation of existing mature vegetation, use of water quality treatment in parking lots, rooftops, and landscapes, use of renewable energy, and energy conservation in construction. Projects eligible for green certification through a nationally recognized program (e.g., Leadership through Energy and Environmental Design (LEED) or similar program approved by the city) are preferred over those that do not meet such criteria.~~

~~5. Aesthetics and Context-Sensitive Design. Architecture that goes beyond base code requirements and achieves the vision contained in the Oceanlake redevelopment plan is preferred over architecture that merely conforms to the base code requirements. For example,~~

corner properties along Highway 101, particularly those in gateway locations, should reach the 35-foot allowable height by incorporating a third building story, tower, or other signature architectural feature. Oceanfront designs should be superior in both their street-fronting elevation, as well as their ocean-fronting elevation.

6. Balancing Durability and Affordability. In granting incentives, preference may be given to projects providing affordable workforce housing or affordable commercial space to small businesses (except overnight accommodations). "Affordable housing" means households earning less than the area median income pay no more than 30 percent of their income toward housing costs. Where incentives are provided, the reviewing authority may require the applicant/owner to record deed restrictions or provide other assurances that the subject housing remains affordable for not less than 10 years. (Ord. 2010-06 § 7; Ord. 2007-08 § 1 (Exh. B § 1(D))

Article II. Land Use Standards

17.50.050 Permitted uses.

Table 17.50.050 identifies the land uses allowed in each of the three Oceanlake subdistricts. Uses permitted subject to site plan review are identified with "P"; those that are allowed subject to conditional use permit are identified with "CU"; prohibited uses are identified with "N." If a use is not listed, the planning commission may interpret the code and make a similar use ruling following the procedure for authorization of similar uses found in LCMC 17.52.020.

Table 17.50.050 – Land Uses Allowed in Oceanlake

Uses	Status of Use in District		
Use Categories	Main Street Area	Interior Area	Oceanfront Area
Residential Categories			
Household Living			
All residential uses allowed, if:			
Lawfully existing as of July 25, 2007	P	P	P
New dwelling(s) – ground floor	N	P	P
Dwelling(s) above a ground floor commercial use	P	P	P
Four-flat dwellings, subject to the provisions of LCMC 17.80.140	P	P	P
Manufactured homes when developed in accordance with the standards set forth in LCMC 17.52.250	P		
Commercial Categories			
Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities)			
Lawfully existing as of July 25, 2007	P	N	N
New or expanded use	N	N	N
Bed and breakfast inn, per LCMC 17.80.060	P	P	P
Educational services, not a school (e.g., tutoring or similar services)	P	P	P
Entertainment, major event	CU	CU	CU
Overnight accommodations, except bed and breakfast inns	CU	CU	P
Offices	P	P	P

~~Outdoor recreation, commercial CU CU CU~~
~~Surface parking lot, except for public facilities and parking as an accessory use N CU N~~
~~Vehicle servicing or vehicle repair N N N~~
~~Retail sales and service, excluding drive-up P P P~~
~~Retail marijuana facility, subject to the provisions of LCMC 17.80.130 P N N~~
~~Self-service storage N N N~~
~~Vacation rental dwelling, subject to LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC P P P~~
~~Industrial Categories~~
~~Industrial service, excluding drive-up~~
~~Fully enclosed (e.g., office) CU CU N~~
~~Not enclosed N N N~~
~~Manufacturing and production in conjunction with an allowed commercial use~~
~~Fully enclosed CU CU CU~~
~~Not enclosed N N N~~
~~Warehouse and freight movement N N N~~
~~Waste-related, except as accessory to a primary permitted use N N N~~
~~Wholesale sales~~
~~Fully enclosed CU CU N~~
~~Not enclosed N N N~~
~~Institutional Categories~~
~~Basic utilities P P P~~
~~Colleges CU N N~~
~~Community service, including government use (public or nonprofit) P CU CU~~
~~Day care, adult or child day care; does not include family day care (16 or fewer children) under ORS 657A.440 CU P CU~~
~~Parks and open space~~
~~Pedestrian amenities P P P~~
~~Parks and recreation facilities P P P~~
~~Other open space P P P~~
~~Places of worship1~~
~~Lawfully existing as of July 25, 2007 P P P~~
~~New CU CU CU~~
~~Schools CU CU CU~~
~~Other Categories~~
~~Accessory structures (with a permitted use) P P P~~
~~Commercial radio frequency transmission facilities such as mini-cell antennas and wi-fi antennas CU CU CU~~
~~Stand-alone wireless communications facilities N N N~~
~~Essential emergency communications, early warning and associated emergency facilities P P P~~

~~Community gardens and market gardens not larger than 12,500 square feet, in accordance with the standards of LCMC 17.80.080 P P P~~
~~Gardens and animals, accessory to a permitted use and subject to the provisions of LCMC 17.80.080 P P P~~
~~Accessory dwelling units, accessory to single-family dwelling or duplex, subject to the provisions of LCMC 17.80.110 P P P~~
~~Transportation facilities (operation, maintenance, preservation, and construction in accordance with the city's transportation system plan) P P P~~

~~Key:~~
~~P = Permitted, subject to site/development review~~
~~CU = Conditional use permit required (Chapter 17.60 LCMC)~~
~~N = Not permitted~~
~~1. Together with accessory uses as specified in LCMC 17.80.160.~~
~~(Ord. 2019-29 § 2; Ord. 2019-24 § 17; Ord. 2019-21 § 9; Ord. 2019-02 § 7; Ord. 2016-20 § 8; Ord. 2016-05 § 4; Ord. 2014-29 § 4; Ord. 2014-08 § 7; Ord. 2009-05 § 17; Ord. 2007-08 § 1 (Exh. B § 2(A))~~
~~17.50.060 General development standards.~~
~~Except as modified through the procedures in LCMC 17.50.040(C), the development standards in Table 17.50.060 apply to all Oceanlake uses and development.~~
~~Table 17.50.060 – Development Standards~~

~~Standard Main Street/Hwy 101 Area Interior Area Oceanfront Area~~
~~Minimum lot area* (square feet)~~
~~*Development must conform to lot width, depth, yard setback and coverage standards.~~

~~Detached single-family dwelling Not applicable 5,000 sf 5,000 sf~~
~~Attached single-family dwelling Not applicable 2,000 sf (alley required) 5,000 sf~~
~~Other structures 5,000 sf 5,000 sf 5,000 sf~~
~~Minimum lot width 50 ft 20 ft w/alley access; or 50 ft w/out alley 50 ft~~
~~Minimum lot depth 50 ft 50 ft 50 ft~~
~~Building/structure height, per LCMC 17.50.090(B)(1)~~
~~Maximum height (see exceptions in LCMC 17.50.090(B)(1)) 35 ft 35 ft 35 ft~~
~~Minimum height 18 ft~~
~~Fences, retaining/garden walls~~
~~Maximum height – front and street yards 3.5 ft 3.5 ft 3.5 ft~~
~~Maximum height – interior side and rear yards 6 ft 6 ft 6 ft, except as may be prohibited in coastal zone~~
~~Building coverage~~
~~Maximum building coverage (foundation plane as % of site area) 90% 80% where alley access or on-street parking provided~~

~~60% where no alley access or on-street parking provided 80%~~

Minimum landscape area (% site area)
except does not apply to single-family dwellings. Landscape area may include plant areas and approved pedestrian spaces. Street trees and other street frontage landscaping included. Single-family and duplex development is subject to landscaping standards in LCMC 17.52.100. 10% 10%
(may be reduced to 5% where at least one significant shore pine is preserved on site, subject to site plan review) 10%
(may be reduced to 5% where at least one significant shore pine is preserved on site, subject to site plan review)
Minimum setbacks (feet):
(See also LCMC 17.50.090(B)(8)(b), Height Step-Back.)
Front, street, side, and rear property lines, except garage or carport, and subject to building code 0 ft, except as required for utility easements 0 ft, except as required for utility easements 10 ft
Garage/carport entry, setback from street 20 ft 20 ft 20 ft
Alley, building setback from alley 3 ft 3 ft Not Applicable
Build-to line (feet):
New buildings only: At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a planned street improvement, then the build-to line increases accordingly. The build-to line may also be increased through site plan review when pedestrian amenities are provided between a primary building entrance and the street right-of-way. 10 ft Not Applicable Not Applicable
Special setback for planned street improvements 30 feet from the street centerline where the ultimate right-of-way width is 60 feet;
24 feet from the street centerline where the ultimate right-of-way width is 48 feet;
15 feet from the street centerline where the ultimate right-of-way width is 30 feet.
(Ord. 2010-06 §§ 7, 8; Ord. 2007-08 § 1 (Exh. B § 2(B))
Article III. Design Standards
17.50.070 Purpose.
The Oceanlake design standards are intended to implement the redevelopment plan and vision for Oceanlake. The standards reflect the following values and objectives:
A. Retain Oceanlake's compact, walkable main street character and improve the Highway 101 commercial area as the district's main working, shopping and entertainment district.
B. Support the formation of a mixed use, pedestrian-oriented district drawing visitors from Highway 101 to the ocean.
C. Encourage architectural variety, consistent with the eclectic character of Oceanlake; provided, that new development creates a close, intimate human scale and architectural design addresses all four sides of a building.
D. Encourage the use of contextually appropriate materials, textures and colors.
E. Provide a continuous system of alleys and mid-block lanes with central public parking and encourage the provision of shared private off-street parking.

F. Create vibrant pedestrian spaces (e.g., plazas, public art, cafe seating areas, etc.); pedestrian spaces should help identify Oceanlake, create intrigue, and offer weather protection and comfort to pedestrians while adding value to the district.
G. Break down large building masses and provide visual interest along the street.
H. Balance rhythm and continuity; encourage creativity in the design of building elevations, rooflines and facade elements.
I. Treat corner lots as focal points with vertical elements, public art, seating, and other features.
J. Provide weather protection where buildings abut the street. (Ord. 2007-08 § 1 (Exh. B § 3(A))
17.50.080 Block layout, alleys and connections to public parking facilities.
A. Intent. New development and redevelopment projects should reinforce the historic street grid of Oceanlake and contribute to the development of central parking facilities interconnected by a system of alleys. Buildings should be placed at or near the sidewalk edge and parking should be set back behind or beside buildings. Parking should be provided on street where shoulders are approved to accommodate parking spaces or bays, and shared parking areas internal to each block. By maintaining the integrity of Oceanlake's historic urban form, land is used efficiently, traffic is distributed evenly, and new development contributes to a cohesive, pedestrian-friendly district.
B. Standards.
1. Rights-of-Way.
a. New development and redevelopment projects that are projected to generate additional vehicle and/or pedestrian traffic may be required to dedicate right-of-way and/or improve abutting streets and alleys. See Figure 17.50.080-1.
b. Street right-of-way shall not be vacated, except where it is demonstrated that the vacation is necessary to facilitate development of shared parking facilities and the development will improve the pedestrian environment.
Dedicating right-of-way for the creation of internal public parking facilities and/or pedestrian ways are examples of improving the pedestrian environment.

Figure 17.50.080-1: Typical local street.
2. Street/Alley Access.
a. New vehicle access to/from Highway 101 is discouraged; the city or ODOT may require vehicle access be provided from side street or alley, and existing highway approaches be consolidated as a condition of development approval.
b. The alignment of streets and alleys shall be maintained in new development to ensure connectivity from block to block. The city may require the extension and improvement of an alley as a condition of development approval. Where a block contains no alley, development may be required to configure off-street parking such that an alley can be extended through it in the future. Alleys shall be 12 to 16 feet in width, subject to site plan review. See example in Figure 17.50.080-2.
c. Where a development receives credit toward off-street parking requirements based on its proximity to a public parking facility and/or abutting on-street parking, the city may require the owner to dedicate and improve an alley.

d. Alleys should be continuous through a block to facilitate property access and full utilization of internal parking areas, except where existing development or the highway precludes the continuation of an alley.
e. Alleys shall be contained in a public right-of-way or public access easement improved to city standards.
f. Where an interior lot or parcel is unable to connect to an existing alley and the proposed site plan provides a parking facility oriented to the rear of the property, the reviewing authority may allow the creation of a temporary island alley. Island alleys must allow for future extension(s) to abutting vacant and/or redevelopable properties.

Figure 17.50.080-2: Typical parking lot configuration allowing for future alley.
3. Buildings Abutting Interior Parking Areas. Where a block is planned to contain an interior parking area (i.e., served by an alley or shared access drive), buildings abutting the parking area shall provide entrance(s) opening onto it or be connected to the street by a continuous pedestrian walkway (e.g., between buildings). Buildings and development shall not be configured in a way that precludes public access to such public parking facilities. (See also LCMC 17.50.090 through 17.50.130.) (Ord. 2007-08 § 1 (Exh. B § 3(B))
17.50.090 Buildings and structures.
A. Intent. While many communities attempt to create or re-create an urban downtown of their own, Oceanlake already has a main street with a mixture of older and contemporary buildings. The interior area of Oceanlake, between the highway and ocean, also has the potential to become a vibrant, mixed use neighborhood, as envisioned by the Oceanlake redevelopment plan.
The eclectic group of buildings existing along the highway loosely follows the ageless rhythm of a traditional main street. Therefore building design standards draw on traditional main street elements while allowing for design variety. It is not the city's intent to create an architectural theme or to freeze time. The design standards are not meant to halt progress or restrict property rights, but rather to ensure that new buildings and remodels fit within the context of their surroundings and support a compact, pedestrian-oriented district. In this way, the city can ensure that Oceanlake retains its sense of place, its vitality and economic base.
The key elements of the building design standards are:
1. Eclectic coastal architecture, including residential, commercial, and mixed use development.
2. Building height and articulated facades that create a sense of street enclosure at a human scale.
3. Contextually appropriate materials, textures and colors.
4. Storefront character (windows, pedestrian shelter, furnishings, etc.).
5. Adaptable building styles that comfortably accommodate commercial, residential and mixed land uses.
6. A diversity of building facades and rooflines that fall into a consistent rhythm.
7. Corner lots as focal points with vertical elements, furnishings and public art.
B. Standards.
1. Height.

a. Maximum Height. The maximum allowable height is 35 feet, except that chimneys, spires, towers, and other architectural projections with an area of no more than 150 square feet may be allowed through site plan review. Building projections exceeding 35 feet in height within an ocean view corridor must be recessed behind lower building stories by not less than six feet. For the purpose of the OP district, ocean view corridors are all rights-of-way and parcels abutting 14th, 15th, 16th, 17th, 18th, and 19th Streets west of Highway 101, including rights-of-way and parcels extending west of NW Harbor Street to the ocean. (See Figures 17.50.090-1, 17.50.090-2 and 17.50.090-3.)

b. Minimum Height. Buildings fronting onto Highway 101 shall be built to a height of not less than 18 feet to maintain a sense of enclosure and a human scale relative to the street. Single-story buildings shall incorporate parapets, towers or other design elements that reach the minimum height. Single-story structures of less than 18 feet in height and fronting onto Highway 101 may be approved by the reviewing authority where the proposed building is replacing an automobile-oriented use as defined in LCMC 17.32.030.

2. Building Form.

a. Overall Form. Architectural designs shall address all four sides of a building. The predominant form abutting Highway 101 is a generally flat elevation with any recesses, projections, or rounded edges ("articulations") appearing subordinate to the dominant rectangular form. New buildings should reflect the predominant form while expressing individuality; for example, with vertical elements such as cupolas, turrets or towers on corner properties. New buildings should not mimic any other building in their form or detailing.

b. Stepped Rooflines. Height shall vary from building to building to avoid a homogenous appearance. This standard is met by using either stepped parapets or slightly dissimilar overall height (i.e., building-to-building). Abrupt changes in height between buildings can be managed by having the taller building follow the horizontal lines of the shorter building along the first two floors and reference elements or detailing of the shorter building(s) on its upper stories. See also subsection (B)(3) of this section, Storefront Character.

c. Sloping Roof. Front-facing gables as a primary roof form are not allowed in the Highway 101 area, unless visually screened from the right-of-way by a parapet. Where a building in the Highway 101 area has a roof sloping to the rear of the site, it should have side parapets that screen the roof and step down toward the rear of the building. Front gables, split-barrel roofs, rounded parapets, turrets and similar forms may be used as secondary building elements or accents but not primary roof forms in the Highway 101 area. Front-facing gables are allowed as a primary roof form in the interior and oceanfront areas. Mansard roofs, including false mansards (applied forms without windows), are discouraged and A-frame buildings and other nontraditional Oceanlake forms are prohibited.

d. False Fronts. False fronts (e.g., boards, panels, flashing, etc.) covering historic masonry facades are not permitted. Exterior remodeling is encouraged where it would remove the false front(s) and restore or replace historically appropriate materials.

3. Storefront Character.

a. Fenestration (Windows and Doors).

i. Applicability. The window transparency requirement does not apply to the auditorium portion of a theater (but does apply to the lobby and concession area), to the guestroom portion of a

~~motel, hotel, or resort (but does apply to the lobby and other portions), or to multiple-family dwellings (but does apply to the commercial parts of mixed use buildings incorporating multiple-family dwellings).~~

~~ii. Standard. Consistent with the desired storefront character in the Highway 101 area, buildings shall provide large display windows, windowed doors and transom windows. The ground floor, street-facing elevation of all buildings shall contain at least 60 percent transparent windows, measured as a section extending the width of the street-facing elevation between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane 80 inches above the sidewalk grade. Upper floors may have less window area, but should follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. Buildings without a street-facing elevation, such as those that are set back behind another building and those that are oriented to a pedestrian space (e.g., side plaza or court), shall meet the 60 percent transparency standard on all elevations abutting pedestrian spaces(s) and on elevations containing a primary entrance. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)~~

~~4. Building Orientation. New buildings shall conform to the build-to line requirements in LCMC 17.50.060. Primary building entrances shall be oriented to a front yard or a side yard, consistent with the build-to line requirement.~~

~~5. Primary Entrances. Buildings shall have clearly defined primary entrances. Primary entrances for buildings fronting onto Main Street/Highway 101 shall be oriented to the highway or a corner where the highway and a side street meet. Buildings on other streets shall have primary entrances oriented to a street, court or alley, as described in subsection (B)(2) of this section. All primary entrances shall be covered for a depth of not less than five feet, either by recess, overhang, canopy, portico and/or awning extending at least five feet over the entrance. See also subsection (B)(14) of this section, Pedestrian Shelters.~~

~~6. Secondary Entrances. Buildings with more than 90 feet of frontage on a street shall have a second entrance oriented to that street. Buildings adjacent to an internal parking area shall provide a secondary entrance in conformance with subsection (B)(5) of this section. (See also this section and LCMC 17.50.100, Streetscapes.)~~

~~7. Armature of the Block. The width of all buildings fronting Highway 101 shall extend from side lot line to side lot line to maintain continuity of the storefront character. Exceptions to this standard may be granted where the applicant demonstrates that the provision of side yards contributes positively to the pedestrian environment, for example, by providing a pedestrian space, a pedestrian access way to a parking facility, or an access to residences located on an upper building story or behind a commercial use.~~

~~8. Building Mass.~~

~~a. Traditional Building Pattern. Buildings shall incorporate offsets or divisions in the facade to express the traditional lot pattern and building width of Oceanlake. Changes in facade material, window design, facade height or decorative details are examples of techniques that should be used. These variations should be expressed throughout the width of the structure such that the composition appears to be a collection of smaller buildings or storefronts. See also subsection (B)(11) of this section, Horizontal Rhythms. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)~~

~~Figure 17.50.090-1: Example of acceptable building elements (35 feet).~~

~~b. Height Step-Back. For properties fronting Highway 101, portions of a building exceeding two stories shall be set back on the street sides of each successive story of the building above the second story a minimum of six feet from the next immediate lower story. The purpose of the height step-back is to maintain the appearance of a shorter building from the street and to provide for light filtering down to the street. Note: Height step-backs also apply along the east-west (numbered) streets for the purpose of protecting coastal views and solar access, per subsection (B)(1) of this section. (Recommended: Figures 17.50.090-1 and 17.50.090-2.) The planning and community development director may approve an adjustment waiving the above standard for a portion of a building incorporating a signature vertical element (e.g., clock tower) on a street corner, as recommended in subsection (B)(12) of this section. Any projection exceeding 35 feet shall be ornamental only and not contain habitable floor space. (See Figure 17.50.090-3.)~~

~~c. Street Level/Upper Floor. The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt course, or similar detailing, materials and/or fenestration. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)~~

~~9. Accessibility. Accessibility shall be provided consistent with applicable building codes. Where wheelchair ramps are required, the ramp design shall incorporate materials and detailing similar to the base of the building.~~

~~10. Openings.~~

~~a. Ground Floor Windows. Ground floor elevations shall conform to subsection (B)(3)(a) of this section and should contain windows that are framed by piers or pilasters (sides); awnings, canopies or trim/hoods (tops); and kick plates or bulkheads (base). Decorative detailing and ornamentation around windows (e.g., sills, corbels, medallions, pediments, or similar features) is encouraged. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)~~

~~b. Upper Floor Windows. Upper floor window orientation should primarily be vertical, or have a width that is no greater than the width of the ground floor windows. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)~~

~~c. Projecting Windows, Display Cases. Where windows, flower boxes or display cases break the front plane of the building on its ground floor, such windows shall not encroach into a required sidewalk clear zone. For durability and aesthetic reasons, display cases, when provided, shall be part of the building (not affixed to the exterior) and integrated into the building with trim or other detailing.~~

~~d. Entrances. Ground level entrances shall be recessed behind the front facade not less than three feet and be at least partly transparent, except transparency is not required on entrances to residences. This standard may be met by providing a door with a window(s), a transom window above the door, or sidelights beside the door.~~

~~e. ATMs and Service Windows. Where ATMs or service windows are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.~~

~~f. Corner Entrances. Buildings on corner lots should have corner entrances. Such entrances are not required to be recessed, but shall have an awning or canopy for weather protection. Where a corner entrance is not provided, the building plan shall provide for a corner plaza consistent~~

~~with LCMC 17.50.110, or the building shall provide architectural features that honor the corner as a pedestrian space; such features may include but are not limited to an alcove with seating, public art (e.g., sculpture or fountain), a vertical building element such as a tower (e.g., clock tower), or other feature approved through site plan review. (See also LCMC 17.50.110, Pedestrian spaces.)~~

~~g. Remodels. The scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, columns, weather protection shelters, and other features shall be visually compatible with the overall composition of the building (i.e., including building materials, color, detailing, etc.).~~

~~11. Horizontal Rhythms.~~

~~a. Traditional Lot and Building Pattern. Front elevations shall be articulated not less than once every 25 feet to maintain a pedestrian scale and to avoid blank walls. Articulation should be subtle. For example, slight offsets in a building elevation or roofline, and/or the rhythmic placement of windows, pilasters, awnings, trim, art/medallions, or other detailing and ornamentation are preferred. Abrupt divisions, such as changes in cladding materials, or offsets greater than eight feet, should be avoided. Side and rear elevations may be articulated less frequently but should complement the overall building design. The approving authority may require detailing on a zero-lot line elevation to reduce the apparent scale and avoid blank walls, i.e., until an abutting property develops. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)~~

~~b. Horizontal Lines. New building designs and exterior remodels shall establish prominent horizontal lines and avoid blank walls. Examples of such horizontal lines include: base materials and detailing below a series of storefront windows, awning or canopy line, belt course between building stories, and cornice or parapet lines. It is not necessary for new lines to match existing lines. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)~~

~~c. Ground Floor/Upper Floor Division. A clear visual division shall be maintained between the ground level floor and upper floors, for example, through the placement of windows, transoms, canopies, awnings, and signage. The majority of signage should be placed on the ground floor elevation (e.g., sign bands, canopy signs, or blade signs). (Recommended: Figures 17.50.090-1 and 17.50.090-2.)~~

~~d. Building Base. Buildings shall have a foundation or base, typically from ground to the bottom of the lower windowsills, with changes in volume or material, to give a sense of strength and symmetry. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)~~

~~Figure 17.50.090-2: Rhythm, massing, and building openings.~~

~~12. Vertical Lines. New construction or front elevation remodels should reflect a vertical orientation, either through breaks in volume or the use of surface details, to divide large walls and create a pedestrian scale. Building massing for corner properties on Highway 101 should accentuate the corner location with a vertical element. See also subsection (B)(11)(a) of this section, Traditional Lot and Building Pattern. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)~~

~~Figure 17.50.090-3: Example of vertical element and desirable building height for corner property on Highway 101. Note: building step-back not required on east side of Highway 101.~~

~~13. Materials and Color.~~

~~a. Primary Materials. Exterior building materials shall predominantly consist of painted or natural stain wood, stone, brick, rusticated concrete block (warm earth tones) or comparable cladding. Rough-hewn wood, timbers and metals may be used as accents but not as the primary exterior cladding. See also subsections (B)(13)(c), Secondary Materials, and (B)(13)(d), Substitute Materials, of this section.~~

~~b. Change in Materials. Elevations shall incorporate changes in material that define a building's base, middle and top and create visual interest and relief. Side and rear elevations that do not face a street, public parking area, pedestrian access way or plaza may utilize changes in texture and/or color of materials in the interest of affordability; provided, that the design is consistent with the overall composition of the building.~~

~~c. Secondary Materials. Any of the primary materials listed above may also be used as secondary materials or accents. Metals such as copper, steel, iron, bronze and similar appearance metals may be used as trims or accents (e.g., flashing, weather protection features, ornamentation, etc.) when compatible with the overall building design, and subject to review and approval through site plan review.~~

~~d. Substitute Materials. Substitute materials that are equal in appearance and durability to those in subsection (B)(13)(a) of this section may be approved at the discretion of the reviewing authority through site plan review. The applicant will be required to provide specifications from the manufacturer.~~

~~e. Color. Color schemes should be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes should tie together signs, ornamentation, awnings, canopies and entrances. There shall be no more than one base color for each 25 horizontal feet of the front elevation; one base color for the entire front elevation is preferred. Using only one or two accent colors is also preferred, except where precedent exists for using more than two colors with some architectural styles (e.g., arts and crafts). Natural wood finishes are appropriate for doors, window sashes and trim, signs, canopies and other architectural accents. Luminescent, sparkling, neon and "day-glow" colors are not allowed (e.g., outlining building), except that neon signs are allowed subject to applicable sign codes. Metals shall be brushed finish or painted in mute or earth tones to minimize glare.~~

~~f. Contemporary Designs. Materials that provide a contemporary interpretation of local architecture styles, including arts and crafts, art deco, and vernacular (beach cottage) styles are encouraged. Buildings that resemble suburban strip malls (e.g., picture windows extending to near grade level) and those that use highly reflective glass, clerestory windows and/or similar nontraditional features are discouraged.~~

~~g. Restoration and Rehabilitation. Restoration and rehabilitation projects should incorporate original materials and design elements (e.g., previously covered over), to the extent practicable.~~

~~14. Pedestrian Shelters. Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least 60 percent of a building's ground floor elevation(s) where the building abuts a sidewalk, plaza, pedestrian access way, or outdoor seating area. Pedestrian shelters used to meet the above standard shall extend at least five feet over the pedestrian area, shed rain away from building entrance(s), be proportionate to the building in its dimensions, and not obscure the building's architectural details. If mezzanine or transom windows exist, the shelter shall be below such windows where feasible.~~

Exception: The reviewing authority may reduce the minimum shelter depth to four feet upon finding that existing right-of-way dimensions or building code requirements preclude a larger shelter.

Pedestrian shelters may come in a variety of forms, materials, and colors, provided they fit the overall composition of the building. Actual designs should address the location and function of the shelter, building codes, architecture, durability, and right-of-way constraints, if any.

15. Mechanical Equipment.

a. Screening. When mechanical equipment, such as utility vaults, air compressors, generators, antennas, satellite dishes, or similar equipment, is adjacent to a street, sidewalk or pedestrian space, it shall be screened from view on all streets. Where such equipment is installed on a side or rear building elevation and is adjacent to an alley, access way, or pedestrian space, its appearance shall be minimized or screened using materials and/or colors that are similar to those used on the subject building. Standpipes, meters, vaults and similar equipment should not be placed on a front elevation when other alternative locations exist; such equipment shall be placed on a side or rear elevation when practicable.

b. Rooftops. Rooftop mechanical units shall not be visible from any street and shall not exceed the allowable building height.

c. Ground-Mounted Units. Ground-mounted mechanical units shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges may also be used as screens where there is adequate sunlight and irrigation to ensure their successful growth. (Ord. 2007-08 § 1 (Exh. B § 3(C))

17.50.100 Streetscapes.

A. Intent. The relationship between the local street system, Highway 101 and adjoining properties is important from both a transportation planning and a land use perspective. Oregon Department of Transportation (ODOT) is the permitting authority for all access onto Highway 101. As the permitting agency for land use, the city works cooperatively with ODOT to manage development adjacent to the highway. The city's design standards are intended to implement the community's vision of a cohesive streetscape, with on-street parking, wide sidewalks, weather protection (pedestrian) shelters, benches, pedestrian-scaled lighting, public art, opportunities for cafe seating, and other amenities. A safe, inviting and comfortable pedestrian environment benefits businesses, highway users and the community as a whole.

B. Standards. In addition to standards for block layout, alleys and parking lot access provided in LCMC 17.50.080, the following provisions apply to all new development:

1. Transportation Plan Conformity. New development shall conform to the policies, standards, specifications and design details (e.g., street sections) contained in the city's transportation system plan (TSP) and the requirements of this chapter, specifically LCMC 17.50.080 (Block layout, alleys and connections to public parking facilities) and 17.50.110 (Pedestrian spaces). When streetscape improvements are required of new development, such improvements shall conform to the TSP. Additionally, street furnishing shall conform to the specifications contained in the Oceanlake redevelopment plan.

2. Local Streets and Alleys. LCMC 17.50.080 provides standards for extending alleys through blocks and local street improvements.

3. Pedestrian Amenities. LCMC 17.50.110 provides standards for pedestrian spaces and pedestrian amenities. Additionally, the Oceanlake redevelopment plan provides specifications for street furnishings such as benches, trash receptacles, wayfinding signs, and streetlights. (Ord. 2007-08 § 1 (Exh. B § 3(D))

17.50.110 Pedestrian spaces.

A. Intent. The increased development intensity, mixture of uses, pedestrian activity, close building orientation and minimal private open space envisioned for Oceanlake require that pedestrian space be provided along building frontages and in breaks between buildings. Pedestrian space, such as plazas, extra-wide sidewalks, outdoor seating areas, pedestrian access ways between buildings, alcoves and pocket parks, provides visual relief, pedestrian resting areas and opportunities for socialization. Pedestrian spaces do not have to be publicly owned or maintained. Public or private, they are as important as building design and central parking to the success of Oceanlake. Therefore, the city requires that all new developments and redevelopment projects contribute their proportionate share of pedestrian space.

B. Standards.

1. Pedestrian Space Standard. At least three percent of every development site, except for residential developments, shall be designated and improved as pedestrian space. The highest priority locations for pedestrian space are those areas with the highest pedestrian activity (e.g., street corners and mid-block pedestrian access ways) that have a western or southern exposure (within 45 degrees of true south or west). Where no such area exists, then pedestrian space should be provided as an extended sidewalk or walkway connecting multiple developments. See photo examples in subsection (B)(2) of this section.

2. Dimensions. All pedestrian spaces shall have dimensions of not less than eight feet across and have a surface area of not less than 64 square feet.

Pedestrian spaces should serve as focal points and gathering places, giving the downtown a unique identity and sense of place. Pedestrian amenities may include, but are not limited to, outdoor seating areas or cafes, pedestrian access ways, weather protection, plazas, benches, public art, and street furnishings such as bicycle racks and pedestrian lighting (e.g., bollards) at crossings.

3. Public Access. Such areas shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns and/or texture). Where a right-of-way connection is not possible, the owner shall be required to provide a public access way easement to the pedestrian space. Pedestrian spaces shall not be gated or closed to public access, unless otherwise required by the city. (Recommended: Figures 17.50.110-1 and 17.50.110-2.)

Figure 17.50.110-1: Example of a small pedestrian space containing approximately 64 square feet.

4. Pedestrian Amenities Required. Where pedestrian space is required, it shall contain pedestrian amenities such as plaza space, extra-wide sidewalks (i.e., outdoor cafe space), benches, public art, pedestrian-scale lighting, wayfinding signs (as approved by the city) or similar pedestrian areas in an amount equal to or greater than one-half of one percent of the estimated

construction cost of the subject building(s). Where a pedestrian space adjoins a building entrance, it should incorporate a canopy, awning, pergola, portico, or similar weather protection feature. Pedestrian amenities such as seating, planters, public art and pedestrian lighting (e.g., antique lamps or bollard lights) at street corners or pedestrian access ways may be counted in fulfilling the one-half percent requirement. (See Figure 17.50.110-2.) Cost estimates for pedestrian amenity improvements shall be prepared by a licensed architect, landscape architect, or other qualified professional, and shall be subject to review and approval by the administrator.

Figure 17.50.110-2: Example of preferred types of pedestrian amenities, shown with access way between buildings leading to an internal parking area or street end.

5. Mechanical Equipment and Garbage Storage Areas. Mechanical equipment and garbage storage areas are not permitted within pedestrian space(s). Such facilities shall be screened completely from view and set back 20 feet or more from a pedestrian space for aesthetic reasons and to minimize odors and noise. (Ord. 2007-08 § 1 (Exh. B § 3(E))

17.50.120 Off-street parking and circulation.

A. Intent. Parking is to be primarily in on-street parking spaces, parking bays abutting streets, garages, and in shared public or private parking areas internal to each block. Areas of surface parking must be behind or to the side of buildings. Surface parking may transition to structured parking over time as the market and public-private partnerships allow.

B. Standards. In addition to standards for block layout, alleys and parking lot access provided in LCMC 17.50.080, the following provisions apply to all new development and redevelopment:

1. Drive-Up and Drive-Through Uses. The Oceanlake plan district does not allow new drive-up/drive-through facilities. Where applicable, the reviewing authority may approve the relocation and improvement of existing drive-up facilities, subject to a conditional use permit.

2. Number of Required Parking Spaces. The Oceanlake plan district has no parking requirement for any commercial or mixed use building in the main street highway overlay zone or for the commercial component of any mixed use building in the interior-mixed use or oceanfront overlay zones; all other uses must conform to the minimum parking standards of the LCMC 17.56.050.

3. Location of Required Parking. New surface parking must be parallel on-street parking spaces, parking bays abutting the street, parking areas located behind or to the side of a building, or a combination of the above. (Recommended: Figure 17.50.120-l.)

Figure 17.50.120-1: Parking is subordinate to storefront character. Parking must be buffered from adjacent streets and pedestrian ways. Drive-up/drive-through uses, where allowed, shall be oriented away from Main Street.

4. Parking Lot Design. Surface parking areas must be in bays of not more than 12 parking spaces. The minimum dimension for landscape areas is four feet in width and 24 square feet in area. Additionally, a landscape screen of not less than four feet in width and four feet in height must separate a parking area or access drive from an abutting street or pedestrian access way. Alternatively, and subject to site plan approval, the screen may be reduced to two feet in width where a masonry, wrought iron, brick or similar architectural-grade wall is provided. Landscaping must conform with LCMC 17.50.140. The planning commission may use its

discretion to allow a greater number of consecutive parking spaces where the development preserves and protects one or more existing mature trees or exceeds the minimum pedestrian space requirement in LCMC 17.50.110. The commission may award more credit to projects that preserve the largest or most visible trees as viewed from public rights-of-way.

5. Redevelopment of Surface Parking Lots. Site plans for properties adjacent to city-owned parking lots must allow for conversion of such lots to structured parking in the future. Site plans must allow for the conversion of nonconforming, front yard parking lots to new building sites or pedestrian spaces as properties redevelop.

6. Parking in Front of Buildings. Due to the pedestrian orientation of this zone, surface parking is not allowed between any new building and the street to which it is oriented. Where such parking currently exists and the owner proposes to redevelop the site, the city may require the owner to install landscaping or other buffering between the parking area and the sidewalk.

7. Parking Structures. Parking structures (e.g., garages, decks, lids, etc.) may not open onto Highway 101, but must instead access a street, alley, or other access approved through site plan review. Structured parking must not directly abut Highway 101; it must instead be clad with commercial building(s) and/or pedestrian space a minimum of 10 feet in depth along the highway frontage.

8. Service and Loading Areas. Access to service areas and loading docks/bays must be from an alley and must be screened using architectural elements that are compatible with adjacent building(s). Where no alley exists, access to service areas must be from a street other than Highway 101. (Ord. 2019-04 § 2; Ord. 2010-06 § 7; Ord. 2007-08 § 1 (Exh. B § 3(F))

17.50.130 Pedestrian access.

A. Intent. In new development, the pedestrian circulation system shall provide a direct, convenient and comfortable means of accessing individual uses and connecting to other parts of Oceanlake. The pedestrian system includes sidewalks, pathways, mid-block access ways, and the ocean beach.

B. Standards. To ensure safe, direct and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system conforming to city standards. (Ord. 2007-08 § 1 (Exh. B § 3(G))

17.50.140 Landscaping.

A. Intent. Oceanlake is identifiable, in part, by its shore pines and other coastal vegetation. While it is inevitable that some existing trees will be removed with new development, native vegetation should be preserved where practicable or otherwise replanted in required landscape areas. Trees and hedges serve as windbreaks and visual screens in an area that is otherwise being exposed to high winds. Grassy swales capture and cleanse surface water runoff before it infiltrates into the ground or seeps onto the beach. Mature vegetation also enhances real estate values. For these reasons, as well as for aesthetic reasons, the city requires that all new developments and redevelopment projects attempt to save mature vegetation that is not within building envelopes and provide landscaping in surface parking areas, as buffers between uses, within street planter strips, and to soften the appearance of large building elevations.

B. Standards.

~~1. Mature Landscaping. Site plans shall incorporate existing, mature vegetation that is not within building envelopes and not within areas that are required to be graded or excavated (e.g., for utilities, foundations, and driveways) into the project's landscape design to the greatest extent practicable. Where mature tree removal is unavoidable (e.g., a tree's location precludes reasonable development consistent with prescribed building envelopes, required building orientation, or public improvement requirements), mitigation shall be required as per subsection (B)(3)(g) of this section.~~

~~2. Volume Landscaping and Screening. Large trees and/or shrub planting may be required in quantities exceeding the base requirements of this code to mitigate adjustments to other standard or the loss of mature trees as described under subsection (B)(1) of this section.~~

~~3. Minimum Landscape Standards.~~

~~a. All off-street parking and vehicular use areas (including driveways and loading docks) shall have perimeter landscaping of not less than four feet in depth, and interior landscaping covering at least 10 percent of the entire vehicular use area. The planning commission authority may reduce the minimum landscape area to not less than five percent where the development preserves and protects one or more existing mature trees. The commission shall use its discretion in awarding credit; provided, that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from public rights-of-way including the beach. Areas with preserved trees are counted toward the required parking lot landscaping.~~

~~b. Each separate landscape area shall be a minimum of 24 square feet with a minimum dimension of at least four feet and shall contain at least one tree. All remaining land in the landscape area shall be covered by a combination of shrubs, ground cover plants or other city-approved nonvegetative ground cover.~~

~~c. All required buffer strips, screens, and other required landscape areas shall be planted at a density to ensure the intended buffering or screening intent is met; in no case shall a landscape area have less than one tree per 200 square feet of surface or less than one shrub per 50 square feet of area.~~

~~d. Required trees and shrubs shall be noninvasive species that are known to thrive in the northern Oregon coastal environment.~~

~~e. The following guidelines apply:~~

~~i. Vegetation native to the Pacific Northwest coast is encouraged.~~

~~ii. Turf and grass is discouraged, except in residential developments and in water treatment swales.~~

~~iii. Species should be those contained in the Lincoln City Tree Planting Guide and List of Recommended Species, or species recommended by a licensed nurseryman as being suitable for the local climate, as approved by the planning director.~~

~~f. Trees shall be at least two-inch caliper at time of planting.~~

~~g. When tree mitigation is required, the number of mitigation trees required shall be equal to at least one-half the total number required to achieve the number of inches of mature tree(s) removed (diameter measured at four feet above grade). For instance, if a 12-inch diameter tree is removed, then two three-inch trees of the same or comparable species shall be planted.~~

~~h. Irrigation systems shall be provided for all planted areas for a period of at least two years, or until it is demonstrated that new plants have become naturalized.~~

~~i. Shrubs shall be at least three-gallon size when planted.~~
~~j. If hedges are planted for screening, plants shall be at least of an initial size so that the required screening will be achieved within two years.~~
~~k. Trees shall be planted so that encroachment below eight feet into a public right-of-way can be prevented without long-term detriment to the subject tree.~~
~~l. Landscaping shall preserve an adequate line of sight around vehicle accesses.~~
~~m. All landscaping materials shall be in vigorous and healthy growing condition and shall be installed according to common planting procedures, with consideration given to soil condition. The property owner is responsible for maintaining and replacing, as necessary, all approved landscape plants on his property and those within abutting rights-of-way (e.g., street trees).~~
~~4. Parking Area Landscaping. Surface parking areas shall contain landscaping as described under LCMC 17.50.120, Off-street parking and circulation.~~
~~5. Water Quality. Where a surface parking area incorporates water quality filters/swales and porous paving materials, such as pavers set in sand, concrete blocks allowing grass to grow through, and/or porous concrete (e.g., particularly along walkways and in parking areas that are used infrequently), the reviewing authority may allow additional building (lot) coverage, consistent with the standards in Table 17.50.060. Porous paving may also be used for small areas, such as the first four feet of a parking lot's perimeter, where it would help reduce or slow surface water runoff. (Recommended: Figure 17.50.140.)~~
~~Figure 17.50.140~~
~~(Ord. 2007-08 § 1 (Exh. B § 3(H))~~
~~17.50.150 Signs.~~
~~A. Intent. The number, size, configuration, placement, color, materials and illumination of signs all play a part in shaping the built environment. Signs in Oceanlake should function primarily as cues for pedestrian wayfinding and business identification. Business identification does not require that owners maximize the size or number of signs. The highway streetscape has built-in traffic calming features that, together with the building design standards, will enable motorists and pedestrians to notice signs at a relatively small scale. Signs designed to a highway scale are not necessary and are discouraged through the following standards.~~
~~B. Standards. Signs shall not be installed without a sign permit. Where a sign permit is required as part of a larger project, the sign package shall be reviewed with the site plan under the applicable provisions of Chapter 17.72 LCMC and the following guidelines and standards. Where a sign permit is requested apart from any other development application, it shall be processed administratively under the applicable provisions of the Lincoln City Municipal Code and the following guidelines and standards:~~
~~1. Building Signs. Building-mounted signs shall be positioned to emphasize established architectural elements such as entrances, windows, gables, etc. Signs should appear to fit within frames created by components of the facade design. Signs should not obscure building details. An individual building shall have no more than four building-mounted signs totaling not more than 48 square feet.~~
~~2. Freestanding Signs. New freestanding signs shall not exceed six feet in height, except that signs suspended from an awning, canopy or similar architectural feature may be approved subject to applicable building codes. Portable signs shall conform to LCMC 17.72.060(C)(4).~~

~~3. Contextual Design. Signs should complement Oceanlake's natural surroundings. For example, signs engraved or sculpted from metal or wood (natural or painted wood) are preferred over those that are predominantly made of plastic, Plexiglas, or similar reflective materials. Pictographic symbols are encouraged, as they often communicate more than text and add visual interest to the street. Fluorescent (e.g., day-glow), sparkling, reflective, or similar colors or finishes are not permitted. Banner signs, streamers, moving signs, video or animated signs, flashing signs, and similar sign types are considered a nuisance and traffic safety hazard and are therefore not permitted.~~

~~4. Pedestrian Signs. Pedestrian-scale signs, such as blade signs, wood cutout signs, door signs and permanent stylized window signs (allowing at least 50 percent transparency throughout the window) are encouraged. Such signs are exempt from the overall sign area limitations.~~

~~5. Signs for buildings with multiple tenants should be designed to allow for new business names to be added or replaced easily.~~

~~6. Illuminated Signs. When signs are to be illuminated, external light sources shall be used. Light sources shall be placed close to and directed onto the sign they are intended to illuminate, and shielded to minimize glare into the street or onto adjacent properties. Where possible, lights should be incorporated into the sign bracket. Lights placed below any sign (up-lighting) shall be cut off to minimize spillover into the night sky. Lights in canisters and backlit signs, except for those existing prior to the effective date of the design standards, are prohibited. See also LCMC 17.50.160, Exterior lighting.~~

~~Figure 17.50.150-1: Examples of encouraged sign types (from top: mural, blade, wood cutout, hanging sign).~~

~~(Ord. 2019-14 § 5; Ord. 2007-08 § 1 (Exh. B § 3(I))~~

~~17.50.160 Exterior lighting.~~

~~A. Intent. The number, size, design and placement of lights all contribute to creating a safe and aesthetically pleasing development. Excessive lighting contributes to light pollution, glare and light trespass, and it diminishes views of the night sky. Lights in Oceanlake should function primarily as tools for pedestrian wayfinding and business visibility. Business visibility does not require that owners fully illuminate their building and parking areas. The urban renewal plan for Oceanlake includes sidewalk lighting (antique street lamps) that, together with modest on-site lighting in developments, will enable motorists and pedestrians to recognize businesses and safely walk to them. Lights designed to a highway scale or large urban commercial scale (e.g., cobra head standards, or car sales lot lighting) are not permitted.~~

~~B. Standards. Outdoor light fixtures shall not be installed without site plan review approval. Where a light fixture is required as part of a larger project, the lighting package shall be reviewed under the following guidelines and standards. Where an outdoor light fixture is to be installed apart from any other development application, it shall be processed administratively. Outdoor lighting that does not conform to current standards, but conformed to city standards prior to the effective date of the ordinance codified in this section, is allowed to continue as nonconforming until such time that the light fixture and/or building is remodeled or replaced.~~

~~1. Contextual Design. Exterior lights shall be designed to fit their particular location and function. They should be simple in character and similar in color and intensity to those used traditionally. High pressure sodium lights are appropriate, except where good color rendition is required;~~

~~enhanced color rendition high pressure sodium lamps, or more uniform spectrum lamps, may also be used.~~

~~a. Pedestrian ways and entrances that are not otherwise illuminated by building-mounted lights or streetlights shall be illuminated using bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas. Illumination between one and two foot-candles for such areas is required.~~

~~b. Building-mounted lights should complement the building background in style; using lights to draw attention to (wash) architectural elements is permitted; provided, that unshielded, high intensity light sources and sources that direct light upward without cut-offs are not permitted. (See subsection (B)(2) of this section.)~~

~~c. Antique-style lights are preferred over recessed can lights and globe fixtures. Contemporary light fixtures that draw on historic elements or provide a new interpretation of an historic style are encouraged.~~

~~d. Maximum initial luminance of outdoor sales areas, storage areas and service station canopies and similar areas shall not exceed 20 foot-candles, except as otherwise approved by the planning director.~~

~~e. Maximum initial luminance of parking lots shall not exceed four foot-candles, except as otherwise approved by the planning director.~~

~~2. Impacts of Lighting. The visual impacts of site and architectural lighting, such as overspray of lights onto adjacent residential properties and lights shining into the night sky, shall be avoided.~~

~~a. Light poles shall not exceed a height of 20 feet.~~

~~b. Only shielded lights are permitted. Shielding should be integral to the light fixture and direct light downward. Exception: Up-lighting of official flags may be allowed; provided, that the luminance level is minimized.~~

~~c. Lighting associated with service areas, parking lots and parking structures, as well as streetlights, shall be shielded or provide cut-offs to avoid glare, light pollution (night sky) and light spillover onto residential properties. Luminance at the property line, or no more than five feet over the property line, shall be zero.~~

~~d. The planning director may require the installation and use of timers or activity switches to prevent unnecessary sources of light by controlling the length of time that exterior lights are in use late at night.~~

~~e. Lights used to wash a building elevation (including any signs) shall not wash more than 75 percent of the facade. Interior lights (e.g., store displays, etc.) are exempt.~~

~~f. Up-lighting is prohibited. Where lighting is used to wash an exterior wall, the use of recessed eave lighting is preferred. The maximum illumination limits for wall washing are one foot-candle for dark-colored surfaces and one-half foot-candle for light-colored surfaces.~~

~~g. The manufacturer's data or measurement shall be provided to demonstrate conformance with subsection (B)(1) of this section. Photometric plans are required with site plan review applications, unless waived by the planning director.~~

~~Figure 17.50.160-1: Examples of acceptable lights.~~

~~(Ord. 2007-08 § 1 (Exh. B § 3(J))~~

SECTION 12. Change in terms.

The term "setback" will replace "yard" when used in the phrase "yard requirement" throughout Title 17.

SECTION 13. Measure 49 Reservation.

Notwithstanding the amendments to this Title, including Section 2 of this ordinance, the Lincoln City Municipal code as it existed on the date of this ordinance adoption, is preserved in its entirety for purposes of application of such regulations to residential compensation claims, if any, are successfully made against this ordinance, pursuant to Ballot Measure 49.

SECTION 14. Findings Adopted.

The findings contained in the Whereas Clauses of this Ordinance, and Exhibit "A", as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

SECTION 15. Severability.

The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 16. Savings.

Notwithstanding the amendments to Title, the existing Title remains valid and in full force and effect for purposes of all criminal, civil or administrative code enforcement cases or land use actions or applications filed or commenced during the time said ordinances were operative. Nothing in this ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 17. Ordinance Effective Date.

Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

SECTION 18. Codification.

Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word,

and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 14-18) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 13th of July, 2020 (First Reading) and on the 13th of July, 2020 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 13th of July, 2020.

_____

DICK ANDERSON, MAYOR

ATTEST:

_____

CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

_____

RICHARD APPICELLO, CITY ATTORNEY

EXHIBIT A - FINDINGS

Findings for Ordinance 2020-10 (Design Standards)

Lincoln City's appearance has become a concern and priority for city leaders and citizens alike, but exactly how to improve the streetscapes and buildings remains a question. One way the city can influence community appearance is through design guidelines and standards for new construction. The city's planning and community development department hired a consultant to assist with examining the current design guidelines and standards and revising them as necessary to achieve the desired look and function.

During 2018 and the first half of 2019, the consultant assisted the city by: Establishing a vision, goals, objectives, and policies for streetscape aesthetics and building design; Determining preferences through a public education and outreach program that contemplated alternative community aesthetics and design concepts; Proposing new or revised code sections that will result in a streetscape aesthetic and building design that are practical, affordable, and appropriate for the community and environment; Identifying ways to improve administration of the site plan design review standards.

To guide this project and provide insight into the community's aesthetic and design preferences, a project advisory committee was formed, representing individuals with design experience and representatives of local businesses, neighborhoods, and organizations. The first meeting of the project advisory committee was June 22, 2018 in the NW Conference Room of city hall. At that meeting, the committee discussed goals for the project and identified criteria for reviewing the current design guidelines and standards. The consultants conducted a visual preference survey and workshop, and shared key findings with committee members at a second meeting held later in 2018. The group confirmed a strategy for moving forward. A final meeting was held with committee members in June 2019 to review a rough draft of proposed changes to Chapter 17.20 and Chapter 17.74.

Work studies were held with the Planning Commission in June and July 2019 to discuss the draft ordinance. A draft ordinance was sent to the Department of Land Conservation and Development on July 2, 2019 along with a notice of public hearing. The public hearing was noticed to be held with Planning Commission on August 6, 2019 and City Council on September 9, 2019. Due to a lack of quorum on August 6, 2019, the public hearing was continued to August 20, 2019. The public hearing was not held on August 20, 2019 and was continued to September 3, 2019, then to September 17, 2019, then to October 15, 2019, then to January 21, 2020, and then to March 17, 2020. The public hearing was continued to and held on May 5, 2020. The Planning Commission recommended approval of the proposed amendments, with minor changes.

The above referenced proposed ordinances were properly noticed pursuant to ORS 197.610 and were part of a city-wide Measure 56 notice to property owners. However, despite all the process, the design standards were only slightly altered. The most significant substantive change was to make the standards uniform rather than having slightly different standards for the City's "strings" versus the "pearls." Like the changes in Ordinances 2020-13, 14 and 15, most of the changes were housekeeping, except for removing different standards in the pearls: Nelscott, Ocean Lake, and Taft.

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A. Statewide Planning Goals

(1) Goal 1: Citizen Involvement

"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

All documents relating to the amendments were made available for public review and/or purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The city sent notice to all affected property owners regarding the public hearings on the proposed zoning ordinance amendments and the local newspaper published hearing notices in accordance with notice requirements. The planning commission and the city council each held a public hearing at which citizens were invited to participate. Therefore, the amendments are consistent with Goal 1.

(2) Goal 2: Land Use Planning

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed them on a periodic cycle to take into account changing public policies and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revision of the plan and implementing ordinances. The City Council considered the proposed amendments to the Lincoln City Zoning Ordinance in accordance with the process and based on the criteria provided in the Municipal Code. Therefore the amendments are consistent with Goal 2.

(3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

The area affected by the proposed zoning ordinance amendments is located within the city's urban growth boundary. The city is currently is designated and zoned for urban development. There is no agricultural land in Lincoln City. The amendments do not affect agricultural lands. Goal 3 is not applicable.

(4) Goal 4: Forest Lands

"To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

The area affected by the proposed zoning ordinance amendment is within the city's urban growth boundary. The affected area does not include any designated forest lands;

therefore, Goal 4 is not applicable.

(5) Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

"To protect natural resources and conserve scenic and historic areas and open spaces."

The amendments affect only areas already committed to urban development. They do not by themselves permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. The amendments are consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality

"To maintain and improve the quality of the air, water and land resources of the state."

The amendments will not adversely affect the quality of the air or water. They do not by themselves permit development that might affect water or air quality. The existing ordinances and plan requirements relating to water and air quality will continue to apply to all properties that might be affected. Therefore, the amendments are consistent with Goal 6.

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

"To protect people and property from natural hazards."

The amendments do not by themselves allow development within any natural hazard area. The existing ordinances and plan requirements relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. Therefore, they are consistent with Goal 7.

(8) Goal 8: Recreational Needs

"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts."

The proposed ordinance amendments do not relate to recreation as that term is used in this goal and do not adversely affect the provision of or ability to site recreational areas in the City. The amendments are consistent with Goal 8.

Goal 9: Economic Development

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

The amendments are intended to simplify and remedy unnecessarily different standards in the City's code that the city believes are impeding development in the city. By better organizing the code and clarifying processes and requirements the city

hopes the amendments will encourage development. The proposed amendments are consistent with Goal 9.

(10) Goal 10: Housing

"To provide for the housing needs of citizens of the state."

The amendments do not relate directly to the housing needs of the people of Lincoln City, except that clarity and uniformity as noted above may encourage new development. Goal 10 therefore met or is not applicable.

(11) Goal 11: Public Facilities and Services

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

The amendments do not relate directly to public facilities and services. Goal 11 is not applicable.

(12) Goal 12: Transportation

"To provide and encourage a safe, convenient and economic transportation system."

The amendments do not relate directly to the development of the city's transportation system. Goal 12 is not applicable.

(13) Goal 13: Energy Conservation

"To conserve energy."

The amendments do not relate directly to energy conservation. Goal 13 is not applicable.

(14) Goal 14: Urbanization

"To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities."

The amendments do not relate directly to urbanization. Goal 14 is not applicable.

(15) Goal 15: Willamette River Greenway

"To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway."

The affected area is not located within the Willamette River Greenway; therefore, Goal 15 is not applicable.

(16) Goal 16: Estuarine Resources

"To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries."

The amendments by themselves do not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). All development in such areas already is controlled by existing ordinances and comprehensive plan standards. The amendments, therefore, are consistent with Goal 16.

(17) Goal 17: Coastal Shorelands

"To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands."

The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. All development in such areas already is controlled by existing ordinances and comprehensive plan standards. The amendments, therefore, are consistent with Goal 17.

(18) Goal 18: Beaches & Dunes

"To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas."

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The amendments do not, by themselves, allow any development in or near beach and dune areas. All development in such areas already is controlled by existing ordinances and comprehensive plan standards. The amendments are consistent with Goal 18.

(19) Goal 19: Ocean Resources

"To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations."

The amendments do not, by themselves, affect any ocean resources and, therefore, are consistent with Goal 19.

B. Comprehensive Plan Goals

(1) Planning Goal

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during their preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions and, therefore, in conformance with this goal.

(2) Citizen Involvement Goal

"Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process."

The City has developed a citizen involvement program. In addition, the public hearing process, with notice to the public and property owners and review of the amendments by the Planning Commission (a citizen board) and the City Council (comprised of elected citizen representatives,) establishes conformance with this goal.

(3) Public Services and Utilities Goal

"To plan and develop a timely, orderly, and efficient arrangement of public facilities and services, which compliment the area and serve as a framework for urban and rural development."

The proposed amendments do relate directly to public services and utilities. This goal is Not applicable.

(4) Urbanization Goal

"To promote an orderly and efficient transition of land uses from rural to urban."

The amendments do not relate directly to urbanization. This goal is not applicable.

(5) Natural Hazard Goal

"The City shall control development in hazardous areas to protect life and property from natural disasters and hazards."

The amendments, by themselves, do not allow development in hazardous areas. Development in such areas is controlled by existing comprehensive plan and zoning ordinance standards, as well as building code requirements. The amendments are consistent with this goal.

(6) Housing Goal

"To provide for the housing needs of all citizens."

The amendments do not relate directly to the housing needs of the people of Lincoln City. The amendments do not substantively alter such requirements. The housing goal is met or does apply.

(7) Economy Goal

"To support the tourist industry and achieve a degree of diversity in the community, which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area."

The amendments are intended to address and remedy code provisions that are in need of clarity and better organization. By improving the clarity, uniformity and organization of the code, the city hopes to encourage new development in the city. These amendments, therefore, are consistent with this goal.

(8) Aesthetic Goal

"To develop a livable and pleasing city which enhances man's activities while protecting the exceptional aesthetic quality of the area."

The amendments will make more uniform the design standards in the code and eliminate unnecessary standards. The amendments should improve aesthetics. This goal is met.

(9) Transportation Goal

"To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people."

The amendments do not relate directly to transportation. This goal is not applicable.

(10) Energy Goal

"To conserve energy."

The amendments do not relate directly to energy conservation. This goal is not applicable.

(11) Overall Environmental Goal

"To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city."

The amendments, by themselves, do not allow development in sensitive natural resource areas. The existing ordinances and plan requirement relating to protecting the natural environment will continue to apply to all properties that might be affected. These amendments contribute to this goal.

(12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

"To conserve, to protect, to enhance the coastal resources of the city."

The amendments by themselves do not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay), in the city's coastal shorelands, beach and dune areas, or in ocean resource areas. The existing ordinances and comprehensive plan standards would be applied to any areas affected by these amendments, thereby protecting these resources. The amendments are consistent with this goal.

Council Communication

Ordinance 2020-14 Signs 17.72

Meeting Date:	July 13, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	AnneMarie Skinner
Approval:	Ronald F Chandler	Estimated Time:	5 minutes

Question(s):

Should the City Council conduct and approve First and Second Reading and adopt Ordinance 2020-14 entitled:

ORDINANCE NO. 2020-14

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.72 (SIGN REGULATIONS), AMENDING AND UPDATING CITY SIGN REGULATIONS REMOVING PROVISIONS FOR TEMPORARY SIGNS AND PLACING THEM IN CHAPTER 9.34

:

Staff Recommendation:

Staff recommends Council conduct First Reading of Ordinance 2020-14 and, *if unanimous,* Conduct and approve Second Reading and adopt the Ordinance. Any changes must be read.

Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

Background:

See prior public hearing staff report for Ordinance 2020-14. The existing Chapter 17.72 (Sign Regulations) contains provisions for permanent and temporary signs. Planning staff removed temporary signs from Chapter 17.72 and cleaned up the ordinance. Temporary signs will come

forward to Council in a non-land use ordinance concerning Chapter 9.34 at a future meeting. Per Council recommendation definitions are moved to a separate ordinance. The Planning Commission recommended approval of the proposed ordinance amendment to Chapter 17.72.

Council Options:

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.

2. Conduct and approve First Reading. Read changes, if any. Continue Second Reading to July 27, 2020 [or]

3. Continue First Reading to July 27, 2020.

4. Do not proceed with proposed ordinance.

Potential Motions:

City Attorney: [Conduct First Reading of Ordinance by Title only]

ORDINANCE NO. 2020-14

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.72 (SIGN REGULATIONS), AMENDING AND UPDATING CITY SIGN REGULATIONS REMOVING PROVISIONS FOR TEMPORARY SIGNS AND PLACING THEM IN CHAPTER 9.34

Council:

1. Motion to approve First Reading of Ordinance 2020-14.

If unanimous: conduct Second Reading

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Council:

1. Motion to approve Second Reading and adopt Ordinance 2020-14.

[or]

2. Motion to set Second Reading for July 27, 2020.

Attachments:

2020-14 (DOCX)
FINAL Ext. A Findings 2020-13,14 and 15. (DOCX)

ORDINANCE NO. 2020-14

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.72 (SIGN REGULATIONS), AMENDING AND UPDATING CITY SIGN REGULATIONS REMOVING PROVISIONS FOR TEMPORARY SIGNS AND PLACING THEM IN CHAPTER 9.34

Annotated to show deletions and additions to the code sections being modified. Deletions are ***bold ~~lined through~~*** *and additions are* ***bold underlined****.*

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provides:

> 2.1 Powers of the City
> The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.
>
> 2.2 Construction of Charter
> In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution; and

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. *City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop,* 20 Or. App. 293; 531 P 2d 730, 734 (1975); *LaGrande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

WHEREAS, the amendments to the Lincoln City Municipal Code are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A".

WHEREAS, the proposed amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and

WHEREAS, on February 11, 2020, the City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s) and on February 26, 2020; notice of the proposed amendments was included in an ORS 227.186(4) notice to all affected property owners.

WHEREAS, the Planning Commission, on May 5, 2020, held a public hearing and considered the amendments contained within this ordinance. On May 19, 2020, the Planning Commission voted to transmit the amendments to the City Council with a recommendation of approval; and

WHEREAS, the City Council held a public hearing on June 22, 2020. On June 22, 2020 Council closed the record and deliberated on the proposed amendments. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance. After deliberation, Council provided direction to move definitions to a separate ordinance and return for required readings on July 13, 2020.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.72 (*Sign Regulations*) is hereby amended to add the following text to replace the existing chapter:

Chapter 17.72 Sign Regulations

17.72.010 Purpose and objectives

The purpose of this chapter is to improve the aesthetic quality of the city in a manner which recognizes and balances the need for permanent signs with other visual, aesthetic, economic, and safety concerns of the city by:

1. **Protecting the health, safety, and welfare of the public;**
2. **Facilitating communication between people through establishment of a comprehensive system regulating permanent signs in the city;**
3. **Minimizing adverse safety factors to pedestrians, bicycles, and vehicles;**
4. **Enhancing the overall aesthetics of the city;**
5. **Providing permanent signs that are legible, neat, clean, and in good repair, thereby establishing and maintaining an orderly appearance for the city;**
6. **Providing for safe construction, location, erection, and maintenance of permanent signs;**
7. **Preventing proliferation of signs and sign clutter by regulating the number and size of permanent signs;**
8. **Ensuring signage does not create an impermissible conflict with statutory, administrative, or constitutional standards;**
9. **Providing for fair and consistent enforcement of the sign regulations set forth herein; and**
10. **Ensuring that the constitutionally guaranteed right of free expression is protected.**

17.72.020 Zoning sign permit application

A. Except as provided in LCMC 17.72.025, a zoning sign permit is required prior to erecting, constructing, placing, locating, attaching, affixing, moving, modifying, or altering any permanent sign or permanent sign structure.
B. An application for a zoning sign permit shall be made on a form prescribed by the director, shall contain all the information requested on the prescribed form, and shall be filed with the department.
C. A separate zoning sign permit application is required for each separate sign.
D. The payment of permit fees in the amount set by City Council resolution is required for each separate sign.
E. A separate application through Lincoln County for an electrical permit may be necessary. It's the applicant's responsibility to contact Lincoln County and ascertain electrical permit requirements.
F. A separate application through the department for a structural permit may be necessary. It is the applicant's responsibility to contact the building official and ascertain structural permit requirements. If a structural permit is required, it must be issued prior to erecting, constructing, placing, locating, attaching, affixing, moving, modifying, or altering any permanent sign or permanent sign structure.

17.72.025 Exemptions from requirement for sign zoning permit

The following list of items is exempt from the zoning sign permit requirement of this chapter, but they are still subject to the limitations of city code, including definitions:

A. Painting, repainting, cleaning, and maintaining an existing sign;
B. Signs that are designed to be read only from within buildings or other premises such as parking and maneuvering areas and interior spaces such as within multi-business complexes;
C. Integral signs;
D. Grave markers;
E. Government signs;
F. Vehicle signs that are not prohibited under 17.72.060;
G. Signs displayed upon a bus or vehicle owned by a public transit district or government agency;
H. Original art displays;
I. Utility signs;
J. Window signs, internally or externally illuminated, either directly or indirectly;
K. Signs incorporated into ATMs, fuel pumps, or vending machines;

L. **Changing of sign copy; and**

M. **Changing of sign face provided no changes are made to the cabinet or other structural components of the sign and provided no changes or repairs are made to illumination.**

17.72.030 Construction

A. **All permanent signs and sign structures, including exemptions listed in 17.72.025, shall comply with the applicable provisions governing construction within and for the city, including all city, state, and federal rules and regulations.**

B. **Any applicable permits shall be obtained as required by city, state, or federal law and shall be obtained prior to construction or placement.**

C. **It is the responsibility of the individual wishing to construct or place the permanent sign to ascertain all requirements, prohibitions, exemptions, and permitting processes and to obtain all required permits prior to said construction or placement.**

17.72.035 Placement

A. **Placement is subject to compliance with clear-vision area requirements of LCMC 17.52.060;**

B. **All portions and components of permanent signs and sign structures must be placed such that no portion or component obstructs clear and unhindered passage of any vehicular, bicycle, or pedestrian traffic in any right-of-way;**

C. **All portions and components of permanent signs and sign structures must be placed outside of the required clear circulation path for ADA-accessibility. In no case, shall any portion or component of any permanent sign, sign structure, or any other item allowed in this chapter obstruct, impede, or be within the required clear circulation path unless a reduction in the width of the clear circulation path has been approved by the city engineer.**

D. **No portion or component of any permanent sign, sign structure, or any other item allowed in this chapter shall be placed or displayed in a manner that presents a safety hazard to pedestrians, bicycles/bicyclists, vehicles and drivers, or anyone else; and**

E. **Permanent signs placed such that any portion, or the entirety, of the sign or sign structure is within right-of-way must obtain approval of such placement from the roadway authority having jurisdiction over the right-of-way in which the permanent sign will be placed.**

F. **The maximum protrusion of a sign over right-of-way shall be 24 inches, with a minimum of eight feet of clearance between the finished grade and the bottom of the sign. The applicable roadway authority shall approve the placement of protruding signs.**

17.72.040 Maintenance

A. **All permanent signs, along with all of their structures, components, poles, posts, supports, braces, guys and guy wires, anchors, etc. and any other item allowed by this chapter must be:**
   1. **Maintained in a safe, hazard-free condition;**
   2. **Maintained in a condition which is neat, clean, and in good repair;**
   3. **Kept free from rust, corrosion, peeling paint, mold, mildew, or other surface deterioration;**
   4. **Kept neatly and freshly painted or posted; and**
   5. **Kept free of all extraneous items.**

B. **All permanent signs, which are faded, torn, damaged, dirty, ripped, corroded, tattered, frayed, broken, hazardous, or in a state of disrepair must have immediate maintenance performed or be removed immediately, but no later than 30 days following the occurrence of the fading, tearing, damage, uncleanliness, etc.**

C. **A permanent sign structure must contain a sign face at all times, except during the time when the sign face has been temporarily (no more than 30 days) removed for repair or maintenance. Such sign face shall be neat, clean, and hazard-free.**

17.72.050 Nonconforming Signs

Nonconforming permanent signs may continue, subject to the restrictions in this section:

A. **A nonconforming permanent sign or sign structure shall not be:**
   1. **Expanded in size or height that increases the nonconformity; or**
   2. **Relocated.**

B. **A nonconforming permanent sign may be maintained or altered, including changing the face and changing the types of materials comprising the sign, provided no changes are made that would increase the nonconformity.**
   1. **If a nonconforming sign is destroyed by wind, fire, rain, or by any other natural disaster, the sign shall not be replaced and shall lose its nonconformity and any remaining portions shall be removed; any new signage erected in its place shall comply with the provisions of this chapter.**

17.72.055 Temporary and Portable Signs

Temporary and portable sign allowances are given in Chapter 9.34 LCMC. Definitions are listed in LCMC 17.08.010.

17.72.060 Prohibitions

The following are expressly prohibited, unless specifically stated otherwise in this chapter:

- **A. Flashing or blinking signs;**
- **B. Unlawful signs;**
- **C. Reflective signs or signs that contain mirrors;**
- **D. Obstructions of traffic control markings or devices, traffic signals, or traffic signs;**
- **E. Obstructions of drivers to pedestrians or pedestrians to drivers at or in marked or unmarked crosswalks;**
- **F. Beacons, except those associated with emergencies or aircraft facilities, or placed by government agencies;**
- **G. Inflatable signs that are attached to the property, ground, or other permanent structure, except as provided in Section 17.72.105;**
- **H. Signs and components and elements of faces of signs that shimmer or contain reflective devices;**
- **I. Signs which emit any odor, noise, or visible matter other than light;**
- **J. Video signs;**
- **K. Any sign erected, constructed, installed, displayed, placed, attached, affixed, maintained, or altered in a manner not in compliance with this chapter;**
- **L. Signs which restrict, decrease, or obstruct any portion of required five-foot-wide clear circulation paths for ADA-accessibility;**
- **M. Signs constructed or maintained which, by reason of their size, location, movement, coloring or manner of illumination may be confused with or construed as a traffic control device or which hides from view any traffic control device;**
- **N. Signs (other than government signs) constructed in such a manner or at such a location that they will obstruct access to any fire escape or other means of ingress or egress from a structure, building, or exit corridor, exit hallway, or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire;**
- **O. Any sign attached to a tree, plant, shrub, living vegetation, traffic sign or device, utility pole or box, or street light, except as otherwise allowed or required by the government or utility, this chapter, or other chapters of the code;**
- **P. Projected image signs;**

Q. Vehicle signs which are any of the following: internally or externally illuminated signs; video signs; animated signs; moving or rotating signs; flashing or scrolling signs; or signs that move, shimmer, contain reflective or glaring devices or use or contain any form of electronic, electrical, battery-operated, computer-operated, or digital mechanisms;

R. Vehicles or trailers used as signs or as bases for signs where the primary purpose of the vehicles or trailers in that location is their use as a sign; and

S. Temporary signs unless specifically allowed by Chapter 9.34 LCMC.

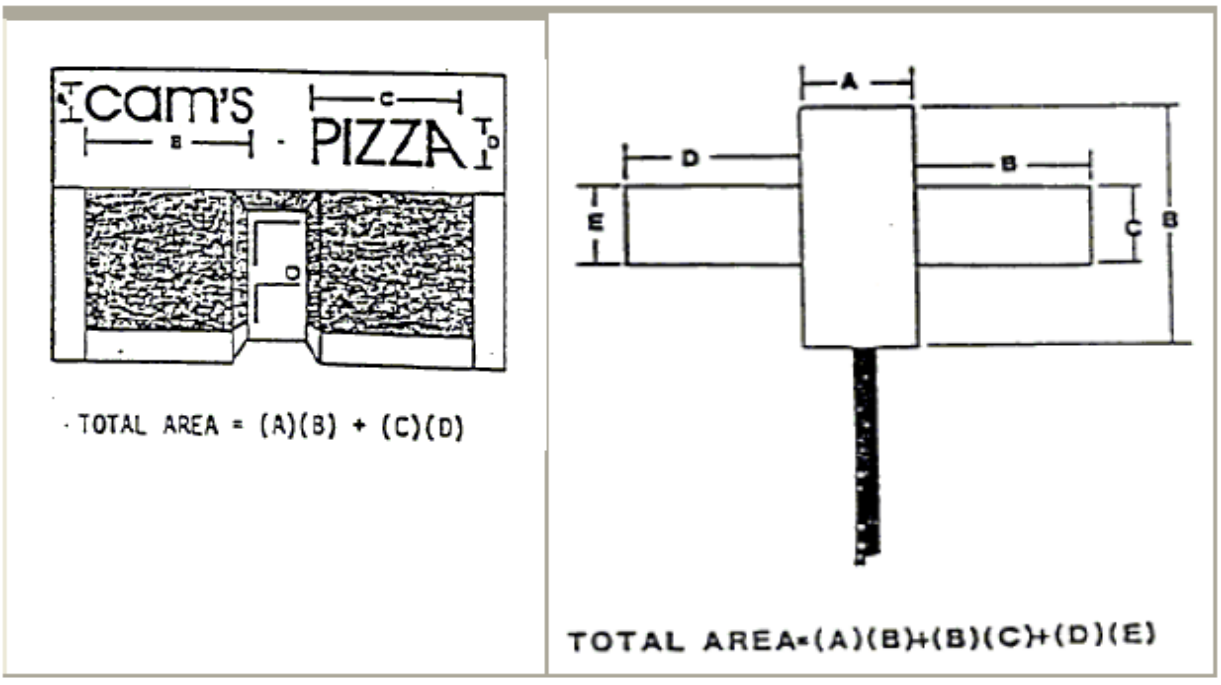
17.72.070 Measurements

The following shall be used in measuring a permanent sign to determine compliance with this chapter:

A. Sign Area.

1. The area of the sign is computed by calculating the area encompassed within any regular geometric figure that would enclose the sign (excluding the sign structure and structural supports). When the sign is broken into different parts, the geometric figure shall be placed around each individual part for calculating the area of that part, and then adding the sum of the parts, to reach the overall sign area. See Figure 17.72-70-1 below.

Figure 17.72.70-1 Sign Area Measurements



B. Height.

1. Height of sign is measured from the grade of the curb line closest to the base of the sign to the highest point of the sign. In the absence of a curb line, the edge of the street pavement shall be used. In the absence of street pavement, the finished grade directly adjacent to or underneath the sign shall be used.

C. Double- or multi-faced signs. Allowable sign square footage applies to only one side of double- or multi-faced signs, provided each face is identical in size.

D. Clearance. Clearance of a sign is measured from the finished grade directly underneath the sign to the lowest point of the sign.

17.72.090 Permanent signs in the R-1-5, R-1-7.5, R-1-10, R-1-RE, R-M, R-R, VR, and NP-NCR zones

The following permanent signage is allowed in the R-1-5, R-1-7.5, R-1-10, R-1-RE, R-M, R-R, VR, and NP-NCR zones:

A. A permitted and approved non-residential use may have permanent signage not exceeding 50 square feet in area. Permanent signage may be wall signs, roof signs, blade signs, suspended signs, canopy signs, awning signs, or marquee signs or freestanding ground, pole, or monument signs, with no limitation on the number of signs, provided the total permanent signage square footage does not exceed 50 square feet in area.

B. In the R-M zone, sites with a permitted and approved multi-unit dwelling use may have permanent signage not exceeding 50 square feet in area. Permanent signage may be attached wall signs, roof signs, blade signs, suspended signs, canopy signs, awning signs, or marquee signs or freestanding ground, pole, or monument signs, with no limitation on the number of signs, provided the total permanent signage square footage does not exceed 50 square feet in area.

1. Sites in the R-M zone containing at least two buildings, wherein each of the buildings has three or more residential units, may have one additional sign not to exceed 20 square feet, as well as one additional sign per building, not to exceed 10 square feet for each such sign.

C. Changeable copy signs, electronic message centers, and signs that are internally illuminated are prohibited.

1. External illumination may be provided in accordance with the provisions of Section 17.72.110.

17.72.100 Permanent signs in all other zones

The following permanent signage is allowed in all other zones besides R-1-5, R-1-7.5, R-1-10, R-1-RE, R-M, R-R, VR, and NP-NCR zones:

A. Attached Signs. Attached signs allowed by this code are wall signs, blade signs, suspended signs, canopy signs, awning signs, or marquee signs.

1. Number. There is no limit to the number of attached signs on a building with either one tenant space or with more than one tenant space, subject to the aggregate total area limitation of 17.72.100(A)(2) below.

2. Area.

a) Buildings are allowed a minimum of 25 square feet of attached sign area regardless of the amount of frontage or tenant spaces.

b) When a building contains more than one tenant space, each tenant space is allowed a minimum of 25 square feet of attached sign area.

c) Tenant spaces with more than 25 lineal feet of frontage are allowed to increase the 25-square-foot minimum by one square foot for each lineal foot of frontage.

d) In no case shall the total square footage of attached sign area on one building exceed 100 square feet, regardless of the number of tenant spaces and regardless of the amount of frontage.

Figure 17.72.100-1: Examples of attached signs (from top, left to right: wall, blade, wall, blade).

3. Attached signs may be illuminated, subject to the provisions of Section 17.72.110.

B. Roof signs. Each building is allowed one roof sign not to exceed 50 square feet in area.
   1. Roof signs may not extend more than 6 feet above a flat roof or the ridge of a pitched roof.
   2. In no case may the combined height of the building and sign exceed the building height limitations of the underlying zone.
   3. Illumination may be incorporated into roof signs, subject to the provisions of Section 17.72.110.

C. Freestanding Signs. Freestanding signs are ground signs, monument signs, and pole signs.
   1. Number.
      a) One freestanding sign is allowed per legal lot of record, provided the lot has 50 or more lineal feet of street frontage. Two or more contiguous lots under the same ownership, wherein each of the lots have less than 50 lineal feet of street frontage, may have their street frontages combined for purposes of determining the lineal feet of street frontage for the one allowed freestanding sign. This is the only instance where street frontages may be combined for sign allowance purposes.
      b) In cases where a legal lot of record has multiple street frontages, each of which exceed 100 lineal feet, that legal lot of record may have one freestanding sign for each such street frontage, provided the freestanding sign allotted per street frontage is placed adjacent, and oriented to, the street frontage from which the allowance is obtained.
         i. Additionally, if one or more of the multiple street frontages exceeds 200 lineal feet, then one additional freestanding sign

may be placed adjacent, and oriented to, such street frontage that exceeds 200 lineal feet.

2. Area Limitations.
   a) The allowed area of a freestanding sign is one square foot of sign area per one lineal foot of street frontage, up to a maximum area of 100 square feet.
3. Placement.
   a) Freestanding signs must comply with clear-vision area requirements of LCMC 17.52.060.
   b) No freestanding sign may be within 100 linear feet of another freestanding sign on the same legal lot of record.
4. Height.
   a) The maximum height of a freestanding sign is 20 feet measured as the vertical distance from the highest point of the sign, including any vertical projection thereof, to the level of the street upon which the sign faces, or the adjoining ground level, if it is above the street level.
   b) Where the adjoining ground level is the reference in determining the permissible height of a freestanding sign, it is unlawful to alter the grade or ground level below the sign so as to allow a taller sign.

17.72.110 Illumination – general restrictions

A. No sign, light, lamp, bulb, tube, or device shall be used or displayed in violation of this section.
B. No light source shall create an unduly distracting or hazardous condition to a motorist, pedestrian, or the general public.
C. External light sources for a sign shall be directed and shielded to limit direct illumination of any object other than the sign.
D. The illumination of signs shall comply with the following:
   1. Neon, LED, or incandescent illumination is allowed, subject to these standards.
   2. Illumination is allowed either internally, externally, directly, or indirectly, subject to these standards.
   3. No exposed reflective type bulb, par spot, nor incandescent lamp, which incandescent lamp exceeds 25 watts, shall be exposed to direct view from a travel way, but may be used for indirect light illumination of the display surface of a sign.
   4. When neon tubing is employed for illumination, the capacity of such tubing shall not exceed 300 milliamperes rating for white tubing nor 100 milliamperes rating for any colored tubing.

5. When fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to 800 milliamperes rating tubing behind a sign face spaced at least nine inches, center to center.

17.72.120 Electronic display centers and changeable copy signs

A. All electronic display centers shall come equipped with automatic dimming controls that automatically adjust the display brightness based on ambient light conditions such as from day to night or on a cloudy day.
B. No electronic display center shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (LUX meter at a present distance depending on sign area). Measuring distance shall be determined using the square root of the product of the sign area and one hundred. (Example using a 12-square-foot sign: square root of (12x100) = 34.6 feet measuring distance.)
C. One electronic display center or changeable copy sign is allowed per legal lot of record provided the legal lot of record has at least 40 lineal feet of street frontage.
D. The display in the electronic display center may not change or move more often than once every hour.
E. The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects.
F. The electronic display center must be designed and equipped to freeze the element's display in one position if a malfunction occurs.
G. Sign area of the display portion of the electronic display center or changeable copy sign may not exceed 30 percent of the provided sign face.
H. The electronic display center or changeable copy sign must be part of an attached sign or freestanding sign, is not allowed as a separate sign, and is included in the calculation of allowed attached or freestanding sign face area.
I. Incorporation of electronic display centers and changeable copy signs:
   1. Electronic display centers may be incorporated into either attached or freestanding signs, but not roof signs.
   2. Changeable copy signs may be incorporated into either attached or freestanding signs, but not roof signs.
   3. Electronic display centers and changeable copy signs are only allowed as part of permanent attached or freestanding signs and may not be utilized as stand-alone permanent signs.
   4. Electronic display centers and changeable copy signs are subject to the provisions of Sections 17.72.110 and 17.72.120.

17.72.130 Violations.

Any sign that is located, constructed, maintained, repaired, or used in violation of city code constitutes a nuisance. The city may take action against such as provided in Chapter 17.84 LCMC or as provided in Chapter 8.12 LCMC.

~~**SIGN REGULATIONS**[1]~~

~~**Sections:**~~

~~**17.72.010 Statement of purpose.**~~

~~**17.72.020 Conformance with chapter provisions.**~~

~~**17.72.030 Definitions.**~~

~~**17.72.040 Prohibited signs.**~~

~~**17.72.045 Exempt signs and limits of exemptions.**~~

~~**17.72.050 Application and permit requirements for permanent and temporary signs.**~~

~~**17.72.060 Special conditions, standards and limitations by zoning district.**~~

~~**17.72.070 Permit fees.**~~

~~**17.72.080 Sign maintenance.**~~

~~**17.72.090 Nonconforming signs.**~~

~~**17.72.100 Nuisance signs.**~~

~~**17.72.010 Statement of purpose.**~~

~~**Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. The intent of this chapter is to regulate all signs within Lincoln City to ensure that they are appropriate for their uses, in keeping with the appearance of the affected property and surrounding neighborhood, and protective of the public health, safety, and general welfare by:**~~

~~**A. Setting standards and providing uniform, rationally based controls that permit reasonable use of signs and preserve the character of Lincoln City;**~~

~~**B. Prohibiting the erection of signs in such numbers, sizes, designs, illumination, construction and locations as may create a hazard to pedestrians, cyclists, and motorists;**~~

~~**C. Avoiding excessive conflicts from large and multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion;**~~

~~**D. Establishing a process for review and approval of sign permit applications; and**~~

~~**E. Ensuring sign design that builds on the image and the visual environment Lincoln City wishes to promote.**~~

~~**This chapter must be interpreted in a manner consistent with the United States and Oregon Constitutional guarantees of free speech and expression. If any provision of this chapter is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this chapter which can be given effect without the invalid provision. (Ord. 2019-14 § 1)**~~

~~**17.72.020 Conformance with chapter provisions.**~~

~~A. Any sign erected, altered, or repaired after May 8, 2019, must conform to the requirements of this chapter.~~
~~B. Properties in the Oceanlake Plan District (OPD), Nelscott Plan District (NPD) and Taft Village Core (TVC) zones are subject to additional or different sign requirements. Applicants should examine the texts of those zones before applying for sign permits.~~
~~C. This chapter addresses temporary and permanent signs requiring a permit; exempt temporary signs (those not requiring a permit) are addressed in Chapter 9.34 LCMC.~~
~~D. The city building code, LCMC 15.04.020(C), adopts by reference "The Uniform Sign Code" (1997 Edition), promulgated by the International Conference of Building Officials, Whittier, California. (If any of the provisions in this chapter are in conflict with the Uniform Sign Code, the provisions of this chapter will prevail.) (Ord. 2019-14 § 1)~~

~~17.72.030 Definitions.~~
~~For the purposes of this chapter, the following terms, phrases, words and their derivations will have the meaning given here. Unless expressly stated otherwise, any pertinent word or term not defined here will be construed to have its legal definition or, in the absence of a legal definition, its meaning as commonly accepted by practitioners such as civil or structural engineers, surveyors, architects, landscape architects, and planners.~~
~~"Address sign" means a permanent sign that designates the street number, street name, unit number, or unit name for identification purposes. Such signs are required government signs, necessary for public safety purposes. An address sign is exempt from permitting.~~
~~"Athletic field sign" means any permanent or temporary government sign located on the outfield fence or other structure of an athletic field. An athletic field sign is a government sign exempt from permitting, except that a privately owned (temporary or permanent) athletic field sign located on public property must be placed pursuant to a permit and concession/fee agreement and permit by the parks department or other governmental owner, administering a content-neutral sign policy.~~
~~"Attached sign" means wall signs, projecting signs, and roof signs.~~
~~"Banner" means a temporary sign printed on cloth, bunting, paper, plastic, or similar flexible material attached to a building, structure, staff, pole, rope, wire, or framing. A banner may be permitted only as a temporary sign. A flag is not a banner.~~
~~"Beacon sign" means any light with one or more beams directed into the atmosphere or directed at one or more points not on the sale lot as the light source; any light with one or more beams that rotate or move.~~
~~"Directional sign" means a sign required or approved through the government development review process which directs vehicular and pedestrian traffic and is typically shown or referred to on a governmental site plan approval. Examples of these government signs include entrance and exit signs, tsunami evacuation signs, or other educational or instructional signage. Except for evacuation signs, such signs must not exceed two and one-half feet in height and are no larger than six square feet.~~

~~"Feather banner" means a temporary sign on cloth, bunting, plastic, paper, or similar nonrigid material attached to a structure, staff, or pole and that is taller than it is wide. A feather banner is not a flag.~~

~~"Flag" means a sign made of fabric or other similar nonrigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported. See also "Banner."~~

~~"Flashing sign" means an illuminated sign on which artificial or reflected light is not stationary and constant in intensity and color at all times when in use, but changes or cycles on and off by any means more frequently than once in any one-hour period. The actual change of display for an illuminated, changing image sign must be completed in two seconds or less. Displays must change by instantaneous change from one static display to another, and once changed, must remain static until the next change. Signs must not scroll, travel, or display video. A change in light intensity around sunset or sunrise to bring the illumination to an appropriate daytime or nighttime level is not "flashing" as that term is used in this chapter. "Flashing signs" are not (1) signs that are entirely located within an enclosed building and are not observable from the exterior of such buildings; or (2) flashing or changing message signs located inside or outside an enclosed building, but not observable from any public or private right-of-way or other property.~~

~~"Flying signs" are temporary signs, which include but are not limited to balloons, blimps, or kites, designed to be kept aloft by mechanical, wind, chemical or hot air means, that are tethered to a fixed permanent location.~~

~~"Freestanding sign" means a sign supported by structures or supports that are placed on, or anchored in, the ground and that is independent and detached from any building or other structure, whether portable or stationary. Freestanding signs include ground signs and pole signs.~~

~~Frontage, Business. "Business frontage" means the lineal front footage of a building or portion thereof devoted to a specific business or enterprise and having an entrance/exit open to the general public.~~

~~Frontage, Street. "Street frontage" means the lineal dimension in feet that the property on which a structure is built abuts a public street or streets.~~

~~Government Signs. A "government sign" is a sign that is constructed, placed or maintained by the federal, state, local government or special district, or a sign that is required to be constructed, placed or maintained by the government, including local development approval conditions, either directly or to enforce a property owner's rights. Examples of government signs include but are not limited to required traffic control signage, address signs, apartment and motel unit identification signs, directional signs, subdivision identification signs, signs to exercise rights per trespass or solicitation ordinance or statute, athletic field signage (including approved concessions), other municipal facility identification or safety signage.~~

~~"Ground sign" means a sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building. A ground sign is also known as a monument sign.~~

~~"Illuminated sign" means a sign that is illuminated by electric lights or luminous tubes as a part of the sign proper. An internally illuminated sign is illuminated through its sign face or backlit by a light source contained inside the sign. An externally illuminated sign is illuminated by a light source exterior to the sign that is aimed at its surface.~~

~~"Inflatable sign" means a sign that is inflated with air or other gas, including signs kept inflated with a blower or other means, and is made of flexible material which may be of various three-dimensional shapes. A normal balloon 14 inches in size or smaller is not considered an inflatable sign.~~

~~"Lot" means a parcel of land under one ownership, whether described by metes and bounds or as a platted subdivision or partition lot. "Lot" generally refers to a legally created lot.~~

~~"Moving signs" means signs that revolve, rotate, swing, undulate or otherwise attract attention through the movement of parts, or through the impression of movement.~~

~~"Multi-business complex" means premises operated or developed as a unit with an undivided or nonsegregated parking area that functions as a center and which has multiple occupancy by business or service firms. A business is considered as part of a multi-business complex regardless of whether said business occupies a separate structure or is under separate ownership or is on a separate parcel.~~

~~"Nonconforming sign" means any sign which lawfully exists prior to the effective date of the ordinance codified in this chapter but which, due to the requirements herein, no longer complies with the height, area or placement regulations or other provisions of this title.~~

~~"Original art display" means a hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An original art display does not include mechanically produced or computer-generated images, including but not limited to digitally printed vinyl, electrical or mechanical components or changing image art display.~~

~~"Parked vehicle sign" means any sign attached to or displayed on any type vehicle or trailer which is parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to display the sign. However, this is not in any way intended to prohibit signs placed on or affixed to or in the windows of vehicles and trailers, where the sign is incidental to the primary use of the vehicle or trailer.~~

~~"Person" means and includes any person, firm, partnership, association, corporation, company or organization of any kind.~~

~~"Pole sign" means a freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.~~

~~"Portable sign" means a sign that is designed to be transported or moved and not permanently attached to the ground, a building, or other structure. Portable signs include~~

~~sandwich board signs, A-frame signs, swinger signs, and similar constructed signs. Such signs are not exempt from land use permitting and may not be placed on public property.~~
~~"Projected image sign" means a sign displayed by projecting an image onto a wall or other surface.~~
~~"Projecting sign" means any wall sign that is affixed at an angle or perpendicular to the wall of any building in such a manner to read perpendicular or at an angle to the wall on which it is mounted.~~
~~"Roof sign" means any sign wholly erected, constructed or maintained on the roof structure or parapet wall of any building.~~
~~"Sign" means any display, illustration, structure or device that has a visual display visible from a public right-of-way and designed to identify, announce, direct or inform, or otherwise for the purpose of communicating a message. The scope of the term "sign" does not depend on the content of the message or image being conveyed. "Sign" includes the sign faces as well as any supporting structure.~~
~~"Sign repair" means fixing or replacement of broken or worn parts. Replacement may be of comparable materials only, and in the case of nonconforming signs replacement of a structural member triggers compliance with current requirements. Repairs may be made with the sign in position or with the sign removed.~~
~~"Sign structure" means a structure specifically intended for supporting or containing a sign.~~
~~"Sign that creates glare" means a sign that is not designed, located, shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon public rights-of-way and surrounding property.~~
~~"Signs on natural objects" means signs that are attached or otherwise affixed to trees or other vegetation, or painted, printed, or drawn upon a rock or other natural feature in its natural location.~~
~~"Snipe sign" means any small sign, generally of a temporary nature, made of any material, when such sign is tacked, nailed, posted, glued or otherwise attached to trees, poles, stakes, fences, natural features, or other objects not erected, owned and maintained by the owner of the sign.~~
~~"Structural alteration" means modification of the size, shape or height of a sign structure. Also includes replacement of sign structure materials with other than comparable materials; for example, metal parts replacing wood parts.~~
~~"Structural trim" means the molding, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure.~~
~~"Subdivision sign" is a form of government address sign and means a permanent sign at the entrance to the subdivision that designates the subdivision name for identification purposes. Such signs are necessary for public safety purposes and generally approved with governmental site plan approval. Such a sign requires permitting, is generally a freestanding sign and may not exceed 42 square feet.~~
~~"Temporary sign" means a sign intended to be displayed for a specified period of time only and then removed. Temporary signs include, but are not limited to, portable signs, banners, flags, pennants, balloons, blimps, streamers, posters, or other like signs meeting~~

~~the dimensional requirements of this chapter. Temporary signs are prohibited except as authorized by Chapter 9.34 LCMC and this title and do not include any form of prohibited sign listed in LCMC 17.72.040(A).~~

~~Undeveloped Lots or Parcels. A lot or parcel is undeveloped unless: (1) lawful business operations are conducted on the lot in good faith; and (2) the lot either contains development that has been approved through site plan review pursuant to LCMC 17.52.240 or contains development that would have been required to go through site plan review if site plan review had existed at the time the development occurred.~~

~~"Wall sign" means a sign that is affixed parallel to the wall or printed on a wall of any building, is affixed flat against the sloping surface of a wall, or is affixed to the face of a building marquee, building awning, or a building canopy. A wall sign must not project above the top of the wall or beyond the end of the building.~~

~~"Window sign" means a sign that is applied, printed, or affixed to a window, or placed inside a window within three feet of the glass, facing the outside of the building and visible from the outside.~~

~~"Windsock" means a light, flexible cylinder or cone mounted on a mast to show the direction and strength of the wind, especially at an airfield. (Ord. 2019-14 § 1)~~

~~17.72.040 Prohibited signs.~~

~~A. Generally prohibited signs include the following:~~

~~1. Flashing signs (except as provided in LCMC 9.34.020(E)).~~

~~2. Moving signs.~~

~~3. Snipe signs.~~

~~4. Inflatable signs (except as provided in LCMC 9.34.020(E)).~~

~~5. Pennants, strings and streamers.~~

~~6. Signs that emit smoke, visible vapors, particulate matter, sound, odor, or contain open flames.~~

~~7. Signs that prevent free ingress or egress from any door, window, or fire escape, or that prevent free access from one part of a roof to any other part.~~

~~8. Reflective signs or signs that contain mirrors.~~

~~9. Flying signs.~~

~~10. Projected image signs.~~

~~11. Beacon signs.~~

~~12. Signs that imitate traffic-control devices or can be confused with any authorized traffic control sign, signal or other device.~~

~~13. Signs that obstruct clear vision areas or that otherwise interfere with or obstruct the view of any authorized traffic control sign, signal or other device.~~

~~14. Signs on natural objects.~~

~~15. Sign that creates glare.~~

~~16. Parked vehicle signs.~~

~~17. Signs prohibited by state or federal law.~~

~~18. Temporary signs, except as provided in Chapter 9.34 LCMC and as authorized by city permit.~~

~~19. Feather banners, except when substituted for a flag as provided in LCMC 17.72.060(C)(2).~~

~~B. Specially prohibited signs by zoning district include the following:~~

~~1. Signs on undeveloped lots or parcels in the GC, PI, RC, PC, M-W, TVC, OPD and NPD zones. (Ord. 2019-14 § 1)~~

~~17.72.045 Exempt signs and limits of exemptions.~~

~~A. Exempt Signs and Limits of Exemptions. The following signs are exempt from the permit requirement of this chapter, subject to the limitations in this code, including the definition of such signage:~~

~~1. Exempt temporary signs referenced in LCMC 9.34.020.~~

~~2. Government signs.~~

~~3. Signs that are designed to be read only from within buildings or other business premises such as parking and maneuvering areas and interior public spaces such as within multi-business complexes.~~

~~4. Original art displays.~~

~~5. Markers in cemeteries and mausoleums. (Ord. 2019-14 § 1)~~

~~17.72.050 Application and permit requirements for permanent and temporary signs.~~

~~A. Except as otherwise provided by this title and Chapter 9.34 LCMC, no person may erect or re-erect, reconstruct, and/or structurally alter or replace any sign without a sign permit.~~

~~B. An applicant for a sign permit must supply the following information on or attached to application forms provided by the planning department:~~

~~1. Size, height, location, description, and all dimensions, and weight of the materials of the sign;~~

~~2. Name of manufacturer, erector, and owner;~~

~~3. Sketch and description of sign surface areas, sign structure and sign lighting. Measurement of allowable sign surface area must include:~~

~~a. The actual geometric area contained within the borders of the sign, including blank space, as well as sign surface;~~

~~b. Only one side of double-faced or back-to-back signs whose surfaces diverge at less than 45 degrees;~~

~~c. For signs having an irregular shape or having no definite border, such as those painted on the walls of buildings, a rectangle that completely encloses the sign;~~

~~4. Certification by the property owner and/or lessee that the information provided on the application is accurate. (Ord. 2019-14 § 1)~~

~~17.72.060 Special conditions, standards and limitations by zoning district.~~

~~A. General Standards Applicable to All Permanent Signs.~~

~~1. Illuminated signs must conform to electrical code and the permit fees required thereunder.~~

~~2. Light from a sign must be directed away from all residential zones and must not detract from a motorist's view of any traffic-control device. All signs must be designed, located,~~

~~shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon public rights-of-way and surrounding property.~~

~~3. The maximum sign size for any sign requiring a permit under the provisions of this chapter is 100 square feet.~~

~~4. The maximum protrusion of a sign over a street or alley or public property will be 24 inches, except along Highway 101, where no intrusion of a sign into or over the right-of-way will be allowed. Where allowed, the sign must be at least eight feet above grade. No sign shall be constructed, erected or maintained within the public right-of-way, except as installed by a duly constituted governmental entity.~~

~~B. Permanent signs may be provided for businesses within the GC, PI, RC and PC zones as follows:~~

~~1. Attached Signs.~~

~~a. Number. There is no limit on the number of attached signs each business may have, subject to the aggregate total area limitation below.~~

~~b. Area. The total sign area for attached signs must not be more than one square foot of sign area for each lineal foot of legal business frontage not to exceed an aggregate total of 100 square feet per business. Sign area must not exceed 100 square feet for any one sign. A business with less than 25 feet of business frontage may have an aggregate total of 25 square feet of sign area. A business that does not have a freestanding sign may have an additional one square foot of attached signage for each two linear feet of business frontage in excess of 100 linear feet, not to exceed an additional aggregate total of 100 square feet. Where the aggregate total of attached signs is more than 100 square feet as provided above, a business cannot have a freestanding sign until the aggregate signage attached to buildings is reduced to 100 square feet or less.~~

~~c. Roof Signs. No roof sign may extend more than six feet above a flat roof or the ridge of a pitched roof, and in no case may the combined height of the building and sign exceed the building height limitations of this title.~~

~~2. Freestanding Signs.~~

~~a. Number. Each lot with a street frontage of 50 or more lineal feet may have one freestanding sign. Owners of two or more contiguous lots of less than 50 feet may combine them for purposes of meeting the foregoing standard. Owners of corner lots can count both street frontages in determining the lineal feet of street frontage, but may have only one freestanding sign. As an alternative to the foregoing provision applicable to corner lots, a lot with multiple street frontages each of 100 linear feet or more may have one freestanding sign for each such street frontage, placed so as to be read from the qualifying street frontage. In addition, if a lot's frontage on a street exceeds 200 linear feet, the lot may have a subordinate freestanding sign on that street. No freestanding sign may be within 100 linear feet of another freestanding sign on the same lot.~~

~~b. Area. Signs must not exceed an area of one square foot for each lineal foot of street frontage, with a maximum area of 100 square feet per sign. A subordinate freestanding sign must not exceed an area of one square foot for each two lineal feet of street frontage in excess of 200 feet with a maximum area of 100 square feet per sign.~~

~~c. Placement. Signs on corner properties also must comply with the vision clearance provisions of LCMC 17.52.060.~~

~~d. Height. The maximum height of a freestanding sign is 20 feet measured as the vertical distance from the highest point of the sign, including any vertical projection thereof, to the level of the street upon which the sign faces, or the adjoining ground level, if it is above the street level.~~

~~e. Where the adjoining ground level is the reference in determining the permissible height of a freestanding sign, it is unlawful to alter the grade or ground level below the sign so as to allow a higher sign.~~

~~C. Temporary Signs. Businesses within the GC, PI, RC, PC, TVC, OPD and NPD (except NCR) zones may have the following temporary signs:~~

~~1. The exempt temporary sign permitted by LCMC 9.34.020(D) may not exceed 32 square feet in size in the above zones.~~

~~2. Flags/Windsocks. In a commercial zone, up to three temporary flags are permitted per business location. In a commercial zone a flagpole must be shown on the approved site plan. A flagpole and flag may not project into a public right-of-way or onto abutting property and no flagpole may exceed the maximum building height in the underlying zone. Up to two windsocks are permitted, when securely attached to a pole or structure. A property owner in a commercial zone may substitute two feather banners not to exceed 16 square feet for two temporary flags. The allowance in this subsection to substitute two feather banners for two flags is affirmed, extended and reinstated and shall sunset on April 8, 2020.~~

~~3. Temporary Banner Signs Requiring a Permit. A temporary banner sign is allowed subject to all the provisions of this title other than the requirement to pay a fee. Specifically, a temporary banner sign must be consistent with the sign requirements for the zone, including total signage and maximum size per sign type. All such signage must be securely attached to a structure. A permit for a temporary banner sign will be good for a time certain not to exceed 60 days. The owner of any such signs must remove such signage no later than one day following the expiration date on the temporary permit. The city may deny a request for such a temporary banner sign if the sign would obstruct a public right-of-way. The city will issue no more than two temporary permits per business in a calendar year. A temporary banner sign permitted under this section may be located on an undeveloped lot or parcel.~~

~~4. Portable signs require a permit and are subject to the following standards and limitations:~~

~~a. Number. Each legal lot may have one sign of this type.~~

~~b. Area. The sign must not exceed an area of 12 square feet, and no dimension of the sign face may exceed four feet.~~

~~c. Placement. The sign must comply with the clear vision provisions of this title, may not obstruct vehicular or pedestrian circulation and must comply with the Americans with Disabilities Act administrative guidelines.~~

~~d. Prohibition. No portable sign may be placed in a street, alley, public right-of-way or on public property, unless granted a permit by the city and/or the Oregon Department of Transportation.~~

~~e. Attachments. The portable sign may not be supplemented with lights, balloons, flags, ribbons, streamers, or other attachments.~~

~~5. Additional Seasonal Signs. A person holding a seasonal permit issued under LCMC 5.04.150(B) for the temporary outside display of merchandise may obtain permits for up to two signs whose combined areas total not more than 64 square feet, in addition to any other signs allowed for a lot. Any such signs may be displayed only during the same period as the seasonal permit for the temporary outside display of merchandise. The permittee must remove any such signs no later than one day following the expiration date on the permit.~~

~~D. Additional Sign Regulations in the R-1, R-1-RE, R-M, R-R, VR, and NCR Zones.~~

~~1. Any lighting provided for signs in the above zones must be indirect. No flashing lights, electronic message centers or moving or rotating parts are allowed on signs in the above zones.~~

~~2. For the exempt temporary sign permitted by LCMC 9.34.020(A), a property owner may make such temporary sign permanent, provided the sign dimensions are not exceeded and building permit requirements are not triggered.~~

~~3. For the exempt temporary sign permitted by LCMC 9.34.020(D), the size of such sign is limited to eight square feet.~~

~~4. An authorized nonresidential use in the above zones may have a sign not exceeding 50 square feet in area.~~

~~5. In an R-M zone, sites with three or more residential units in a building may have one additional sign not to exceed 20 square feet and one additional sign per building, not to exceed 10 square feet for each sign. A permit is required.~~

~~6. Flags/Windsocks. In residential zones the limit is three temporary flags per residential lot and two windsocks when such windsocks are attached to a pole or structure. A flagpole 25 or more feet in height triggers building permit requirements. A flag two square feet or less is not counted as a flag. No flagpole may exceed the maximum building height in the underlying zone. (Ord. 2019-34 § 1; Ord. 2019-14 § 1)~~

~~17.72.070 Permit fees.~~

~~A. Application Fees. The application for a new sign permit must be accompanied by a fee set by resolution of the council.~~

~~B. Nonconforming Signs. If an existing nonconforming sign that was previously permitted under a prior ordinance is brought into conformity with this chapter or replaced with a sign meeting the requirements of this chapter, a permit will be required but no fee will be charged. (Ord. 2019-14 § 1)~~

~~17.72.080 Sign maintenance.~~

~~A. Premises Maintenance. The owner must maintain all signs and the surrounding premises in a clean and inoffensive condition, free and clear of all obnoxious substances, rubbish and weeds.~~

~~B. Unsafe and Unlawful Signs. If the planning director finds that any permanent or temporary sign or other sign structure on private property regulated by this chapter or Chapter 9.34 LCMC is unsafe or insecure, is a threat to the public health or safety, is abandoned or maintained in a dilapidated condition, or has been constructed, erected, or maintained in violation of the provisions of this chapter or Chapter 9.34 LCMC, the planning director will give written notice to the permittee or property owner thereof. If the permittee or property owner fails to remove, repair, replace or alter the sign so as to comply with the standards of the municipal code within the time specified in such notice (not less than 10 days nor more than 30 days), the planning director or designee may issue a citation pursuant to Chapter 1.16 LCMC. Such an offense is a Class B violation. Each day the violation persists is a separate offense. The planning director may also, but is not required to, after appropriate due process with a right to appeal, enter and remove, repair or alter the sign to comply at the expense of the owner or permittee which will constitute a lien upon the property. The planning director or his/her representative may declare any sign or other structure that is an immediate peril or imminent threat to persons or property to be a public nuisance and may remove it without notice. The owner or lessee of any sign removed without notice has the right to a post-seizure administrative hearing to determine whether there was probable cause to remove the sign.~~

~~C. Summary Abatement. The city may remove without notice any unauthorized temporary or permanent sign in a public right-of-way to a place of storage. If the city reasonably estimates the value of the sign materials to be less than $10.00, the city may immediately dispose of the sign without notice. For a sign of greater estimated value, a notice of removal will be sent to any owner known to the city, notifying that the sign will be destroyed unless claimed within 20 days of the notice. If the owner is unknown to the city, the sign may be destroyed without notice, if unclaimed after 20 days from the date of removal. No sign removed from the right-of-way will be returned to the owner, unless the owner pays a removal fee to the city in an amount set by council resolution. Nothing in this section prohibits citation of the sign owner under Chapters 1.16 and 9.34 LCMC.~~

~~D. Inspection Requests. Any person may file a written request with the planning director requesting an inspection of one or more existing permanent signs as identified in the request. In each such instance, the city will inspect such sign(s) to determine compliance with the provisions of this chapter; however, no existing permanent sign needs to be inspected more than once annually. The planning director will report the results of the inspection to both the owner of the inspected sign and to the person filing the request for inspection. (Ord. 2019-14 § 1)~~

~~17.72.090 Nonconforming signs.~~

~~Nonconforming signs are not subject to the provisions of Chapter 17.64 LCMC. All permanent signs and sign structures must be brought into conformance with this chapter when and if any of the following occurs:~~

~~A. The sign is removed, relocated, or significantly altered. Significant alteration includes, but is not limited to, changing the size or dimension of the sign, replacing a structural member, adding a sign cabinet, or changing the electrical facilities, or type of illumination. Changes to sign copy or the replacement of a sign face with a sign face of identical material are not significant alterations.~~

~~B. Damage to the sign by any cause to the extent of 50 percent of the replacement value of the sign.~~

~~C. An alteration in the sign structure.~~

~~D. A change in the material of the sign face.~~

~~E. No nonconforming single-sided sign may be converted to a two-sided or double-faced sign.~~

~~F. Expansion or change in use of one or more buildings at the site that requires a building permit or site plan review at that site. A nonconforming sign used by multiple entities at a multi-business complex must be brought into conformance prior to any expansion of the multi-business complex that requires site plan or planning commission review. (Ord. 2019-14 § 1)~~

~~17.72.100 Nuisance signs.~~

~~Any sign that is located, constructed, maintained, repaired or used in violation of this chapter constitutes a nuisance. The city may take action against such signs as provided in Chapter 17.84 LCMC or as provided in Chapter 8.12 LCMC.~~

SECTION 2. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.34 (*Nelscott Plan (NP) District*), Section 17.34.150 (*Signs)* is hereby amended to read as follows:

17.34.150 Signs.

Signs shall be allowed subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC.

~~17.34.150 Signs.~~

~~A. Intent. The number, size, configuration, placement, color, materials and illumination of signs all play a part in shaping the built environment. Signs in Nelscott should function primarily as cues for pedestrian wayfinding and business identification. Business identification does not require that owners maximize the size or number of signs. The highway streetscape has built-in traffic calming features that, together with the building design standards, will enable motorists and pedestrians to notice signs at a relatively small scale. Signs designed to a "highway scale" are not necessary and are discouraged through the following standards.~~

~~B. Standards. Signs shall not be installed without a sign permit. Where a sign permit is required as part of a larger project, the sign package shall be reviewed with the site plan under the applicable provisions of Chapter 17.72 LCMC and the following guidelines and~~

~~standards. Where a sign permit is requested apart from any other development application, it shall be processed administratively under the applicable provisions of the Lincoln City Municipal Code and the following guidelines and standards:~~

~~1. Building Signs. Building-mounted signs shall be positioned to emphasize established architectural elements such as entrances, windows, gables, etc. Signs should appear to fit within "frames" created by components of the facade design. Signs should not obscure building details. An individual building shall have no more than six building-mounted signs totaling not more than 48 square feet.~~

~~2. Freestanding Signs. New freestanding signs shall not exceed six feet in height, except that signs suspended from an awning, canopy or similar architectural feature may be approved subject to applicable building codes. Portable signs shall conform to LCMC 17.72.060 (C)(4).~~

~~3. Contextual Design. Signs should complement Nelscott's natural surroundings. For example, signs engraved or sculpted from metal or wood (natural or painted wood) are preferred over those that are predominately made of plastic, Plexiglas, or similar reflective materials. Pictographic symbols are encouraged, as they often communicate more than text and add visual interest to the street. Fluorescent (e.g., day-glow), sparkling, reflective, or similar colors or finishes are not permitted. Banner signs, streamers, moving signs, video or animated signs, flashing signs, and similar sign types are considered a nuisance and traffic safety hazard and are therefore not permitted.~~

~~4. Pedestrian Signs. Pedestrian-scale signs, such as blade signs, wood cutout signs, door signs and permanent stylized window signs (allowing at least 50 percent transparency throughout the window) are encouraged. Such signs are exempt from the overall sign area limitations.~~

~~5. Signs for buildings with multiple tenants should be designed to allow for new business names to be added or replaced easily.~~

~~6. Illuminated Signs. When signs are to be illuminated, external light sources shall be used. Light sources shall be placed close to and directed onto the sign they are intended to illuminate, and shielded to minimize glare into the street or onto adjacent properties. Where possible, lights should be incorporated into the sign bracket. Lights placed below any sign (up-lighting) shall be cut off to minimize spillover into the night sky. Lights in canisters and backlit signs, except for those existing prior to the effective date of the ordinance codified in this chapter, are prohibited. See also LCMC 17.34.160, Exterior lighting.~~

~~**Figure 17.34.150: Examples of encouraged sign types (from top, left to right: mural, blade, wood cutout, hanging sign).**~~

SECTION 3. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.45 (*Taft Village Core (TVC) Zone*) Section 17.45.070 (*Signs)* is hereby amended to read as follows:

17.45.070 Signs.

Signs shall be allowed subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC.

~~**17.45.070 Signs.**~~

~~**Signs are allowed within the TVC zone in compliance with the provisions of Chapter 17.72 LCMC, except that:**~~

~~**A. Freestanding pole signs and internally illuminated signs are prohibited.**~~

~~**B. Sign Area.**~~

~~**1. Attached Signs. The total cumulative square footage allowable for attached signs per commercial establishment in the TVC zone is 32 square feet. There is no limit to the number of attached signs.**~~

~~**2. Freestanding Signs. The total cumulative square footage allowable for freestanding signs per commercial establishment in the TVC zone is 32 square feet. The maximum number of freestanding signs is one per lot. The maximum height is six feet.**~~

~~**C. Sign Area Bonus. For commercial establishments that do not have an on-site freestanding sign, the maximum allowable sign area for attached signs can be increased to 64 square feet.**~~

~~**D. Pedestrian-Oriented Sign Bonus. The maximum size for any one bonus pedestrian sign shall be six square feet, up to a total of 12 square feet for all such signs. Pedestrian-oriented signs include: window signs, small wall-mounted or projecting signs located not more than 10 feet above grade, signs placed on awning valances, and signs suspended under canopies and awnings. Signs that are suspended above pedestrian walkways shall provide a minimum of seven and one-half feet of clearance.**~~

SECTION 4. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.50 (*Oceanlake Plan (OP) District*) Section 17.50.150 (*Signs)* is hereby amended to read as follows:

17.50.150 Signs.

Signs shall be allowed subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC.

~~**17.50.150 Signs.**~~
~~**A. Intent. The number, size, configuration, placement, color, materials and illumination of signs all play a part in shaping the built environment. Signs in Oceanlake should function primarily as cues for pedestrian wayfinding and business identification. Business identification does not require that owners maximize the size or number of signs. The highway streetscape has built-in traffic calming features that, together with the building design standards, will enable motorists and pedestrians to notice signs at a relatively small scale. Signs designed to a highway scale are not necessary and are discouraged through the following standards.**~~
~~**B. Standards. Signs shall not be installed without a sign permit. Where a sign permit is required as part of a larger project, the sign package shall be reviewed with the site plan under the applicable provisions of Chapter 17.72 LCMC and the following guidelines and standards. Where a sign permit is requested apart from any other development application, it shall be processed administratively under the applicable provisions of the Lincoln City Municipal Code and the following guidelines and standards:**~~
~~**1. Building Signs. Building-mounted signs shall be positioned to emphasize established architectural elements such as entrances, windows, gables, etc. Signs should appear to fit within frames created by components of the facade design. Signs should not obscure**~~

~~**building details. An individual building shall have no more than four building-mounted signs totaling not more than 48 square feet.**~~

~~**2. Freestanding Signs. New freestanding signs shall not exceed six feet in height, except that signs suspended from an awning, canopy or similar architectural feature may be approved subject to applicable building codes. Portable signs shall conform to LCMC 17.72.060 (C)(4).**~~

~~**3. Contextual Design. Signs should complement Oceanlake's natural surroundings. For example, signs engraved or sculpted from metal or wood (natural or painted wood) are preferred over those that are predominantly made of plastic, Plexiglas, or similar reflective materials. Pictographic symbols are encouraged, as they often communicate more than text and add visual interest to the street. Fluorescent (e.g., day-glow), sparkling, reflective, or similar colors or finishes are not permitted. Banner signs, streamers, moving signs, video or animated signs, flashing signs, and similar sign types are considered a nuisance and traffic safety hazard and are therefore not permitted.**~~

~~**4. Pedestrian Signs. Pedestrian-scale signs, such as blade signs, wood cutout signs, door signs and permanent stylized window signs (allowing at least 50 percent transparency throughout the window) are encouraged. Such signs are exempt from the overall sign area limitations.**~~

~~**5. Signs for buildings with multiple tenants should be designed to allow for new business names to be added or replaced easily.**~~

~~**6. Illuminated Signs. When signs are to be illuminated, external light sources shall be used. Light sources shall be placed close to and directed onto the sign they are intended to illuminate, and shielded to minimize glare into the street or onto adjacent properties. Where possible, lights should be incorporated into the sign bracket. Lights placed below any sign (up-lighting) shall be cut off to minimize spillover into the night sky. Lights in canisters and backlit signs, except for those existing prior to the effective date of the design standards, are prohibited. See also LCMC, 17.50.160 Exterior lighting.**~~

SECTION 5. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.16 (*Single Family Residential (R-1) Zone*), Section 17.16.080 (*Signs),* is hereby amended to read as follows:

17.16.080 Signs.

Signs shall be **allowed** ~~**permitted**~~ **subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC.** ~~**as set forth in Chapter 17.72 LCMC.**~~

SECTION 6. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.17 (*Single Family Residential Roads End (R-1-RE) Zone*), Section 17.17.080 (*Signs),* is hereby amended to read as follows:

17.17.080 Signs.
Signs shall be allowed subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC. ~~The regulations of Chapter 17.72 LCMC apply to the permitting, use, and characteristics of signs.~~

SECTION 7. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.18 (*Vacation Rental (VR) Zone*), Section 17.18.080 (*Signs),* is hereby amended to read as follows:

17.18.080 Signs.
Signs shall be allowed, subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC. ~~permitted as set forth in Chapter 17.72 LCMC.~~

SECTION 8. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.24 (*Professional Campus (PC) Zone*), Section 17.24.070 (*Signs),* is hereby amended to read as follows:

17.24.070 Signs.
Signs shall be **allowed subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC. ~~permitted in accordance with the provisions of Chapter 17.72 LCMC.~~**

SECTION 9. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.28 (*Recreation Commercial (RC) Zone*), Section 17.28.080 (*Signs),* is hereby amended to read as follows:

17.28.080 Signs.
Signs shall be **allowed subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72. ~~permitted in accordance with the provisions of Chapter 17.72 LCMC.~~**

SECTION 10. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.32 (*General Commercial (GC) Zone*), Section 17.32.090 (*Signs),* is hereby amended to read as follows:

17.32.090 Signs.
Signs shall be **allowed subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC. ~~permitted in accordance with the provisions of Chapter 17.72 LCMC.~~**

SECTION 11. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.36 (*Planned Industrial (PI) Zone*), Section 17.36.060 (*Signs),* is hereby amended to read as follows:

17.36.060 Signs.
Signs shall be **allowed subject to ~~permitted in accordance with~~ the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC.**

SECTION 12. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.64 (*Nonconforming Situations*), Section 17.64.010 (*General Provisions),* is hereby amended to read as follows:

17.64.010 General provisions.

These provisions apply to nonconforming sites, structures, and uses, including accessory uses~~,~~ ~~**commercial**~~ **and** design standards, but not signs. See LCMC 17.72~~**.090**~~**050** for nonconforming sign regulations.

SECTION 13. Measure 49 Reservation.

Notwithstanding the amendment and removal of existing sign regulations as set forth in this ordinance, LCMC 17.72 as it existed on the date of this ordinance adoption, is preserved in its entirety for purposes of application of such regulations to residential compensation claims, if any, made pursuant to Ballot Measure 49. This reservation does not modify or alter previous Measure 49 reservations concerning this chapter.

SECTION 14. Findings Adopted.

The findings contained in the Whereas Clauses of this Ordinance, and Exhibit A, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

SECTION 15. Severability.

The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 16. Savings.

Notwithstanding the amendment to this Title, the existing Title remains valid and in full force and effect for purposes of all criminal, civil or administrative code enforcement cases or land use actions or applications filed or commenced during the time said ordinances were operative. Nothing in this ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 17. Ordinance Effective Date.

Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

SECTION 18. Codification.

Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 14-18) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 13th day of July 2020 (First Reading) and on the ____ day of July 2020 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this _____ day of July 2020.

_____
DICK ANDERSON, MAYOR

ATTEST:

_____
CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

_____
RICHARD APPICELLO, CITY ATTORNEY

EXHIBIT A - FINDINGS

Findings for Ordinances 2020-13 (Parking and Landscaping), 2020-14 (Permanent signs) and 2020-15 (Procedures)

The above referenced proposed ordinances were properly noticed pursuant to ORS 197.610 and were part of a city-wide Measure 56 notice to property owners. However, the ordinances are primarily housekeeping as the new Planning Director sought to better organize the development code; as such, notice to DLCD and the city-wide notices were probably not required as the statewide planning goals do not appear to be implicated by the re-organization. Notice was primarily done in an abundance of caution.

Ordinance 2020-13 moves landscaping requirements from the current numerous (scattered) locations to one uniform chapter. Similarly, the ordinance moves all parking and loading requirements to one existing chapter.

Ordinance 2020-14 reorganizes the sign code. Some years ago the City placed temporary signage in Chapter 9.34 in the Municipal Code – outside of the land use code processes which regulates permanent signage structures. The city maintained the requirements for temporary signage in both Title 17 and Title 9. The City now removes this duplication and places all temporary signage in Chapter 9.34 outside the land use chapter.

Ordinance 2020-15 reorganizes the administrative procedural requirements of the code and brings the city more in line with other jurisdictions in the valley by recognizing type 1-4 land use processes. Again, substantively requirements are not changing – the organization of the code is changing.

The public was exceedingly uninterested in the proposed amendments, with very little public comment or questions on the proposals.

A. Statewide Planning Goals

(1) Goal 1: Citizen Involvement

"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

All documents relating to the proposal(s) (amendments) were made available for public review and/or purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The city sent notice to all affected property owners regarding the public hearings on the proposed zoning ordinance amendments and the local newspaper published hearing notices in accordance with notice requirements. The planning commission and the city council each held a public hearing at which citizens were invited to participate. Therefore, the amendments are consistent with Goal 1.

(2) Goal 2: Land Use Planning

"To establish a land use planning process and policy framework as a basis for all

decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed them on a periodic cycle to take into account changing public policies and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revision of the plan and implementing ordinances. The City Council considered the proposed amendments to the Lincoln City Zoning Ordinance in accordance with the process and based on the criteria provided in the Municipal Code. Therefore the amendments are consistent with Goal 2.

(3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

The area affected by the proposed zoning ordinance amendments is located within the city's urban growth boundary. The city is currently is designated and zoned for urban development. There is no agricultural land in Lincoln City. The amendments do not affect agricultural lands. Goal 3 is not applicable.

(4) Goal 4: Forest Lands

"To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

The area affected by the proposed zoning ordinance amendment is within the city's urban growth boundary. The affected area does not include any designated forest lands; therefore, Goal 4 is not applicable.

(5) Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

"To protect natural resources and conserve scenic and historic areas and open spaces."

The amendments affect only areas already committed to urban development. They do not by themselves permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. The amendments are consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality

"To maintain and improve the quality of the air, water and land resources of the state."

The amendments will not adversely affect the quality of the air or water. They do not by themselves permit development that might affect water or air quality. The existing

ordinances and plan requirements relating to water and air quality will continue to apply to all properties that might be affected. Therefore, the amendments are consistent with Goal 6.

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

"To protect people and property from natural hazards."

The amendments do not by themselves allow development within any natural hazard area. The existing ordinances and plan requirements relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. Therefore, they are consistent with Goal 7.

(8) Goal 8: Recreational Needs

"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts."

The proposed ordinance amendments do not relate to recreation as that term is used in this goal and do not adversely affect the provision of or ability to site recreational areas in the City. The amendments are consistent with Goal 8.

Goal 9: Economic Development

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

The amendments are intended to address and remedy confusing and disjointed code provisions that the city believes are impeding development in the city. By better organizing the code and clarifying processes and requirements the city hopes the amendments will encourage development. The proposed amendments are consistent with Goal 9.

(10) Goal 10: Housing

"To provide for the housing needs of citizens of the state."

The amendments do not relate directly to the housing needs of the people of Lincoln City, except that clarity as noted above may encourage new development. Goal 10 therefore met or is not applicable.

(11) Goal 11: Public Facilities and Services

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

The amendments do not relate directly to public facilities and services. Goal 11 is not applicable.

(12) Goal 12: Transportation

"To provide and encourage a safe, convenient and economic transportation system."

The amendments do not relate directly to the development of the city's transportation system. Goal 12 is not applicable.

(13) Goal 13: Energy Conservation

"To conserve energy."

The amendments do not relate directly to energy conservation. Goal 13 is not applicable.

(14) Goal 14: Urbanization

"To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities."

The amendments do not relate directly to urbanization. Goal 14 is not applicable.

(15) Goal 15: Willamette River Greenway

"To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway."

The affected area is not located within the Willamette River Greenway; therefore, Goal 15 is not applicable.

(16) Goal 16: Estuarine Resources

"To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries."

The amendments by themselves do not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). All development in such areas already is controlled by existing ordinances and comprehensive plan standards. The amendments, therefore, are consistent with Goal 16.

(17) Goal 17: Coastal Shorelands

"To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands."

The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. All development in such areas already is controlled by existing ordinances and comprehensive plan standards. The amendments, therefore, are consistent with Goal 17.

(18) Goal 18: Beaches & Dunes

"To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas."

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The amendments do not, by themselves, allow any development in or near beach and dune areas. All development in such areas already is controlled by existing ordinances and comprehensive plan standards. The amendments are consistent with Goal 18.

(19) Goal 19: Ocean Resources

"To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations."

The amendments do not, by themselves, affect any ocean resources and, therefore, are consistent with Goal 19.

B. Comprehensive Plan Goals

(1) Planning Goal

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during their preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions and, therefore, in conformance with this goal.

(2) Citizen Involvement Goal

"Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process."

The City has developed a citizen involvement program. In addition, the public hearing process, with notice to the public and property owners and review of the amendments by the Planning Commission (a citizen board) and the City Council (comprised of elected citizen representatives,) establishes conformance with this goal.

(3) Public Services and Utilities Goal

"To plan and develop a timely, orderly, and efficient arrangement of public facilities and services, which compliment the area and serve as a framework for urban and rural development."

The proposed amendments do relate directly to public services and utilities. This goal is not applicable.

(4) Urbanization Goal

"To promote an orderly and efficient transition of land uses from rural to urban."

The amendments do not relate directly to urbanization. This goal is not applicable.

(5) Natural Hazard Goal

"The City shall control development in hazardous areas to protect life and property from natural disasters and hazards."

The amendments, by themselves, do not allow development in hazardous areas. Development in such areas is controlled by existing comprehensive plan and zoning ordinance standards, as well as building code requirements. The amendments are consistent with this goal.

(6) Housing Goal

"To provide for the housing needs of all citizens."

The amendments do not relate directly to the housing needs of the people of Lincoln City. The amendments do not substantively alter such requirements. The housing goal is met or does apply.

(7) Economy Goal

"To support the tourist industry and achieve a degree of diversity in the community, which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area."

The amendments are intended to address and remedy code provisions that are in need of clarity and better organization. By improving the clarity and organization of the code, the city hopes to encourage new development in the city. These amendments, therefore, are consistent with this goal.

(8) Aesthetic Goal

"To develop a livable and pleasing city which enhances man's activities while protecting the exceptional aesthetic quality of the area."

The amendments do not relate directly to aesthetics. This goal is not applicable.

(9) Transportation Goal

"To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people."

The amendments do not relate directly to transportation. This goal is not applicable.

(10) Energy Goal

"To conserve energy."

The amendments do not relate directly to energy conservation. This goal is not applicable.

(11) Overall Environmental Goal

"To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city."

The amendments, by themselves, do not allow development in sensitive natural resource areas. The existing ordinances and plan requirement relating to protecting the natural environment will continue to apply to all properties that might be affected. These amendments contribute to this goal.

(12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

"To conserve, to protect, to enhance the coastal resources of the city."

The amendments by themselves do not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay), in the city's coastal shorelands, beach and dune areas, or in ocean resource areas. The existing ordinances and comprehensive plan standards would be applied to any areas affected by these amendments, thereby protecting these resources. The amendments are consistent with this goal.

Council Communication

Ordinance 2020-15 Procedures

Meeting Date:	July 13, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	AnneMarie Skinner
Approval:	Ronald F Chandler	Estimated Time:	15 minutes

Question(s):

Should the City Council conduct and approve First and Second Reading and adopt Ordinance 2020-15 entitled:

ORDINANCE NO. 2020-15

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.76 (ADMINISTRATIVE PROVISIONS), REPLACING EXISTING PROCEDURES WITH A NEW A UNIFORM PROCEDURAL CHAPTER 17.76 (PROCEDURES), ADDING A NEW CHAPTER 17.77 (APPLICATIONS), MODIFYING, CONSOLIDATING, RELOCATING OR REMOVING PROCEDURES AND STANDARDS REMOVING OTHER PROCEDURES AND STANDARDS FOR A MORE EFFICIENT REVIEW PROCESS

Staff Recommendation:

Staff recommends Council conduct First Reading of Ordinance 2020-015 and, *if unanimous,* Conduct and approve Second Reading and adopt the Ordinance. Any changes must be read.

Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

Background:

The Planning Director initiated a re-write of the procedural provisions of the Municipal Code to establish a more uniform process. The process is essentially now consistent with many other jurisdictions in the state – which should reduce confusion and simply review processes. There was no objection (written or oral) submitted regarding this amendment during the public hearing process. The Planning Commission recommended approval on July 7, 2020.

Council Options:

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.

2. Conduct and approve First Reading. Read changes, if any. Continue Second Reading to July 27, 2020 [or]

3. Continue First Reading to July 27, 2020.

4. Do not proceed with proposed ordinance.

Potential Motions:

City Attorney: [Conduct First Reading of Ordinance by Title only]

ORDINANCE NO. 2020-15

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.76 (ADMINISTRATIVE PROVISIONS), REPLACING EXISTING PROCEDURES WITH A NEW A UNIFORM PROCEDURAL CHAPTER 17.76 (PROCEDURES), ADDING A NEW CHAPTER 17.77 (APPLICATIONS), MODIFYING, CONSOLIDATING, RELOCATING OR REMOVING PROCEDURES AND STANDARDS REMOVING OTHER PROCEDURES AND STANDARDS FOR A MORE EFFICIENT REVIEW PROCESS

Council:

1. Motion to approve First Reading of Ordinance 2020-15.

If unanimous: conduct Second Reading

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Council:

1. Motion to approve Second Reading and adopt Ordinance 2020-15.

   [or]

2. Motion to set Second Reading for July 27, 2020.

Attachments:

JULY 7 2020 with AMS edits to RA June 22 2020 Procedures review format PUD (DOCX)

FINAL Ext. A Findings 2020-1314 and 15_ (DOCX)

ORDINANCE NO. 2020-15

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.76 (ADMINISTRATIVE PROVISIONS), REPLACING EXISTING PROCEDURES WITH A NEW UNIFORM PROCEDURAL CHAPTER 17.76 (PROCEDURES), ADDING A NEW CHAPTER 17.77 (APPLICATIONS), MODIFYING, CONSOLIDATING, RELOCATING OR REMOVING PROCEDURES AND STANDARDS REMOVING OTHER PROCEDURES AND STANDARDS FOR A MORE EFFICIENT REVIEW PROCESS

Annotated to show deletions and additions to the code sections being modified. Deletions are ***bold ~~lined through~~*** *and additions are* ***bold underlined****.*

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provides:

> 2.1 Powers of the City
> The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.
>
> 2.2 Construction of Charter
> In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution; and

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. *City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop,* 20 Or. App. 293; 531 P 2d 730, 734 (1975); *LaGrande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

WHEREAS, the amendments to the Lincoln City Municipal Code are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A".

WHEREAS, the proposed amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and

WHEREAS, on February 11, 2020, the City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed

amendment(s) and on February 26, 2020; notice of the proposed amendments was included in an ORS 227.186(4) notice to all affected property owners.

WHEREAS, the Planning Commission, on June 16, 2020, held a public hearing and considered the amendments contained within this ordinance. On July 7, 2020, the Planning Commission voted to transmit the amendments to the City Council with a recommendation that the ordinance be split between content-based corrections and other provisions to be incorporated into the design review process; and

WHEREAS, the City Council held a public hearing on June 22, 2020. On June 22, 2020 Council closed the record and deliberated on the proposed amendments. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance. After deliberation, Council provided direction and ordinances were returned for required readings on July 13, 2020.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 17.76 *(Administrative Provisions)* is hereby amended to replace the existing provisions with a new uniform procedural chapter, as follows:

Chapter 17.76 Procedures

17.76.010 Purpose
17.76.020 Summary of Procedure Types
17.76.030 Type I Procedure
17.76.040 Type II Procedure
17.76.050 Type III Procedure
17.76.060 Type IV (Legislative)
17.76.070 [*Reserved*]
17.76.080 Initiation of an Application
17.76.090 Pre-Application Conference
17.76.100 [*Reserved*]
17.76.110 Application Submittal and Completeness Review
17.76.120 Conditions of Approval
17.76.130 Effective Date of Decision
17.76.140 Expiration of Decision
17.76.150 Extension of Decision
17.76.160 Public Hearings
17.76.170 Public Hearings on Cases Remanded from LUBA
17.76.180 Appeals

17.76.010 Purpose

A. Purpose. The purpose of this chapter is to establish standard decision-making procedures for review and processing land use applications and permits, for the following reasons:

1. **To make the review process clear and undertandable for applicants and property owners;**
2. **To enable the public to effectively particpate in the local decision-making process; and**
3. **To facilitate timely review of land use applications and permits by the city.**

17.76.020 Summary of Procedure Types

A. General. All land use applications and approvals shall be decided by using Type I, II, III, or IV procedures. The procedure types govern the decision-making process for that application.

B. Description of Procedure Types. There are four types of decision-making procedures:

1. **Type I Procedure. Type I procedures apply to "ministerial" permits and applications. Decisions on ministerial permits and applications are made by the director, based on approval criteria that do not require exercise of policy or legal judgment.**

2. **Type II Procedure. Type II procedures apply to "administrative" permits and applications. Decisions on administrative applications are made by the director, based on reasonably objective criteria that require only limited discretion in applying approval criteria. Type II procedures require public notice and an opportunity for appeal, but do not require a public hearing.**

3. **Type III Procedure. Type III procedures apply to "quasi-judicial" applications. Decisions on quasi-judicial applications are made by either the Planning Commission or the City Council, and require substantial exercise of discretion and judgment in applying approval criteria. Type III procedures require public notice and one or more public hearings.**

4. **Type IV Procedure. Type IV procedures apply to "legislative" matters. Legislative decisions are made by the City Council, taking into consideration a recommendation from the Planning Commission, and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a large geographic area containing many properties. Type IV procedures require public notice and one or more public hearings.**

C. Determination of Proper Procedure Type. Unless already specified in Table 17.76.020-1, the director shall determine whether an application is processed as a Type I, II, III, or IV procedure based on the descriptions in subsection B, above. Questions regarding the appropriate procedure shall be resolved in favor of the procedure type providing the widest notice and opportunity to participate.

D. Consolidated Reviews.

1. Multiple Type II or III applications for a single proposal shall be consolidated and processed concurrently under the highest numbered procedure required for any part of the application. For example, a proposal requesting both Development Review (Type II) approval and Conditional Use Permit (Type III) approval is processed concurrently as a Type III procedure.

2. When consolidated, the following processes shall be applied:

a. Separate responses to the applicable criteria shall be submitted for each application;

b. The public notice shall identify each application to be decided; and

c. Separate findings and decisions shall be made on each application.

3. If the consolidated proposal includes an application for a comprehensive plan map amendment, the final decision on the plan map amendment shall precede any decision on a proposed zone change and all other decisions on a proposed development. Similarly, the final decision on a zone change shall precede a decision on proposed development review or any other action.

E. Summary Table. Table 17.76.020-1 summarizes land use applications and permits by procedure.

F. Application Elevation. Notwithstanding Table 17.76.020-1 or the director's determination, an applicant may request to elevate a Type I or II application to a higher numbered procedure type, and the request shall be granted if the director determines that the statutory timelines for reaching a final decision can be met.

G. Application of Days in Procedures. Timelines in this chapter are expressed in 24-hour calendar days, unless the deadline for an action falls on a weekend or legal holiday, in which case the deadline will be considered to be the (calendar) day after the weekend or legal holiday.

Table 17.76.020-1: Land Use Applications and Procedure Types		
Application	**Procedure Type**	**Review Authority**
Adjustment	**Type II**	**Director**
Annexation	**Type IV**	**Planning Commission recommends** **City Council decides**
Appeal	**Type III**	**Planning Commission**
Bed and Breakfast Accommodations	**Type I**	**Director**
Comprehensive Plan Map Amendment	**Type III or IV**	**Planning Commission recommends** **City Council decides Regardless of Type III or Type IV**
Conditional Use Permit Application	**Type III**	**Planning Commission**
Development Review Application	**Type II**	**Director**
Director's Interpretation	**Type II**	**Director**
Geologic Hazard Report and/or Beach Protective Structure Review	**Type II**	**Director**
Home Occupation Application	**Type I**	**Director**
Lot Line Adjustment	**Type II**	**Director**
Mobile Food Unit Application	**Type I**	**Director**
Modification of Approved applications, plans, or conditions of approval	**Type II or Type III, based upon the procedure type of the original application**	**Director if Type II** **Planning Commission if Type III**
Natural Resource Development Review	**Type II**	**Director**
Partition	**Type II**	**Director**
Nonconforming – Determining that nonconforming use, site, or structure is lawful	**Type II**	**Director**

Table 17.76.020-1: Land Use Applications and Procedure Types		
Application	**Procedure Type**	**Review Authority**
Nonconforming – Restoration of a Substantially Damaged Lawful, Nonconforming Structure or Use	Type II – Single-unit dwelling or duplex Type III – Multi-unit dwelling, mixed use, or commercial	Director Planning Commission
Planned Unit Development Preliminary Master Plan Final Master Plan	 Type III Type I	 Planning Commission Director
Subdivision Preliminary Plat Final Plat	 Type III Type I	 Planning Commission Director
Text Amendment	Type IV	Planning Commission recommends City Council decides
Tree Permit	Type I	Director
Vacation Rental Dwelling	Type II	Director
Variance	Type III	Planning Commission
Zone Change	Type III or IV	Planning Commission recommends City Council decides Regardless of Type III or Type IV
Zoning Sign Permit	Type I	Director

17.76.30 Type I Procedure

A. General Description. Type I procedures apply to "ministerial" permits. Decisions are made by the director, based on clear and objective approval criteria, and do not require interpretation or the exercise of policy or legal judgment.

B. When Applicable. Table 17.76.020-1 identifies Type I applications. Applications not listed on Table 17.76.020-1 may be identified as Type I by the director based on the general description in this section.

C. Pre-Application Conference. A pre-application conference is not required for Type I applications.

D. Application Requirements. Type I applications shall:

1. **Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application form.**

2. **Be accompanied by the required fee adopted by City Council resolution.**

3. **Be subject to the completeness review procedures set forth in subsections 17.76.110.D and E.**

E. Public Notice. Type I applications do not require public notice.

F. Review Authority. The review authority for Type I applications shall be the director. The director shall approve, approve with conditions, or deny a Type I application within 15 days of being deemed complete.

G. Notice of Decision. The notice of decision consists of the approved permit or application signed by the director or a copy of the permit or application marked "denied" and signed by the director.

H. Effective Date. A Type I decision is final on the date it is signed by the director.

17.76.040 Type II Procedure

A. General Description. Type II procedures apply to "administrative" permits and applications. Decisions on administrative applications are made by the director, based on reasonably objective approval criteria that require only limited discretion. Type II procedures require public notice and an opportunity for appeal, but do not require a public hearing or a public meeting.

B. When Applicable. Table 17.76.020-1 identifies Type II applications. Applications not listed on Table 17.76.020-1 may be identified as Type II by the director based on the general description in this section.

C. Pre-Application Conference. A pre-application conference is not required for Type II procedures.

D. Application Requirements. Type II applications shall:

1. **Be submitted on application forms provided by the department and shall include**

all information, exhibits, plans, reports, and signatures requested on the application forms.

2. Be accompanied by the required fee as adopted by City Council resolution.

3. Be subject to the completeness review procedure set forth in subsections 17.76.110.D. and E.

E. Public Notice of Application and Comment Period. Type II applications require public notice of receipt of a complete application with an opportunity for area property owners and other interested parties to provide written comment prior to issuance of the decision.

1. After a Type II application has been accepted as complete under subsection 17.76.110.E, the department shall mail a written public notice to the following:

   a. The applicant and applicant's representative;
   b. The owners of record of the subject property;
   c. Property owners of record within 250 feet of the perimeter property line of the property or properties subject to the application, using the most-recently provided property tax assessment roll of the Lincoln County Assessor's Office as provided to the City to determine property owners of record; and
   d. Any neighborhood or community organization or association recognized by the governing body and whose boundaries include the site.

2. The written public notice shall include the following:
   a. A brief description of the request;
   b. The applicable criteria from the ordinance and the comprehensive plan that apply to the application at issue;
   c. The street address or other easily understood geographical reference to the subject property;
   d. Statement that failure of an issue to be raised in writing prior to the expiration of the public comment period, or failure to provide statements or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA);
   e. The name of a department staff member to contact and the telephone number where additional information may be obtained; and
   f. Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

3. An affidavit of mailing of the public notice of receipt of a complete application shall be prepared with the mailing date noted and the list of parties to whom the notice was mailed attached to the affidavit, along with the notice itself.

4. Public notices for receipt of complete Type II applications shall include a written comment period of 14 days from the date the notice was mailed for the submission of written comments before the decision is issued.

F. Review Authority. The review authority for Type II applications shall be the director.

G. Decision.

1. Based on the criteria and facts contained within the record, the director shall approve, approve with conditions, or deny the request. The decision shall address all relevant approval criteria and consider written comments submitted before the close of the comment period.

2. The decision is considered final for purposes of appeal on the date the notice of the decision is mailed. Within seven days after the director has issued the decision, a notice of the decision shall be sent by mail to the following:
   a. The applicant and applicant's representative;
   b. The owners of record of the subject property;
   c. Any person, group, agency, association, or organization who submitted written comments during the comment period; and
   d. Any person, group, agency, association, or organization who submitted a written request to receive notice of the decision.

3. The notice of the decision shall include the following:
   a. A brief description of the request;
   b. A statement of the decision and the applicable approval criteria used in making the decision;
   c. The street address or other easily understood geographical reference to the subject property;
   d. A statement that the decision is final, unless appealed as provided in LCMC 17.76.180;
   e. The requirements for filing an appeal of the decision, including a statement of the date and time by which an appeal must be filed;
   f. A statement that the complete file is available for review; and
   g. The name of a department staff member to contact and the telephone number where additional information may be obtained.

H. Appeal.

1. **The decision may be appealed by the applicant, property owner of the subject property, or any person who provided written comments during the public comment period, prior to its closure.**

2. **The decision shall become final unless an appeal is filed.**

3. **The review authority for an appeal of a Type II application is the Planning Commission.**

4. **The appeal shall follow the requirements and procedures of subsection 17.76.180.**

5. **The decision of the review authority on the appeal shall be the final decision of the city. Any further appeal shall be made to the Land Use Board of Appeals (LUBA).**

17.76.050 Type III Procedure

A. General Description. Type III procedures apply to "quasi-judicial" permits and applications. Decisions on quasi-judicial permits and applications are made by either the Planning Commission or the City Council, and require substantial exercise of discretion and judgment in applying approval criteria. Type III procedures require public notice and one or more public hearings.

B. When Applicable. Table 17.76.020-1 identifies Type III applications. Applications not listed on Table 17.76.020-1 may be identified as Type III by the director based on the general description in this section.

C. Pre-Application Conference. A pre-application conference is not required prior to application submittal of a Type III application, but is strongly encouraged. Guidelines for pre-application conferences are set forth in LCMC 17.76.090.

D. Application Requirements. Type III applications shall:

1. **Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.**

2. **Be accompanied by the required fee as adopted by City Council resolution.**

3. **Be subject to the completeness review procedure set forth in subsections**

17.76.110.D. and E.

E. Notice of Public Hearing.

1. **After a Type III application has been accepted as complete under subsection 17.76.110.E, the department shall mail a written notice of public hearing to the following:**
   a. **The applicant and applicant's representative;**
   b. **Owner of record of the subject property;**
   c. **Property owners of record within 250 feet of the perimeter property line of the property or properties subject to the application, using the most-recently provided property tax assessment roll of the Lincoln County Assessor's Office as provided to the City to determine property owners of record;**
   d. **Any neighborhood or community organization recognized by the governing body and whose boundaries include the site;**
   e. **At the discretion of the applicant, the department also shall provide notice to the Oregon Department of Land Conservation and Development.**

2. **The notice of public hearing provided shall include the following:**
   a. **A brief description of the request;**
   b. **A list of the applicable criteria from the ordinance and the comprehensive plan that apply to the application at issue;**
   c. **The street address or other easily understood geographical reference to the subject property;**
   d. **The date, time, and location of the hearing;**
   e. **A statement that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue;**
   f. **The name of a department staff member to contact and the telephone number where additional information may be obtained;**
   g. **A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;**
   h. **A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and**
   i. **A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.**

F. Public notices for Type III applications shall be mailed a minimum of 20 days prior to the first evidentiary public hearing.

G. Decision Authority. Table 17.76.020-1 identifies the decision authority for each Type III application.

H. Public Hearing Procedure. The public hearing shall be conducted in accordance with the procedures set forth in subsection 17.76.160.

I. Notice of the Decision.

1. Following a decision on the application, a written decision in the form of a Final Order shall be prepared by the department. The Final Order shall include the following information:

a. The decision to deny or to approve the application and if approved, any conditions of approval necessary to ensure compliance with applicable criteria;

b. A list of the applicable approval criteria by code section number;

c. A statement or summary of the facts upon which the decision authority relied to determine whether the application satisfied or failed to satisfy the applicable approval criteria; and to justify any conditions of approval. The decision authority may adopt or incorporate by reference a staff report or written findings prepared by any party to the proceeding into the Final Order to satisfy this requirement; and

d. A statement of conclusions based on the facts and findings.

2. A Notice of the Decision, including the full Final Order, shall be mailed to the applicant and to all parties of record within 7 days of the date of signing the final order. The decision is final for purposes of appeal on the date the notice of the decision is mailed. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith effort was made to mail the notice.

3. The Notice of the Decision shall include the following:

a. A summary of the decision and a list of any conditions of approval;

b. A description of the subject site reasonably sufficient to inform the reader of its location, including Assessor's Tax Map, Tax Lot number, and site address if available;

c. A statement that the decision is final unless appealed as provided in subsection 17.76.180;

d. The requirements for filing an appeal of the decision, including a statement of the date and time by which an appeal must be filed; and

e. A statement noting that only those persons who made an appearance of record, either in person or by written comment, are entitled to appeal the decision.

4. Final Recommendation on Comprehensive Plan Map Amendments and Zone Changes. A Final Recommendation from the Planning Commission is issued to the

City Council for Type III comprehensive plan map or zone changes. Notice of the public hearing for Type III comprehensive plan map or zone changes before City Council is done concurrently with the notice of public hearing before the Planning Commission.

J. Appeal.

1. The decision of the Planning Commission may be appealed to the City Council. Only the applicant, property owner, persons who made an appearance of record at the public hearing before the review authority, or persons who submitted written comment for consideration of the review authority have standing to appeal.

2. The appeal shall follow the requirements and procedures of subsection 17.76.180.

3. The City Council decision shall be the final local decision. Any further appeal shall be made to LUBA.

17.76.060 Type IV (Legislative)

A. General Description. Type IV procedures apply to "legislative" matters. Legislative decisions are made by the City Council and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a geographic area containing many properties. Type IV procedures require general public notice and a public hearing.

B. When Applicable. Table 17.76.020-1 identifies Type IV applications. Applications not listed on Table 17.76.020-1 may be identified as Type IV by the director based on the general description in this section.

C. Pre-application Conference. Pre-application conferences are not required for Type IV applications.

D. Application Requirements.

1. Application forms. Legislative applications must be made on forms provided by the department.

2. Submittal Information. The application shall contain all of the following information:
   a. The information requested on the application form;
   b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable); and
   c. The required fee as adopted by City Council resolution, except when the City initiates request.

E. Mailed Notice of Public Hearing. The notification procedure for Type IV requests must conform to state land use laws (ORS 227.175) and as follows:

1. In accordance with procedures required by the Oregon Department of Land Conservation and Development (DLCD), the department shall notify DLCD of legislative amendments at least 35 days before the first public hearing at which public testimony or new evidence will be received.

2. At least 20 days, but not more than 40 days, before the date of the first public hearing, a notice shall be prepared in conformance with ORS 227.175 and mailed to:

a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one comprehensive plan land use designation to another), see ORS 227.186 for instructions;

b. Any affected governmental agency;

c. Any person who requests notice in writing; and

d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

3. For each mailing of notice, the department shall prepare an affidavit of mailing.

F. Published Notice of Public Hearing. Notice of the public hearings for Type IV applications shall be published two times in a newspaper of general circuation in the city, at least 10 days but not more than 21 days before the first scheduled public hearing on the proposal.

G. Public Hearing Procedure. The Planning Commission shall conduct the public hearing on Type IV applications in accordance with the procedures set forth in subsection 17.76.160. In addition to the public hearing held by the Planning Commission, the City Council shall also conduct a public hearing on Type IV applications.

H. Recommendation Authority.

1. Following receipt of testimony and deliberation at the public hearing held before the Planning Commission, the Planning Commission shall provide a recommendation to the City Council for all Type IV applications. The Planning Commission shall recommend that the City Council approve or deny the proposed amendments, with or without changes. The Planning Commission's recommendation shall be issued as a Final Recommendation, and shall include findings supporting the recommendation, based on public testimony and the application's success or failure to satisfy the applicable criteria.

2. Decision Authority. Upon receiving the Planning Commission's Final

Recommendation, the City Council shall hold a public hearing on the Type IV application.

I. Notice of Decision.

1. **Not more than seven days after the date the City Council approves a Type IV application, the director shall mail a notice of decision to persons of record who appeared orally or in writing before either the Planning Commmission or the City Council.**
2. **The director shall also notify DLCD of the decision within the timeframe and method prescribed by DLCD.**
3. **The City Council's decision is final for purposes of appeal on the date the notice is mailed.**

J. Appeal. The final decision of the City Council to approve or deny a Type IV application may be appealed to the Land Use Board of Appeals (LUBA) only when such appeal is authorized under applicable State law.

17.76.070 [Reserved]

17.76.080 Initiation of an Application

A. Applications may be initiated by either the property owner of record or the contract purchaser of the subject property, or any person authorized in writing to act as agent of the owner or contract purchaser. All applications shall be signed by all property owners of record as shown on the most-current recorded deed, as well as all contract purchasers if applicable, prior to submittal. Type IV applications may also be initiated by the city.

17.76.085 Withdrawal of an Application

A. An application may be withdrawn by the applicant, applicant's representative, or property owner of record or contract purchaser at any time prior to adoption of a final city decision if the director determines that:

1. **The applicant, applicant's representative, and property owners or contract purchasers have all consented in writing to withdraw the application; and**
2. **The application is not intended to correct an identified code violation on the subject property which would remain unresolved were the application withdrawn.**

B. The city may withdraw a city-initiated application at any time.

C. Fees for withdrawn applications are not refundable.

17.76.090 Pre-Application Conference

A. Purpose. The purposes of pre-application conferences are:

1. To acquaint property owners and applicants with the general requirements of the code, including applicable approval criteria; and

2. To advise the property owners and applicants of previous land use applications associated with the subject property.

B. Pre-application conferences are strongly advised for all applications, but are not required.

C. Pre-application conferences are intended to be advisory only, and are specifically not intended to be an exhaustive review of all potential issues. Participation in a pre-application conference does not absolve the property owners or applicants of any responsibility for legal or technical due diligence investigation.

D. Participation in a pre-application conference does not bind the City to provision of any level of service or approval, nor does it preclude the city from enforcing all applicable regulations or from applying regulations differently than may have been indicated at the pre-application conference.

E. Pre-Application Conference Guidelines.

1. Applicants should provide any available plans for the proposed development. Any plans provided to the City before, during, or after during the pre-application conference may be considered public information, unless specifically requested in writing by the property owners or applicants to remain confidential.

2. The director will coordinate attendance by City staff responsible for development review and infrastructure and building construction requirements as applicable.

3. Pre-application conferences are not open to the general public and are not public meetings. Pre-application conferences are not recorded.

4. The city may or may not provide a brief written summary of the pre-application conference. If provided, the purpose of the written summary is to provide a preliminary assessment of a proposal and shall not be construed as a recommendation by the City or by any other outside agency or service provider on the merits of the proposal.

17.76.100 [Reserved]

17.76.110 Application Submittal and Completeness Review

A. Application Forms and Checklists.

1. **Forms for the submittal of all land use applications shall be available in the department. The department shall ensure that these forms comply with applicable standards in state law and city code.**

2. **Land use applications may include checklists or information sheets detailing specific information and plans to be contained in that application, including document formats.**

B. Fees. A fee schedule for land use applications and other department services provided by the city shall be adopted by resolution of the City Council. Required fees shall be paid at the time of application submittal or at the time of request for a particular service.

C. Application Submittal. Land use applications or permits shall be submitted on the appropriate forms from the department.

D. Application Materials. All of the following items must be submitted to initiate the 30 day completeness review of the application, and all information supplied shall be complete and correct as to the applicable facts:

1. **Completed application form, including the signature of all property owners shown on the most-current recorded deed, and, if applicable, the signature of all prospective purchases shown on the purchase contract;**

2. **Payment in full of the appropriate land use application or permit fee(s), based on the fee schedule in effect on the date of application submittal;**

3. **A written narrative listing the criteria and development standards applicable and relevant to the application and stating the evidence demonstrating the application's compliance with each criterion and standard. If compliance with a criterion or standard is stated to be demonstrated in a plan, drawing, or technical study in the application, the citation in the narrative to the demonstration must be sufficiently specific to allow convenient reference;**
4. **Required plans and drawings for the particular type of application as noted on the application checklist. Such plans generally include, but are not limited to, the following:**
   - **a. Existing conditions plan,**
   - **b. Site plan,**
   - **c. Building elevations,**
   - **d. Landscaping plan,**

e. Exterior lighting plan,
f. Grading and erosion control plan, and
g. Public infrastructure and utilities plan.

5. Required technical reports, analyses, assessments, etc. for the particular type of application as noted on the application checklist (e.g., traffic impact analysis, floodplain or wetland delineation, significant natural resource report, geotechnical report, tree survey, noise study, etc.) and/or as required by city code.

6. Upon written request by the applicant prior to application submittal, the director may modify application requirements based on the nature of the proposed application, development, site, or other factors. Any such waiver must be specifically approved by the director in writing prior to submittal.

E. Determination of Completeness and Commencement of Review.

1. To be deemed complete, an application must include all materials, information, and fees listed in subsection 17.76.110.D.1 through 6, unless a specific waiver has been granted by the director under subsection 17.76.110.D.6.

2. The department shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 days after the department receives the submittal.

3. If the application is deemed complete, the completeness notice shall advise the applicant of the commencement of application review and the date of the public hearing if required by the particular application.

4. Determination that an application is complete indicates only that the application is ready for review on its merits, not that the city will make a favorable decision on the application.

5. If an application is deemed to be complete upon initial submittal, approval or denial of the application shall be based on the code standards and criteria that were in effect on the date of submittal. See subsection 17.76.110.F.4 for incomplete applications upon initial submittal.

6. Pursuant to ORS 227.178, the City will reach a final decision on an application within 120 days from the date the application is determined to be or deemed complete unless the applicant agrees to extend the 120 day timeline or unless state law provides otherwise.

7. **Pursuant to ORS 227.178, the 120-day timeline may be extended at the written request of the applicant. The total of all extensions may not exceed 245 days beyond the first 120 day extension, or 365 days from the date the application was deemed complete.**

F. Determination of Incompleteness.

1. **If an application is determined to be incomplete, that determination shall be based solely on failure to pay required fees, failure of the applicant's narrative to address the relevant approval criteria or development standards, or failure to supply the required signatures, information, documents listed on the application, application checklist, or in city code. A determination of incompleteness shall not be based on differences of opinion as to the quality or accuracy of the application.**

2. **If an application is deemed incomplete, the incompleteness notice shall list what information is missing and allow the applicant to submit the missing information. The incompleteness notice shall also include a statement to the applicant of the need to indicate to the director whether or not the applicant intends to amend or supplement the application.**

3. **If an application is deemed incomplete upon initial submittal, it shall be deemed complete for purposes of this section when the city receives the following:**
   a. All of the missing information listed in the completeness notice; or
   b. Some of the missing information, together with written notice from the applicant that no other information will be provided; and a request to proceed with review of the application; or
   c. Written notice from the applicant that none of the missing information will be provided, and a request to proceed with review of the application.

4. **If the applicant submits the additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based on the code standards and criteria that were in effect at the time the application was first submitted.**
5. **The application will be deemed void if it has been on file with the city for 181 days or more and the applicant has not submitted, pursuant to paragraph 3 above, some or all of the required additional information and/or a request to proceed with application review.**

17.76.120 Conditions of Approval

A. Imposition of Conditions. Conditions may be imposed on any Type I, II or III approval, in accordance with relevant city code, to ensure that the proposal complies with the applicable approval criteria and code standards and requirements.

B . Nexus and Proportionality of Conditions. All conditions imposed must have a clear nexus with the development's impacts. Certain conditions must also be proportional to the development's impacts if the conditions affect interests in real property.

C. Challenge to Condition(s). If an applicant asserts that he/she cannot legally be required, as a condition of land use approval, to provide improvements or real property interests at the level required by the code, the applicant shall provide a "development impact analysis" report, prepared by a qualified civil or traffic engineer, as appropriate, showing:

1. The estimated extent to which the improvements will be used by persons served by the building or development, whether the use is for safety or for convenience;

2. The estimated level of improvements needed to meet the estimated extent of use by persons served by the building or development;

3. The estimated impact of the building or development on the public infrastructure system of which the improvements will be a part; and

4. The estimated level of improvements needed to mitigate the estimated impact on the public infrastructure system.

D. Development Impact Analysis Consideration. The development impact analysis shall be considered by the review authority in making a determination whether the condition(s) and required improvements are reasonably related and roughly proportional to the impacts of the proposed development.

E. Modification of Conditions. Modification of conditions of approval may be sought by any of the following methods:

1. Upon appeal of the original application, pursuant to subsection 17.76.180.E; or

2. As a new development application.

F. Violation of Conditions of Approval. Failure to fulfill any conditions of approval within any time limits provided shall constitute a violation of the code and the subject approval will be subject to code enforcement proceedings. Enforcement proceedings may include revocation of the approval.

17.76.130 Effective Date of Decision

A. Land use action and permit decision on Type I procedures are effective on the date of the director's decision approving or denying the application or permit, as signified by the dated signature of the director. Land use action and permit decisions on Type II and III procedures shall become effective the day after the appeal period expires if no appeal is filed. Type IV legislative actions shall become effective 30 days after the date of adoption, unless specified otherwise in the adopting ordinance.

B. If an appeal is filed on a land use action or permit decision on a Type I, II or III procedure, the decision shall become final and effective upon the date of the written decision of the final local appeal body.

C. Each land use action or permit for a Type II or III procedure shall specify the approval granted or development authorized and shall be subject to the standards and conditions set forth in this code, together with any conditions imposed by the review authority, excepting only those variances or adjustments authorized by the review authority.

17.76.140 Expiration of Decision

A. Unless a different period of time is established within the decision, or under subsection D below, a land use action or permit granted pursuant to this subchapter expires and becomes void automatically as provided under Table 17.76.140-1 unless one of the following circumstances has occurred:

1. Substantial construction, which includes required infrastructure construction, has begun and is actively in progress in compliance with the land use action or permit approval; or

2. The approved land use has commenced and is in active operation in compliance with any applicable conditions of approval; or

3. An extension application has been filed pursuant to LCMC 17.76.150; or

4. A copy of the recorded final plat has been submitted to the department within one year of approval of a partition or subdivision or a copy of the recorded survey map has been submitted to the department within one year of approval of the lot line adjustment.

B. If multiple applications are processed concurrently, the review authority shall specify in the Notice of Decision a uniform expiration period for the concurrent applications.

C. If a final local decision is on appeal, the effective date of the decision and corresponding valid period before expiration shall begin when the final decision is issued on the appeal.

D. A comprehensive plan amendment, map amendment, or zone change processed under LCMC 17.77.160 is not subject to expiration or extension.

Table 17.76.140-1 Decision Expirations and Extensions

	Decision Expiration	Extensions Allowed	Review Authority
Type I	1 year	None	Not applicable
Type II	2 years	One extension for 2 years	Director
Type III	2 years	One extension for 2 years	Planning Commission
Type IV	None	Not applicable	Not applicable

17.76.150 Extension of Decision

A. Written Request for Extension Required. A request for an extension of the expiration date of a decision must be submitted to the department, on the appropriate form provided by the department, prior to the expiration date of the decision.

B. Extension. One extension request may be granted for the applicable period of time as specified in Table 17.76.140-1. If granted, an extension is vested against any code changes adopted since the original decision. The extension is subject to the following approval criteria:

1. **The extension is necessary because it is not practicable to begin development within the allowed time for reasons beyond the applicant's reasonable control; and**
2. **The previous land use decision will not be modified in design, use, or conditions of approval.**

17.76.160 Public Hearings

A. Purposes. The purposes of this section are:

1. **To describe rules of conduct, order of proceedings, and action required for legislative and quasi-judicial hearings; and**

2. **To provide clear and consistent rules to ensure the legal rights of individual property owners and the general public are protected.**

B. Applicability. The provisions of this section shall apply to all proceedings on land use applications requiring public hearings under the procedures of this subchapter.

C. Responsibilities of the Director for Public Hearings. For all land use applications requiring public hearings, the Director shall:

1. **Schedule the land use application for review and public hearing before the appropriate review authority as required by Table 17.76.020-1;**

2. **Provide public notice of the public hearing or appeal hearing as required by this code;**

3. **Prepare and make available to the public a staff report summarizing the proposal, the relevant criteria and issues, and any comments received prior to the public hearing;**

4. **Mail notice of the decision to those entitled to such notice as specified for the particular application procedure type;**

5. **Maintain a record of the proceedings; and**

6. **Prepare minutes of the proceedings, including the decision on the matter heard.**

D. Provision of Public Notice. Notice of public hearings shall be provided for applications or appeals as specified in the applicable section of this chapter, based on the procedure type.

E. Compliance with Notice Requirements. Mailed notice shall be deemed to have been provided upon the date the notice is deposited in the mail. Failure of the addressee to receive such notice shall not invalidate the proceedings if it can be demonstrated by affidavit that such notice was given.

F. Rules of Procedure. Public hearings shall be conducted in accordance with the rules of procedure adopted by the applicable review authority, if any, and with applicable state law.

G. Procedural Rights. Subject to the specific standards and limitations set forth in this code, the following procedural rights shall be provided at the public hearing:

1. **A reasonable opportunity for those persons participating in the decision to present and rebut evidence; and**
2. **An impartial review authority.**

H. Review Authority Disclosures. Prior to the beginning of a public hearing, the Review Authority members shall disclose any ex parte contacts, biases or conflicts of interest.

1. **Review Authority members shall disclose the substance of any significant pre-hearing ex-parte contacts regarding the application as early as reasonably possible during the public hearing on the application, so that persons wishing to participate in the hearing have an opportunity to respond. The member shall state whether the contact has impaired his/her impartiality or ability to vote on the matter and shall participate or abstain accordingly.**

2. **A member of the Review Authority shall not participate in any proceeding or action in which member has an actual conflict of interest as defined in state law. Any actual or potential conflicts of interest shall be disclosed at the meeting of the Review Authority where the action is being taken.**

3. **A review authority member may be disqualified due to actual conflicts of interest or actual bias based on a motion if a majority of the review authority members present and voting approve such a motion. The member who is the subject of the motion may not vote.**

I. Presentations.

1. **The Review Authority may set reasonable time limits for oral presentations. The Review Authority may choose not to receive cumulative, repetitious, immaterial, derogatory or abusive testimony. Persons may be required to submit written testimony in lieu of oral testimony.**

2. **No testimony shall be accepted after the close of the public hearing unless the Review Authority sets a deadline for receipt of such testimony and provides an opportunity for review and rebuttal prior to making a decision.**

3. **Counsel for the Review Authority may be consulted on legal or procedural issues without reopening the public hearing. Objections alleging that counsel is discussing or testifying as to factual matters shall be heard at the discretion of the Review Authority.**

4. **Staff may confer with the Review Authority after the close of the record on technical review or procedural matters, but may not engage in argument or present additional evidence.**

5. The presiding officer shall preserve order at all public hearings and shall decide questions of order subject to a majority vote of the Review Authority. Persons who become disruptive or abusive may be removed from the hearing.

J. Continuance of Public Hearing. Public hearings may be continued in accordance with the rules of procedure adopted by the applicable Review Authority, if any, and with applicable state law.

K. Evidence and Argument. Evidence and argument shall be received and reviewed in accordance with the rules of procedure adopted by the applicable Review Authority and with applicable state law.

L. Burden of Proof. The applicant shall bear the burden of proof that the proposal complies with all applicable approval criteria and development standards.

M. Action by Review Authority Following Public Hearing.

1. An action of the Review Authority on a land use application or appeal may be to:
   a. Approve the application as submitted or uphold the appeal;
   b. Approve the application with conditions or uphold the appeal with conditions;
   c. Approve the application with modified conditions or approve the appeal with modified conditions; or
   d. Deny the application or the appeal.

2. Findings in support of any decision shall be made in accordance with the Review Authority's adopted rules of procedure and with applicable state law.

N. Record.

1. Absent mechanical failure or inadvertent error, a verbatim written or mechanical record of the hearing shall be made. In addition, written minutes accurately citing the statements of the participants shall be taken. Such minutes may substitute for a verbatim record in the event of mechanical failure or inadvertent error.

2. An interested party may request a verbatim transcript of the recorded proceedings before the review authority on the matter. Requests for transcripts shall be accompanied by a deposit separate from the appeal fee, as specified in the adopted fee schedule. The City shall maintain an accurate record of the costs of the transcript preparation, and any unexpended portion of the deposit or additional amount due shall be refunded to or payable by the interested party.

17.76.170 Public Hearings on Cases Remanded from LUBA

A. The procedures in this section shall be used for hearings involving cases either voluntarily or involuntarily remanded from the Land Use Board of Appeals (LUBA).

B. Upon receipt of the remand opinion, the director shall present the opinion directly to the City Council. The director shall inform the City Council of the nature of the remand, and the City Council shall make a formal decision regarding procedures prior to any hearing to decide the matter. The Council may decide to do any of the following:

1. **Send the matter to a lower review authority; or**
2. **Set a date to decide the matter without re-opening the public hearing on the case; or**
3. **Set a hearing date and re-open the public hearing for consideration.**

C. When considering a remand, the Review Authority may consider the case in whole or in part.

D. Procedures for public notice and order of proceedings for remands shall comply with LCMC 17.76.160. In cases where a public hearing is held, required notices shall be mailed a minimum of 20 days in advance of any public hearing on the remand.

17.76.180 Appeals

A. In General. Appeals of director decisions are heard by the Planning Commission. Appeals of Planning Commission decisions are heard by City Council. There is no local appeal of City Council decisions. The City Council decision is the final local decision.

B. Notice of Appeal. Where the appeal authority is the city, Notices of Appeal shall be filed with the department within 12 days of the mailing date of the written notice of the decision. Appeals must be received in the department no later than 5:00 p.m. of the 12th day of the mailing date of the written notice of the decision. At a minimum, the Notice of Appeal shall include the following items:

1. **Identification of the decision being appealed, including the case file number, the Review Authority which made the decision, and the date of the Decision;**
2. **Documentation that the appellant was a party to the initial proceedings;**
3. **A detailed statement on the basis of the appeal, including which approval criteria, development standards, or conditions of approval were allegedly improperly evaluated or applied to the decision; and**

4. **Payment of the appropriate fee, as adopted by City Council resolution.**

C. Failure to File Notice of Appeal. Failure to file a notice of appeal that fully complies with subsection B above, by 5:00 p.m. on the due date, with the fee specified in the Notice of Decision, shall be a jurisdictional defect.

D. Request for Transcript. Pursuant to Subsection 17.76.160.N.2, the appellant or any interested party may request a verbatim transcript of the recorded proceedings before review authority on the matter.

E. General Procedures Applicable to All Appeals.

1. **Public Hearing Required for Appeals. Appeal hearings before the appropriate review body as specified in subsection 17.76.180.A shall be conducted in accordance with the public hearing provisions in applicable state law and in LCMC 17.76.160.**

2. **Notice of Public Hearing on Appeal. Notices of appeal hearings shall be sent in accordance with the notification requirements in subsection 17.76.050.E.**

3. **Staff Report. At least 7 days before the date of the appeal hearing, the director shall prepare and make available to the public a copy of the staff report regarding the appeal. A copy of the staff report and recommendation shall be provided to the appeal body, the applicant, and to the appellant. Copies of the staff report shall also be provided at reasonable cost to the public upon request to the department.**

4. **Action of Appeal Body. At the conclusion of the hearing on the appeal, the appeal body shall take one of the following actions:**

a. Reverse or affirm the decision under appeal at the conclusion of the initial appeal hearing, with or without conditions or changes; or
b. Continue the appeal hearing to a date, time, and location certain, which shall be announced by the presiding officer. Notice of the date, time, and location certain of the continued hearing is not required to be mailed or published;
c. Continue the appeal hearing without announcing a date, time and location certain, in which case notice of the continued hearing shall be provided as was the notice for the initial hearing;
d. Provisions for continuing an appeal hearing or holding the record open as set forth in Subsection 17.76.160.J shall apply under this Code in a manner consistent with state law.

5. Written Decision of Appeal Body. After the public record on the appeal closes, a written decision regarding the appeal shall be prepared. The written decision shall contain the following:

a. A statement of the facts relied upon by the appeal body, which demonstrate the reasons why the decision under appeal is reversed or affirmed based on the applicable criteria and/or standards;

b. A statement of conclusions based on the findings; and

c. An explanation of the basis for any changes in the earlier decision:

i. Denial reversed to approval; with or without conditions;

ii. Approval changed to denial; or

iii. Additions, deletions or revisions to conditions of approval.

6. Mailing Notice of the Decision. Following the adoption of a decision by the appeal authority, the department shall mail the signed and dated decision to the appellant, the applicant, and any other persons who appeared orally or in writing in the record of the appeal.

F. Withdrawal of an Appeal.

1. At any time before the close of an appeal hearing held by any Review Authority, any appellant may withdraw the appeal. Withdrawal of the appeal is subject to the following:

a. If requested before the hearing, the withdrawal must be submitted in writing;

b. Any unexpended portion of the appeal fee will be refunded only if the withdrawal is received before the public notice of the hearing has been sent; and

c. Where multiple people or parties sign and file a single Notice of Appeal, all the parties must consent to the withdrawal of the appeal.

2. A withdrawn appeal cannot be re-filed by any party.

3. If all appeals in a matter are withdrawn, no decision by the Review Authority is necessary.

4. If all appeals are withdrawn, the department shall issue a Notice of Appeal Withdrawal to the applicant, the appellant, and the parties listed in Subsection 17.76.050.F. The Notice of Appeal Withdrawal shall specify the new effective date of the original decision to be the date of the withdrawal of the appeal(s).

SECTION 2. Chapter 17.77 *(Applications)* is hereby added to the Title, as follows:

Chapter 17.77 Applications

17.77.010 Adjustment
17.77.020 Annexation
17.77.030 Appeal
17.77.040 Bed and Breakfast Accommodations Application
17.77.050 Comprehensive Plan Map Amendment
17.77.060 Conditional Use Permit
17.77.070 Development Review
17.77.080 Director's Interpretation
17.77.090 Geologic Hazard Report and/or Beach Protective Structure Review; Natural Resources Development Review
17.77.100 Home Occupation Application
17.77.110 Modification of Approved applications, plans, or conditions of approval
17.77.120 Planned Development
17.77.130 Text Amendment
17.77.140 Variance
17.77.150 Zone Change.

17.77.010 Adjustment

A. Procedure.

1. **Requests for adjustments are only applicable to adjustments from the standards of Chapter 17.74 LCMC and must be concurrent with the development review application submittal. Adjustments may not be requested for any other portion of the code other than the items noted in Chapter 17.74 LCMC as being eligible for adjustment.**

2. **Adjustment requests are processed concurrently with the development review application using the same procedure type as the development review application.**

B. Submittal Requirements. In addition to the submittal requirements of the primary application, requests for adjustments shall include a narrative clearly identifying each applicable standard from which an adjustment is requested, citing the reasons for the request, and addressing compliance with the approval criteria in subsection C below.

C. Approval Criteria. To approve an adjustment, the review authority shall make additional findings of fact, based on evidence provided by the applicant, that all of the following criteria are satisfied:

1. **The character types and guiding principles, as contained in Section 17.74.050, and the intent statement(s) under the standard to be adjusted can be better met through the proposed alternative design solution; or**

2. **Necessary characteristics of the allowed use present practical difficulties in meeting a standard. In such cases, the design must provide alternative features to meet the intent of the standard, along with an explanation of how the alternative features meet the intent of the standard being adjusted.**

D. Conditions of Approval. Pursuant to LCMC 17.76.120, the review authority may impose conditions on the approval of the primary application to ensure compliance with the adjustment approval criteria.

E. Appeal of a Decision. Refer to LCMC 17.76.180 for the primary application.

F. Expiration of a Decision. Refer to LCMC 17.76.140 for the primary application.

G. Extension of a Decision. Refer to LCMC 17.76.150 for the primary application.

17.77.020 Annexation

A. Purpose. The annexation application process is intended to facilitate efficient urban and economic development opportunities by transferring jurisdiction over properties within the Urban Growth Boundary from Lincoln County to the City of Lincoln City. The process is intended to comply with the requirements of ORS 222 and ORS 268.

B. Procedure. An annexation application is subject to a Type IV procedure.

C. Submittal Requirements.

1. **An annexation application on the application form prescribed by the department must be completed and submitted and must contain the signatures of every current property owner of record.**

D. Zone Change Process Concurrent with Annexation Application. A request for zone change from the county zone to an applicable city zone must be submitted with the annexation application on the zone change form prescribed by the department.

E. Approval Criteria. The City may or may not approve an annexation application at its discretion based upon the following:

1. The subject site must be contiguous to city limits.

2. The subject site must be within the urban growth boundary.

3. The city must be willing and able to provide services to the newly annexed area.

4. The deficit of income against expense to the city must not be unreasonable.

5. The advantages of annexing the subject site, both to the city and the subject site, must outweigh the disadvantages of annexation.

F. Conditions of Approval. Approval of an annexation application cannot be conditioned by the city.

G. Appeal of a Decision. The final decision on an annexation application may be appealed to the Land Use Board of Appeals.

H. Expiration of a Decision. The final decision on an annexation application is not subject to expiration.

I. Extension of a Decision. The final decision on an annexation is not subject to extension.

17.77.030 Appeal

A. Procedure. Appeals are subject to the Type III procedure, as described in LCMC 17.76.050.

B. Submittal Requirements:

1. Type III application submittal requirements are set forth in LCMC 17.76.050. Specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.

17.77.040 Bed and Breakfast Accommodations Application

A. Purpose. The purpose of a bed and breakfast accommodations application is to allow owners of dwellings to use their dwelling as a bed and breakfast accommodation, while establishing criteria and standards to ensure that bed and breakfast accommodations are subordinate to the residential use, and are in appearance and operation neither detrimental nor disruptive to neighboring properties and residents.

B. Procedure. Bed and breakfast accommodation applications are subject to the Type I procedure as described in LCMC 17.76.030.

C. Submittal Requirements. Type I application submittal requirements are set forth in LCMC 17.76.030 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.

D. Approval Criteria. To approve a bed and breakfast accommodation application, the review authority shall review the submitted materials to ensure that the following criteria are satisfied:

1. The zoning of the subject property lists a bed and breakfast accommodation as an allowed use;

2. The proposal complies with the standards for bed and breakfast accommodations in LCMC 17.80.060.

E. Conditions of Approval. The review authority may impose conditions on approval of a bed and breakfast accommodation application to ensure compliance with the approval criteria.

F. Appeal of a Decision. Refer to LCMC 17.76.180.

G. Expiration of a Decision. Refer to LCMC 17.76.140.

H. Extension of a Decision. Refer to LCMC 17.76.150.

I. Invalidation of a Decision. Approval of a bed and breakfast accommodation application is site-specific to the property and the original applicant. If an applicant moves, the bed and breakfast accommodation application approval becomes invalid unless a new bed and breakfast accommodation application is approved for the subsequent occupant of the property.

17.77.050 Comprehensive Plan Map Amendment

A. Purpose. A Comprehensive Plan Map Amendment application provides a process to consider a proposed amendment to the Comprehensive Plan Map.

B. Procedure. A Comprehensive Plan Map Amendment application is reviewed using either the Type III or Type IV procedure.

C. Submittal Requirements. Type III application submittal requirements are set forth in LCMC 17.76.050. Type IV application submittal requirements are set forth in LCMC 17.76.060.

D. Approval Criteria. To approve a Comprehensive Plan Map Amendment, the Review Authority shall make findings of fact, based on evidence provided, that the request is consistent with the comprehensive plan and with the statewide planning goals.

E. Conditions of Approval. Approval of a Comprehensive Plan Map Amendment application cannot be conditioned by the city.

F. Appeal of a Decision. Refer to LCMC 17.76.180.

G. Expiration of a Decision. An approved Comprehensive Plan Map Amendment does not expire.

H. Extension of a Decision. An approved Comprehensive Plan Map Amendment is not subject to extension.

17.77.060 Conditional Use Permit

A. Purpose. In all zones, conditional uses listed in that zone may be permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this title and their effect on surrounding properties.

B. Procedure. Conditional use permit requests are subject to the Type III procedure, as described in LCMC 17.76.050.

C. Submittal Requirements.

1. Type III application submittal requirements are set forth in LCMC 17.76.050. Specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.

2. At a minimum, an application for a conditional use shall include the following:
a. An application form signed by the applicant and every current property owner of record as shown on the most-current recorded deed;
b. Full payment of the application fee, based on the fee schedule in effect on the date of submittal;
c. Existing Conditions Plan;
d. Site Plan;
e. Landscape Plan;
f. Building Elevations (for new construction);
g. Phasing Plan (if phasing is proposed);
h. Traffic Impact Study pursuant to LCMC 17.52.300; and
i. Narrative addressing compliance with each approval criterion and applicable standard.

D. Approval Criteria. In order to grant any conditional use, the Planning Commission must find, based upon evidence, both factual and supportive, provided by the applicant, that:

1. The proposal is in compliance with the comprehensive plan;

2. The site for the proposed use is adequate in size and shape to accommodate the use and all required setbacks, common spaces, retaining walls, parking and loading areas, landscaping, and other features required by this title;

3. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use;

3. The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the review authority shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and mass of buildings, retaining walls, fences, landscaping, screening, exterior lighting, and signage;

4. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complementary to the surrounding area.

E. Conditions of Approval. Pursuant to LCMC 17.76.120, the Planning Commission may impose, in addition to regulations and standards expressly specified in this title, other conditions found necessary to protect the best interests of the surrounding properties or neighborhood, or the city as a whole. These conditions may include, but not be limited to, the following:

1. Increasing required lot size, setbacks, common open spaces, or screening and buffering areas;

2. Requiring fences, screening walls, landscaping, or screening/buffering where necessary to reduce noise and glare from the use, and maintain the property in a character in keeping with the surrounding area;

3. Requiring landscaping and maintenance thereof;

4. Increasing street widths and/or controlling the location and number of vehicular access points to the property for ingress/egress;

5. Requiring means of pedestrian/bicycle pathways to serve the property;

6. Increasing the number of off-street parking and loading spaces required; surfacing and proper drainage of parking area;

7. Limiting size, location, and number of signs;

8. Limiting the location, coverage, or height of buildings because of obstruction to view and reduction of light and air to adjacent properties;

9. Limiting or prohibiting openings in sides of buildings or structures;

10. Enclosure of outdoor storage areas and limitation of outside displays and/or storage of merchandise;

11. Requiring maintenance of grounds;

12. Regulation of noise, vibration, odors, etc.;

13. Regulation of time for certain activities;

14. Establishing a time period within which the proposed use shall be developed;

15. The requirement of a bond for removal of such use within a specified period of time;

16. Increase the size, type, or capacity of any or all utility services, facilities, or appurtenances;

17. Requirements under which any future enlargement or alteration of the use shall be reviewed by the review authority and new conditions imposed;

18. Requirements for providing the city a performance bond with a contractual agreement to assure its share of the development of streets, curbs, gutters, sidewalks, water, sanitary sewers, storm sewers, or other necessary and essential public improvements to city standards; and/or

19. Any such other conditions that will make possible the development of the city in an orderly and efficient manner and inconformity with the intent and purposes set forth in this title and the comprehensive plan.

F. Appeal of a Conditional Use Decision. Refer to LCMC 17.76.180.

G. Expiration of a Decision. Refer to LCMC 17.76.140.

H. Extension of a Decision. Refer to LCMC 17.76.150.

I. Use permit to run with the land. A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application.

17.77.070 Development Review

A. The purpose of development review is to establish a coordinated process to ensure that new development is in compliance with the requirements of this title prior to the submittal of structural permit applications, or in instances where structural permit applications are not necessary prior to the commencement of any development. The development review application shall demonstrate that the proposed development will comply with all of the applicable requirements of this title, and that the arrangement of all buildings, structures, access points, parking and loading facilities, landscaping, exterior lighting, stormwater facilities will avoid traffic congestion and will provide for pedestrian and vehicular safety and welfare.

1. Development review does not replace, or excuse applicants, property owners, or developers from obtaining, any other permits or approvals required by this title, by the Lincoln City Municipal Code, or by any other local, state, or federal law or authority applicable to the proposed development, including but not limited to sign, tree removal, structural, demolition, grading and erosion control, conditional use, planned development, and/or land division permits.

B. Applicability. Except as exempted below in subsection (C) of this section, development review approval is required before any structural permit is issued authorizing development and before any outdoor storage area or parking lot development commences in the R-M, PC, RC, GC, PI, M-W, P, OS, TVC, NPD, and OPD zones, and before any nonresidential structural permit is issued authorizing development and before any nonresidential outdoor storage area or parking lot development commences in any other zone.

C. Exemptions. The activities, development and construction projects listed below are exempt from development review:

1. Detached single-unit dwellings, attached single-unit dwellings, manufactured homes, and duplexes;

2. Routine repairs and maintenance;

3. Interior remodeling of an existing building or structure (also called tenant improvements) or building alterations required to meet ADA or Oregon

Residential Specialty Code or Oregon Structural Specialty Code requirements as applicable;

4. **Temporary structures associated with temporary uses;**

5. **Accessory structures that don't require a structural permit;**

6. **Construction, alteration, or maintenance of public infrastructure including streets, traffic control devices, drainage ways, sanitary and storm sewers, stormwater quality facilities, water lines, electrical power or gas distribution lines, or telephone or television cable systems;**

7. **Type I applications;**

8. **Exterior remodeling of a structure where no portion of the remodeled area is visible to public right-of-way; or**

9. **Development meeting all of the following criteria:**
   a. **The development proposes no new structures that require a structural permit; and**
   b. **The development involves either no expansion of an existing structure or expansion of an existing structure by 800 square feet or less; and 800 square feet or less in total; and**
   c. **The development does not change existing on-site traffic circulation patterns; and**
   d. **The development adds less than three additional parking spaces.**

D. **Procedure. Development review applications are subject to the Type II procedure as described in LCMC 17.76.040, unless any of the following circumstances apply:**

1. **The applicant chooses to submit as a Type III procedure; or**

2. **A Type III application is necessary to approve one or more of the uses proposed in the development, in which case the development review application shall be processed concurrently with the Type III application as a Type III procedure.**

E. **Submittal Requirements. Type II application submittal requirements are set forth in LCMC 17.76.040 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.**

F. **Concurrent Applications for Adjustments. Requests for adjustments to standards required in Chapter 17.74 LCMC shall be processed concurrently with the development review application.**

G. Approval Criteria. To approve an application for development review, the review authority must find that the development, as described in the submitted application, either complies with all of the requirements of this title or will comply with all of the requirements of this title subject to conditions that shall ensure compliance with all of the requirements of this title.

H. Conditions of Approval. Pursuant to LCMC 17.76.120, the review authority may impose conditions on the approval of a development review application to ensure compliance with the requirements of this title.

I. Appeal of a Decision. Refer to LCMC 17.76.180.

J. Expiration of a Decision. Refer to LCMC 17.76.140.

K. Extension of a Decision. Refer to LCMC 17.76.150.

17.77.080 Director's Interpretation

A. Purpose. The purpose of the director's interpretation application is to provide a process to clarify terms or phrases within this title which may require further interpretation. The director's interpretation (DI) application also provides a means to assign new or noncategorized uses to permitted, accessory, or conditional uses in a zone. Interpretations of code terms, intent, or meaning are different from other land use applications in that they are an interpretation of language and policy, as opposed to an evaluation of a use or development. A DI application may be submitted in advance of, or concurrent with, an application, permit, or other action.

B. Director's Authority to Initiate an Interpretation. The director may initiate a director's interpretation on behalf of the city, either specific or not specific to a particular property or circumstance. The director may also initiate an interpretation when there is a reasonable dispute or lack of clarity regarding permitted uses on a property. If initiated by the director, the director's interpretation shall be processed as either a Type I or Type II application under the requirements of this section, and shall include the materials specified in subsection E with the exceptions of an application form and payment.

C. Director's Authority to Decline an Application.

1. The director has the authority to consider the request for an interpretation, and shall respond within 30 days following the date of the request, as to whether or not a requested interpretation will be issued.

2. The director may issue or decline to issue a requested interpretation. The director's decision to decline to issue an interpretation is final when the decision is mailed to the party requesting the interpretation. The decision to decline to issue an interpretation is not subject to local appeal.

D. Procedures. A director's interpretation not specific to a particular property or circumstance, is subject to the Type I procedure, as described under LCMC 17.76.030. A director's interpretation for a particular property is subject to the Type II procedure, as described in LCMC 17.76.040.

E. Submittal Requirements. Type I application submittal requirements are set forth in LCMC 17.76.030. Type II application submittal requirements are set forth in LCMC 17.76.040. More specific submittal requirements are provided on application forms and checklists as authorized in Section 17.76.110.

F. Standards for Assignment of a Use. The assignment of a use to a particular zone, either as permitted or conditional, by the director shall be based on findings that the proposed use:

1. Shares common characteristics with other permitted or conditional uses in the zone;

2. Has intensity, density and off-site impacts similar to other permitted or conditional uses in the zone; and

3. Has impacts on public facilities, including streets; sewer, water and stormwater systems; schools; and police and fire services similar to other permitted or conditional uses in the zone.

G. Standards for Interpretation. An interpretation of terms, intent, or meaning shall be as consistent as possible with the standards listed below. Not all of the standards need to be met for an interpretation to be issued.

1. The proposed interpretation is consistent with the common meaning of the words or phrases at issue.

2. The proposed interpretation is consistent with relevant policy direction from official city documents such as the Comprehensive Plan and its supporting documents.

3. The proposed interpretation is consistent with the interpretation of other portions of this title.

4. The proposed interpretation is consistent with regional, state, and federal laws and court rulings that affect the words or phrases at issue.

H. Limitations on Director's Interpretation.

1. The director may interpret provisions of this title, but shall not issue any legal opinion or interpretation of case law.

2. A director's interpretation does not establish precedent, and does not bind any review authority in current or future decisions regarding the subject property or application or similar properties or applications.

3. A director's interpretation does not run with the land unless the development is substantially consistent with the description in the director's interpretation.

I. Expiration of a Decision. A director's interpretation does not expire unless superseded by a subsequent director's interpretation, comprehensive plan amendment, or ordinance amendment.

J. Appeal of a Decision. Refer to LCMC 17.76.180.

17.77.090 Geologic Hazard Report and/or Beach Protective Structure Review; Natural Resources Development Review

A. Procedure. Geologic hazard report, beach protective structure review, and natural resources development review are subject to the Type II procedure as described in LCMC 17.76.040.

B. Submittal Requirements. Type II application submittal requirements are set forth in LCMC 17.76.040 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110, as well as Chapter 17.46 and Chapter 17.47 LCMC.

C. Approval Criteria.

1. See Chapter 17.47 LCMC for approval criteria for geologic hazard report and beach protective structure review.

2. See LCMC 17.46.050 for approval criteria for natural resources development review.

D. Conditions of Approval. The review authority may impose conditions of approval to ensure compliance with the approval criteria.

E. Appeal of a Decision. Refer to LCMC 17.76.180.

F. Expiration of a Decision. Refer to LCMC 17.76.140.

G. Extension of a Decision. Refer to LCMC 17.76.150.

17.77.100. Home Occupation Application

A. Purpose. The purpose of a home occupation application is to allow residents an opportunity to use their dwelling unit to conduct small-scale business activities, while establishing criteria and standards to ensure that home occupations are subordinate to the residential use of the dwelling unit, and are in appearance and operation neither detrimental nor disruptive to neighboring properties and residents.

B. Procedure. Home occupation applications are subject to the Type I procedure as described in LCMC 17.76.030.

C. Submittal Requirements. Type I application submittal requirements are set forth in LCMC 17.76.030 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110. At a minimum, a home occupation application shall include the following:

1. **An application form signed by every current property owner as listed on the most-current recorded deed;**

2. **Payment in full of the appropriate application fee, based on the fee schedule in effect on the date of submittal; and**

3. **A floor plan of the dwelling unit to be used for the home occupation with the areas to be used for the home occupation clearly indicated.**

D. Approval Criteria. To approve a home occupation application, the review authority shall review the submitted materials to ensure that the following criteria are satisfied:

1. **The zoning of the subject property lists a home occupation as an allowed use;**

2. **The proposal complies with the standards for home occupations in LCMC 17.52.010.E and the definition for home occupations in LCMC 17.08.010.**

E. Conditions of Approval. The review authority may impose conditions on approval of a home occupation application to ensure compliance with the approval criteria.

F. Appeal of a Decision. Refer to LCMC 17.76.180.

G. Expiration of a Decision. Refer to LCMC 17.76.140.

H. Extension of a Decision. Refer to LCMC 17.76.150.

I. Invalidation of a Decision. Approval of a home occupation application is site-specific to the property and the original applicant. If an applicant moves, the home occupation application approval becomes invalid unless a new home occupation application is approved for the subsequent occupant of the property.

17.77.110 Modification of Approved applications, plans, or conditions of approval

A. Purposes. The modification process allows approved applications, plans, or conditions of approval to be modified under an appropriate review process without initiating repetition of the original application.

B. Applicability. The following applications, approved through the provisions of this code, may be modified pursuant to this section:

1. Development Review;

2. Conditional Use;

3. Planned Development.

C. Procedure for Modifications. Modification applications are subject to the Type II procedure as described in LCMC 17.76.040 or the Type III procedure as described in LCMC 17.76.050, based upon the procedure type of the original application.

D. Submittal Requirements. Type II and Type III application submittal requirements are set forth in LCMC 17.76.040 and 17.76.050, respectively.

E. Scope of Review. The scope of review for a modification shall be limited to the modification request.

F. Approval Criteria. To approve modification application, the review authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:

1. **The location, size, and functional characteristics of the modified development can be made reasonably compatible with, and would have a minimal impact on, properties surrounding the subject site; and**

2. **New elements are provided that functionally compensate for any negative effects caused by the requested modification(s). New elements used to compensate for a negative effect shall be of at least equal value to the elements proposed to be changed.**

3. **The criteria in paragraphs 1 and 2 above shall be applied only to the area and/or lots within the development that are affected by the proposed modification.**

4. **The proposed modification shall demonstrate compliance with the approval criteria of the original application.**

G. Conditions of Approval. Pursuant to LCMC 17.76.120, the review authority may impose conditions on the approval of a modification application to ensure compliance with the original approval criteria.

H. Appeal of a Decision. Refer to LCMC 17.76.180.

I. Expiration of a Decision. Refer to LCMC 17.76.140.

J. Extension of a Decision. Refer to LCMC 17.76.150.

17.77.120 Nonconforming – Determination That Nonconforming Use, Site, or Structure is Lawful.

A. Procedure for Determination that a nonconforming situation is lawful. Determination that a nonconforming use, site, or structure is lawful is subject to the Type II procedure as described in LCMC 17.76.040.

B. Submittal Requirements. Type II application submittal requirements are set forth in LCMC 17.76.040.

C. Approval Criteria. To determine that a nonconforming use, site, or structure is lawful, the review authority shall make findings of fact, based on evidence provided, showing that:

1. **The nonconforming situation was permitted by the standards and regulations in existence at the time established; and**

2. The nonconforming situation continued without discontinuance or abandonment as provided under Chapter 17.64 LCMC.

D. Conditions of Approval. Determinations of nonconforming situations are not conditioned.

E. Appeal of a Decision. Refer to LCMC 17.76.180.

F. Expiration of the Decision. The decision for determination of a nonconforming situation does not expire.

G. Extension of a Decision. The decision for determination of a nonconforming situation is not subject to extension.

17.77.120 Planned Development

A. Purpose. It is the purpose of this section to allow master planned developments in any residential or commercial zone, or any combination of them, and in doing so, to allow a more flexible approach to land development than that which is normally accomplished through the subdivision and zoning ordinances of the city. The planned development approach is intended to provide more desirable environments by encouraging creative site planning and building designs; to make possible greater diversification between buildings and open spaces; and to conserve land and minimize development costs. In addition to the uses allowed in residential zones, the planned development approach may allow certain commercial uses subject to the specific limitations of this section.

B. Allowable Density. The allowable residential density in a planned development that meets only the minimum planned development standards is the "maximum base residential density" and shall be determined in the following manner:

1. Determine the gross square footage of the project site.

2. Subtract from the gross square footage the square footage of any areas proposed for nonresidential development, including commercial uses, places of worship, schools, and public buildings and their associated parking areas and grounds (including required yards and landscaping areas). The result is the "preliminary gross residential area."

3. Subtract from the preliminary gross residential area the square footage of any areas of significant natural resources as identified in the comprehensive plan. The result is the "final gross residential area."

4. **Multiply the final gross residential area by 0.83. The result is the "final net residential area."**

5. **Divide the final net residential area by the minimum lot size of the underlying zone. The result is the "maximum base residential density" expressed in dwelling units. Any number not a whole number shall be rounded down to a whole number.**

C. Residential Density Bonuses.

1. **Density in excess of the maximum base residential density for the underlying zone may be considered for projects that comply with the density bonus standards. The amount of density bonus shall be determined by the type of density bonus standards incorporated in the development proposal.**

2. **Except with respect to the "affordable housing bonus," in no case shall the density bonus or bonuses cause the overall project density to exceed the maximum allowed residential density, which in the R-1-5 zone is 8.71 units per gross project acre, in the R-1-7.5 zone is 5.81 units per acre, and in the R-1-10 zone is 4.36 units per acre.**

3. **If an applicant requests one or more density bonuses the review authority shall determine, based on evidence supplied by the applicant, any other person, or staff, whether the applicant has complied with the bonus density standards. If the review authority determines that the applicant has complied with one or more bonus density standards it shall assign the applicable density bonus points and multiply the maximum base residential density by the applicable density bonus points. The result is the total number of additional residential units allowed for the project above the maximum base residential density.**

4. **Density Bonus Standards. If an applicant desires to be allowed to develop a number of residential units above the maximum base residential density the applicant shall comply with one or more of the following bonus density standards. The density bonus points for each density bonus standard are in parentheses at the end of each standard.**

a. Floodplain.

i. Requirement. For projects where part(s) of the site is located within the 100-year floodplain as defined and mapped by the Federal Emergency Management Agency, the portions in the floodplain must be developed according to the National Flood Insurance Program requirements.

ii. Density Bonus Standard. For projects where part(s) of the site is located within the 100-year floodplain as defined and mapped by the Federal Emergency Management Agency, develop only on portions of the site that

are not in the 100-year floodplain or on portions that have been previously developed. (0.01 point.)

b. Steep Slopes.

i. Requirement. On portions of the project site with pre-project slopes greater than 15 percent that are not previously developed, do not disturb slopes greater than 40 percent and do not disturb portions of the project site within 50 feet of the top of such slopes, and 75 feet from the toe of such slopes.

ii. Density Bonus Standard. On portions of the project site with pre-project slopes greater than 15 percent that are not previously developed sites, limit development to no more than 40 percent of slopes between 25 percent and 40 percent, and to no more than 60 percent of slopes between 15 percent and 25 percent, and locate development such that the percentage of the development footprint that is on pre-project slopes less than 15 percent is greater than the project's total percentage of buildable land that has pre-project slopes less than 15 percent. (0.01 point.)

c. Protected Species Habitat.

i. Requirement. If designated critical habitat for species that are listed or are candidates for listing under state or federal endangered species acts is found on or adjacent to the project site, do not disturb that critical habitat or portions of the site within an appropriate buffer around the critical habitat.

ii. Density Bonus Standard. If habitat for species that are listed or are candidates for listing under state or federal endangered species acts is found on the project site, do not disturb that habitat or portions of the site within an appropriate buffer around the habitat, with habitat connections or corridors (including connections to habitat on adjacent parcels) in mind. The geographic extent of the habitat and the appropriate buffer shall be identified by a qualified biologist (as determined by the planning and community development director) or the appropriate federal or state agency. Protect the habitat and its identified buffers from development in perpetuity by donating or selling the land or a conservation easement on the land to an accredited land trust or relevant public agency. (0.02 points.)

d. Public Transit.

i. Requirement. Design streets so that pullouts and public transit shelters may be added in the future without the need to acquire additional rights-of-way or relocate any sidewalks or utility lines.

ii. Density Bonus Standard. Provide covered and at least partially enclosed public transit shelters, adequate to buffer wind and rain, at appropriate locations within the project boundaries. If public transit does not serve the area of the project, provide pullouts at appropriate locations within the project boundaries so that public transit shelters may be added in the future. (0.01 point.)

e. Accessible Design.

i. Requirement. Design and build all buildings to comply with the minimum requirements of the Americans with Disabilities Act.

ii. Density Bonus Standard. For each residential unit type developed, design 20 percent (and not less than one) of each type to comply with the accessible design provisions of the Fair Housing Amendments Act (FHAA) and Section 504 of the Rehabilitation Act (Rehabilitation Act), as applicable. Separate residential unit types include: single-family, duplex, triplex, multi-unit row or townhouses, and mixed use buildings that include residential units. All paths of travel between residential units and other buildings within the project shall comply with the accessible design provisions of the FHAA and Rehabilitation Act, as applicable; and facilities and rights-of-way shall comply with the accessible design provisions of the FHAA, the Rehabilitation Act, or the Americans with Disabilities Act, as applicable. (0.01 point.)

f. Energy Efficiency.

i. Requirement. None.

ii. Density Bonus Standard. (0.02 point).

(A) For new residential structures of three stories or fewer, build and equip the structures to qualify as an Energy Star Home by either a performance path (through a HERS Index rating) or a prescriptive path (Building Option Package or BOP); and

(B) For nonresidential structures and residential structures of more than three stories, demonstrate a minimum 10 percent improvement in the proposed building performance rating compared to the baseline building performance rating per ASHRAE/IESNA Standard 90.1-2007 (without addenda) by a whole building project simulation using the Building Performance Rating Method in Appendix G of the Standard. Appendix G requires that this energy analysis include all of the energy costs within and associated with the building project. The proposed design must comply with the mandatory provisions (Sections 5.4, 6.4, 7.4, 8.4, 9.4 and 10.4) in Standard 90.1-2007 (without addenda), must include all the energy costs within and associated with the building project, and must be compared against a baseline building that complies with Appendix G to Standard 90.1-2007 (without addenda).

The default process energy cost is 25 percent of the total energy cost for the baseline building. For buildings where the process energy cost is less than 25 percent of the baseline building energy cost, the applicant must provide supporting documentation substantiating that process energy inputs are appropriate. For the purposes of this analysis, process energy is considered to include, but is not limited to, office and general miscellaneous equipment, computers, elevators and escalators, kitchen cooking and refrigeration, laundry washing and drying, lighting exempt from the lighting power allowance (e.g., lighting integral to medical equipment) and other (e.g., waterfall pumps). Regulated (nonprocess)

energy includes lighting (such as for the interior, parking garage, surface parking, facade, or building grounds, except as noted above), HVAC (such as for space heating, space cooling, fans, pumps, toilet exhaust, parking garage ventilation, kitchen hood exhaust, etc.) and service water heating for domestic or space heating purposes.

g. Outdoor Water Conservation.

i. Requirement. For irrigation, design and install all irrigation systems in the project so that they do not spray onto or otherwise directly place irrigation water onto impervious surfaces such as roads, driveways, parking lots, and sidewalks.

ii. Density Bonus Standard. For irrigation, design and install all irrigation systems in the project that use only captured rainwater, recycled wastewater, recycled graywater, or install landscaping that does not require permanent irrigation systems. Temporary irrigation systems used for plant establishment are allowed only if removed within one year of installation. (0.01 point.)

h. Indoor Water Conservation.

i. Requirement. None.

ii. Density Bonus Standard. Design and construct at least 90 percent of all buildings in the project such that they meet one of the following requirements according to the appropriate category (0.01 point):

(A) For nonresidential buildings and residential buildings over three stories, employ strategies that in aggregate use 30 percent less water than the water use baseline calculated for the building (not including irrigation) after meeting the Energy Policy Act of 1992 fixture performance requirements. Calculations are based on estimated occupant usage and shall include only the following fixtures (as applicable to the building): water closets, urinals, lavatory faucets, showers, and kitchen faucets.

(B) For residential buildings three stories or fewer, install fixtures that comply with all of the following requirements:

(1) The average flow rate for all lavatory faucets must be no more than 2.0 gpm.

(2) The average flow rate for all shower heads must be no more than 2.0 gpm.

(3) The average flow rate for all toilets, including dual-flush toilets, must be no more than 1.3 gpf.

i. Tree Preservation.

i. Requirement. Comply with the requirements of LCMC 17.52.220.

ii. Density Bonus Standard. For each two percent of canopy cover provided by trees that are preserved and incorporated into a development plan, a 0.01 point density bonus may be granted. The bonus is not applicable to trees preserved in areas that would otherwise be precluded from development, including floodplains, slopes greater than 25 percent,

drainage ways, or wetlands. No more than a 0.10 point density bonus may be granted for any one development.

D. Affordable Housing Bonus. An additional density bonus of 10 percent above the maximum base residential density shall be available for projects incorporating an affordable housing element. For the purposes of this section an affordable housing element must include the following components:

1. At least five percent of the total number of dwelling units in the project must be affordable units.

2. The affordable units must be incorporated into the overall project and not be clustered into a separate area of the project. This provision is not intended to prohibit "cottage clusters" of affordable units; provided, that such clusters are themselves incorporated into the overall project and not clustered into a separate area of the project.

To be considered "affordable" a unit must meet affordability standards as adopted by the city. Alternatively the developer may transfer title to individual lots dedicated to affordable housing to the Lincoln County Land Trust or other organization approved by the planning and community development director for development by that entity as affordable housing.

E. Large-Scale, Mixed Use Planned Developments. This subsection sets forth special provisions for large-scale, mixed use planned developments that provide additional amenities for residents, visitors, and the larger Lincoln City community while ensuring that impacts can be internalized and mitigated through master planning and coordinated on-site management.

1. Applicability. Subsection (H) of this section may be applied only to an existing or proposed planned development that is 100 acres or larger, has direct access to an arterial street, and designates at least 35 percent of the gross planned development site area as open space.

2. Limited Recreational Commercial Uses Permitted.

a. Uses Allowed. In addition to residential uses, the following recreational commercial uses may be permitted in large-scale, mixed use planned developments located in residential or commercial zones, subject to the limitations in subsection (G)(2)(b) of this section:

i. Motels, hotels, and resorts;

ii. Cabins and yurts used for overnight accommodations;

iii. Eating or drinking establishments without drive-up service facilities;

iv. Retail sales, exclusive of drive-up service facilities;

v. Day spas;

vi. Child day care facilities;

vii. Religious institutions and houses of worship;

viii. Convention centers and meeting facilities;

ix. Time-share units;

x. Bed and breakfast accommodations;

xi. Public use or public utility;
xii. Utility substation;
xiii. Outdoor commercial amusement establishments;
xiv. Essential emergency communications and warning facilities;
xv. Emergency shelters;
xvi. Mixed use incorporating one or more of the uses listed here.

b. Limitations. In addition to such conditions and restrictions as the planning commission may deem appropriate, the following limitations apply to commercial uses in large-scale, mixed use planned developments located in residential or commercial zones:

i. The combined area of commercial uses, including associated parking areas, may not exceed 15 percent of the gross site area;
ii. Commercial uses must be located a minimum of 100 feet from existing off-site residential buildings;
iii. No commercial or mixed use buildings may exceed 45 feet in height (unless approved by a vote of the people pursuant to the provisions of LCMC 17.52.190); and
iv. Recreational commercial uses are subject to the design standards of Chapter 17.74 LCMC.

3. Applications for large-scale, mixed use planned developments shall meet the requirements of OAR 660-012-0060, and be subject to the following:

a. A transportation impact analysis (TIA) shall be required at the time of application to determine if the proposed change would significantly affect an existing or planned transportation facility. The TIA shall demonstrate that the development does not significantly impact the transportation system as defined by OAR 660-012-0060(1); or the development shall be made consistent with the transportation system as allowed in OAR 660-012-0060(2). The TIA, findings of significant effect/no significant effect, and proposed mitigation measures shall be sent to the Oregon Department of Land Conservation and Development and the Oregon Department of Transportation for acknowledgment (concurrence).
b. To be consistent with OAR 660-012-0060, the analysis as indicated in subsection (G)(3)(a) of this section shall include a review process that includes adequate public notice and a public hearing, with the right to appeal.
c. Where access to US-101 is proposed as part of a large-scale, mixed use PUD, a valid ODOT highway approach road permit must be provided to Lincoln City before development permits may be issued.

F. Preliminary Master Plan Application. The preliminary master plan, which must include a drawing showing the layout of the proposed planned development, must contain the following information:

1. **Proposed name of the planned development;**

2. Date, north point and scale of drawing;

3. Appropriate identification clearly stating that the drawing is a preliminary planned development master plan;

4. Location of the planned development by section, township and range; a legal description sufficient to define the location and boundaries of the proposed planned development tract; and the tract designation or other description according to the real estate records of the county assessor;

5. A vicinity sketch map at a scale of one inch equals 400 feet showing adjacent property boundaries and land uses;

6. The following:

a. Location, widths and names of all existing streets or other public ways within or abutting the planned unit development;

b. Contour lines having the following minimum intervals:

i. Two-foot contour intervals for ground slopes less than 10 percent; and

ii. Five-foot contour intervals for ground slopes 10 percent or greater. Contours shall be based on contour maps provided by the city or other data approved by the city engineer;

c. Location of at least one temporary benchmark within the planned unit development boundaries or the source of the contour line data shown. (Source and accuracy subject to city engineer's approval);

d. Location and direction of all water courses and natural features such as rock outcroppings, marshes and wooded areas; and the approximate locations of trees or stands of trees having a trunk cross-sectional diameter of eight inches (approximately 25 inches in circumference) or more, measured at a point 54 inches above the base of the trunk on the uphill side. The plan must identify those water courses, natural features and areas of trees meeting the described criteria which are to remain and those which may be altered or removed;

e. Proposed streets, including location, widths and approximate radii or curves;

f. Location of existing and proposed easements on the site or abutting property, showing the width and purpose of each easement;

g. The types of housing proposed within the planned development, the approximate location or locations proposed for each type of housing, and the approximate housing density proposed at each location;

h. Sites, if any, allocated for:

i. Places of worship;

ii. Public or private Parks, schools, and playgrounds;

iii. Public buildings;
iv. Open space;
v. Commercial uses, specifying the type of each.

i. Area coverage of existing and proposed structures, lots, streets or other development.

G. Supplemental Preliminary Master Plan Information. The applicant also shall submit the following information to supplement the preliminary master plan. This information can be submitted in separate statements accompanying the preliminary master plan:

1. Proposed restrictions to be filed in the county deed records, in outline form, such as deed restrictions, conditions, covenants and restrictions, and homeowners' association agreements. The outline restrictions shall identify the time at which the restrictions will be filed in the county deed records; generally who will have authority to enforce the restrictions; specifically which restrictions, if any, are proposed to be enforceable by the city; the time at which the restrictions will become enforceable; and which restrictions, if any, will not be subject to amendment without the consent of the city;

2. Approximate locations and anticipated grades of all streets. Typical cross sections of the proposed streets showing widths of roadways, curbs, location and widths of sidewalks and the location and size of utility mains;

3. Approximate plan of proposed sanitary sewers, storm drains, storm water detention and drainage pretreatment facilities and the water distribution system;

4. A general description of property intended to be dedicated to the city or public, other than street rights-of-way, including proposed dedication restrictions;

5. A description of any residential density bonus the applicant is requesting, including evidence demonstrating compliance with applicable density bonus standards;

6. Proposed number of residential units;

7. An approximate tabulation of all dwelling units by type;

8. A narrative description of the planned development and the manner in which it meets the purpose set out in subsection (A) of this section;

9. A statement describing the present and proposed ownership;
10. A preliminary landscape plan, covering both areas to retain undisturbed their natural vegetation and areas to be relandscaped;

11. A circulation plan and traffic impact analysis identifying likely circulation patterns for and traffic impacts from traffic generated by the development including patterns and impacts within the development, in the area surrounding the development, and in other affected areas of the city;

12. A statement whether the applicant proposes to submit the final master plan for review as a single master plan or in phases; a statement of the date or dates by which the applicant proposes to submit the final master plan or final master plan phases for review; and a statement of the date or dates by which the applicant anticipates that the development and related improvements or each phase thereof will be substantially completed.

13. A tree maintenance and protection plan, which shall contain the following information:

a. An accurate topographical survey, subdivision map or plat map, that bears the signature of a qualified, registered surveyor or engineer, and which shows:

i. The shape and dimensions of the property, and the location of any existing and proposed structures or improvements;

ii. The location of the individual trees, with a diameter of six inches or more, on the site, and indicating species, approximate height, d.b.h., canopy spread and common name;

iii. The location of unique trees or stands of trees; and

iv. The location of existing and proposed easements, as well as setbacks required by existing zoning requirements.

b. In lieu of the map or survey, an applicant proposing to remove trees may provide aerial photographs with overlays, GIS documentation, or maps approved by the director, and clearly indicating the information required by this subsection.

c. Tree Protection. Unless specifically exempted by the director, a statement describing how trees intended to remain will be protected during tree removal and construction and how remaining trees will be maintained.

d. Replacement Trees. A description of the proposed tree replacement program with a detailed explanation including the number, size, species, and cost. In lieu of replacing trees, the applicant may propose to pay into the city tree fund an amount equivalent to the value of the replacement trees after installation, as provided in this subsection.

e. Covenants, Conditions and Restrictions (CC&Rs). Where the applicant is proposing to remove trees on common areas, the applicant shall provide a copy of the applicable CC&Rs, including any landscaping provisions.

f. Waiver of Documentation. The director may waive an application document where the required information has already been made available to the city, or where the director determines the information is not necessary to review the application.

H. Consideration of Preliminary Master Plan. Preliminary master plans shall be processed as a Type III procedure as set forth in LCMC 17.76.050. The planning commission's consideration of the preliminary master plan shall be subject to the following:

1. The planning commission shall approve, or approve with conditions, the plan if it finds that the plan, either as submitted or with conditions, meets all of the following criteria. The planning commission shall disapprove the plan if it finds that the plan, either as submitted or with conditions, does not meet any one or more of the following criteria:

a. The proposed planned development will be substantially compatible with existing development in the surrounding area; and undeveloped land in the surrounding area can be developed in a manner substantially compatible with the proposed planned development.

b. Construction of the planned development can be accomplished in a manner that does not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative construction impacts on the area surrounding the development or in the city, the planning commission may impose conditions including but not limited to:

i. Requirements that removal of existing landscaping during construction be limited to areas of the planned development to be constructed shortly following removal and to portions of those areas on which construction will occur;

ii. Prohibitions of open burning on the site during construction;

iii. Prohibitions or limitations on construction track-out;

iv. Restrictions on construction noise; and

v. Restrictions on construction traffic.

c. The development will not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative impacts, the review authority may require the filing of restrictions in the county deed records including but not limited to restrictions:

i. Prohibiting the removal of specified landscaping; and

ii. Prohibiting open burning during construction.

d. Street, water, sewer, drainage and drainage pretreatment, storm water detention, and other similar facilities in the area surrounding the development and in the city are or will be adequate to provide for the health, safety and welfare for the development's population densities and the type of development proposed, taking into consideration existing and projected future demands on those facilities.

e. Street, water, sewer, drainage and drainage pretreatment, storm water detention and other similar facilities proposed to be constructed as part of the development are adequate to provide for the health, safety and welfare for the population densities and the type of development proposed.

f. The proposed number of residential units does not exceed the maximum permitted number of residential units; and at least 15 percent of the gross area is

dedicated to landscaping. For purposes of computing area dedicated to landscaping, dedicated open space and protected resource areas may be treated as area dedicated to landscaping, but parking areas may not.

2. The planning commission, in approving a preliminary master plan, may attach conditions it finds are necessary or appropriate to carry out the purposes of this title.

I. Procedure Following Expiration of Preliminary Master Plan. If an approved preliminary master plan expires, whether as to the entire area proposed for development or as to as-yet unbuilt portions of the development, then a complete new application must be submitted prior to development of the undeveloped portions. This complete new application shall be treated as an original application for the undeveloped portions of the site and shall be subject to all of the procedures and requirements in place at the time of submittal.

J. Submission of Tentative Subdivision Plan. If an approved preliminary planned development master plan provides for the subdivision of land within the planned development, then within such period or periods of time as required by the preliminary planned development master plan approval, an applicant shall file a tentative subdivision plan for the planned development or for phases of the development, if phasing is permitted. The submittal requirements, procedures and approval requirements for the tentative subdivision plan shall be as set out in LCMC Title 16.

K. Consideration of Final Master Plan.

1. Following preliminary master plan approval, and prior to issuance of a development permit and commencement of development, a final master plan must be submitted following the Type I procedure as set forth in LCMC 17.76.030. The final master plan may be submitted in development phases; provided, that:
a. Each phase can exist as a separate entity capable of independently meeting all requirements and standards of this section and of the underlying zones in which the planned development is located; or
b. Prior to the development of any phase that will not exist as such a separate entity capable of independently meeting the requirements and standards, restrictions enforceable by the city and in a form approved by the city have been filed in the county deed records, such as conditions, covenants and restrictions. The restrictions shall be applicable to other areas of the planned development not yet proposed for development, and shall be sufficient to assure that:
i. The area within the phase proposed for development, when combined with the area not yet proposed for development, as subject to the deed restrictions, can exist as a combined entity capable of independently meeting the requirements and standards;

ii. The phase has met any applicable reevaluation requirement imposed during the preliminary master plan approval process; and

iii. The separate development of phases will not be detrimental to the total development nor to the adjacent properties in the event the remainder of the development is not completed.

2. The final master plan must be in sufficient detail to allow the review authority to determine whether the final master plan is consistent with the preliminary master plan and whether the final master plan meets all conditions applicable to the preliminary master plan. In addition, the final master plan shall include:

a. Detailed landscaping plans showing the type and size of all plant material and its location, the irrigation system, decorative materials, recreation equipment and special effects; and the schedule for removal and replanting of vegetation;

b. Detailed water, sewer, drainage and drainage pretreatment, storm water detention and street system plans, including:

i. Central line profiles showing finished grades of all streets;

ii. Cross sections of proposed streets showing widths of roadways, curbs, locations and widths of sidewalks and locations and sizes of utility mains;

iii. Profiles of sanitary sewer, street drainage, drainage pretreatment, storm water detention and water distribution systems, showing pipe size and location of valves and fire hydrants, all to conform to city standards;

iv. The estimated cost of street, sewer, drainage and drainage pretreatment, storm water detention, water, and other public infrastructure improvements within the planned development.

3. The review authority shall approve the final master plan if the final master plan meets all of the following criteria:

a. The plan is consistent with the preliminary master plan and all conditions applicable to it; and

b. All utility systems conform to city standards or are otherwise approved by the city engineer and landscaping conforms to city standards.

L. Requirements Following Final Master Plan Approval.

1. A certified print of the approved final planned development master plan shall be provided by the applicant without charge to the office of the city recorder.
2. Proposals to make changes in the final master plan after it has been approved shall be considered the same as a new planned development application.

3. Proposals to make minor changes in the final master plan after it has been approved may be approved by the city manager or the city manager's designated representative. Minor changes consist only of changes that will not have public visibility and that:

a. Do not increase densities;

b. Do not change boundaries;
c. Do not change any use, specific or general, described in the final master plan; and
d. Do not change the location or amount of land devoted to specific land uses.

4. A final planned development plat shall be filed with and approved by the city in accordance with the final platting requirements of LCMC Title 16 (Subdivisions) and recorded with Lincoln County, within one year of the approval of a final master plan. One extension of time for no more than one year may be granted, for good cause, through a Type III procedure. No additional extensions may be granted. If a final planned development plat is not filed, approved, and recorded as required by this section, then the planned development approval shall become void as of the date the filing requirement no longer can be met.

5. Prior to commencement of development, the developer shall provide to the city an improvement agreement and financial security instrument as described in LCMC 17.52.240(L) and shall obtain any required permits.

17.77.130 Text Amendment

A. Purpose. The text amendment process shall be used for legislative amendments to this title, Title 16, or the comprehensive plan. Such amendments are necessary to reflect changing community conditions, needs, and desires, to fulfill regional obligations, and to address changes in state law.

B. Procedure. Text amendments are subject to the Type IV procedure, as described in LCMC 17.76.060. However, the director is authorized to make typographical, grammatical and cross-referencing corrections as needed without initiating the text amendment process.

C. Submittal Requirements. Type IV application submittal requirements are set forth in LCMC 17.76.060.

D. Approval Criteria. In order to approve a text amendment, the review authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:

1. The text amendment is consistent with relevant goals and policies of the comprehensive plan and any applicable adopted master plans; and

2. The text amendment is consistent with relevant provisions of the Statewide Planning Goals, the Oregon Administrative Rules, and State statutes.

E. Appeal of a Decision. Refer to LCMC 17.76.180.

F. Expiration of a Decision. Text amendments are not subject to expiration.

G. Extension of a Decision. Text amendments are not subject to extension.

17.77.140 Variance

A. Procedure. Variance applications are subject to the Type III procedure, as described in LCMC 17.76.050.

B. Submittal Requirements. Type III application submittal requirements are set forth in LCMC 17.76.050 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.

C. Approval Criteria. To approve a variance, the planning commission shall make findings of fact, based on evidence provided, that all of the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstances over which the property owner has no control;

2. The variance is necessary for the preservation of a property right of the property owner which is substantially the same as owners of other property in the same zone or vicinity possess;

3. The variance should not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city planning policy;

3. The variance requested is the minimum variance which would alleviate the hardship.

D. Appeal of a Decision. Refer to LCMC 17.76.180.

E. Expiration of a Decision. Refer to LCMC 17.76.140.

F. Extension of a Decision. Refer to LCMC 17.76.150.

17.77.150 Zone Change

A. Purpose. Zone change applications provide a process for consideration of quasi-judicial or legislative amendments to the zoning map to implement property

designations on the comprehensive plan map or to apply new zones reflecting changing community conditions, needs, and desires.

B. Procedure. Zone change applications are reviewed through the Type III or Type IV procedure.

C. Submittal Requirements. Type III application submittal requirements are set forth in LCMC 17.76.050. Type IV application submittal requirements are set forth in LCMC 17.76.060.

D. Approval Criteria. To approve a zone change, the City Council shall make findings of fact, based on evidence provided, that the request is consistent with the comprehensive plan and statewide planning goals.

E. Conditions of approval. Approval of a zone change application cannot be conditioned by the city.

F. Appeal of a Decision. Refer to LCMC 17.76.180.

G. Expiration of a Decision. Zone changes are not subject to expiration.

H. Extension of a Decision. Zone changes are not subject to extension.

SECTION 3. Chapter 17.12 *(Zoning Districts Established), Section 17.12.010 (Classification of Zones), Paragraph A., is hereby amended to read as follows:*

17.12.010 Classification of zones

A. For the purpose of this title, the following zones are hereby established in the city.

Zone Description	Abbreviated Description
Residential, Single-family	R-1
Residential, Roads End	R-1-RE
Vacation Rental	VR
Recreation-Residential	R-R
Residential, ~~**Multifamily**~~ **Multiple unit dwelling**	R-M
Professional Campus	PC
Recreation Commercial	RC
General Commercial	GC
Nelscott Plan District	NP
Oceanlake Plan District	OP
Taft Village Core	TVC
Planned Industrial	PI
Marine-Waterway	M-W
Natural Resource Overlay	NR
Park	P
Open Space	OS

SECTION 4. Chapter 17.12 *(Zoning Districts Established), Section 17.12.030 (Boundaries of Zones) is hereby amended to read as follows:*

17.12.030 Boundaries of zones

If a zone boundary as shown on the map divides a lot between two zones, the entire lot shall be deemed to be in the zone in which the greater area of the lot **lies.~~; provided, that this adjustment involves a distance not to exceed 20 feet from the mapped zone boundary.~~**

SECTION 5. Chapter 17.12 *(Zoning Districts Established), Section 17.12.050 (Zoning of annexed areas) is hereby amended to read as follows:*

17.12.050 Zoning of annexed areas.

When requesting annexation of an area, a request for a city zoning designation shall be made and shall be processed concurrently with the annexation application. ~~Areas~~

~~**annexed to the city will be classified with the underlying county zoning designation until rezoned by the city.**~~

SECTION 6. Chapter 17.52 *(Supplemental Regulations and Exceptions), Section 17.52.010 (Accessory uses – General Provisions.), Paragraph C, is hereby amended to read as follows:*

17.52.010 Accessory uses – General provisions.

Accessory uses shall comply with all requirements for the principal use except where specifically modified by this title, and shall comply with the following limitations:

C. A guest house may be maintained accessory to a dwelling, provided there are no **portable, temporary, or permanent** cooking facilities in the guest house.

SECTION 7. Chapter 17.52 *(Supplemental Regulations and Exceptions), Section 17.52.020 (Authorization of similar uses), is hereby deleted to read as follows:*

~~**17.52.020 Authorization of similar uses.**~~

~~**In response to an application in relation to a specific lot, the planning commission may rule by resolution that a use not specifically named in the allowed uses of a zoning district and not specified in any other zoning district shall be included among the allowed uses if the use is of the same general type and is similar to the allowed uses. Such ruling by resolution of the planning commission shall thereafter be presented to the city council for legislative enactment to amend this title to include such use. In addition, the ruling shall be entered in a registry available to the public that sets out the street address or other easily understood geographic reference to the lot, the date of the ruling, and a description of the ruling.**~~

SECTION 8. Chapter 17.52 *(Supplemental Regulations and Exceptions), Section 17.52.050 (Storage in Front yard), is hereby amended to read as follows:*

17.52.050 Storage in front setback area. ~~yard~~.

Boats**, RVs, ~~and~~** trailers and house trailers shall not be stored in a required front **setback area ~~yard~~**.

SECTION 9. Chapter 17.52 *(Supplemental Regulations and Exceptions), Section 17.52.080 (Maintenance of minimum requirements), is hereby amended to read as follows:*

17.52.080 Maintenance of minimum requirements.

No lot area, **minimum setback area, ~~yards, other~~** open space, or off-street parking or loading area existing on or after the effective date of the ordinance codified in this title shall be reduced below the minimum required for it by this title.

SECTION 10. Chapter 17.52 *(Supplemental Regulations and Exceptions), Section 17.52.090 (Dual use of required open space), is hereby deleted to read as follows:*

~~**17.52.090 Dual use of required open space.**~~

~~**No lot area, yard or other open space or off-street parking or loading area which is required by this title for one use shall be utilized to satisfy requirements for lot area, yard or other open space or off-street parking or loading area for another use, except as provided in Chapter 17.56 LCMC**~~

SECTION 11. Chapter 17.52 *(Supplemental Regulations and Exceptions), Section 17.52.120 (Utilities), is hereby amended to read as follows:*

17.52.120 Utilities.

A. In the single-family residential (R-1) zone, and the multiple-**unit** ~~**family**~~ residential (R-M) zone, when city services are not available or when only partial services are available, the minimum parcel size shall be five acres; except however, any existing lots of record less than five acres in area which do not front on a public sewer line but which will be connected to a public water line may be developed with a single-family dwelling utilizing an approved subsurface sewerage disposal system, provided a deferred improvement agreement is executed and recorded by the owner of record consenting to the establishment of a local improvement district to participate in future public sewer system extensions and connections.

SECTION 12. Chapter 17.52 *(Supplemental Regulations and Exceptions), Section 17.52.160 (Required yards), is hereby amended to read as follows:*

17.52.160 Required setbacks ~~**yards**~~ **– Exceptions.**

A. Architectural Features. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, flues, **awnings**, and bay windows not more than four feet wide or high may project up to 18 inches into a required **setback area.** ~~**yard**~~.

B. Accessory **structures.** ~~**Buildings**~~. A required side or rear **setback** ~~**yard**~~ may be reduced to three feet for an accessory **structure** ~~**building**~~, provided the **structure** ~~**building**~~ is detached from other **structures** ~~**buildings**~~ by five feet or more and does not exceed a height of one story nor an area of 200 square feet.

C. Fences. Fences, which may be located within required **setback areas** ~~**yards**~~ up to the property line, may not exceed three and one-half feet from the grade of the street centerline in the **required** front **setback area,** ~~**yard**~~, and shall not exceed six feet in other **setback areas** ~~**yards**~~ nor conflict with requirements of a clear vision area as provided in LCMC 17.52.060 or the clear vision areas of adjacent private driveways.

D. Retaining Walls. Retaining walls may be constructed in required **setback areas,** ~~**yards**~~, subject to the following limitations:

1. One or more retaining walls, none of which individually exceeds four feet in height, may be used, provided each successive wall is set back or stepped from the next lowest wall at least one foot for each one foot of height for that wall;

2. Within side and rear building setbacks that are not adjacent to a street or right-of-way, the height of a retaining wall exposed toward the interior of the property may be allowed that is up to eight feet in height. Those exposed toward the exterior of the property shall be limited as in subsection (D)(1) of this section;

E. ~~**Handicapped**~~ **Disabled** Access Facilities. ~~**Handicapped**~~ **Disabled** access facilities may be constructed in required **setback areas** ~~**yards**~~ as additions to existing buildings if exclusive of railings they do not exceed the height of the building's ground floor and do not conflict with the clear vision requirements of LCMC 17.52.060. For purposes of this section ~~**handicapped**~~ **disabled** access facilities include ramps, sidewalks, curbing and entrances constructed for the purpose of making a building accessible to a ~~**physically handicapped**~~ **disabled** person. ~~**Handicapped**~~ **Disabled** access facilities must be constructed in accordance with any applicable requirements of the building code in effect at the time of their construction. ~~**Handicapped**~~ **Disabled** access facilities constructed as additions to a nonconforming structure shall not be considered an alteration or extension of the nonconforming structure.

F. Bridges. Unenclosed and uncovered pedestrian or vehicular bridges for access to a dwelling may be constructed in a required **setback area.** ~~**yard**~~. Such bridges may not have a slope up from the adjacent roadway exceeding the maximum allowed for driveways.

G. Porches, Decks, and Stairs. Unenclosed and uncovered porches, decks, and stairs may be constructed in a required **setback area,** ~~**yard**~~, provided no part of the porch, deck, or stairs is more than 30 inches above the ground or otherwise requires a building permit.

~~**H. Administrative Adjustment.**~~

~~**1. The planning and community development director is authorized to make a minor adjustment to the dimensional standards of the required yard for any zone, including the dimensional standards of this section, and including any county zoning standards applied in the city.**~~

~~**2. An administrative adjustment permits a minor encroachment into a required yard, not to exceed six inches or seven and one-half percent of the requirement, whichever is less, in addition to any other relief granted by the applicable code.**~~

~~**3. A property owner may not initiate a request for an administrative adjustment, and the planning and community development director may not grant an administrative adjustment, in advance of the initiation of construction of the building for which it is sought; instead, an administrative adjustment may be sought or approved only after the discovery of an unintentional situation such as a surveyor's error after the start of construction.**~~

~~**4. An administrative adjustment is a discretionary decision that the planning and community development director may make as a director's decision, subject to appeal under LCMC 17.76.040(A). The director shall not grant such relief unless the applicant demonstrates that: (a) the relief is minor in nature; (b) the relief will correct or avoid a noncompliance; (c) all reasonable efforts to rectify the situation have been exhausted and (d) the relief will not be materially detrimental to the purposes of the zone.**~~

~~**5. A property owner may initiate a request for an adjustment by filing an application with the planning department with the required application fee.**~~

~~**6. Denial of an administrative adjustment does not preclude an application for a variance under Chapter 17.68 LCMC.**~~

~~**7. The director may elect to refer a request for an adjustment to the planning commission for a public hearing.**~~

SECTION 13. Chapter 17.52 *(Supplemental Regulations and Exceptions), Section 17.52.190 (Building height limitations), is hereby amended to read as follows:*

17.52.190 Building height limitations.

A. No structure used for human habitation that exceeds 45 feet in height shall be permitted in any zone unless consent is first approved by the voters of the city at a regular or special election. For the purpose of this section, "height" means the average vertical distance from the grade at the center of all walls of the building to the highest point of the roof, excluding those excepted in LCMC 17.52.200.

B. No structure that exceeds 35 feet in height shall be permitted in a residential zone within 500 feet of any shoreline without prior approval **as a Type III procedure.** ~~**of the planning commission at a public hearing.**~~

C. No structure used for human occupancy shall be permitted to exceed the building height limitations of the zones in which they are located. To ensure that this standard is met the following rules apply:

1. Building permit applications must include elevations of all exterior walls of the proposed structure showing:
   a. The line of the approved grade in the plane of the wall; and
   b. The highest part of the structure.
2. The grade may not rely on retaining walls, riprap, other artificial restraints, or berming to increase elevation at the point of height measurement.
3. For the purposes of this subsection, "approved grade" means:
   a. The existing grade, meaning one of the following:
      i. The ground level before any human disturbance as shown by survey or other reliable evidence; or
      ii. The ground level shown on the city's 2009 LIDAR data (which is available from the planning and community development department); or
      iii. If the proposed building site has existing structures or other disturbances to the land that existed lawfully prior to October 1, 2010, the ground level established when the structure or disturbance was created (which may be determined by any of the above means); or
      iv. If there has been grading on the proposed building site, without a grading permit, the planning and community development director, in consultation with the city engineer, will determine the existing grade.
   b. The grade shown on a grading plan approved as a part of one of the following:
      i. A final master plan for a planned unit development under LCMC **17.77.120** ~~**17.52.210**~~; or
      ii. A partition or subdivision under Chapter 16.08 LCMC; or

iii. A ~~**site plan**~~ **development review** under LCMC **17.77.070** ~~**17.52.240**~~; or

iv. A conditional use permit under **LCMC 17.77.060** ~~**Chapter 17.60 LCMC**~~; or

v. A grading plan under Chapter 12.08 LCMC; or

vi. A building permit for a structure not subject to any of approvals in subsections (C)(3)(b)(i) through (v) of this section.

~~**4. If a lawfully established single-family or duplex dwelling that does not conform to the requirements of this section is destroyed by calamity to an extent exceeding 50 percent of the appraised value as determined by the records of the county assessor for the year preceding destruction it may be rebuilt within the same footprint and to the same height, subject to compliance with the flood damage prevention requirements of Chapter 15.16 LCMC. To the extent any such rebuilt residence is expanded, including a vertical expansion, the area of expansion must conform to this section.**~~

SECTION 14. Chapter 17.52 *(Supplemental Regulations and Exceptions), Section 17.52.230 (Public Infrastructure improvement requirements), is hereby amended to read as follows:*

17.52.230 Public infrastructure improvement requirements.

A. Infrastructure Easement and Improvement Requirements. The issuance of a **structural** ~~**building**~~ permit for the addition, alteration, or repair, within any 12-month period, exceeding 50 percent of the assessed value ~~**or market value, whichever is greater**~~, of an existing building or structure, or for a new building or structure in connection with any permitted or conditional use within any zone as described in this title, or of a ~~**site plan**~~ development review approval for development for which ~~**site plan**~~ development review is required under LCMC **17.77.070** ~~**17.52.240**~~, shall be subject to the following requirements:

1. The applicant shall submit, as part of a **structural** ~~**building**~~ permit application, a site plan drawn to scale showing the nature, size, and location of:

a. Proposed buildings and improvements,
b. Proposed access and off-street parking,
c. Proposed private and public utility lines, facilities, and easements,
d. Proposed curbs, gutters, pavement, and sidewalks, and related easements,
e. Proposed stormwater detention, treatment, and drainage features, facilities, and easements,
f. Existing private and public utility lines, facilities, and easements,
g. Existing stormwater detention, treatment, and drainage features, facilities, and easements,
h. Existing lot lines; and

2. Except as otherwise provided in subsections (B) and (C) of this section, the applicant shall agree to:

a. Install curbs and gutters along adjacent streets not having curbs and gutters, and also pave the roadways from the curbs to 12 feet beyond centerline of unpaved or partially unpaved streets contiguous to the property proposed for development, in accordance with applicable standards of this title, street design standards in the city's transportation system plan, public works/engineering standards, and LCMC Title 16 (Subdivisions). If existing rights-of-way for streets contiguous to the property are not adequate in width to meet the standards of this title and LCMC Title 16 (Subdivisions), the applicant shall dedicate right-of-way to the city sufficient to allow streets that are adequate in width; and

b. Dedicate to the city utility easements five feet in width along rear lot lines, or along front lot lines, as required by the city; and

c. Dedicate easements for drainage purposes, and provide storm water detention, treatment, and drainage features and facilities, as approved by the city engineer, in order to accommodate expected runoffs as determined by a registered professional engineer licensed in Oregon, according to generally accepted drainage accommodation principles; and

d. Install sidewalks in accordance with street design standards in the city's transportation system plan and public works/engineering standards along boundaries contiguous with streets, within existing right-of-way if adequate in width; and, if existing easements are not adequate in width, to deed easements to the city sufficient to allow sidewalks of required width;

Exceptions: In lieu of the sidewalks required by subsection (A)(2)(d) of this section, the applicant shall agree as follows:

i. For properties in a commercial zone east of Highway 101 that abut the D River, to install sidewalks five feet in width adjacent to the river, and to deed easements to the city sufficient to allow the city to add additional width to the riverfront sidewalks so that they can be a total of 10 feet in width.

ii. ii. [Reserved]

iii. iii. [Reserved]

and

e. Install and connect to the city systems water and sewer lines and appurtenances that conform to adopted city standards; and

f. Place underground all existing electrical, telephone, and cable television utility service installations or connections between any building or structure and the utility distribution system, in accord with city standards, in addition to meeting the requirements of LCMC 17.52.120; and

g. Develop the site and construct all buildings and improvements in strict conformity to the tendered site plan; and

h. Provide any of the following transit-related improvements, if development includes or is adjacent to existing or planned transit stops shown in the city transportation system plan or an adopted plan prepared by a transit provider, as determined by the city engineer or community development director:

i. Reasonably direct pedestrian connections between the transit stop and building entrances of the site. For the purpose of this section "reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users;

ii. An easement or dedication for a passenger shelter or bench, if such an improvement is in an adopted plan; and

i. Maintain the sidewalk, landscape strip, and curb adjacent to the property to standards in LCMC Title 12, Streets, Sidewalks, and Public Places.

In lieu of a required improvement, the city manager or a designated representative may accept a deferred improvement agreement, fee-in-lieu agreement, or other cost-allocation agreement, in a form approved by the city manager or designate, for installation of curbs, gutters, sidewalks, street paving, water and sewer lines and appurtenances, and storm water detention, treatment, and drainage features and facilities, if the city manager or designate determines that a delay is appropriate prior to the commencement of construction of these improvements. The cost to the developer shall equal the cost of installation, including engineering and design, as determined by the city engineer, based on the applicable city standards in effect at the time of application. The applicant shall pay the fee or sign an alternative agreement prior to approval of the final plat or issuance of a building or development permit. Property owners who pay a "fee in lieu" of constructing a required specific improvement shall not be responsible for any future additional costs associated with that same improvement. The city shall use all such fees for construction, repair, or maintenance of the public infrastructure improvements of the type identified above and located within the city which provide a benefit to the subject property; and

3. The city manager or a designated representative finds that the building site is not subject to natural hazards such as flooding, falling rock, landslides, or mass movement, and that the building site is capable of accommodating the proposed structure without danger to users of the site or to the citizens of the city; and

4. If no street is contiguous to the property from which safe and convenient access and egress can be obtained for pedestrians and vehicular traffic, the applicant shall agree, if required by the city manager or a designated representative, to dedicate a street right-of-way and to construct improvements to adopted city standards as provided in subsection (A)(2)(a) of this section.

5. As to applications for ~~**site plan**~~ **development review** approval, if the site consists of more than one lot and any lot does not conform to the minimum access or lot requirements for the zone in which the lot is located, the owner shall agree that, prior to issuance of a **structural** ~~**building**~~ permit, or commencement of development if a ~~**building**~~ **structural** permit is not required, the owner will either:

a. Provide to the city a covenant that the lots comprising the site, unless subsequently partitioned or subdivided, will be treated as a single lot for all purposes of the municipal code and this title and that the lots comprising the site will not be sold separately; or
b. Reconfigure the lots comprising the site, in accord with the applicable legal procedures, so that all lots comprising the site will conform to the minimum lot and access requirements for the zone in which the lots are located.

B. Limitations on Infrastructure Requirements. If the applicant asserts that it cannot legally be required, as a condition of **structural** ~~**building**~~ permit or ~~**site plan**~~ **development review** approval, to provide easements or improvements at the level otherwise required by this section, then:

1. The **structural** ~~**building**~~ permit or **development** ~~**site plan**~~ review application shall include a rough proportionality report, prepared by a qualified civil or traffic engineer, as appropriate, showing:

a. The estimated extent, on a quantitative basis, to which the improvements will be used by persons served by the building or development, whether the use is for safety or for convenience;
b. The estimated level, on a quantitative basis, of improvements needed to meet the estimated extent of use by persons served by the building or development;
c. The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the improvements will be a part;
d. The estimated level, on a quantitative basis, of improvements needed to mitigate the estimated impact on the public infrastructure system; and

2. The applicant shall, instead, be required to provide easements and improvements that are roughly proportional to what is needed for the safety or convenience of persons served by the building, **structure**, or development, plus those additional easements and improvements that are roughly proportional to what is needed to mitigate the impact of the building, **structure**, or development on the public infrastructure system of which the improvements will be a part, if the impacts are not fully mitigated by the easements and improvements needed for the safety or convenience of persons served by the building, **structure**, or development.

C. Easements and Improvements Deferred from Land Divisions. If a prior land division approval under LCMC Title 16 affecting the building, **structure**, or development site has deferred, until submission of a **structural** ~~**building**~~ permit or ~~**site plan**~~ **development** review application, the definition of the level of easements or public infrastructure improvements required to be provided in relation to the land division, based on an assertion that the level of easements or improvements required cannot be defined until

actual development is proposed for the divided land, then the owner shall provide with the application a report as described in subsection (B) of this section and, as a condition of application approval, shall be required to dedicate easements and provide public infrastructure improvements required under LCMC Title 16, to the extent the easements and improvements meet the standards set out in subsection (B)(2) of this section.

D. Appeals.

1. Any person aggrieved by that person's inability to obtain a building permit pursuant to this section or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of this section may appeal **as a Type III procedure pursuant to LCMC 17.76.050., ~~which appeal must be in writing and filed pursuant to LCMC 17.76.040.~~**

2. Notwithstanding subsection (D)(1) of this section, decisions of the city manager, public works director, city engineer, or designated representative in the enforcement of deferred improvement agreements entered into under subsection (A)(2) of this section shall not be subject to appeal. **~~under LCMC 17.76.040~~**.

E. Limitations to Issuance of Certificate of Occupancy. No certificate of occupancy shall be **approved for issuance by the director or by the city engineer ~~issued~~** until the applicant has fulfilled all requirements of, and has executed the agreements required by, this section, and shall not be **approved for issuance by the director or city engineer ~~issued~~** if there is any variance from the approved **development review. ~~site plan~~**.

F. Applicability. This section, except for subsection (C) of this section and proceedings under this section related thereto, shall not apply to **structural ~~building~~** permit applications for building on land subdivided pursuant to a final subdivision plat approved or subdivision exemption granted by the planning commission and/or city council after November 1, 1989.

SECTION 15. Chapter 17.52 *(Supplemental Regulations and Exceptions), Section 17.52.270 (Wireless communications facilities), is hereby relocated to a new Section 17.80.170 to read as follows:*

~~17.52.270 Wireless communications facilities.~~

~~A. Purpose. The purpose of this section is to protect the health, safety, and general welfare of the community while accommodating the communication needs of residents and businesses through facilitating the provision of wireless telecommunications services to the residents and businesses of the city, minimizing adverse visual effects of towers through careful design and siting standards, avoiding potential damage to adjacent properties from tower failure through structural standards and setback requirements, providing mechanisms for the mitigation of tower proliferation through tower sharing requirements for all new tower applicants and those existing towers that are physically capable of sharing.~~

~~B. Siting Preferences. Wireless communications facilities shall be sited in accordance with the following priorities, in order of their preference:~~

~~1. Co-location by placement of antennas or other transmission and reception devices on an existing tower, building, or other structure, such as a utility pole, water tank, or similar structure.~~

~~2. Use of mini-cell or other similar alternate technology whereby transmission and reception devices are placed on existing structures or placed on new structures that are consistent in height with and situated similarly to types normally found in the surrounding area, such as telephone, electrical, or light poles.~~

~~3. Siting of a new tower in a visually subordinate manner. In this context, "visually subordinate" refers to the relative visibility of a wireless communication facility where that facility does not noticeably contrast with the surrounding landscape. Visually subordinate facilities may be partially visible, but not visually dominant in relation to their surroundings.~~

~~4. Siting of a new tower in a visually dominant location, but employing concealment technology. In this context, "concealment technology" means technology through which a wireless communication facility is designed to resemble an object present in the natural environment or to resemble a building of a type typically and customarily found in the area.~~

~~5. Siting of a new tower in a visually dominant location, not employing concealment technology.~~

~~C. Standards. All commercial wireless communications facilities shall comply with the following requirements:~~

~~1. The maximum height shall be 80 feet.~~

~~2. Commercial wireless telecommunications service towers shall be of a monopole design unless the planning commission determines that an alternative design would better blend in to the surrounding environment.~~

~~3. The proposed facilities must not exceed or cause other facilities to exceed federal radio frequency emission standards or American National Standards Institute standards, whichever are stricter.~~

~~4. The proposed facilities must meet manufacturer's specifications and plans must be certified by an engineer licensed in the state of Oregon.~~

~~5. The proposed facilities must meet the requirements of the Uniform Building Code and/or the Oregon Structural Specialty Code, including but not limited to the requirements relating to seismic and wind loads, and must be engineered so that, in the event they fall, the proposed facilities will collapse only within the property lines of the lot on which they are located.~~

~~6. The proposed facilities must meet the standards contained in the American National Standards Institute "Structural Standards for Steel Antenna Tower and Steel Supporting Structures" (ANSI EIA/TIA 222 E-1996).~~

~~7. All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.~~

~~8. Wireless communications facilities shall not be illuminated by artificial means and shall not display any lighting other than such lighting as is specifically required by the Federal Aviation Administration or the Oregon Department of Aviation. Flashing~~

~~strobe lighting is not allowed. If flashing strobe lighting otherwise would be required by the Federal Aviation Administration or the Oregon Department of Aviation, the tower height must be reduced to a level at which flashing strobe lighting is not required.~~

~~9. Any lighting placed on a wireless communication facility pursuant to a requirement of the Federal Aviation Administration (FAA) or the Oregon Department of Aviation (ODA) may not exceed the minimum required. Prior to the issuance of a building permit, the applicant must submit documentation from the appropriate agency (i.e., the FAA or the ODA) that the lighting is the minimum required. Any required aviation lighting must be shielded to the maximum extent allowed by the Federal Aviation Administration or the Oregon Department of Aviation.~~

~~10. A commercial wireless communication facility shall be designed, structurally, electrically, and in all other respects, to accommodate antennas for at least three users, and must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.~~

~~11. A finish (paint/surface) must be provided for the wireless communication facility that reduces the visibility of the facility, including the antenna arrays. In most circumstances this condition may be satisfied by painting the tower and antenna arrays with flat light haze gray paint. If the tower is unpainted it must be of a single color throughout its height. The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.~~

~~12. Red and white or orange and white tower finish is not allowed. If red and white or orange and white tower finish would be required by the Federal Aviation Administration or the Oregon Department of Aviation, the tower height must be reduced to a level at which a red and white or orange and white tower finish is not required.~~

~~13. The use of any portion of a wireless communication facility for signs other than warning or equipment information signs is prohibited.~~

~~14. Wireless communications facilities, including any modifications to them, must not cause any interference with normal radio and television reception in the surrounding area nor with any public safety agency or organization (including but not limited to police, fire, ambulance, and Coast Guard) radio transmissions. The owner shall bear the costs of immediately eliminating any such interference should any occur, or must immediately shut down the antennas or other equipment or parts of the facility causing the interference.~~

~~15. The owner of the wireless communication facility may not deny a wireless provider the ability to co-locate on its wireless communication facility at a fair market rate or at another cost basis agreed to by the affected parties.~~

~~16. The wireless communication facility must be removed from the site if no facility on the tower has been in use for more than six months.~~

~~D. Application. In addition to the information required elsewhere in this section, development applications for wireless communications facilities shall include the following supplemental information:~~

~~1. A report from a qualified and licensed professional engineer which:~~

~~a. Describes the tower height and design, including a cross section and elevation;~~

~~b. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;~~

~~c. Describes the tower's structural capacity to carry the antennas of at least three wireless carriers, including the number and type of antennas that it can accommodate;~~

~~d. Documents what steps the applicant will take to avoid interference with normal radio and television reception in the surrounding area and with any public safety agency or organization (including but not limited to police, fire, ambulance, and Coast Guard) radio transmissions and telecommunications;~~

~~e. Includes an engineer's stamp and registration number;~~

~~f. Documents that the proposed facilities will not exceed or cause other facilities to exceed federal radio frequency emission standards or American National Standards Institute standards, whichever are stricter;~~

~~g. Includes elevations showing all facades, indicating exterior materials and color of the tower(s) on the proposed site; and~~

~~h. Includes other information necessary to evaluate the request.~~

~~2. For all commercial wireless telecommunications service towers, a letter of intent committing the tower owner and the owner's successors to allow the shared use of the tower, if an additional user agrees in writing to meet reasonable terms and conditions for shared use.~~

~~3. Applicants proposing the siting of wireless communications facilities through means other than co-location shall demonstrate why higher priority alternatives for providing the specific, proposed wireless service are not feasible. In this context, "not feasible" means that the proposed wireless communication service cannot be provided in a reasonable, practicable, and cost effective manner. Factors that may render an alternative not feasible may include:~~

~~a. Existing buildings or towers are structurally inadequate to accommodate the proposed facility, and cannot reasonably be retrofitted;~~

~~b. The alternative would cause radio frequency interference that would materially impair the functioning of existing or planned equipment at the tower or site, and such interference cannot reasonably be mitigated;~~

~~c. The alternative cannot provide the radio frequency coverage required to provide the proposed service;~~

~~d. The alternative is precluded by law, rule, regulation, contract, or other legal authority.~~

~~4. At least two photo-simulations of the proposed tower, from different points of view and distances from the proposed tower.~~

~~5. Before the issuance of a building permit, the following supplemental information shall be submitted:~~

~~a. A copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" (FAA Form 7460-1);~~

~~b. Proof of compliance with applicable Federal Communications Commission regulations;~~

~~c. A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the Uniform Building Code and/or the Oregon Structural Specialty Code, including but not limited to the requirements relating to seismic and wind loads, and that in the event it falls the tower will collapse only within the property lines of the lot on which it is located; and~~

~~d. A report from a qualified and licensed professional engineer which demonstrates that the tower meets the standards contained in the American National Standards Institute "Structural Standards for Steel Antenna Tower and Steel Supporting Structures" (ANSI EIA/TIA 222 E-1996).~~

~~E. Notice. When mailed notice of a public hearing or an administrative action relating to a wireless communication facility is required by LCMC~~ 17.60.040~~, such notice shall be sent to the applicant and to owners of record of property on the most recent property tax assessment roll where such property is located within 250 feet from the exterior boundary of the subject property.~~

~~F. Administrative Approval of Co-Location Application. If an applicant wishes to co-locate by placing antennas or other transmission and reception devices on an existing tower, building, or other structure, the director may approve the co-location application, or approve it with conditions.~~

~~G. Planning Commission Action. In addition to the findings required by Chapter~~ 17.60 ~~LCMC, in order to grant approval, or approval with conditions, of a conditional use permit for a wireless communications facility, the planning commission must find, based upon evidence provided by the applicant, that:~~

~~1. For applications proposing the siting of wireless communications facilities through means other than co-location, that higher priority alternatives for providing the specific, proposed wireless service are not feasible.~~

~~2. The proposed facility/tower will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or significant aesthetic resource.~~

~~3. The height and mass of the facility/tower does not exceed that which is essential for its intended use and public safety.~~

~~4. The owner of the wireless communication facility has agreed to permit other persons/providers to attach antennas or other communications apparatus that do not interfere with the primary purpose of the facility.~~

~~5. The proposed facility/tower is not to be constructed in such a manner as to result in needless height or mass.~~

~~6. The finish of the proposed facility/tower will be of a tone or color that minimizes the tower's visual impact.~~

17.80.170 Wireless communications facilities.

Review Authority Action. In addition to the findings required by LCMC 17.77.060, in order to grant approval, or approval with conditions, of a conditional use permit for a wireless communications facility, the planning commission must find, based upon evidence provided by the applicant, that:

A. Purpose. The purpose of this section is to protect the health, safety, and general welfare of the community while accommodating the communication needs of residents and businesses through facilitating the provision of wireless telecommunications services to the residents and businesses of the city, minimizing adverse visual effects of towers through careful design and siting standards, avoiding potential damage to adjacent properties from tower failure through structural standards and setback requirements, providing mechanisms for the mitigation of tower proliferation through tower sharing requirements for all new tower applicants and those existing towers that are physically capable of sharing.

B. Siting Preferences. Wireless communications facilities shall be sited in accordance with the following priorities, in order of their preference:

1. Co-location by placement of antennas or other transmission and reception devices on an existing tower, building, or other structure, such as a utility pole, water tank, or similar structure.

2. Use of mini-cell or other similar alternate technology whereby transmission and reception devices are placed on existing structures or placed on new structures that are consistent in height with and situated similarly to types normally found in the surrounding area, such as telephone, electrical, or light poles.

3. Siting of a new tower in a visually subordinate manner. In this context, "visually subordinate" refers to the relative visibility of a wireless communication facility where that facility does not noticeably contrast with the surrounding landscape. Visually subordinate facilities may be partially visible, but not visually dominant in relation to their surroundings.

4. Siting of a new tower in a visually dominant location, but employing concealment technology. In this context, "concealment technology" means technology through which a wireless communication facility is designed to resemble an object present in the natural environment or to resemble a building of a type typically and customarily found in the area.

5. Siting of a new tower in a visually dominant location, not employing concealment technology.

C. Standards. All commercial wireless communications facilities shall comply with the following requirements:

1. The maximum height shall be 80 feet.

2. Commercial wireless telecommunications service towers shall be of a monopole design unless the planning commission determines that an alternative design would better blend in to the surrounding environment.

3. The proposed facilities must not exceed or cause other facilities to exceed federal radio frequency emission standards or American National Standards Institute standards, whichever are stricter.

4. The proposed facilities must meet manufacturer's specifications and plans must be certified by an engineer licensed in the state of Oregon.

5. The proposed facilities must meet the requirements of the Uniform Building Code and/or the Oregon Structural Specialty Code, including but not limited to the requirements relating to seismic and wind loads, and must be engineered so that, in the event they fall, the proposed facilities will collapse only within the property lines of the lot on which they are located.

6. The proposed facilities must meet the standards contained in the American National Standards Institute "Structural Standards for Steel Antenna Tower and Steel Supporting Structures" (ANSI EIA/TIA 222 E-1996).

7. All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

8. Wireless communications facilities shall not be illuminated by artificial means and shall not display any lighting other than such lighting as is specifically required by the Federal Aviation Administration or the Oregon Department of Aviation. Flashing strobe lighting is not allowed. If flashing strobe lighting otherwise would be required by the Federal Aviation Administration or the Oregon Department of Aviation, the tower height must be reduced to a level at which flashing strobe lighting is not required.

9. Any lighting placed on a wireless communication facility pursuant to a requirement of the Federal Aviation Administration (FAA) or the Oregon Department of Aviation (ODA) may not exceed the minimum required. Prior to the issuance of a building permit, the applicant must submit documentation from the appropriate agency (i.e., the FAA or the ODA) that the lighting is the minimum required. Any required aviation lighting must be shielded to the maximum extent allowed by the Federal Aviation Administration or the Oregon Department of Aviation.

10. A commercial wireless communication facility shall be designed, structurally, electrically, and in all other respects, to accommodate antennas for at least three users, and must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

11. A finish (paint/surface) must be provided for the wireless communication facility that reduces the visibility of the facility, including the antenna arrays. In most circumstances this condition may be satisfied by painting the tower and antenna arrays with flat light haze gray paint. If the tower is unpainted it must be of a single color throughout its height. The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.

12. Red and white or orange and white tower finish is not allowed. If red and white or orange and white tower finish would be required by the Federal Aviation Administration or the Oregon Department of Aviation, the tower height must be reduced to a level at which a red and white or orange and white tower finish is not required.

13. The use of any portion of a wireless communication facility for signs other than warning or equipment information signs is prohibited.

14. Wireless communications facilities, including any modifications to them, must not cause any interference with normal radio and television reception in the surrounding area nor with any public safety agency or organization (including but not limited to police, fire, ambulance, and Coast Guard) radio transmissions. The owner shall bear the costs of immediately eliminating any such interference should any occur, or must immediately shut down the antennas or other equipment or parts of the facility causing the interference.

15. The owner of the wireless communication facility may not deny a wireless provider the ability to co-locate on its wireless communication facility at a fair market rate or at another cost basis agreed to by the affected parties.

16. The wireless communication facility must be removed from the site if no facility on the tower has been in use for more than six months.

D. Application. In addition to the information required elsewhere in this section, development applications for wireless communications facilities shall include the following supplemental information:

1. A report from a qualified and licensed professional engineer which:

a. Describes the tower height and design, including a cross section and elevation;

b. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;

c. Describes the tower's structural capacity to carry the antennas of at least three wireless carriers, including the number and type of antennas that it can accommodate;

d. Documents what steps the applicant will take to avoid interference with normal radio and television reception in the surrounding area and with any public safety agency or organization (including but not limited to police, fire, ambulance, and Coast Guard) radio transmissions and telecommunications;

e. Includes an engineer's stamp and registration number;

f. Documents that the proposed facilities will not exceed or cause other facilities to exceed federal radio frequency emission standards or American National Standards Institute standards, whichever are stricter;

g. Includes elevations showing all facades, indicating exterior materials and color of the tower(s) on the proposed site; and

h. Includes other information necessary to evaluate the request.

2. For all commercial wireless telecommunications service towers, a letter of intent committing the tower owner and the owner's successors to allow the shared use of

the tower, if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

3. Applicants proposing the siting of wireless communications facilities through means other than co-location shall demonstrate why higher priority alternatives for providing the specific, proposed wireless service are not feasible. In this context, "not feasible" means that the proposed wireless communication service cannot be provided in a reasonable, practicable, and cost effective manner. Factors that may render an alternative not feasible may include:

a. Existing buildings or towers are structurally inadequate to accommodate the proposed facility, and cannot reasonably be retrofitted;

b. The alternative would cause radio frequency interference that would materially impair the functioning of existing or planned equipment at the tower or site, and such interference cannot reasonably be mitigated;

c. The alternative cannot provide the radio frequency coverage required to provide the proposed service;

d. The alternative is precluded by law, rule, regulation, contract, or other legal authority.

4. At least two photo-simulations of the proposed tower, from different points of view and distances from the proposed tower.

5. Before the issuance of a building permit, the following supplemental information shall be submitted:

a. A copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" (FAA Form 7460-1);

b. Proof of compliance with applicable Federal Communications Commission regulations;

c. A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the Uniform Building Code and/or the Oregon Structural Specialty Code, including but not limited to the requirements relating to seismic and wind loads, and that in the event it falls the tower will collapse only within the property lines of the lot on which it is located; and

d. A report from a qualified and licensed professional engineer which demonstrates that the tower meets the standards contained in the American National Standards Institute "Structural Standards for Steel Antenna Tower and Steel Supporting Structures" (ANSI EIA/TIA 222 E-1996).

E. Notice. When mailed notice of a public hearing or an administrative action relating to a wireless communication facility is required by LCMC 17.60.040, such notice shall be sent to the applicant and to owners of record of property on the most recent property tax assessment roll where such property is located within 250 feet from the exterior boundary of the subject property.

F. Administrative Approval of Co-Location Application. If an applicant wishes to co-locate by placing antennas or other transmission and reception devices on an existing tower, building, or other structure, the director may approve the co-location application, or approve it with conditions.

G. Planning Commission Action. In addition to the findings required by Chapter 17.60 LCMC, in order to grant approval, or approval with conditions, of a conditional use permit for a wireless communications facility, the planning commission must find, based upon evidence provided by the applicant, that:

1. For applications proposing the siting of wireless communications facilities through means other than co-location, that higher priority alternatives for providing the specific, proposed wireless service are not feasible.

2. The proposed facility/tower will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or significant aesthetic resource.

3. The height and mass of the facility/tower does not exceed that which is essential for its intended use and public safety.

4. The owner of the wireless communication facility has agreed to permit other persons/providers to attach antennas or other communications apparatus that do not interfere with the primary purpose of the facility.

5. The proposed facility/tower is not to be constructed in such a manner as to result in needless height or mass.

6. The finish of the proposed facility/tower will be of a tone or color that minimizes the tower's visual impact.

SECTION 16. Chapter 17.64 *(Nonconforming Situations), Section 17.64.010 (General Provisions), Paragraphs C and E, are hereby amended to read as follows:*

C. Determination That Nonconforming Use, Site, or Structure Is Lawful. ~~**The city may make a determination of whether a nonconforming use on a particular property is lawful, if necessary for staff review of an application. Determination will be based on evidence submitted into the record that shows whether the nonconforming situation was permitted by the standards and regulations in existence at the time established and continued without any period of discontinuance or abandonment as provided under this chapter. This determination shall be an administrative process.**~~ **The determination of whether a nonconforming structure or use on a particular property is lawful shall be a Type II procedure as set forth in 17.76.040 LCMC, with the application process outlined in LCMC 17.77.115.**

E. Restoration of a Substantially Damaged Lawful, Nonconforming Structure or Use. If damaged to an extent of 50 percent or more, as determined **through a Type I procedure,** ~~**by the city**~~, a lawful nonconforming structure or use may be restored to its former height and footprint only, as approved by the city. **A request to restore a lawful, nonconforming single-unit dwelling or duplex shall be processed as a Type II procedure, as outlined in LCMC 17.76.040. A request to restore a lawful, nonconforming multi-unity dwelling, mixed use structure, or commercial structure or use shall be processed as a Type III procedure, as outlined in LCMC 17.76.050** ~~**The planning and community development has authority to review an application to restore a lawful, nonconforming single-family dwelling or duplex use as an**~~

~~**administrative decision. The planning commission has authority to review an application to restore a lawful, nonconforming multi-family dwelling, mixed use structure or commercial structure or use and shall conduct a public hearing on the application.**~~ A decision to approve an application to restore a nonconforming structure must include findings of all the following:

1. The damage was not intentionally caused by the property owner;
2. The restoration does not increase the degree of nonconformity or add new nonconformity, and except as specified above, restored structures conform to requirements of this code;
3. Restoration is according to plans approved by the fire marshal, building inspector and floodplain manager, and, if required, in conformance with a geo-technical report;
4. The restored structure or use does not encroach unlawfully on adjacent properties;
5. The restoration complies with reasonable conditions imposed by the city on a building permit in order to mitigate any new or increased adverse impact on adjacent property; and
6. In the case of a **multi-unit** ~~**family**~~ dwelling, mixed-use structure, or commercial structure, the reconstructed use or structure would not interfere with the intent and purpose of the zone in which it is located.

SECTION 17. Chapter 17.64 *(Nonconforming Situations), Section 17.64.030 (Nonconforming uses), Paragraphs C and E, are hereby amended to read as follows:*

17.64.030 Nonconforming uses.

A. Lawful Nonconforming Uses Allowed to Continue. A lawful nonconforming use of land may continue as long as it remains otherwise lawful, provided the nonconforming use does not cease for any reason for a period of more than six months. For purposes of calculating the six-month period, a use is discontinued or abandoned on the occurrence of the first of any of the following events:

1. On the date when the use of land is physically vacated;
2. For commercial uses, on the date the sale of merchandise or the provision of services ceases;
3. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or
4. On the date a request for final reading of water and power meters is made to the applicable utility.

B. Discontinuance of a Nonconforming Use. If a conforming use has replaced a nonconforming use, or if the nonconforming use of a building, structure or site ceases for a period of six months or more, as described in subsection (A) of this section, the ~~**planning and community development**~~ director shall deem the nonconforming use discontinued, and the building, structure or land area shall be occupied only by uses conforming to the regulations for the zone in which it is located. If a nonconforming use has ceased, but the owner is marketing the property continually and actively for sale or lease, the ~~**planning and community development**~~ director may allow the lawful nonconforming status to continue for up to 18 additional months.

This is a director's interpretation, processed as set forth in LCMC 17.77.080. ~~The director's determination shall be an interpretation, subject to appeal to the planning commission. Following an evidentiary hearing, the planning commission decision will be final, unless called up by the city council under LCMC 17.76.040(B).~~

C. Alteration of a Nonconforming Use. No building, structure, or land area devoted to or accessory to a nonconforming use may be used, moved or expanded unless the movement or expansion reduces nonconformity. Alteration of a nonconforming residential use shall not change the number of dwelling units, if the change would increase nonconformity.

D. Change of Nonconforming Use**. Through a Type III procedure as set forth in LCMC 17.76.050, a request for conversion to another nonconforming use may be approved if the review authority finds that, on the basis of the evidence submitted, the proposed use is suitable to the site and location and will not have greater adverse effect on the neighborhood or community than the previous use with regard to traffic, parking demand, hours of operation, noise, dust, and customer and/or residential activity. The review authority may place conditions on the new nonconforming use to ensure compatibility and maximize conformance to current regulations. ~~The planning commission may approve an application for conversion to another nonconforming use in accordance with the provisions of LCMC 17.76.010, if, on the basis of the application and the evidence submitted, it finds the proposed use is suitable to the site and location and will not have greater adverse effect on the neighborhood or community than the previous use with regard to traffic, parking demand, hours of operation, noise, dust, and customer and/or residential activity. The commission may place conditions on the new nonconforming use to ensure compatibility and maximize conformance to current regulations.~~**

SECTION 18. Chapter 17.60 *(Conditional Uses) is hereby deleted to read as follows:*

~~Chapter 17.60~~

~~CONDITIONAL USES~~

~~Sections:~~

~~17.60.010 Purpose.~~
~~17.60.020 Planning commission authority.~~
~~17.60.030 Application.~~
~~17.60.040 Public hearings.~~
~~17.60.050 Action by planning commission.~~
~~17.60.060 Burden of proof.~~
~~17.60.070 Entry of order.~~
~~17.60.080 Time limitation.~~
~~17.60.090 Appeal.~~
~~17.60.100 Effect.~~

~~17.60.110 Violation of conditions.~~
~~17.60.120 Limitation on new applications.~~
~~17.60.130 Notification of action.~~
~~17.60.140 Mapping.~~
~~17.60.150 Use permit to run with the land.~~
~~Prior legislation: Ords. 89-11 and 91-18.~~
~~17.60.010 Purpose.~~
~~In all zones, conditional uses may be permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this title and their effect on surrounding properties.~~
~~17.60.020 Planning commission authority.~~
~~The planning commission shall have the authority to approve, approve with conditions, disapprove or revoke conditional use permits subject to the provisions of this chapter. Changes in use, expansion or contraction of site area, or alteration of structures or uses classified as conditional and existing prior to the effective date of the ordinance codified in this title shall conform to all regulations pertaining to conditional uses.~~
~~17.60.030 Application.~~
~~The property owner or his authorized agent may make an application for a conditional use permit by filing an application, at least 45 days prior to the meeting date the matter is intended to be considered, with the department of planning and community development on a form prescribed by the city, which shall include the following information, in addition to that required in Chapter 17.76 LCMC:~~
~~A. Name and address of applicant;~~
~~B. Statement that the applicant is the owner of the property or is the authorized agent of the owner;~~
~~C. Address, legal description and Lincoln County assessor's map and tax lot number of the property;~~
~~D. The application shall include an accurate scale drawing of the site and improvements proposed. The drawing must be adequate to enable the planning commission to determine the conformance of the proposal with the requirements of this title and shall be prepared in a manner conforming to the requirements and procedures of site plan approval, LCMC 17.52.240;~~
~~E. A map (Lincoln County assessor's plat) showing the subject property and surrounding properties and listing of current owners within 100 feet of the property subject to the conditional use permit application, pursuant to Chapter 17.76 LCMC;~~
~~F. Statement and supportive evidence indicating the precise manner of conformance with each of the applicable provisions of this title together with any other data pertinent to the findings prerequisite to the granting of a conditional use permit as listed in LCMC 17.60.050(C);~~
~~G. The application shall be accompanied by a nonrefundable filing fee in the amount established by general resolution of the city council.~~

~~17.60.040 Public hearings.~~

~~Before a conditional use is permitted, the proposed conditional use shall be considered by the planning commission at a public hearing. Notice of the hearing shall be given as provided in LCMC 17.76.020.~~

~~17.60.050 Action by planning commission.~~

~~A. Within 60 days after the filing of the application, a public hearing shall be held and the commission shall render its decision. The decision of the planning commission shall be final unless appealed to the city council.~~

~~B. The planning commission may approve, approve with conditions or disapprove the conditional use permit application by the entry of a planning commission order, in open meeting, which order shall describe the basis for the decision and state the specific circumstances, findings of fact and evidence presented requiring the application of conditions to the approval.~~

~~C. Findings of Fact. In order to grant any conditional use, the planning commission must find, based upon evidence, both factual and supportive, provided by the applicant, that:~~

~~1. The proposal is in compliance with the comprehensive plan;~~

~~2. The site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title;~~

~~3. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use;~~

~~4. The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and bulk of buildings, walls and fences, landscaping, screening, exterior lighting and signing;~~

~~5. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complementary to the surrounding area.~~

~~D. Conditions of Approval. In permitting a conditional use, the planning commission may impose, in addition to regulations and standards expressly specified in this title, other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the city as a whole. These conditions may include, but not be limited to, the following:~~

~~1. Increasing required lot size, yard dimensions, open spaces or buffer areas;~~

~~2. Requiring fences, walls or landscape screening and/or buffering where necessary to reduce noise, glare and maintain the property in a character in keeping with the surrounding area;~~

~~3. Requiring landscaping and maintenance thereof;~~

~~4. Increasing street widths, controlling the location and number of vehicular access points to the property for ingress/egress;~~

~~5. Requiring means of pedestrian/bicycle access pathways to serve the property;~~
~~6. Increasing the number of off-street parking and loading spaces required; surfacing and proper drainage of parking areas;~~
~~7. Limiting size, location and number of signs;~~
~~8. Limiting the location, coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property;~~
~~9. Limiting or prohibiting openings in sides of buildings or structures;~~
~~10. Enclosure of storage areas and limitation of outside display and/or storage of merchandise;~~
~~11. Requiring maintenance of grounds;~~
~~12. Regulation of noise, vibration, odors, etc.;~~
~~13. Regulation of time for certain activities;~~
~~14. Establishing a time period within which the proposed use shall be developed;~~
~~15. The requirement of a bond for removal of such use within a specified period of time;~~
~~16. Increase the size, type or capacity of any or all utility services, facilities or appurtenances;~~
~~17. Requirements under which any future enlargement or alteration of the use shall be reviewed by the planning commission and new conditions imposed;~~
~~18. The planning commission may require that an applicant furnish the city a performance bond with a contractual agreement to assure its share of the development of streets, curbs, gutters, sidewalks, water, sanitary sewers, storm sewers or other necessary and essential public improvements to city standards;~~
~~19. The planning commission may also require that site plan committee review and approval is necessary in any particular situation to accomplish the purposes and objectives of this title;~~
~~20. And such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this chapter.~~

~~17.60.060 Burden of proof.~~

~~The specific findings made by the planning commission in granting a conditional use permit must be factual and supported by substantial evidence. The burden of producing substantial evidence to support the requisite findings is on the applicant seeking the approval of the conditional use. If no evidence is produced concerning any of the findings listed in LCMC 17.60.050(C), the application may be denied based upon improper or inadequate findings. All evidence produced must be recited in the findings for approval of any conditional use permit application.~~

~~17.60.070 Entry of order.~~

~~Where the planning commission is of the opinion that the conditional use permit shall be granted, it shall, in open public meeting, by a majority of its members in attendance, enter a planning commission order granting the conditional use permit, which order shall include specific findings of fact, conclusions and supportive evidence pertaining to LCMC 17.60.050(C), and any conditions of approval as authorized by LCMC 17.60.050(D). The chairman of or, in his absence, the officer presiding over the planning commission~~

~~meeting in which the above described order is enacted shall forthwith sign the order and cause the same to be filed with the city recorder. Upon the filing of the order with the city recorder, the order shall be in full force and effect. An order denying a conditional use permit shall be entered and filed in a like manner, with the necessary findings of fact, where the planning commission, based on the standards specified herein, determines that the conditional use permit should not be granted.~~

~~17.60.080 Time limitation.~~

~~A conditional use permit shall become void one year after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permitted activity is being regularly conducted on the premises. The planning commission may extend a use permit for an additional period of one year, subject to the requirements of this title. No more than one such extension may be granted.~~

~~17.60.090 Appeal.~~

~~The applicant or any party to the proceeding may, within the time period specified in LCMC 17.76.040, after the decision of the planning commission is filed with the city recorder, appeal the same to the city council in the form prescribed by the city. The appeal procedure shall be as set forth in LCMC 17.76.040.~~

~~17.60.100 Effect.~~

~~No building or other permit shall be issued in any case where a conditional use permit is required by the terms of this title until after the appeal period after the decision of the planning commission is filed with the city recorder. An appeal from an action of the planning commission shall automatically stay the issuance of a building or other permit until such appeal has been completed. In the event the council acts to grant the conditional use permit, the building permit may be issued immediately thereafter, in accordance with such terms and conditions as may have been imposed on the permit.~~

~~17.60.110 Violation of conditions.~~

~~The planning commission, on its own motion, may revoke any conditional use permit for noncompliance with conditions set forth in the granting of the permit after first holding a public hearing and giving notice of such hearing as provided in LCMC 17.76.030. The foregoing shall not be the exclusive remedy, and it is unlawful and punishable hereunder for any person to violate any condition imposed by a conditional use permit.~~

~~17.60.120 Limitation on new applications.~~

~~In a case where an application is denied by the planning commission, or denied by the city council on appeal from the planning commission, unless specifically stated to be without prejudice, it shall not be eligible for resubmittal for a period of one year from the date of said denial unless, in the opinion of the planning commission, new evidence is submitted or conditions have changed to an extent that further consideration is warranted.~~

~~17.60.130 Notification of action.~~

~~The city manager or his designee shall notify the applicant for a conditional use permit of the planning commission's action within the time period specified in LCMC 17.76.030 after entry of the final order. A copy of the order shall be provided to the applicant.~~

~~**17.60.140 Mapping.**~~

~~**Within 30 days after the entry of the final order of a conditional use permit, the permit application file number shall be indicated on the official zoning map on the lot or lots affected by such permit.**~~

~~**17.60.150 Use permit to run with the land.**~~

~~**A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application, except as otherwise provided in this chapter.**~~

SECTION 19. Chapter 17.68 *(Variances) is hereby deleted to read as follows:*

~~Chapter 17.68~~

~~VARIANCES~~

~~Sections:~~

~~17.68.010 Authorization to grant or deny variances.~~
~~17.68.020 Circumstances for granting a variance.~~
~~17.68.030 Variance procedure.~~
~~17.68.040 Time limit on variance.~~

~~17.68.010 Authorization to grant or deny variances.~~

~~The planning commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the planning commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title.~~

~~17.68.020 Circumstances for granting a variance.~~

~~A variance may be granted only in the event that all the following circumstances exist:~~

~~A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstances over which the applicant has no control;~~

~~B. The variance is necessary for the preservation of a property right of the applicant which is substantially the same as owners of other property in the same zone or vicinity possess;~~

~~C. The variance should not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city planning policy;~~

~~D. The variance requested is the minimum variance which would alleviate the hardship.~~

~~17.68.030 Variance procedure.~~

~~A. A property owner may initiate a request for a variance by filing an application with the city manager or his designated representative, using forms prescribed pursuant to LCMC 17.80.030. The application shall be accompanied by a site plan, drawn to scale, showing the condition to be varied and the dimensions and arrangements of the proposed development. The planning commission may request other drawings or material essential to an understanding of the variance request.~~

~~B. The planning commission shall hold a public hearing before it may act on a request for a variance.~~

~~C. Within five days after a decision has been rendered with reference to a request for a variance, and the order documenting said decision has been approved by the planning commission, the city manager or his designated representative shall provide the applicant with written notice of the decision of the planning commission.~~

~~**17.68.040 Time limit on variance.**~~
~~**Authorization of a variance shall be void after one year unless substantial construction pursuant thereto has taken place. However, the planning commission may in its discretion extend authorization for an additional six months on request.**~~

SECTION 20. Chapter 17.76 *(Administrative Provisions)* is hereby deleted to read as follows*:*

~~**Chapter 17.76**~~

~~**ADMINISTRATIVE PROVISIONS**~~

~~**Sections:**~~
~~**17.76.010 Application information and procedures.**~~
~~**17.76.020 Public notice.**~~
~~**17.76.030 Quasi-judicial public hearing procedure and requirements.**~~
~~**17.76.040 Appeals.**~~
~~**17.76.050 Final action on application for permit or zone change request.**~~
~~**17.76.060 Filing fees.**~~
~~**17.76.010 Application information and procedures.**~~
~~**A. An application for a land use action or permit shall consist of:**~~
~~**1. A complete application form and all supporting documents and evidence;**~~
~~**2. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all parties in ownership of the affected property;**~~
~~**3. A description of the property affected by the application and, in the case of a quasi-judicial map amendment, a legal description.**~~
~~**B. All documents or evidence relied on by the applicant shall be made available to the public.**~~
~~**C. If an application for a permit or zone change is incomplete, the city shall notify the applicant of exactly what information is missing within 30 days of the receipt of the application. The notification shall give the applicant a deadline by which to submit missing information, after which the city will deem the application complete and proceed with its consideration. The application shall be deemed complete upon expiration of the 30-day period, if no notification of missing information is given, or, if notification of missing information is given, upon receipt of the missing information or expiration of the deadline for submitting the missing information, whichever occurs first. If the application was complete when first submitted or the applicant submits the missing information within 180 days of the date the application was first submitted, approval or denial of the application shall be based on the standards and criteria of the comprehensive plan and this title that were applicable at the time the application was first submitted. In all other cases, approval or denial shall be based on the standards and criteria applicable at the time of final action on the application.**~~
~~**D. Where a proposed development requires more than one development permit or zone change request from the city, the applicant may request that the city consider all**~~

~~necessary permit and zone change requests in a consolidated manner. If the applicant requests that the city consolidate its review of the development proposal, all necessary public hearings before the planning commission shall be held on the same date. If the applicant's request includes a request for a comprehensive plan amendment, the applicant shall be required to waive in writing the 120-day requirement set out in LCMC 17.76.050(A) as a condition to consolidated treatment.~~

~~E. In the case of an application for a planning commission resolution, under LCMC 17.52.050, that a use is included among the allowed uses in a zoning district, if the application so requests, the department shall provide notice of the decision on the application in accord with the provisions of LCMC 17.76.020(A) and (B)(1) governing notice of administrative actions, which decision thereafter shall be directly appealable to the land use board of appeals in accordance with ORS 197.830 and 227.175(12).~~

~~F. If an application for a land use action or permit is denied, the applicant thereafter may submit a single supplemental application for any or all other uses allowed under the comprehensive plan and this title in the zone in which the site that is the subject of the application is, or on rezoning would be, located. The supplemental application shall include a request for any rezoning or variance that may be required in order to obtain approval of a permit under the comprehensive plan and this title. The supplemental application shall be subject to the same procedures as any other application for a land use action or permit, except that the time within which the city must take final action shall be 240 days rather than the 120 days set out in LCMC 17.76.050(A).~~

~~G. Except as otherwise provided in this section:~~

~~1. If the land use board of appeals issues a final order remanding to the city a city decision on an application for a land use action or permit, and if no petition for judicial review of the LUBA final order is timely filed, then the city shall take final action on the remanded application within 111 days after LUBA delivered or mailed its final order; and~~

~~2. If LUBA issues a final order remanding to the city a city decision on an application for a land use action or permit, if a petition for judicial review is timely filed, and if the final resolution of the judicial review affirms LUBA remand, then the city shall take final action on the remanded application within 90 days after the resolution of the judicial review becomes final.~~

~~The commencement of the 111- and 90-day periods set out in this subsection shall be automatically deferred until the applicant delivers to the department a written request that the city proceed with the application on remand. The 111- and 90-day periods set out in this subsection may be extended by the director, at the director's discretion, for a reasonable period of time on receipt of a written request from the applicant. The 111- and 90-day requirements set out in this subsection shall not apply to remand proceedings concerning amendments to the city's comprehensive plan or land use regulations or the adoption of new land use regulations that were forwarded to the Director of the Department of Land Conservation and Development under ORS 197.610.~~

~~H. Any staff report used at the hearing shall be available at least seven days prior to the hearing.~~

~~17.76.020 Public notice.~~

~~A. Content of Mailed and Published Notice. A notice of a public hearing or an administrative action shall contain the following information:~~

~~1. The name of the applicant;~~

~~2. In the case of a public hearing, the date, time and place of hearing, and who is holding the public hearing;~~

~~3. The street address or other easily understood geographical reference to the subject property;~~

~~4. The nature of the application and, in the case of a public hearing, the proposed use or uses which could be authorized and, in the case of an administrative action, the proposed use or uses which have been authorized;~~

~~5. A list of the applicable criteria from this title and the comprehensive plan that apply to the application at issue;~~

~~6. In the case of a public hearing, a statement that a failure to raise an issue in person or by letter not later than the close of the record following the evidentiary hearing, or failing to provide accompanying statements of evidence sufficient to afford the decision-making body an adequate opportunity to respond to the issue will preclude an appeal to the land use board of appeals on that issue;~~

~~7. The name of the city representative to contact and the telephone number where additional information may be obtained;~~

~~8. A statement that a copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria and, in the case of an administrative action, a copy of the administrative action are available for inspection at no cost and will be provided at reasonable cost;~~

~~9. In the case of a public hearing, a statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost;~~

~~10. In the case of a public hearing, a general explanation of the requirements for submission of testimony and the procedure for conducting hearings;~~

~~11. In the case of an administrative action, statements that:~~

~~a. Any person who is adversely affected or aggrieved or who is entitled to written notice under subsection (B) of this section may appeal the decision by filing a written appeal to the planning commission in the manner and within the time period provided in LCMC 17.76.040(A);~~

~~b. The administrative action will not become final until the period for filing an appeal to the planning commission has expired; and~~

~~c. A person who is mailed written notice of the administrative action cannot appeal the action directly to the land use board of appeals under ORS 197.830.~~

~~B. Mailed Notice.~~

~~1. The city shall mail notice of hearings or actions requiring notice pursuant to the provisions of this title to the applicant and to owners of record of property located within 250 feet from the exterior boundary of the subject property, and also to any neighborhood or community organization recognized as such by the city council, whose boundaries include the subject property. The city shall mail notice at least 20~~

~~days before the hearing for applications for conditional uses, variances and discretionary land use decisions made by staff and the appeals therefrom, and at least 10 days before the hearing for applications for quasi-judicial text or map amendments to this title, and quasi-judicial comprehensive plan map amendments. In addition, if so requested in the application, the city also shall mail notice to the Oregon Department of Land Conservation and Development. For the purpose of this section, the "owners of record" is defined as property owners at mailing addresses verified in writing by the Lincoln County assessor's office, and includes changes in ownership and mailing address that are readily available since the most recent property tax assessment.~~

~~2. If an application would change the zone of property which includes all or part of a mobile home or manufactured dwelling park as defined in ORS 446.003, the city shall give written notice by first class mail to each existing mailing address for tenants of the park at least 20 but not more than 40 days before the date of the first evidentiary hearing on the application. Failure of a tenant to receive a notice shall not invalidate the zone change.~~

~~3. The city shall mail notice of an appeal from a planning commission decision to all persons who gave testimony before the planning commission orally or in writing.~~

~~4. Failure of a property owner, neighborhood or community association, or DLCD to receive required notice shall not invalidate such proceedings, if the city can demonstrate by affidavit that such notice was given.~~

~~C. Published Notice. Notice shall be given for text or map amendments to this title and comprehensive plan by publication in a newspaper of general circulation in the city at least 10 days before the date of the public hearing.~~

~~D. Change in Nature of Decision. In a proceeding for which notice is provided under this section, the city shall not make a final decision that is different from the proposal described in the notice to such a degree that the notice did not reasonably describe the city's final action.~~

~~E. Notice of Zone Change or Limitation or Prohibition of Use. Except as to cases described in subsection (F) of this section, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof or this title in a manner that would change, or require a change in, the base zone of property or limit or prohibit, or require a limitation or prohibition of, land uses previously allowed in the affected zone, a written individual notice of the land use change shall be mailed by first class or bulk mail to the owner of each lot that the ordinance proposes to so affect, as shown on the most recent property tax assessment roll. The notice shall contain substantially the following statement in bold-faced type, extending from the left-hand margin to the right-hand margin across the top of the face page of the notice:~~

~~This is to notify you that Lincoln City is considering a land use regulation that will affect the permissible uses of your land.~~

~~The notice also shall contain substantially the following statement in the body of the notice:~~

~~On _____, Lincoln City will hold a hearing on the adoption of a proposed ordinance. The City has determined that adoption of the~~

~~ordinance will affect the permissible uses of your property and may reduce the value of your property. The ordinance is available for inspection at the Department of Planning and Community Development at Lincoln City's City Hall, located at 801 SW Highway 101, Lincoln City, Oregon 97367. A copy of the ordinance also is available for purchase at a cost of $_____. For additional information concerning the ordinance, you may call the Department at _____.~~

~~The notice also shall describe in detail how the proposed ordinance would affect the use of the property.~~

~~F. At least 30 days prior to the amendment of the comprehensive plan or this title pursuant to a requirement of periodic review of the comprehensive plan, in a manner that would change the base zone of property or limit or prohibit land uses previously allowed in the affected zone, a written individual notice of the land use change shall be mailed by first class or bulk mail to the owner of each lot that the ordinance proposes to so affect, as shown on the most recent property tax assessment roll. The notice shall contain substantially the following statement in bold-faced type, extending from the left-hand margin to the right-hand margin across the top of the face page of the notice:~~

~~This is to notify you that Lincoln City is considering a land use regulation that will affect the permissible uses of your land.~~

~~The notice also shall contain substantially the following statement in the body of the notice:~~

~~As a result of an order of the Oregon Land Conservation and Development Commission, Lincoln City is considering a proposed ordinance. Lincoln City has determined that the adoption of the ordinance will affect the permissible uses of your property and may reduce the value of your property. The ordinance, if adopted, will become effective on or about _____. The ordinance is available for inspection at the Department of Planning and Community Development at Lincoln City's City Hall, located at 801 SW Highway 101, Lincoln City, Oregon 97367. A copy of the ordinance also is available for purchase at a cost of $_____. For additional information concerning the ordinance, you may call the Department at _____.~~

~~The notice also shall describe in detail how the proposed ordinance would affect the use of the property.~~

~~G. Notice to ODOT and Other Public Agencies. The city shall provide written notice to ODOT and other public agencies in accordance with LCMC 12.28.200(D).~~

~~17.76.030 Quasi-judicial public hearing procedure and requirements.~~

~~A. The following procedural entitlements shall be provided at the public hearing:~~

~~1. An impartial review as free from potential conflicts of interest and ex parte contact as is reasonably possible;~~

~~2. No member of a hearing body (planning commission or city council) shall participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist:~~

~~a. Any of the following have a direct or substantial financial interest in the proposal: the hearing body member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment, or any business with which the member is in direct competition, where the number of similar businesses is five or less,~~

~~b. The member has a direct private interest in the proposal,~~

~~c. For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner;~~

~~3. Body members shall reveal any ex parte contacts with regard to any matter and shall state the parties' right to rebut the substance of the communication at the commencement of the first public hearing following the prehearing or ex parte contact where action will be considered or taken on the matter. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate in the public hearing. If the member determines that such contact has affected his impartiality or ability to vote on the matter, the member shall remove himself from the deliberations;~~

~~4. A party to a hearing, or a member of a hearing body, may challenge the qualifications of a member of the hearing body to participate in the hearing and decision regarding the matter. The challenge shall state the facts relied upon by the challenger relating to a person's bias, prejudgment, personal interest, ex parte contact or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner. The hearing body shall deliberate and vote on such a challenge. The person who is the subject of the challenge may not vote on the motion;~~

~~5. No officer or employee of the city who has a financial or other private interest in a proposal shall participate in discussion with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of each interest;~~

~~6. A reasonable opportunity for those persons potentially affected by the proposal to present evidence;~~

~~7. A reasonable opportunity for rebuttal or new material.~~

~~B. Rights of Disqualified Member of the Hearing Body.~~

~~1. An abstaining or disqualified member of the hearing body may be counted for purposes of forming a quorum. A member who represents his or her own personal interests at a hearing may do so only by abstaining from voting on the proposal, physically joining the audience and vacating the seat on the hearing body, and making full disclosure of his or her status and position at the time of addressing the hearing body.~~

~~2. Except for hearings on legislative actions conducted by the governing body, a member absent during the presentation of evidence in a hearing may not participate~~

~~in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the record and evidence received at the prior hearing(s).~~

~~C. Burden and Nature of Proof. The burden of proof is upon the proponent. The proposal must be supported by proof that it conforms to the applicable provisions of this title, especially the specific criteria set forth for the particular type of decision under consideration.~~

~~D. Nature of Proceedings. An order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate.~~

~~1. Before receiving testimony on the issue, the following shall be addressed:~~

~~a. Any objections on jurisdictional grounds shall be noted in the record and if there is objection, the person presiding has the discretion to proceed or terminate.~~

~~b. Any abstentions or disqualification based on conflict of interest, personal bias, or ex parte contacts shall be determined. If ex parte contacts are reported by any commission member, the member shall state the content of the communication. Thereafter, the chairperson of the commission shall state that the parties have the right to rebut the substance of the ex parte communication. Communications with city staff are not to be considered as ex parte communications.~~

~~c. A statement by the chairperson presiding that:~~

~~i. States that testimony, arguments, and evidence must be directed toward the applicable criteria or other criteria in the comprehensive plan or this title which the person believes apply to the decision;~~

~~ii. States that failure to raise an issue accompanied by statements or evidence sufficient to afford the hearing body an opportunity to respond to the issue will preclude an appeal to the land use board of appeals based on that issue;~~

~~iii. States that failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the city to respond to the issues will preclude an action for damages in the circuit court.~~

~~2. Presentations and Evidence.~~

~~a. The presiding officer shall preserve order at the public hearing and shall decide questions of order.~~

~~b. Members of the hearing body may take official notice of judicially cognizable facts of a general, technical or scientific nature. Such notice shall be stated and may be rebutted.~~

~~c. After presentation of the staff report, the proponent and all persons in favor of proponent's proposal shall be heard. Following the presentation of proponent's case, the opponents shall be heard. After presentation of the evidence by the opponents, neutral parties who do not necessarily support or oppose the petition shall have an opportunity to be heard, and then representatives of public agencies. Following all presentations of evidence, brief rebuttal shall be permitted in the same general order, but the presiding officer shall have broad discretion to limit rebuttal to avoid repetition and redundancy.~~

~~3. The hearing body may continue a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. The time and date when the hearing is to resume may be announced.~~

~~4. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. The hearing body shall grant such request by either continuing the hearing or leaving the record open for additional written evidence, arguments, or testimony.~~

~~a. If the hearing body grants a continuance, the hearing shall be continued to a date, time, and place at least seven days from the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments, or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments, or testimony for the purpose of responding to the new written evidence. The hearing body may grant or deny such a request, at its discretion.~~

~~b. If the hearing body leaves the record open for additional written evidence, arguments, or testimony, the record shall be left open for at least seven days. If new evidence is submitted during the period the record is left open, any participant, within two working days after the period terminates, may file a written request with the department for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the record shall be reopened for an additional five days to allow the participant to raise new issues in response to the new evidence.~~

~~5. When the hearing body reopens a record to admit new evidence, arguments or testimony, any person may raise new issues related to the new evidence, arguments, testimony, or criteria for decision making that apply to the matter at issue.~~

~~6. Unless waived by the applicant, the hearing body shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be part of the record. The applicant's final submittal shall not include any new evidence and, if it does include new evidence, the new evidence shall be considered not part of the record and shall be disregarded.~~

~~7. Notwithstanding the provisions of subsections (D)(3), (4) and (5) of this section, the hearing body shall not continue a hearing, leave a record open for the submittal of additional written evidence, arguments, or testimony, or reopen a record, if the continuance, leaving open, or reopening will result in the city's not taking final action on an application within the time period set out in LCMC 17.76.050(A).~~

~~E. Decision. Following the procedure described in this section, the hearing body shall approve, approve with conditions, or deny the application. If the hearing is before the planning commission on a zoning map or text amendment, the planning commission shall make a recommendation to council to adopt or deny the change. Such recommendation~~

~~will be reflected in the minutes of the planning commission. If the hearing is in the nature of an appeal, the body may affirm, affirm with modifications or additional conditions, reverse, or remand the decision that is on appeal. The hearing body shall not impose conditions of approval that have not been stated, either prior to the close of the hearing or prior to the close of a reopened hearing, with sufficient specificity to allow the applicant to respond to the conditions.~~

~~1. The decision of the hearing body, which has the authority to approve the application or decide the appeal, shall be by a written order signed by the presiding officer.~~

~~2. The order shall incorporate findings of fact and conclusions that include:~~

~~a. A statement of the applicable criteria and standards against which the proposal was tested;~~

~~b. A statement of the facts upon which the hearing body relied in establishing compliance or noncompliance with each applicable criteria or standards, briefly stating how those facts support the decision.~~

~~3. The written order is the final decision in the matter.~~

~~F. Record of Proceedings. The proceedings shall be recorded stenographically or electronically.~~

~~1. The hearing body shall, where practicable, retain as part of the hearing records each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file.~~

~~2. The findings shall be included in the record.~~

~~3. A person shall have access to the record of proceedings at reasonable times, places and circumstances. A person shall be entitled copies of the record at the person's own expense.~~

~~G. Notice of Decision. Notice of decision by a hearing body shall be provided to all persons who appeared before the hearing body orally or in writing, or requested in writing that they be given notice of such decisions. The act of signing a petition shall not be deemed a written appearance before the hearing body and shall not confer party status on the signator. Only the representative submitting the petition or chief petitioner shall be given notice of the decision. The notice of the decision shall include:~~

~~1. A brief description of the decisions reached and date of decision;~~

~~2. A description of the requirements for an appeal, including the type of appeal that may be requested, and the applicable timelines;~~

~~3. A statement that an appeal may only be filed concerning criteria that were addressed at the initial public hearing;~~

~~4. A statement that the complete case, including the final order, is available for review at the city. (Ord. 2000-06-A §§ 14 – 18; Ord. 91-18 § 6; Ord. 84-2 § 9.030)~~

~~17.76.040 Appeals.~~

~~A. Decision of Planning Director. A decision of the planning director on the issuance of an administrative permit or discretionary action concerning a land use matter may be appealed to the planning commission by an affected party entitled to notice of decision~~

~~by filing an appeal with the planning and community development director within 12 days of the mailing of the decision. The notice of appeal that is filed with the city shall indicate the decision that is being appealed and the basis for the appeal. The notice shall indicate in what respects the decision being appealed is a discretionary decision involving a land use matter. The matter at issue will be a determination of the appropriateness of the director's interpretation of the requirements of this title. Notice of the hearing shall be mailed as provided in LCMC 17.76.020(B)(1).~~

~~B. Decision of Planning Commission. A decision of the planning commission concerning a quasi-judicial land use matter may be appealed to the city council by a party to the hearing by filing an appeal within 10 calendar days of the mailing of the order. The notice of appeal filed with the city shall contain the information outlined in subsection (C) of this section. For purposes of this section, "party" refers to the applicant and any person who appeared orally or in writing at the hearing.~~

~~The city council may by motion call up a decision of the planning commission on a quasi-judicial land use application, review of which shall be in the form of an appeal reviewed de novo or on the record as the council determines appropriate. The motion shall set the date, time, and place of hearing.~~

~~C. Information Required. A request for appeal of a planning commission decision shall contain:~~

~~1. An identification of the decision sought to be reviewed, including the date of the decision;~~

~~2. A statement of interest of the person seeking review including that the person was a party to the initial proceedings and appeared orally or in writing before the planning commission;~~

~~3. The specific grounds relied upon for the review, including a statement that the criteria against which review is being requested were addressed at the planning commission hearing.~~

~~D. Review.~~

~~1. Except as provided in subsections (D)(6) and (7) of this section, city council review is limited to the evidence in the record before the hearing body. If an appeal is confined to the record of the proceeding, the record shall include:~~

~~a. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by a party and received or considered in reaching the decision under review;~~

~~b. The final order and findings of fact adopted in support of the decision being appealed;~~

~~c. The request for an appeal filed by the appellant;~~

~~d. The minutes of the public hearing;~~

~~e. The transcript of the hearing below if provided. A verbatim transcript of the hearing body proceedings is not required. Any person who appeared before the hearing body on the application may prepare a certified verbatim transcript of all or part of the hearing body proceedings at that person's own expense. The city manager may prepare a certified verbatim transcript of all or part of the hearing body's proceedings at the city's expense if the city manager deems a transcript~~

~~necessary or advisable. A certified transcript prepared under this subsection shall be considered part of the record and if offered shall be accepted into evidence and considered by the city council.~~

~~2. After receipt of all required fees the director shall set a hearing and provide public notice indicating the date, time and place of the review and the issues that are the subject of the review pursuant to LCMC 17.76.020(B)(1).~~

~~3. The reviewing body shall make its decision based upon the record after first granting the right of argument, but not the introduction of additional evidence, to parties to the hearing.~~

~~4. In considering the appeal, the reviewing body need only consider those matters specifically raised by the appellant.~~

~~5. The appellant shall bear the burden of proof.~~

~~6. Submission of New Evidence. The city council may reopen the record and consider new evidence if such a request is made prior to or at the city council hearing by the appellant or any person who testified before the hearing body, and the requesting party demonstrates:~~

~~a. The hearing body committed a procedural error that prejudiced the requesting party's substantial rights and that reopening the record is the only alternative to remanding the application to the hearing body to correct the error; or~~

~~b. That new evidence material to the decision on appeal exists and could not have been presented earlier to the hearing body. A requesting party may only qualify for this exception if the person demonstrates that the new evidence concerns an unanticipated event which occurred after the close of the hearing before the hearing body. This exception shall be strictly construed by the city council to ensure that all relevant evidence and testimony is submitted to the hearing body.~~

~~7. De Novo Hearing. In deciding whether to conduct de novo proceedings on an appeal, the city council shall consider the following: the matter involves an interpretation of city ordinance; there is new information that was not available at the time the hearing was conducted as demonstrated in subsection (D)(6)(b) of this section; or for any other reason the city council determines it would be appropriate to conduct a de novo hearing.~~

~~E. Review Body Decision.~~

~~1. Upon review, the reviewing body may affirm, reverse or modify the decision of the lower body or staff. The hearing body may also remand the decision of the lower body or staff, with instructions.~~

~~2. Notice of the reviewing body decision shall be provided to all parties to the hearing, within five working days of the date of the final decision. The notice of the decision shall include:~~

~~a. A brief description of the decision reached, and a copy of the final order;~~

~~b. If the reviewing body is the planning commission, a statement that the decision may be appealed to the city council on the record, by filing an appeal within 10 calendar days of the date that the final order was mailed;~~

~~c. If the reviewing body is the city council, a statement that the decision may be appealed to the land use board of appeals by filing a notice of intent to appeal within 21 days of the date that the final order was mailed;~~

~~d. A statement that the complete case is available for review at the city~~

~~17.76.050 Final action on application for permit or zone change request.~~

~~A. The city shall take final action on an application for a permit or zone change, including the resolution of all appeals, within 120 days after the application is deemed complete. The 120-day period does not apply to an amendment to the comprehensive plan or zoning ordinance, or the adoption of a new land use regulation, notice of which was forwarded to the director of the Department of Land Conservation and Development under LCMC 17.88.065. At the request of the applicant, the 120-day period may be extended for a reasonable period of time by the director, at the director's discretion. In addition, the 120-day period shall be extended by an amount of time equal to the length of any continuance or extension of the time for closing the hearing record or of any period during which the hearing record has been reopened, requested or agreed to by the applicant, and by an additional seven days unless the applicant waives in writing the applicant's right to submit final written arguments in support of the application following closing of the record.~~

~~B. If the planning commission fails to take action on a quasi-judicial land use matter within 30 days of the close of the public hearing, any party who appeared before the planning commission either orally or in writing may seek review of the matter by the city council on the record. Such review shall be as if on appeal, and all provisions of this title applicable to appeals of planning commission decisions to city council shall apply.~~

~~C. If the city has insufficient time to conduct a hearing before the planning commission and allow for appeal of the decision, if required, to city council, the city council on its own motion may call up the matter for hearing prior to hearing by the planning commission. In such a case, the city council shall conduct an evidentiary hearing on the application and make a final decision within the time allowed by law.~~

~~D. If the city fails to take final action on an application for a permit or zone change within the time period set out in subsection (A) of this section, and the applicant files a petition for a writ of mandamus under ORS 227.160 through 227.185, then the city thereafter shall take no further action on the application under the provisions of this chapter.~~

~~17.76.060 Filing fees.~~

~~A. Permit Fees. A schedule of permit fees shall be established by resolution of the city council and paid to the city upon the filing of an application. Such fees shall not be refundable. The failure to submit a required fee with an application, including return of checks unpaid, or other failure of consideration, shall be a jurisdictional defect and the permit application shall not be processed.~~

~~B. Appeal Filing Fees. A filing fee shall be required for the processing of an appeal and shall be in an amount set by resolution of the city council. The failure to submit a required fee with a notice of appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect and the city shall deem the appeal abandoned.~~

~~**C. Additional Costs. Where the planning and community development director, with the concurrence of the city manager, deems it necessary and in the public's interest to incur additional costs, such as the hiring of an independent geotechnical or engineering expert, or other technical expertise during the course of land use proceedings, such costs shall be borne by the applicant.**~~

SECTION 21. Chapter 17.88 *(Amendments) is hereby deleted to read as follows:*

~~**Chapter 17.88**~~

~~**AMENDMENTS**~~

~~**Sections:**~~
~~**17.88.010 Procedure.**~~
~~**17.88.020 Initiation of amendments.**~~
~~**17.88.030 Application.**~~
~~**17.88.040 Action by the planning commission.**~~
~~**17.88.050 Action by the city council.**~~
~~**17.88.060 Burden of proof.**~~
~~**17.88.065 Notice.**~~
~~**17.88.070 Limitation on new applications.**~~
~~**17.88.010 Procedure.**~~
~~**This title and/or the comprehensive plan map or text may be amended by changing the boundaries of districts or designations or by changing any other provisions thereof, whenever the public necessity and convenience and the general welfare requires such an amendment, by following the procedure of this chapter.**~~
~~**17.88.020 Initiation of amendments.**~~
~~**An amendment to the text of this title or to the zoning map and/or to the comprehensive plan map or text may be initiated by:**~~
~~**A. Motion of the planning commission;**~~
~~**B. Motion of the city council;**~~
~~**C. Application filed by an owner of record, a purchaser under a recorded land sale contract, or the holder of an option to purchase property which is the subject of the application for rezoning or comprehensive plan map redesignation;**~~
~~**D. A Lincoln City resident requesting a change to the text of the comprehensive plan or this title;**~~
~~**E. The planning and community development director.**~~
~~**17.88.030 Application.**~~
~~**The property owner or his authorized agent or for textual changes a resident of Lincoln City may make application for an amendment by filing an application, at least 45 days prior to the meeting date the matter is intended to be considered, with the planning director or his designee on a form and in a manner prescribed by the city, pursuant to LCMC 17.76.010, which shall include the following additional information:**~~
~~**A. Name and address of the applicant;**~~
~~**B. For map amendments, the applicant shall provide title report and/or other documentation to provide evidence that the applicant is the owner of record, a purchaser under a recorded land sale contract, or the holder of an option to purchase property which is the subject of the application;**~~

~~C. Address, legal description and Lincoln County assessor's tax lot and map number of the property subject to a map amendment;~~
~~D. A map (Lincoln County assessor's plat) showing the subject property and surrounding properties and a listing of current property owners within 100 feet of the property subject to this application for a map amendment;~~
~~E. Statement and supportive evidence indicating the precise manner in which the proposed amendment is in conformance with the comprehensive plan for the city of Lincoln City and each of the applicable provisions of this title together with any other data pertinent to the findings prerequisite to the granting of an amendment to this title, zoning map or comprehensive plan map and/or text as listed in LCMC 17.88.050(D);~~
~~F. The application shall be accompanied by a filing fee in the amount established by general resolution of the city council. No part of the filing fee is refundable.~~
~~17.88.040 Action by the planning commission.~~
~~A. Upon filing of the application for an amendment as described in LCMC 17.88.030, or upon motion of the city council or planning commission for the initiation of an amendment, the matter shall automatically be referred to the planning commission. The planning commission shall study the matter to the extent that it considers such study to be necessary, including the holding of a public hearing if it so desires, and shall, in open meeting, recommend the approval or disapproval of the amendment. The recommendation shall be reported to the city council by filing the recommendation with the city manager. The city manager shall, upon filing the recommendation, report the same to the city council at a subsequent regular city council meeting after the filing of the recommendations, by setting the matter for public hearing pursuant to LCMC 17.88.050.~~
~~B. The report and recommendations of the planning commission shall be made within 60 days after the filing of a complete application; provided, that such time limit may be extended upon the mutual agreement of the parties having an interest in the proceedings. Failure of the commission to so report within 60 days without the aforesaid agreement shall be deemed to be a recommendation of approval of the proposed amendment of the planning commission. If the commission deems it advisable, it may recommend that the area under consideration for change in classification or designation be enlarged or diminished, or reclassified to a district or category other than the district or category originally initiated.~~
~~17.88.050 Action by the city council.~~
~~A. Hearing Before City Council. Upon receipt of the report from the planning commission or upon the expiration of such 60 days as aforesaid, a public hearing is automatically set for the next regular city council meeting following the receipt of the report; provided, however, that the council may, by motion, set the date of such public hearing at such other time or at such other place it desires. Notice of the public hearing shall be given as provided in Chapter 17.76 LCMC, and in the case of an amendment to property containing a mobile home park, notice shall also be provided to tenants of such mobile home park.~~
~~B. At the conclusion of the public hearing, the council may enact an ordinance granting the comprehensive plan and zoning map or textual amendment, or may by motion deny the granting of the amendment. The council shall in any event render its decision on any~~

~~application within 60 days after the receipt of the report and recommendation of the planning commission or after the expiration of such 60 days as aforesaid; provided, however, that nothing shall prohibit the city council from, by motion, postponing disposition of the application to a definite time past the 60-day period, provided mutual agreement is made for such postponement by the parties having an interest in the proceedings. If the council fails to take action on an application for a zoning or comprehensive plan map amendment within 60 days as provided above, the application shall be deemed denied.~~

~~C. If the council proposes to adopt an amendment that is substantially altered from the recommendation of the commission, the council may refer the proposed amendment back to the commission for report and recommendation, which may include the holding of a joint meeting, before adoption. The commission shall consider the amendment within 15 days of the referral and report thereon at the next regular meeting of the city council. Failure to so report will be deemed to constitute approval by the planning commission.~~

~~D. Findings of Fact. In order for the city council to adopt an ordinance for an amendment to this title, comprehensive plan document and/or map, it must make and adopt findings as a part of said ordinance that are adequate to support the amendment proposal. The findings must be factual and must be supported by substantial evidence submitted into the record. The amendment must comply with and conform to the comprehensive plan goals, policies and land use map. For plan and land use regulation amendments, proposals must be consistent with provisions in the Oregon Transportation Planning Rule, OAR 660-012-0060. If statewide goals provide a more specific direction than is provided by the goals in the comprehensive plan, the findings must provide evidence that the proposed amendment is in conformance with statewide land use planning goals and policies.~~

~~17.88.060 Burden of proof.~~

~~The specific findings made by the city council, upon the recommendation of the planning commission, to adopt an ordinance for an amendment to this title, comprehensive plan text and/or map must be factual and supported by substantial evidence. The burden of producing substantial evidence to support the requisite findings is on the applicant seeking the amendment. If no evidence is produced concerning the requisite findings listed in LCMC 17.88.050(D), the application may be denied based upon improper or inadequate findings. The evidence produced must be referenced in the final order and findings of fact adopted as a part of the ordinance adopting the amendment proposal.~~

~~17.88.065 Notice.~~

~~A. Initial Notice to DLCD. At least 35 days before the first evidentiary hearing on a proposal to amend the comprehensive plan or this title, the department shall mail to the Director of the Oregon Department of Land Conservation and Development a notice that includes the text of the proposed amendment and any supplemental information that the department believes is necessary to inform DLCD of the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.~~

~~B. Initial Notice to Others. Notice of a hearing on a proposal to amend the comprehensive plan or this title shall be given to others in accord with LCMC 17.76.020.~~

~~C. Notice to DLCD Following Adoption. Not later than 20 days after adoption by the city council of an ordinance amending the comprehensive plan or this title, the department shall mail a notice that includes a copy of the ordinance, accompanied by materials to comply with ORS 197.615(2), to the Director of DLCD. If the adopted amendment is substantially different than the proposed amendment mailed to DLCD under subsection (A) of this section, the notice shall specify the substantial differences. The notice shall include a signed statement by the person mailing it, indicating the date of deposit in the mail.~~

~~D. Notice to Others Following Adoption. On the same date as the department's mailing under subsection (C) of this section, notice of adoption by the city council of an ordinance amending the comprehensive plan or this title shall be given to others in accord with LCMC 17.76.030(G). In addition to the information set out in LCMC 17.76.030(G), the notice also shall:~~

~~1. Identify the place where and the hours during which a person may review the amendment; and~~

~~2. Include a signed statement by the person mailing the notice indicating the date of deposit in the mail.~~

~~17.88.070 Limitation on new applications.~~

~~In a case where an application for an amendment is denied by the city council, the application shall not be eligible for resubmittal for one year from the date of the denial, unless the denial was specifically stated to be without prejudice. A new application affecting the same property must be, in the opinion of the planning commission and the city council, substantially different from the application denied to be eligible for consideration within one year from the date of denial, unless the first denial was denied without prejudice, or the planning commission finds that conditions have changed to an extent that further consideration is warranted.~~

SECTION 22. Chapter 17.52.210 *(Planned unit development (PUD)) is hereby deleted to read as follows:*

~~17.52.210 Planned unit development (PUD).~~

~~A. Purpose. It is the purpose of this section to allow master planned developments in any residential or commercial zone, or any combination of them, and in doing so, to allow a more flexible approach to land development than that which is normally accomplished through the subdivision and zoning ordinances of the city. The planned unit development approach is intended to provide more desirable environments by encouraging creative site planning and building designs; to make possible greater diversification between buildings and open spaces; and to conserve land and minimize development costs. In addition to the uses allowed in residential zones, the planned unit development approach may allow certain commercial uses subject to the specific limitations of this section.~~

~~B. Planning Commission Authority. The planning commission shall have the authority to approve, approve with conditions, or disapprove planned unit developments in any~~

~~residential or commercial zone, or any combination of them, subject to the provisions of this section.~~

~~C. Pre-Application Conference. Prior to filing an application for a planned unit development, the applicant shall review the applicant's preliminary master plan with the city manager or the city manager's designated representative at a pre-application conference. The purpose of the pre-application conference is to inform the city of the nature of a likely PUD application at an early date and to provide the potential applicant with information on what will be needed to make an application complete.~~

~~D. Allowable Density. The allowable residential density in a PUD that meets only the minimum PUD standards is the "maximum base residential density" and shall be determined in the following manner:~~

~~1. Determine the gross square footage of the project site.~~

~~2. Subtract from the gross square footage the square footage of any areas proposed for nonresidential development, including commercial uses, places of worship, schools, and public buildings and their associated parking areas and grounds (including required yards and landscaping areas). The result is the "preliminary gross residential area."~~

~~3. Subtract from the preliminary gross residential area the square footage of any areas of significant natural resources as identified in the comprehensive plan. The result is the "final gross residential area."~~

~~4. Multiply the final gross residential area by 0.83. The result is the "final net residential area."~~

~~5. Divide the final net residential area by the minimum lot size of the underlying zone. The result is the "maximum base residential density" expressed in dwelling units. Any number not a whole number shall be rounded down to a whole number.~~

~~E. Residential Density Bonuses.~~

~~1. Density in excess of the maximum base residential density for the underlying zone may be considered for projects that comply with the density bonus standards. The amount of density bonus shall be determined by the type of density bonus standards incorporated in the development proposal.~~

~~2. Except with respect to the "affordable housing bonus," in no case shall the density bonus or bonuses cause the overall project density to exceed the maximum allowed residential density, which in the R-1-5 zone is 8.71 units per gross project acre, in the R-1-7.5 zone is 5.81 units per acre, in the R-1-10 zone is 4.36 units per acre, and in the R-M zone is the "low density" density as calculated in LCMC 17.20.050(A).~~

~~3. If an applicant requests one or more density bonuses the planning commission shall determine, based on evidence supplied by the applicant, any other person, or staff, whether the applicant has complied with the bonus density standards. If the planning commission determines that the applicant has complied with one or more bonus density standards it shall assign the applicable density bonus points and multiply the maximum base residential density by the applicable density bonus points. The result is the total number of additional residential units allowed for the project above the maximum base residential density.~~

~~4. Density Bonus Standards. If an applicant desires to be allowed to develop a number of residential units above the maximum base residential density the applicant shall comply with one or more of the following bonus density standards. The density bonus points for each density bonus standard are in parentheses at the end of each standard.~~

~~a. Floodplain.~~

~~i. Requirement. For projects where part(s) of the site is located within the 100-year floodplain as defined and mapped by the Federal Emergency Management Agency, the portions in the floodplain must be developed according to the National Flood Insurance Program requirements.~~

~~ii. Density Bonus Standard. For projects where part(s) of the site is located within the 100-year floodplain as defined and mapped by the Federal Emergency Management Agency, develop only on portions of the site that are not in the 100-year floodplain or on portions that have been previously developed. (0.01 point.)~~

~~b. Steep Slopes.~~

~~i. Requirement. On portions of the project site with pre-project slopes greater than 15 percent that are not previously developed, do not disturb slopes greater than 40 percent and do not disturb portions of the project site within 50 feet of the top of such slopes, and 75 feet from the toe of such slopes.~~

~~ii. Density Bonus Standard. On portions of the project site with pre-project slopes greater than 15 percent that are not previously developed sites, limit development to no more than 40 percent of slopes between 25 percent and 40 percent, and to no more than 60 percent of slopes between 15 percent and 25 percent, and locate development such that the percentage of the development footprint that is on pre-project slopes less than 15 percent is greater than the project's total percentage of buildable land that has pre-project slopes less than 15 percent. (0.01 point.)~~

~~c. Protected Species Habitat.~~

~~i. Requirement. If designated critical habitat for species that are listed or are candidates for listing under state or federal endangered species acts is found on or adjacent to the project site, do not disturb that critical habitat or portions of the site within an appropriate buffer around the critical habitat.~~

~~ii. Density Bonus Standard. If habitat for species that are listed or are candidates for listing under state or federal endangered species acts is found on the project site, do not disturb that habitat or portions of the site within an appropriate buffer around the habitat, with habitat connections or corridors (including connections to habitat on adjacent parcels) in mind. The geographic extent of the habitat and the appropriate buffer shall be identified by a qualified biologist (as determined by the planning and community development director) or the appropriate federal or state agency. Protect the habitat and its identified buffers from development in perpetuity by donating or selling the land or a conservation easement on the land to an accredited land trust or relevant public agency. (0.02 points.)~~

~~d. Public Transit.~~

~~i. Requirement. Design streets so that pullouts and public transit shelters may be added in the future without the need to acquire additional rights-of-way or relocate any sidewalks or utility lines.~~

~~ii. Density Bonus Standard. Provide covered and at least partially enclosed public transit shelters, adequate to buffer wind and rain, at appropriate locations within the project boundaries. If public transit does not serve the area of the project, provide pullouts at appropriate locations within the project boundaries so that public transit shelters may be added in the future. (0.01 point.)~~

~~e. Accessible Design.~~

~~i. Requirement. Design and build all buildings to comply with the minimum requirements of the Americans with Disabilities Act.~~

~~ii. Density Bonus Standard. For each residential unit type developed, design 20 percent (and not less than one) of each type to comply with the accessible design provisions of the Fair Housing Amendments Act (FHAA) and Section 504 of the Rehabilitation Act (Rehabilitation Act), as applicable. Separate residential unit types include: single-family, duplex, triplex, multi-unit row or townhouses, and mixed use buildings that include residential units. All paths of travel between residential units and other buildings within the project shall comply with the accessible design provisions of the FHAA and Rehabilitation Act, as applicable; and facilities and rights-of-way shall comply with the accessible design provisions of the FHAA, the Rehabilitation Act, or the Americans with Disabilities Act, as applicable. (0.01 point.)~~

~~f. Energy Efficiency.~~

~~i. Requirement. None.~~

~~ii. Density Bonus Standard. (0.02 point).~~

~~(A) For new residential structures of three stories or fewer, build and equip the structures to qualify as an Energy Star Home by either a performance path (through a HERS Index rating) or a prescriptive path (Building Option Package or BOP); and~~

~~(B) For nonresidential structures and residential structures of more than three stories, demonstrate a minimum 10 percent improvement in the proposed building performance rating compared to the baseline building performance rating per ASHRAE/IESNA Standard 90.1-2007 (without addenda) by a whole building project simulation using the Building Performance Rating Method in Appendix G of the Standard. Appendix G requires that this energy analysis include all of the energy costs within and associated with the building project. The proposed design must comply with the mandatory provisions (Sections 5.4, 6.4, 7.4, 8.4, 9.4 and 10.4) in Standard 90.1-2007 (without addenda), must include all the energy costs within and associated with the building project, and must be compared~~

~~against a baseline building that complies with Appendix G to Standard 90.1-2007 (without addenda).~~

~~The default process energy cost is 25 percent of the total energy cost for the baseline building. For buildings where the process energy cost is less than 25 percent of the baseline building energy cost, the applicant must provide supporting documentation substantiating that process energy inputs are appropriate. For the purposes of this analysis, process energy is considered to include, but is not limited to, office and general miscellaneous equipment, computers, elevators and escalators, kitchen cooking and refrigeration, laundry washing and drying, lighting exempt from the lighting power allowance (e.g., lighting integral to medical equipment) and other (e.g., waterfall pumps). Regulated (nonprocess) energy includes lighting (such as for the interior, parking garage, surface parking, facade, or building grounds, except as noted above), HVAC (such as for space heating, space cooling, fans, pumps, toilet exhaust, parking garage ventilation, kitchen hood exhaust, etc.) and service water heating for domestic or space heating purposes.~~

~~g. Outdoor Water Conservation.~~

~~i. Requirement. For irrigation, design and install all irrigation systems in the project so that they do not spray onto or otherwise directly place irrigation water onto impervious surfaces such as roads, driveways, parking lots, and sidewalks.~~

~~ii. Density Bonus Standard. For irrigation, design and install all irrigation systems in the project that use only captured rainwater, recycled wastewater, recycled graywater, or install landscaping that does not require permanent irrigation systems. Temporary irrigation systems used for plant establishment are allowed only if removed within one year of installation. (0.01 point.)~~

~~h. Indoor Water Conservation.~~

~~i. Requirement. None.~~

~~ii. Density Bonus Standard. Design and construct at least 90 percent of all buildings in the project such that they meet one of the following requirements according to the appropriate category (0.01 point):~~

~~(A) For nonresidential buildings and residential buildings over three stories, employ strategies that in aggregate use 30 percent less water than the water use baseline calculated for the building (not including irrigation) after meeting the Energy Policy Act of 1992 fixture performance requirements. Calculations are based on estimated occupant usage and shall include only the following fixtures (as applicable to the building): water closets, urinals, lavatory faucets, showers, and kitchen faucets.~~

~~(B) For residential buildings three stories or fewer, install fixtures that comply with all of the following requirements:~~

~~(1) The average flow rate for all lavatory faucets must be no more than 2.0 gpm.~~

~~(2) The average flow rate for all shower heads must be no more than 2.0 gpm.~~

~~(3) The average flow rate for all toilets, including dual-flush toilets, must be no more than 1.3 gpf.~~

~~i. Tree Preservation.~~

~~i. Requirement. Comply with the requirements of LCMC 17.52.220.~~

~~ii. Density Bonus Standard. For each two percent of canopy cover provided by trees that are preserved and incorporated into a development plan, a 0.01 point density bonus may be granted. The bonus is not applicable to trees preserved in areas that would otherwise be precluded from development, including floodplains, slopes greater than 25 percent, drainage ways, or wetlands. No more than a 0.10 point density bonus may be granted for any one development.~~

~~F. Affordable Housing Bonus. An additional density bonus of 10 percent above the maximum base residential density shall be available for projects incorporating an affordable housing element. For the purposes of this section an affordable housing element must include the following components:~~

~~1. At least five percent of the total number of dwelling units in the project must be affordable units.~~

~~2. The affordable units must be incorporated into the overall project and not be clustered into a separate area of the project. This provision is not intended to prohibit "cottage clusters" of affordable units; provided, that such clusters are themselves incorporated into the overall project and not clustered into a separate area of the project.~~

~~To be considered "affordable" a unit must meet affordability standards as adopted by the city. Alternatively the developer may transfer title to individual lots dedicated to affordable housing to the Lincoln County Land Trust or other organization approved by the planning and community development director for development by that entity as affordable housing.~~

~~G. Large-Scale, Mixed Use PUDs. This subsection sets forth special provisions for large-scale, mixed use PUDs that provide additional amenities for residents, visitors, and the larger Lincoln City community while ensuring that impacts can be internalized and mitigated through master planning and coordinated on-site management.~~

~~1. Applicability. Subsection (H) of this section may be applied only to an existing or proposed PUD that is 100 acres or larger, has direct access to an arterial street, and designates at least 35 percent of the gross PUD site area as open space.~~

~~2. Limited Recreational Commercial Uses Permitted.~~

~~a. Uses Allowed. In addition to residential uses, the following recreational commercial uses may be permitted in large-scale, mixed use PUDs located in residential or commercial zones, subject to the limitations in subsection (G)(2)(b) of this section:~~

~~i. Motels, hotels, and resorts;~~

~~ii. Cabins and yurts used for overnight accommodations;~~

~~iii. Eating or drinking establishments without drive-up service facilities;~~
~~iv. Retail sales, exclusive of drive-up service facilities;~~
~~v. Day spas;~~
~~vi. Child day care facilities;~~
~~vii. Religious institutions and houses of worship;~~
~~viii. Convention centers and meeting facilities;~~
~~ix. Time-share units;~~
~~x. Bed and breakfast accommodations;~~
~~xi. Public use or public utility;~~
~~xii. Utility substation;~~
~~xiii. Outdoor commercial amusement establishments;~~
~~xiv. Essential emergency communications and warning facilities;~~
~~xv. Emergency shelters;~~
~~xvi. Mixed use incorporating one or more of the uses listed here.~~

~~b. Limitations. In addition to such conditions and restrictions as the planning commission may deem appropriate, the following limitations apply to commercial uses in large-scale, mixed use PUDs located in residential or commercial zones:~~

~~i. The combined area of commercial uses, including associated parking areas, may not exceed 15 percent of the gross site area;~~
~~ii. Commercial uses must be located a minimum of 100 feet from existing off-site residential buildings;~~
~~iii. No commercial or mixed use buildings may exceed 45 feet in height (unless approved by a vote of the people pursuant to the provisions of LCMC 17.52.190); and~~
~~iv. Recreational commercial uses are subject to the "pearl" Lincoln City commercial design standards.~~

~~3. Applications for large-scale, mixed use PUDs shall meet the requirements of OAR 660-012-0060, and be subject to the following:~~

~~a. A transportation impact analysis (TIA) shall be required at the time of application to determine if the proposed change would significantly affect an existing or planned transportation facility. The TIA shall demonstrate that the development does not significantly impact the transportation system as defined by OAR 660-012-0060(1); or the development shall be made consistent with the transportation system as allowed in OAR 660-012-0060(2). The TIA, findings of significant effect/no significant effect, and proposed mitigation measures shall be sent to the Oregon Department of Land Conservation and Development and the Oregon Department of Transportation for acknowledgment (concurrence).~~
~~b. To be consistent with OAR 660-012-0060, the analysis as indicated in subsection (G)(3)(a) of this section shall include a review process that includes adequate public notice and a public hearing, with the right to appeal.~~
~~c. Where access to US-101 is proposed as part of a large-scale, mixed use PUD, a valid ODOT highway approach road permit must be provided to Lincoln City before development permits may be issued.~~

~~H. Preliminary Master Plan Application. Following a pre-application conference, an applicant may submit a preliminary master plan to the site plan committee established under LCMC 17.52.240 for review. The preliminary master plan, which must include a drawing showing the layout of the proposed planned unit development, must contain the following information:~~

~~1. Proposed name of the planned unit development;~~

~~2. Date, north point and scale of drawing;~~

~~3. Appropriate identification clearly stating that the drawing is a preliminary planned unit development master plan;~~

~~4. Location of the planned unit development by section, township and range; a legal description sufficient to define the location and boundaries of the proposed planned unit development tract; and the tract designation or other description according to the real estate records of the county assessor;~~

~~5. A vicinity sketch map at a scale of one inch equals 400 feet showing adjacent property boundaries and land uses;~~

~~6. The following:~~

~~a. Location, widths and names of all existing streets or other public ways within or abutting the planned unit development;~~

~~b. Contour lines having the following minimum intervals:~~

~~i. Two-foot contour intervals for ground slopes less than 10 percent; and~~

~~ii. Five-foot contour intervals for ground slopes 10 percent or greater. Contours shall be based on contour maps provided by the city or other data approved by the city engineer;~~

~~c. Location of at least one temporary benchmark within the planned unit development boundaries or the source of the contour line data shown. (Source and accuracy subject to city engineer's approval);~~

~~d. Location and direction of all water courses and natural features such as rock outcroppings, marshes and wooded areas; and the approximate locations of trees or stands of trees having a trunk cross-sectional diameter of eight inches (approximately 25 inches in circumference) or more, measured at a point 54 inches above the base of the trunk on the uphill side. The plan must identify those water courses, natural features and areas of trees meeting the described criteria which are to remain and those which may be altered or removed;~~

~~e. Proposed streets, including location, widths and approximate radii or curves;~~

~~f. Location of existing and proposed easements on the site or abutting property, showing the width and purpose of each easement;~~

~~g. The types of housing proposed within the PUD, the approximate location or locations proposed for each type of housing, and the approximate housing density proposed at each location;~~

~~h. Sites, if any, allocated for:~~

~~i. Churches;~~

~~ii. Parks, schools, playgrounds;~~

~~iii. Public buildings;~~

~~iv. Open space;~~

~~v. Commercial uses, specifying the type of each.~~

~~i. Area coverage of existing and proposed structures, lots, streets or other development.~~

~~I. Supplemental Preliminary Master Plan Information. The applicant also shall submit the following information to supplement the preliminary master plan. This information can be submitted in separate statements accompanying the preliminary master plan:~~

~~1. Proposed restrictions to be filed in the county deed records, in outline form, such as deed restrictions, conditions, covenants and restrictions, and homeowners' association agreements. The outline restrictions shall identify the time at which the restrictions will be filed in the county deed records; generally who will have authority to enforce the restrictions; specifically which restrictions, if any, are proposed to be enforceable by the city; the time at which the restrictions will become enforceable; and which restrictions, if any, will not be subject to amendment without the consent of the city;~~

~~2. Approximate locations and anticipated grades of all streets. Typical cross sections of the proposed streets showing widths of roadways, curbs, location and widths of sidewalks and the location and size of utility mains;~~

~~3. Approximate plan of proposed sanitary sewers, storm drains, storm water detention and drainage pretreatment facilities and the water distribution system;~~

~~4. A general description of property intended to be dedicated to the city or public, other than street rights-of-way, including proposed dedication restrictions;~~

~~5. A description of any residential density bonus the applicant is requesting, including evidence demonstrating compliance with applicable density bonus standards;~~

~~6. Proposed number of residential units;~~

~~7. An approximate tabulation of all dwelling units by type;~~

~~8. A narrative description of the planned unit development and the manner in which it meets the purpose set out in subsection (A) of this section;~~

~~9. A statement describing the present and proposed ownership;~~

~~10. A preliminary landscape plan, covering both areas to retain undisturbed their natural vegetation and areas to be relandscaped;~~

~~11. A circulation plan and traffic impact analysis identifying likely circulation patterns for and traffic impacts from traffic generated by the development including patterns and impacts within the development, in the area surrounding the development, and in other affected areas of the city;~~

~~12. A statement whether the applicant proposes to submit the final master plan for review as a single master plan or in phases; a statement of the date or dates by which the applicant proposes to submit the final master plan or final master plan phases for review; and a statement of the date or dates by which the applicant anticipates that the development and related improvements or each phase thereof will be substantially completed.~~

~~13. A tree maintenance and protection plan, which shall contain the following information:~~

~~a. An accurate topographical survey, subdivision map or plat map, that bears the signature of a qualified, registered surveyor or engineer, and which shows:~~

~~i. The shape and dimensions of the property, and the location of any existing and proposed structures or improvements;~~

~~ii. The location of the individual trees, with a diameter of eight inches or more, on the site, and indicating species, approximate height, d.b.h., canopy spread and common name;~~

~~iii. The location of unique trees or stands of trees as set out in the arborist report described below; and~~

~~iv. The location of existing and proposed easements, as well as setbacks required by existing zoning requirements.~~

~~b. In lieu of the map or survey, an applicant proposing to remove trees may provide aerial photographs with overlays, GIS documentation, or maps approved by the planning director, and clearly indicating the information required by this subsection.~~

~~c. Arborist Report. The report shall identify any unique or unusual trees or stands of trees and describe the health and condition of all trees subject to removal or transplanting, and shall include information on species, common name, d.b.h., and approximate height and age.~~

~~d. Tree Protection. Unless specifically exempted by the planning director, a statement describing how trees intended to remain will be protected during tree removal and how remaining trees will be maintained.~~

~~e. Tree Identification. Unless specifically exempted by the planning director, a statement that any trees proposed for removal will be identified by a method obvious to a site inspector, such as tagging, painting, or flagging, in addition to clear identification on construction documents.~~

~~f. Replacement Trees. A description of the proposed tree replacement program with a detailed explanation including the number, size, species, and cost. In lieu of replacing trees, the applicant may propose to pay into the city tree fund an amount equivalent to the value of the replacement trees after installation, as provided in this subsection.~~

~~g. Covenants, Conditions and Restrictions (CC&Rs). Where the applicant is proposing to remove trees on common areas, the applicant shall provide a copy of the applicable CC&Rs, including any landscaping provisions.~~

~~h. Waiver of Documentation. The planning director may waive an application document where the required information has already been made available to the city, or where the director determines the information is not necessary to review the application.~~

~~J. Determination That Preliminary Master Plan Is Complete. Following submission or resubmission of a preliminary master plan, the site plan committee established by LCMC 17.52.240 shall determine whether the plan is complete pursuant to the submittal requirements of subsections (H) and (I) of this section. The determination of the committee shall be in writing and, if the application is determined to be incomplete, shall~~

~~be provided to the applicant with a description of the additional material required to make the application complete.~~

~~K. Site Plan Committee Review of Complete Preliminary Master Plan. Following submission of a complete preliminary master plan, the site plan committee shall review the preliminary master plan, shall seek comments on the plan from potentially affected governmental units and agencies, and shall report to the planning commission the comments of the committee members and of those governmental units and agencies that submit comments.~~

~~L. Planning Commission Consideration of Preliminary Master Plan. Following receipt of comments on the preliminary master plan from the site plan committee, the planning commission shall review the plan and comments in public hearings and shall give approval, approval with conditions, or disapproval to the preliminary master plan. The planning commission shall state its decision and its reasons in writing. The applicant may appeal the decision to the city council in accordance with the provisions of LCMC 17.76.040. The planning commission shall issue its written decision in a timely manner so that the city's final decision, inclusive of all appeals, can be made within 120 days after submission of a complete preliminary master plan. The planning commission's consideration of the preliminary master plan shall be subject to the following:~~

~~1. The commission shall approve, or approve with conditions, the plan if it finds that the plan, either as submitted or with conditions, meets all of the following criteria. The commission shall disapprove the plan if it finds that the plan, either as submitted or with conditions, does not meet any one or more of the following criteria.~~

~~a. The proposed planned unit development will be substantially compatible with existing development in the surrounding area; and undeveloped land in the surrounding area can be developed in a manner substantially compatible with the proposed planned unit development.~~

~~b. The number of years proposed for completion of the development or each phase of the development is reasonable, taking into consideration the possibility of changing land use patterns in or requirements of the city over time. In order to ensure that the development will be compatible with land use patterns in and requirements of the city at the time of approval of a final master plan, the planning commission shall establish an expiration date for the preliminary master plan approval, not sooner than two years after approval of the preliminary master plan; may impose conditions requiring that a final master plan or phases thereof be submitted for commission review within a specified period or periods of time, not sooner than one year after approval of the preliminary master plan; or may impose conditions requiring commission reevaluation of as yet unbuilt portions of the development, for conformity with then-existing city zoning ordinance requirements in relation to then-existing conditions, not sooner than five years after approval of the preliminary master plan, and at such periodic intervals of not less than five years thereafter as the commission deems appropriate to ensure conformity.~~

~~c. Construction of the development can be accomplished in a manner that does not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative construction impacts on the area surrounding the development or in the city, the planning commission may impose conditions including but not limited to:~~

~~i. Requirements that removal of existing landscaping during construction be limited to areas of the planned unit development to be constructed shortly following removal and to portions of those areas on which construction will occur;~~

~~ii. Prohibitions of open burning on the site during construction;~~

~~iii. Prohibitions or limitations on construction track-out;~~

~~iv. Restrictions on construction noise; and~~

~~v. Restrictions on construction traffic.~~

~~d. The development will not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative impacts, the planning commission may require the filing of restrictions in the county deed records including but not limited to restrictions:~~

~~i. Prohibiting the removal of specified landscaping; and~~

~~ii. Prohibiting open burning during construction.~~

~~e. Street, water, sewer, drainage and drainage pretreatment, storm water detention, and other similar facilities in the area surrounding the development and in the city are or will be adequate to provide for the health, safety and welfare for the development's population densities and the type of development proposed, taking into consideration existing and projected future demands on those facilities.~~

~~f. Street, water, sewer, drainage and drainage pretreatment, storm water detention and other similar facilities proposed to be constructed as part of the development are adequate to provide for the health, safety and welfare for the population densities and the type of development proposed.~~

~~g. The proposed number of residential units does not exceed the maximum permitted number of residential units; and at least 15 percent of the gross area is dedicated to landscaping. For purposes of computing area dedicated to landscaping, dedicated open space and protected resource areas may be treated as area dedicated to landscaping, but parking areas may not.~~

~~2. The planning commission, in approving a preliminary master plan, may attach conditions it finds are necessary or appropriate to carry out the purposes of this title.~~

~~M. Extension of Approved Preliminary Master Plan. Prior to expiration of an approved preliminary master plan, the planning commission may, on receipt of an application applying to the as yet unbuilt portions of the development, extend the expiration date; provided, that the extension will be consistent with then-existing city zoning ordinance requirements, in relation to then-existing conditions. An application for an extension shall be subject to all of the procedures set out in subsections (C) through (H) of this section, including but not limited to the requirement of a hearing before the planning~~

~~commission, except that the application materials required to be submitted shall be only such materials supplementing the original application as are needed to demonstrate that an extension will meet the criteria for an extension established by this subsection.~~

~~N. Modification of Approved Preliminary Master Plan. The planning commission may, on receipt of an application applying to the as yet unbuilt portions of the development, modify an approved preliminary master plan; provided, that the modifications will be consistent with the then-existing city zoning ordinance requirements, in relation to then-existing conditions. An application for modifications shall be subject to all of the procedures set out in subsections (C) through (L) of this section, including but not limited to the requirement of a hearing before the planning commission, except that the application materials required to be submitted shall be only such materials supplementing the original application as are needed to identify the proposed modifications and to demonstrate that the modifications will meet the criteria for modifications established by this subsection.~~

~~O. Procedure Following Expiration of Preliminary Master Plan. If an approved preliminary master plan expires, whether as to the entire area proposed for development or as to as yet unbuilt portions of the development, then a complete new application must be submitted prior to reconsideration. An application for reconsideration shall be treated as an original application and shall be subject to all of the procedures set out in subsections (C) through (H) of this section, including but not limited to the requirement of a hearing before the planning commission.~~

~~P. Submission of Tentative Subdivision Plan. If an approved preliminary planned unit development master plan provides for the subdivision of land within the planned unit development, then within such period or periods of time as required by the preliminary planned unit development master plan approval, an applicant shall file a tentative subdivision plan for the planned unit development or for phases of the development, if phasing is permitted. The submittal requirements, procedures and approval requirements for the tentative subdivision plan shall be as set out in LCMC Title 16.~~

~~Q. Planning Commission Consideration of Final Master Plan.~~

~~1. Following preliminary master plan approval, and prior to issuance of a development permit and commencement of development, a final master plan must be submitted to and approved by the planning commission. The final master plan may be submitted in development phases; provided, that:~~

~~a. Each phase can exist as a separate entity capable of independently meeting all requirements and standards of this section and of the underlying zones in which the PUD is located; or~~

~~b. Prior to the development of any phase that will not exist as such a separate entity capable of independently meeting the requirements and standards, restrictions enforceable by the city and in a form approved by the city have been filed in the county deed records, such as conditions, covenants and restrictions. The restrictions shall be applicable to other areas of the planned unit development not yet proposed for development, and shall be sufficient to assure that:~~

~~i. The area within the phase proposed for development, when combined with the area not yet proposed for development, as subject to the deed restrictions, can exist as a combined entity capable of independently meeting the requirements and standards;~~

~~ii. The phase has met any applicable reevaluation requirement imposed during the preliminary master plan approval process; and~~

~~iii. The separate development of phases will not be detrimental to the total development nor to the adjacent properties in the event the remainder of the development is not completed.~~

~~2. The final master plan must be in sufficient detail to allow the planning commission to determine whether the final master plan is consistent with the preliminary master plan and whether the final master plan meets all conditions applicable to the preliminary master plan. In addition, the final master plan shall include:~~

~~a. Detailed landscaping plans showing the type and size of all plant material and its location, the irrigation system, decorative materials, recreation equipment and special effects; and the schedule for removal and replanting of vegetation;~~

~~b. Detailed water, sewer, drainage and drainage pretreatment, storm water detention and street system plans, including:~~

~~i. Central line profiles showing finished grades of all streets;~~

~~ii. Cross sections of proposed streets showing widths of roadways, curbs, locations and widths of sidewalks and locations and sizes of utility mains;~~

~~iii. Profiles of sanitary sewer, street drainage, drainage pretreatment, storm water detention and water distribution systems, showing pipe size and location of valves and fire hydrants, all to conform to city standards;~~

~~iv. The estimated cost of street, sewer, drainage and drainage pretreatment, storm water detention, water, and other public infrastructure improvements within the planned unit development.~~

~~3. The planning commission shall approve, or approve with conditions, the final master plan if the planning commission determines that the plan meets all of the following criteria. The commission shall disapprove the final master plan if it finds that the plan, either as submitted or with conditions, does not meet one or more of the following criteria:~~

~~a. The plan is consistent with the preliminary master plan and all conditions applicable to it;~~

~~b. All utility systems and landscaping conform to city standards or are approved by the city engineer; and~~

~~c. If the final master plan is for a phase of the total planned unit development, the criteria for phasing stated in subsection (Q)(1) of this section will be met.~~

~~R. Requirements Following Final Master Plan Approval.~~

~~1. A certified print of the approved final planned unit development master plan shall be provided by the applicant without charge to the office of the city recorder.~~

~~2. Except as provided in subsection (R)(3) of this section, proposals to make changes in the final master plan after it has been approved shall be considered the same as a~~

~~new PUD application and shall be permitted only in accordance with all of the procedures set out in this section, including but not limited to the requirement of a hearing before the planning commission, except that the application materials required to be submitted shall be only such materials supplementing the original application as are needed to identify the proposed changes and to demonstrate that the changed planned unit development will meet the criteria established by this section.~~

~~3. Proposals to make minor changes in the final master plan after it has been approved may be approved by the city manager or the city manager's designated representative. Minor changes consist only of changes that will not have public visibility and that:~~

~~a. Do not increase densities;~~

~~b. Do not change boundaries;~~

~~c. Do not change any use, specific or general, described in the final master plan; and~~

~~d. Do not change the location or amount of land devoted to specific land uses.~~

~~4. A final PUD plat shall be filed with and approved by the city in accordance with the final platting requirements of LCMC Title 16 (Subdivisions) and recorded with Lincoln County, within one year of the approval of a final master plan. One extension of time may be granted, for good cause, by the planning commission if such extension is authorized by the commission prior to the expiration of the one-year period, and provided such extension not exceed one additional year. No additional extensions may be granted. If a final PUD plat is not filed, approved and recorded as required by this section, then the planned unit development approval shall become void as of the date the filing requirement no longer can be met.~~

~~5. Prior to commencement of development, the developer shall provide to the city an improvement agreement and financial security instrument as described in LCMC 17.52.240(L) and shall obtain a development permit.~~

SECTION 23. Chapter 17.52.240 *(Site plan review) is hereby deleted to read as follows:*

~~17.52.240 Site plan review.~~

~~A. Purpose. The purpose of site plan review is to establish a coordinated permit process to ensure that new development is in compliance with the requirements of this title. The result of approval of a site plan is the issuance of a permit to the applicant to develop the site in accord with the site plan and any conditions of site plan approval without further review of the site plan for compliance with the provisions of this title. The issuance of a site plan review permit under this section, however, does not excuse a developer or owner from obtaining any other permits or approvals required by this title, by the Lincoln City Municipal Code, or by any other local, state, or federal law or authority applicable to the proposed development, including but not limited to city sign, tree cutting, grading,~~

~~sedimentation prevention, erosion control, conditional use, planned unit development, and land division permits.~~

~~B. Site Plan Review Criteria. A site plan review application shall demonstrate that:~~

~~1. The proposed development will comply with all of the applicable requirements of this title; and~~

~~2. The arrangement of all buildings and structures, access points, parking and loading facilities, landscaping, lighting, walls and fences, and stormwater detention, treatment, and drainage features and facilities will avoid traffic congestion and will provide for pedestrian and vehicular safety and welfare.~~

~~C. Site Plan Review Officials. Site plan review officials shall include, but need not be limited to, the director, fire marshal, public works director, police chief, and parks and recreation director, or their designates. These officials shall have the opportunity to review, for compliance with the requirements of this title, the site plans for all proposed nonexempt new buildings, outdoor storage areas, and parking lots, and for the expansion of existing nonexempt buildings, outdoor storage areas, and parking lots, in those zones where site plan review is required.~~

~~D. Site Plan Review Required.~~

~~1. Except as provided in subsection (D)(2) of this section, site plan review is required before any building permit is issued authorizing development and before any outdoor storage area or parking lot development commences, in the R-M, PC, RC, GC, PI, M-W, P, OS, TVC, NPD and OPD zones, and before any nonresidential building permit is issued authorizing development and before any nonresidential storage area or parking lot development commences in any other zone.~~

~~2. The following development is exempt from site plan review:~~

~~a. Single-family and duplex dwellings.~~

~~b. Development involving only modifications to the interior of a structure.~~

~~c. Development meeting all of the following criteria:~~

~~i. The development involves either no expansion of an existing building or expansion of an existing building by 800 square feet or less; and~~

~~ii. The development does not affect on-site traffic circulation patterns; and~~

~~iii. The development adds less than three additional parking spaces.~~

~~E. Application. An application for site plan review shall include:~~

~~1. The application form established by the department in order to have the information needed to demonstrate compliance with the requirements of this title provided in a manner that will allow the site plan review officials to review the site plan in an organized and efficient manner;~~

~~2. The filing fee established by resolution of the city council;~~

~~3. A site plan covering all lots on which development will occur or whose area is needed within the development in order to meet requirements of this title. The site plan shall be drawn to scale and shall indicate the following, where applicable:~~

~~a. Dimensions and orientation of the site, and lot lines of, and within, the site.~~

~~b. Locations of buildings and structures, both existing and proposed, and an identification of buildings and structures proposed to be removed.~~

~~c. Location and layout of off-street parking and loading facilities.~~
~~d. Location and points of entry and exit for motor vehicles, and the internal circulation pattern.~~
~~e. Location of walls and fences and an indication of their height and materials of construction.~~
~~f. Location and type of exterior lighting standards and devices.~~
~~g. Location of areas of required landscaping and areas of existing vegetation proposed to be retained.~~
~~h. Grading (excavations and fills), by plotting existing and proposed contours and existing and proposed stormwater detention, treatment, and drainage features and facilities.~~
~~i. The height of buildings and structures.~~
~~j. The proposed use of buildings and structures.~~
~~k. Location and dimensions of existing and required utility, drainage and sidewalk easements.~~
~~l. Location of required sidewalk, curb, gutter, and pavement improvements.~~
~~m. Location of existing and proposed water and sewer lines and facilities.~~
~~n. General location of proposed private utility lines.~~
~~o. If environmental assessments or reports are required by Chapters 17.46, 17.47 and 17.48 LCMC, the location of any riparian vegetation, significant wildlife habitat and major marshes, exceptional aesthetic resources and related natural vegetation cover, historic and archaeological sites, natural hazards, and beaches and dunes that are subject to those sections;~~
~~4. Any environmental assessments or reports required by Chapters 17.46, 17.47 and 17.48 LCMC. If an application does not include the required environmental assessments or reports, the application shall be deemed not complete, but, on the request of the applicant, site plan review officials may review and comment on the site plan on a preliminary basis;~~
~~5. A traffic impact study at the request of the city engineer, if indicated by LCMC 17.52.300;~~
~~6. Any other architectural, civil or traffic engineering, or other information required to permit findings that the development will comply with the provisions of this title;~~
~~7. For a proposed expansion of an existing building, outdoor storage area, or parking lot, the site plan shall indicate the relationship of the proposed expansion to the existing development but need not include other data required in subsection (D) of this section, except as necessary to permit findings that the expanded development will comply with the provisions of this title; and~~
~~8. If an applicant intends to assert that it cannot legally be required, as a condition of site plan approval, to provide easements and improvements at the level otherwise required by LCMC 17.52.230, the application shall include the report described in LCMC 17.52.230(B).~~
~~F. Notice of Receipt of Application.~~

~~1. After receipt of a site plan application, the department shall provide written notice of the application to:~~

~~a. Owners of property within 250 feet of the site for which the application is submitted. The list of property owners shall be compiled from the most recent property tax assessment roll.~~

~~b. Any neighborhood association recognized by the city whose boundaries include the site.~~

~~2. The written notices of the application shall include the following information:~~

~~a. The date, time, and place where comments are due, if a person wishes to have the comments considered during the site plan review process. The due date shall be at least 14 days after the date of the notice.~~

~~b. A statement that the criteria governing the site plan review decision are those requirements of this section that are applicable to the particular development being proposed.~~

~~c. The street address or another easily understood geographical reference to the site.~~

~~d. A statement that the site plan review application and any other file materials are available for review at the department and that copies can be obtained at cost.~~

~~e. The name and phone number of a department contact person.~~

~~3. The written notice shall state that if tenants or lessees reside at the property, the city requests that the owner provide a copy of the notice to each tenant or lessee. The failure of an owner to honor this request shall not constitute a violation of this subsection.~~

~~*G.* Determination of Completeness. Not later than 30 days after the initial filing of the application, the site plan review officials shall have an initial opportunity to review the site plan review application. If the director determines following the initial review:~~

~~1. That the application is complete, then, not sooner than the due date for comments set out in the written notice of the application, the site plan review officials may proceed immediately to complete their review of the application.~~

~~2. That the application is not complete, then, not later than 30 days after the initial filing of the application, the department shall give written notice to the applicant that the application is not complete. The notice shall specify what information is missing, shall give the applicant the opportunity to submit the missing information, and shall indicate a date on and after which the city may proceed to complete its review of the application, with or without the missing information.~~

~~H. Review and Decision.~~

~~1. After the director has determined that the initial application is complete under subsection (*G*)(1) of this section, or on or after the date indicated to the applicant under subsection (*G*)(2) of this section, whichever is applicable, the director shall request that the site plan review officials review the application and any written comments received during the comment period, and that the officials provide their~~

written comments and recommendations on the application to the director not later than the time set by the director for further consideration of the application.

2. Site plan review officials wishing to provide comments and recommendations on the application shall provide written comments and recommendations to the director not later than the time set by the director for further consideration of the application.

3. In reviewing the application and comments received during the comment period, and in making comments and recommendations on the application, site plan review officials shall base their review, and any resulting formal comments and recommendations, on whether the development will comply with the requirements of this title. Site plan review officials also may submit additional informal comments and recommendations that they wish to be provided to the applicant for informational purposes only.

4. On or after the time set by the director for further consideration of the application, after considering the application, comments received during the comment period, and comments and recommendations received from site plan review officials, the director shall prepare a written decision taking one of the following actions:

a. If the director finds that the development, as described in the application, will comply with all of the requirements of this title, the director shall approve the application.

b. If the director does not find that the development, as described in the application, will comply with all of the requirements of this title, the director, in the director's discretion, shall either:

i. Disapprove the application; or

ii. Approve the application, subject to such conditions as are necessary so that the development, as conditioned, will comply with all of the requirements of this title.

The director's decision shall identify each requirement of this title that is applicable to the site plan under review; shall include any findings that are necessary to a determination of whether the site plan complies with the requirement; shall state a conclusion, based on the findings, as to whether the site plan complies with the requirement and, if not self evident, the basis for the conclusion; and, if the decision is to approve the site plan subject to conditions, shall state any findings, conclusions, and basis for conclusions, to demonstrate that compliance with the conditions is necessary in order for the site plan to comply with the requirements of this title.

5. During review of a site plan application, an applicant may revise the site plan under consideration; provided, that the applicant, if required by the director as a condition to revision, signs a written statement in a form approved by the director agreeing that the 120-day period provided for in ORS 227.178 shall commence from the date the revision is filed with the department.

6. If a condition of approval of a site plan requires a future submittal to be filed for deferred or refined site plan review in relation to the development, then review of

~~the future submittal shall be made pursuant to the procedures set out in this section for approval of the site plan itself, except that the review shall be limited to determining only whether the submittal complies with the requirements of this title applicable to the submittal.~~

~~7. A decision of the director under subsection (H)(4) of this section may include, but is not required to include, informal advice to the applicant about other permits or requirements of this title, of the Lincoln City Municipal Code, or of any other local, state, or federal law or authority that are or may be applicable to the proposed development but that are outside the scope of site plan review.~~

~~I. Notice of Decision. On approval, approval with conditions, or disapproval of a site plan review application under subsection (H)(4) of this section, the director shall publish, at the applicant's expense, notice of the action in a newspaper of general circulation in the city. In addition, the director shall provide written notice of the decision to:~~

~~1. The applicant;~~

~~2. Owners of property within 250 feet of the site for which the application is submitted. The list of property owners shall be compiled from the most recent property tax assessment roll;~~

~~3. Any neighborhood association recognized by the city whose boundaries include the site; and~~

~~4. Any person who submitted written comments during the comment period.~~

~~The notices provided shall include an explanation of the means for appealing the action taken. In addition, the notices shall state that if tenants or lessees reside at the property, the city requests that the owner provide a copy of the notice to each tenant or lessee. The failure of an owner to honor this request shall not constitute a violation of this subsection.~~

~~J. Appeals. The applicant or any interested person may appeal a decision of the director under subsection (H)(4) of this section. The appeal shall be filed within 10 days of the mailing of the decision and must be filed in the manner set out in LCMC 17.76.040. The filing of an appeal of a site plan approval shall suspend any building permit issued based on the approval until the city appeal body, whether the commission or the city council, has decided the appeal.~~

~~K. Revisions to Approved Site Plans.~~

~~1. Major revisions proposed by the applicant to an approved site plan shall be made only pursuant to the procedures set out in this section for approval of the site plan itself. A major revision is a revision which:~~

~~a. Increases the density of development;~~

~~b. Enlarges any structure on the site by more than 800 square feet, or enlarges the area of the site;~~

~~c. Changes vehicular or pedestrian access to, or circulation patterns on, the site; or~~

~~d. Changes the location of, or amount of land devoted to, a specific use on the site.~~

~~2. Where a required site plan approval for a development has been granted, it shall be unlawful for any person to cause or permit the construction, alteration,~~

~~improvement, or use of the development in any manner except in compliance with the approved site plan, subject to any lawfully made non-major revisions.~~

~~L. Public Infrastructure Improvements Agreements.~~

~~1. If all the public infrastructure improvements required to be provided as part of a site plan approval have not been satisfactorily completed prior to application for issuance of a certificate of occupancy or prior to a proposed commencement of use, and if the city manager or a designated representative determines that a delay in completion of the improvements is appropriate, then the city manager or delegate may require, as a condition of such issuance or use, an improvement agreement signed by the owner, in a form satisfactory to the public works director. An improvement agreement shall:~~

~~a. Identify all public infrastructure improvements remaining to be completed and establish a time period within which the owner shall complete the improvements;~~

~~b. Provide that if the owner does not complete the identified improvements within the established time period, then the city may complete the improvements and recover the full cost and expense of completion from the owner;~~

~~c. Require the owner to reimburse the city for all costs of inspection by the city engineer of the public infrastructure improvements;~~

~~d. Require the owner to hold harmless, defend, and indemnify the city and its mayor and council members, officers, boards, commissioners, and employees from claims of any nature arising or resulting from the performance of any acts required to be done by the owner under the agreement;~~

~~e. Require the city to tentatively accept the public infrastructure improvements and the easements in which they are located at such time as the city engineer determines that the owner has fully complied with all terms and conditions of the improvement agreement related to the improvements and easements; and to finally accept the improvements and easements on satisfactory completion, as determined by the city engineer, of the one-year warranty period required under subsection (L)(3) of this section.~~

~~2. An owner entering into an improvement agreement under subsection (L)(1) of this section shall file with the city, as a condition to city acceptance of the agreement, financial security to assure the full and faithful performance of the agreement by the owner. The financial security shall be in an amount equal to 110 percent of the applicant's estimated cost to complete the public infrastructure improvements, as approved by the city engineer, which amount shall be subject to reduction from time to time in the sole discretion of the city engineer as satisfactory construction of the public infrastructure improvements is completed.~~

~~3. At the time the owner completes construction of public infrastructure improvements required as part of a site plan approval, whether constructed prior to occupancy or use of the site or pursuant to an improvement agreement, as a condition of tentative acceptance of the improvements by the city, the owner shall warrant the materials and workmanship of the improvements for a period of one year from the date of tentative acceptance and shall provide financial security for~~

~~the warranty in the amount of 20 percent of the applicant's estimated cost to construct the public infrastructure improvements, as approved by the city engineer.~~

~~4. The financial security required under subsections (L)(2) and (3) of this section shall be in a form approved by the public works director and may be one or more of the following:~~

~~a. A surety bond executed by a surety company authorized to transact business in the state of Oregon;~~

~~b. Cash; or~~

~~c. An irrevocable standby letter of credit or similar financial security instrument.~~

~~5. Decisions of the city manager, city engineer, or designated representatives in the enforcement of agreements entered into under this subsection shall not be subject to appeal under LCMC 17.76.040.~~

~~M. Time Limitations.~~

~~1. A site plan approval shall become void on the thirty-first day after approval unless the applicant and owner, within 30 days after approval, sign and file with the department an acceptance of the approval in the standard form provided by the director. The director may extend the time for signing the acceptance for good cause, whether before or after expiration of the 30-day period. The signing of an acceptance shall not waive any appeal rights of the applicant or owner, but merely shall acknowledge that, unless the approval is revised on appeal, the development must conform to all of the terms and conditions of the approval.~~

~~2. A site plan approval shall become void two years after approval unless within that time construction of the approved development has been commenced and thereafter diligently pursued toward completion. The director may extend a site plan approval for an additional period of one year and, if an extension is applied for, shall extend the approval, unless there have been changes in the applicable criteria or in circumstances relevant to the site that would justify re-review of the site plan in relation to the applicable criteria. No more than one extension may be granted.~~

~~3. Decisions of the director on whether to approve extensions under this subsection shall not be subject to appeal under LCMC 17.76.040.~~

SECTION 24. Measure 49 Reservation.

Notwithstanding the amendment and removal of existing sign regulations as set forth in this ordinance, LCMC 17.72 as it existed on the date of this ordinance adoption, is preserved in its entirety for purposes of application of such regulations to residential compensation claims, if any, made pursuant to Ballot Measure 49. This reservation does not modify or alter previous Measure 49 reservations concerning this chapter.

SECTION 25. Findings Adopted.

The findings contained in the Whereas Clauses of this Ordinance, and Exhibit A, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

SECTION 26. Severability.

The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 27. Savings.

Notwithstanding the amendment to this Title, the existing Title remains valid and in full force and effect for purposes of all criminal, civil or administrative code enforcement cases or land use actions or applications filed or commenced during the time said ordinances were operative. Nothing in this ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 28. Ordinance Effective Date.

Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

SECTION 29. Codification.

Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 24-29) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 13th day of July 2020 (First Reading) and on the 13th day of July 2020 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 13th day of July 2020.

_____

DICK ANDERSON, MAYOR

ATTEST:

_____

CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

_____

RICHARD APPICELLO, CITY ATTORNEY

EXHIBIT A - FINDINGS

Findings for Ordinances 2020-13 (Parking and Landscaping), 2020-14 (Permanent signs) and 2020-15 (Procedures)

The above referenced proposed ordinances were properly noticed pursuant to ORS 197.610 and were part of a city-wide Measure 56 notice to property owners. However, the ordinances are primarily housekeeping as the new Planning Director sought to better organize the development code; as such, notice to DLCD and the city-wide notices were probably not required as the statewide planning goals do not appear to be implicated by the re-organization. Notice was primarily done in an abundance of caution.

Ordinance 2020-13 moves landscaping requirements from the current numerous (scattered) locations to one uniform chapter. Similarly, the ordinance moves all parking and loading requirements to one existing chapter.

Ordinance 2020-14 reorganizes the sign code. Some years ago the City placed temporary signage in Chapter 9.34 in the Municipal Code – outside of the land use code processes which regulates permanent signage structures. The city maintained the requirements for temporary signage in both Title 17 and Title 9. The City now removes this duplication and places all temporary signage in Chapter 9.34 outside the land use chapter.

Ordinance 2020-15 reorganizes the administrative procedural requirements of the code and brings the city more in line with other jurisdictions in the valley by recognizing type 1-4 land use processes. Again, substantively requirements are not changing – the organization of the code is changing.

The public was exceedingly uninterested in the proposed amendments, with very little public comment or questions on the proposals.

A. Statewide Planning Goals

(1) Goal 1: Citizen Involvement

"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

All documents relating to the proposal(s) (amendments) were made available for public review and/or purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The city sent notice to all affected property owners regarding the public hearings on the proposed zoning ordinance amendments and the local newspaper published hearing notices in accordance with notice requirements. The planning commission and the city council each held a public hearing at which citizens were invited to participate. Therefore, the amendments are consistent with Goal 1.

(2) Goal 2: Land Use Planning

"To establish a land use planning process and policy framework as a basis for all

decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed them on a periodic cycle to take into account changing public policies and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revision of the plan and implementing ordinances. The City Council considered the proposed amendments to the Lincoln City Zoning Ordinance in accordance with the process and based on the criteria provided in the Municipal Code. Therefore the amendments are consistent with Goal 2.

(3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

The area affected by the proposed zoning ordinance amendments is located within the city's urban growth boundary. The city is currently is designated and zoned for urban development. There is no agricultural land in Lincoln City. The amendments do not affect agricultural lands. Goal 3 is not applicable.

(4) Goal 4: Forest Lands

"To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

The area affected by the proposed zoning ordinance amendment is within the city's urban growth boundary. The affected area does not include any designated forest lands; therefore, Goal 4 is not applicable.

(5) Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

"To protect natural resources and conserve scenic and historic areas and open spaces."

The amendments affect only areas already committed to urban development. They do not by themselves permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. The amendments are consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality

"To maintain and improve the quality of the air, water and land resources of the state."

The amendments will not adversely affect the quality of the air or water. They do not by themselves permit development that might affect water or air quality. The existing

ordinances and plan requirements relating to water and air quality will continue to apply to all properties that might be affected. Therefore, the amendments are consistent with Goal 6.

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

"To protect people and property from natural hazards."

The amendments do not by themselves allow development within any natural hazard area. The existing ordinances and plan requirements relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. Therefore, they are consistent with Goal 7.

(8) Goal 8: Recreational Needs

"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts."

The proposed ordinance amendments do not relate to recreation as that term is used in this goal and do not adversely affect the provision of or ability to site recreational areas in the City. The amendments are consistent with Goal 8.

Goal 9: Economic Development

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

The amendments are intended to address and remedy confusing and disjointed code provisions that the city believes are impeding development in the city. By better organizing the code and clarifying processes and requirements the city hopes the amendments will encourage development. The proposed amendments are consistent with Goal 9.

(10) Goal 10: Housing

"To provide for the housing needs of citizens of the state."

The amendments do not relate directly to the housing needs of the people of Lincoln City, except that clarity as noted above may encourage new development. Goal 10 therefore met or is not applicable.

(11) Goal 11: Public Facilities and Services

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

The amendments do not relate directly to public facilities and services. Goal 11 is not applicable.

(12) Goal 12: Transportation

"To provide and encourage a safe, convenient and economic transportation system."

The amendments do not relate directly to the development of the city's transportation system. Goal 12 is not applicable.

(13) Goal 13: Energy Conservation

"To conserve energy."

The amendments do not relate directly to energy conservation. Goal 13 is not applicable.

(14) Goal 14: Urbanization

"To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities."

The amendments do not relate directly to urbanization. Goal 14 is not applicable.

(15) Goal 15: Willamette River Greenway

"To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway."

The affected area is not located within the Willamette River Greenway; therefore, Goal 15 is not applicable.

(16) Goal 16: Estuarine Resources

"To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries."

The amendments by themselves do not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). All development in such areas already is controlled by existing ordinances and comprehensive plan standards. The amendments, therefore, are consistent with Goal 16.

(17) Goal 17: Coastal Shorelands

"To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands."

The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. All development in such areas already is controlled by existing ordinances and comprehensive plan standards. The amendments, therefore, are consistent with Goal 17.

(18) Goal 18: Beaches & Dunes

"To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas."

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The amendments do not, by themselves, allow any development in or near beach and dune areas. All development in such areas already is controlled by existing ordinances and comprehensive plan standards. The amendments are consistent with Goal 18.

(19) Goal 19: Ocean Resources

"To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations."

The amendments do not, by themselves, affect any ocean resources and, therefore, are consistent with Goal 19.

B. Comprehensive Plan Goals

(1) Planning Goal

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during their preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions and, therefore, in conformance with this goal.

(2) Citizen Involvement Goal

"Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process."

The City has developed a citizen involvement program. In addition, the public hearing process, with notice to the public and property owners and review of the amendments by the Planning Commission (a citizen board) and the City Council (comprised of elected citizen representatives,) establishes conformance with this goal.

(3) Public Services and Utilities Goal

"To plan and develop a timely, orderly, and efficient arrangement of public facilities and services, which compliment the area and serve as a framework for urban and rural development."

The proposed amendments do relate directly to public services and utilities. This goal is not applicable.

(4) Urbanization Goal

"To promote an orderly and efficient transition of land uses from rural to urban."

The amendments do not relate directly to urbanization. This goal is not applicable.

(5) Natural Hazard Goal

"The City shall control development in hazardous areas to protect life and property from natural disasters and hazards."

The amendments, by themselves, do not allow development in hazardous areas. Development in such areas is controlled by existing comprehensive plan and zoning ordinance standards, as well as building code requirements. The amendments are consistent with this goal.

(6) Housing Goal

"To provide for the housing needs of all citizens."

The amendments do not relate directly to the housing needs of the people of Lincoln City. The amendments do not substantively alter such requirements. The housing goal is met or does apply.

(7) Economy Goal

"To support the tourist industry and achieve a degree of diversity in the community, which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area."

The amendments are intended to address and remedy code provisions that are in need of clarity and better organization. By improving the clarity and organization of the code, the city hopes to encourage new development in the city. These amendments, therefore, are consistent with this goal.

(8) Aesthetic Goal

"To develop a livable and pleasing city which enhances man's activities while protecting the exceptional aesthetic quality of the area."

The amendments do not relate directly to aesthetics. This goal is not applicable.

(9) Transportation Goal

"To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people."

The amendments do not relate directly to transportation. This goal is not applicable.

(10) Energy Goal

"To conserve energy."

The amendments do not relate directly to energy conservation. This goal is not applicable.

(11) Overall Environmental Goal

"To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city."

The amendments, by themselves, do not allow development in sensitive natural resource areas. The existing ordinances and plan requirement relating to protecting the natural environment will continue to apply to all properties that might be affected. These amendments contribute to this goal.

(12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

"To conserve, to protect, to enhance the coastal resources of the city."

The amendments by themselves do not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay), in the city's coastal shorelands, beach and dune areas, or in ocean resource areas. The existing ordinances and comprehensive plan standards would be applied to any areas affected by these amendments, thereby protecting these resources. The amendments are consistent with this goal.

Council Communication

Ordinance 2020-13 Parking and Landscaping

Meeting Date:	July 13, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	AnneMarie Skinner
Approval:	Ronald F Chandler	Estimated Time:	10 minutes

Question(s):

Should the City Council conduct and approve First and Second Reading and adopt Ordinance 2020-13 entitled:

ORDINANCE NO. 2020-13

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING NUMEROUS CHAPTERS TO CONSOLIDATE AND ORGANIZE LANDSCAPING AND OFF STREET PARKING AND LOADING REQUIREMENTS

Staff Recommendation:

Staff recommends Council conduct First Reading of Ordinance 2020-13 and, *if unanimous,* Conduct and approve Second Reading and adopt the Ordinance. Any changes must be read.

Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

Background:

Background materials for the proposed off-street parking and loading requirements are found in the public hearing Agenda items for Ordinance 2020-13. The Planning Commission

recommended approval. Council directed the definitions be consolidated in a separate ordinance.

Council Options:

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.

2. Conduct and approve First Reading. Read changes, if any. Continue Second Reading to July 27, 2020 [or]

3. Continue First Reading to July 27, 2020.

4. Do not proceed with proposed ordinance.

Potential Motions:

City Attorney: [Conduct First Reading of Ordinance by Title only]

ORDINANCE NO. 2020-13

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING NUMEROUS CHAPTERS TO CONSOLIDATE AND ORGANIZE LANDSCAPING AND OFF STREET PARKING AND LOADING REQUIREMENTS

Council:

1. Motion to approve First Reading of Ordinance 2020-13.

If unanimous: conduct Second Reading

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Council:

1. Motion to approve Second Reading and adopt Ordinance 2020-13.

[or]

2. Motion to set Second Reading for July 27, 2020.

Attachments:

2020-13 730pm (DOCX)

FINAL Ext. A Findings 2020-13,14 and 15. (DOCX)

ORDINANCE NO. 2020-13

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING NUMEROUS CHAPTERS TO CONSOLIDATE AND ORGANIZE LANDSCAPING AND OFF STREET PARKING AND LOADING REQUIREMENTS

*Annotated to show deletions and additions to the code sections being modified. Deletions are **bold lined through** and additions are **bold underlined**.*

The City Council finds:

A. The amendments to the Lincoln City Municipal Code are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A"; and

B. The amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and

C. The City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s) on February 11, 2020 while the amendment does not remove uses from any zone, on February 26, 2020 the amendment was included in a city-wide mailing under ORS 227.186(4); and

D. The Planning Commission, on May 5, 2020, held a public hearing and considered the amendments contained within this ordinance. On May 19, 2020, the Planning Commission voted to transmit the amendments to the City Council with a recommendation that the ordinance be adopted; and

E. The City Council conducted the public hearing on June 22, 2020, closed the hearing, closed the record, and deliberated on the proposed amendments and on June 22, 2020 Council provided direction to staff to remove definitions and place them in a separate ordinance and to return with an Ordinance for adoption; and

F. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance amendments.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 17.16 (*Single Family Residential (R-1) District*), Section 17.16.075 *is* hereby added to read as follows:

17.16.075 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

SECTION 2. Chapter 17.17 (*Single Family Roads End (R-1-RE) District*), Section 17.17.075 *is* hereby added to read as follows:

17.17.075 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

SECTION 3. Chapter 17.18 (*Vacation Rental (VR) Zone*), Section 17.18.075 *is* hereby added to read as follows:

17.18.075 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

SECTION 4. Chapter 17.24 (*Professional Campus (PC) Zone*), Section 17.24.065 *is* hereby added to read as follows:

17.24.065 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

SECTION 5. Chapter 17.28 (*Recreation Commercial (RC) Zone*), Section 17.28.07*5* is hereby added as follows:

17.28.075 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

SECTION 6. Chapter 17.28 (*Recreation Commercial (RC) Zon*e), Section 17.28.100 is hereby amended to read as follows:

17.28.100 Other required conditions.

~~**A. Landscaping. Landscaping shall be provided in accordance with LCMC 17.52.100.**~~

~~**B**~~**A**. No development shall occur in the RC zone unless all city services (sewer and water) are available to serve such development.

~~**C**~~**B**. Design Features. All single-family units (site-built, modular and manufactured homes) to be constructed or located in the zone shall utilize at least two of the following design features to provide visual relief along the front of the home:

1. Dormers;

2. Gables;

3. Recessed entries;

4. Covered porch entries;

5. Cupolas;

6. Pillars or posts;

7. Bay or bow windows;

8. Eaves (minimum six-inch projection);

9. Off-sets on building face or roof (minimum 16 inches).

~~D~~**C**. All commercial or mixed use buildings in the RC zone must conform to Chapter 17.74 LCMC, Commercial Design Standards.

SECTION 7. Chapter 17.32 (*General Commercial (GC) Zone*), Section 17.32.08*5* is hereby added to read as follows:

17.32.085 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

SECTION 8. Chapter 17.32 (*General Commercial (GC) Zone*), Section 17.32.110 is hereby amended to read as follows:

17.32.110 Other required conditions.

~~**A. Landscaping. Landscaping shall be provided in accordance with LCMC 17.52.100**~~.

~~**B**~~**A**. Outdoor Storage Areas. All outdoor storage areas shall be screened from ground level view from adjacent properties and from public streets.

~~**C**~~**B.** Outdoor Sales Displays. Outdoor sales displays are allowed, but shall not be located in any yard, landscaped area, or off-street parking or loading area which is required by this title.

~~**D**~~**C**. Restrictions. No development shall occur in the GC zone unless all city services (sewer and water) are available to serve such development.

~~**E.**~~**D.** All commercial or mixed use buildings in the GC zone must conform to Chapter 17.74 LCMC, Commercial Design Standards.

SECTION 9. Chapter 17.36 (*Planned Industrial (PI) Zone*), Section 17.36.080. Paragraph A. is amended to read as follows:

17.36.080.A. Landscaping. Landscaping shall be provided in accordance with **Chapter 17.55 LCMC.** ~~**LCMC 17.52.100.**~~

SECTION 10. Chapter 17.40 (*Recreation Residential (RR) Zone*), Section 17.40.060. Paragraph I. 4. is amended to read as follows:

17.40.060.I.4. Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.~~**LCMC 17.52.100.**~~

SECTION 11. Chapter 17.42 (*Park (P) Zone*), *S*ection 17.42.060. Paragraph C. Is hereby amended as follows:

17.42.060.C. Landscaping. Landscaping **shall be provided in accordance with Chapter 17.55 LCMC.** ~~**must be provided in accordance with LCMC 17.52.100. The planning and community development director may make exceptions to the landscaping requirements only when a finding can be made that the exception meets the purpose of the park zone and will not impose a public safety hazard.**~~

SECTION 12. Chapter 17.17 (*Single Family Roads End (R-1-RE) District*), Section 17.17.090 is hereby amended to read as follows:

17.17.090 Off-street parking and loading. **Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.** ~~**The regulations of Chapter 17.56 LCMC apply to off-street parking and loading. Driveways shall not have an impervious width of more than 20 feet. Driveways may be gravel.**~~

SECTION 13. *Chapter 17.24 (Professional Campus (PC) Zone),* Section 17.24.080 is hereby amended to read as follows:

17.24.080 **Off-street** Parking **and loading.** Off-street parking **and loading** shall be provided in accordance with Chapter 17.56 LCMC.

SECTION 14. Chapter 17.28 (*Recreation Commercial (RC) Zone*), Section 17.28.090 is hereby amended to read as follows:

17.28.090 **Off-street** Parking **and loading.** Off-street parking **and loading** shall be provided in accordance with Chapter 17.56 LCMC.

SECTION 15. Chapter 17.32 (*General Commercial (GC) Zone*), Section 17.32.100 is hereby amended to read as follows:

17.32.100 **Off-street** Parking **and loading.** Off-street parking **and loading** shall be provided in accordance with Chapter 17.56 LCMC.

SECTION 16. Chapter 17.34 (*Nelscott Plan (NP) District*) Section 17.34.120 (*Off-Street parking and circulation*), is hereby amended to read as follows:

17.34.~~120~~ **070** Off-street parking and **loading** ~~circulation.~~

Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.

~~**A. Intent. Parking is to be provided to meet the anticipated normal demand. Where areas of surface parking exist, such areas shall be oriented behind or to the side of buildings. Off-street parking and loading for uses within the Nelscott Plan District are to be provided in accordance with Chapter 17.56 LCMC except as provided below.**~~

~~**B. Standards. In addition to the standards of Chapter 17.56 LCMC and the standards for block layout, alleys and parking lot access provided in LCMC 17.34.080, the following provisions apply to all new development:**~~

~~**1. Drive-Up and Drive-Through Uses. New drive-up/drive-through facilities (e.g., windows, ATMs, etc.) are not permitted. Where applicable, the reviewing authority may approve the relocation and improvement of existing drive-up facilities, subject to a conditional use permit.**~~

~~**2. On-Street Parking. Existing or required paved, standard-sized parking spaces that abut a parcel and that are located in a public street may be counted toward the required parking for commercial development on that parcel. For parcels fronting on Highway 101, the number of on-street parking spaces for standard-sized vehicles within 200 feet of a parcel may be counted toward the required number of parking spaces for commercial or mixed uses.**~~

~~**3. Off-Street Parking. There is no minimum off-street parking requirement for the commercial component of any mixed use building within 400 feet of a public parking facility; all other uses shall conform to the minimum parking standards of the municipal code except that required off-street parking spaces may be located on another parcel not more than 400 feet from the parcel they are intended to serve. Where new surface parking is planned, it shall be limited to parallel on-street parking spaces, parking bays abutting the street, and/or parking areas located behind or to the side of a building.**~~

~~**4. Parking Lot Design. Surface parking areas shall be divided into bays of not more than 12 parking spaces per bay. The minimum dimensions for landscape areas are four feet in width and 24 square feet in area. Additionally, where a**~~

~~parking area or access drive abuts a street or pedestrian access way, a landscape screen of not less than four feet in width and four feet in height shall be provided. Alternatively, the screen may be reduced to two feet in width where a masonry, wrought iron, brick or similar architectural-grade wall is also provided, subject to site plan review. Landscaping shall be provided in conformance with LCMC 17.34.140. The planning commission may allow a greater number of consecutive parking spaces where the development preserves and protects one or more existing mature trees or exceeds the minimum pedestrian space requirement in LCMC 17.34.110. The commission shall use its discretion in adjusting the standard; provided, that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from public rights-of-way.~~

~~5. Redevelopment of Surface Parking Lots. Site plans for properties adjacent to city-owned parking lots should allow for conversion of such lots to structured parking in the future. Site plans should also allow for the conversion of nonconforming, front yard parking lots to new building sites or pedestrian spaces as properties redevelop. Where a proposed project would construct underground parking, the review authority may adjust building coverage, setbacks, or other development standards to facilitate provision of public-private parking spaces.~~

~~6. Parking in Front of Buildings. Due to the pedestrian orientation of Nelscott, surface parking is not allowed between any new building and the street to which is it oriented. Where such parking currently exists, the owner may be required to install landscaping or other buffering between the parking area and the sidewalk with future redevelopment.~~

~~7. Service and Loading Areas. The visual, traffic, odor and noise impacts of service and loading areas, relative to streets, pedestrian spaces, pedestrian access ways and adjacent residences, shall be minimized. Service areas and loading docks/bays shall be accessed from an alley and screened using architectural elements that are compatible with adjacent building(s). Where no alley exists, service areas shall be accessed from streets other than Highway 101.~~

~~8. Exception for Commercial Vacation Rental Dwellings. A vacation rental dwelling in the NBMU or NBD subdistricts that (a) is in a building that existed on October 1, 2008, or pursuant to LCMC 17.34.040(E), replaces, with no increase in the number of bedrooms, such a building that was destroyed by calamity (e.g., fire, flood, earthquake), and (b) is on a lot that is too small to accommodate the number of parking spaces required by LCMC 17.80.050, need only provide the number of parking spaces that, as determined by the planning~~

~~**and community development director, reasonably can be accommodated on the lot.**~~

SECTION 17. Chapter 17.36 (*Planned Industrial (PI) Zone*) Section 17.36.070 (P*arking)*, Section 17.36.070 is hereby amended to read as follows:

17.36.070 **Off-street** Parking **and Loading**.
Off-street parking **and loading** shall be provided in accordance with Chapter 17.56 LCMC.

SECTION 18. Chapter 17.40 (*Recreation-Residential (R-R) Zone*) Section 17.40.060. Paragraph F and Section 17.40.060. Paragraph H are hereby amended to read as follows:

17.40.060.F. Off-Street Parking and Loading. **Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.** ~~**Two off-street parking spaces shall be provided per single-family dwelling, manufactured home, or recreational vehicle in accordance with the standards set forth in Chapter 17.56 LCMC.**~~

~~**17.40.060.H. Off-street parking of recreational vehicles is subject to LCMC 17.52.050.**~~

SECTION 19. Chapter 17.42 (*Park (P) Zone*) Section 17.42.060. Paragraph A is hereby amended to read as follows:

17.42.060.A. **Off-street** Parking **and Loading**. **Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.** ~~**Parking facilities must be provided in accordance with Chapter 17.56 LCMC. The planning and community development director may make exceptions to the requirements set forth in LCMC 17.56.110(D), (F) and (G) only when a finding can be made that the exception meets the purpose of the park zone and will not impose a public safety hazard.**~~

SECTION 20. Chapter 17.43 *(Open Space (OS) Zone*) Section 17.43.050. Paragraph A is hereby amended to read as follows:

17.43.050.A. **Off-street** Parking **and Loading**. **Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.** ~~**Parking facilities must be provided in accordance with Chapter 17.56 LCMC except for LCMC 17.56.110(D), (F) and (G).**~~

SECTION 21. Chapter 17.45 *(Taft Vilage Core (TVC) Zone*) Section 17.45.080. (Parking) is hereby amended to read as follows:

17.45.~~**080**~~ **070 Off-street** Parking **and Loading**. **Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.** ~~**Off-street parking and loading for uses within the TVC zone shall be provided in accordance with Chapter 17.56 LCMC with the following modifications:**~~

~~A. Number of Parking Spaces.~~

~~1. Commercial and Mixed Use. The TVC has no minimum off-street parking requirement for any commercial or mixed use building.~~

~~2. Residential. Multifamily dwellings, duplexes, and attached single-family dwellings in the TVC zone must have one and one-half spaces per dwelling unit.~~

~~3. Any other uses must provide the number of spaces required by LCMC 17.56.050.~~

~~B. Location of Parking.~~

~~1. All Properties. Except for one-family and two-family dwellings, new surface parking must be parallel on-street parking spaces, parking bays abutting the street, parking areas located behind or to the side of a building, or a combination of the above. Paved parking spaces for standard-sized vehicles in a public street or alley that abuts a parcel are eligible to meet part or all of the parking requirements for the development on that parcel.~~

~~2. Properties on Highway 101. For parcels fronting on Highway 101, the number of on-street parking spaces for standard-sized vehicles within 200 feet of a parcel may be counted toward the required number of parking spaces.~~

SECTION 22. Chapter 17.50 *(Oceanlake Plan (OP) District*) Section 17.50.120 (*Off-Street parking and circulation*) is hereby amended to read as follows:

17.50.~~120~~ 070 Off-street parking and Loading ~~circulation~~. Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.

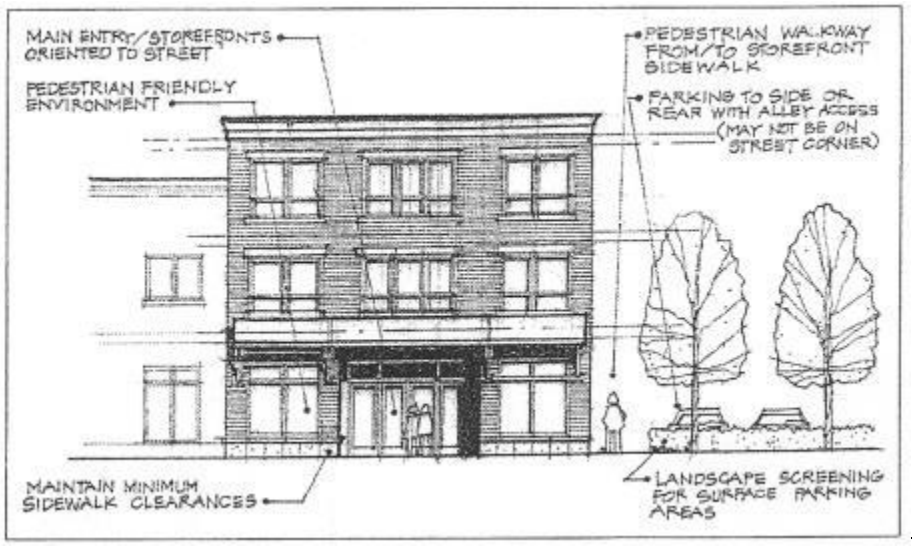
~~A. Intent. Parking is to be primarily in on-street parking spaces, parking bays abutting streets, garages, and in shared public or private parking areas internal to each block. Areas of surface parking must be behind or to the side of buildings. Surface parking may transition to structured parking over time as the market and public-private partnerships allow.~~

~~B. Standards. In addition to standards for block layout, alleys and parking lot access provided in LCMC 17.50.080, the following provisions apply to all new development and redevelopment:~~

~~1. Drive-Up and Drive-Through Uses. The Oceanlake plan district does not allow new drive-up/drive-through facilities. Where applicable, the reviewing authority may approve the relocation and improvement of existing drive-up facilities, subject to a conditional use permit.~~

~~**2. Number of Required Parking Spaces. The Oceanlake plan district has no parking requirement for any commercial or mixed use building in the main street highway overlay zone or for the commercial component of any mixed use building in the interior-mixed use or oceanfront overlay zones; all other uses must conform to the minimum parking standards of the LCMC 17.56.050.**~~

~~**3. Location of Required Parking. New surface parking must be parallel on-street parking spaces, parking bays abutting the street, parking areas located behind or to the side of a building, or a combination of the above. (Recommended: Figure 17.50.120-I.)**~~



~~**Figure 17.50.120-1: Parking is subordinate to storefront character. Parking must be buffered from adjacent streets and pedestrian ways. Drive-up/drive-through uses, where allowed, shall be oriented away from Main Street.**~~

~~**4. Parking Lot Design. Surface parking areas must be in bays of not more than 12 parking spaces. The minimum dimension for landscape areas is four feet in width and 24 square feet in area. Additionally, a landscape screen of not less than four feet in width and four feet in height must separate a parking area or access drive from an abutting street or pedestrian access way. Alternatively, and subject to site plan approval, the screen may be reduced to two feet in width where a masonry, wrought iron, brick or similar architectural-grade wall is provided. Landscaping must conform with LCMC 17.50.140. The planning commission may use its discretion to allow a greater number of consecutive parking spaces where the development preserves and protects one or more existing mature trees or exceeds the minimum pedestrian space requirement in LCMC 17.50.110. The commission may award more credit to projects that preserve the largest or most visible trees as viewed from public rights-of-way.**~~

~~**5. Redevelopment of Surface Parking Lots. Site plans for properties adjacent to city-owned parking lots must allow for conversion of such lots to structured parking in the future. Site plans must allow for the conversion of nonconforming, front yard parking lots to new building sites or pedestrian spaces as properties redevelop.**~~

~~**6. Parking in Front of Buildings. Due to the pedestrian orientation of this zone, surface parking is not allowed between any new building and the street to which it is oriented. Where such parking currently exists and the owner proposes to redevelop the site, the city may require the owner to install landscaping or other buffering between the parking area and the sidewalk.**~~

~~**7. Parking Structures. Parking structures (e.g., garages, decks, lids, etc.) may not open onto Highway 101, but must instead access a street, alley, or other access approved through site plan review. Structured parking must not directly abut Highway 101; it must instead be clad with commercial building(s) and/or pedestrian space a minimum of 10 feet in depth along the highway frontage.**~~

~~**8. Service and Loading Areas. Access to service areas and loading docks/bays must be from an alley and must be screened using architectural elements that are compatible with adjacent building(s). Where no alley exists, access to service areas must be from a street other than Highway 101.**~~

SECTION 23. Chapter 17.80 *(Provisions applying to Special Uses*) Section 17.80.040.B, numbered paragraphs 5 and 7 are hereby amended to read as follows:

17.80.040.B.5.Off-street parking **and loading shall be provided in accordance with Chapter 17.56 LCMC.** ~~**spaces shall be provided and improved in accordance with the requirements of Chapter 17.56 LCMC.**~~

17.80.040.B.7. Except for the driveway accesses for the park, a ~~**decorative**~~ sight-obscuring fence at least five but not more than six feet in height shall be located five feet back from the outer boundary of the recreational vehicle park. The area between the sight-obscuring fence and the recreational vehicle park boundary shall be landscaped**, along with the remainder of the site, in accordance with Chapter 17.55 LCMC.** The fence and landscaping shall be approved by the **applicable review authority.** ~~**planning commission.**~~

SECTION 24. Chapter 17.56 *(Off-street Parking and Loading*) is hereby amended to read as follows:

Chapter 17.56 Off-street Parking and Loading.

17.56.010 Applicability. The requirements of this chapter are applicable for all zoning districts, unless specifically stated otherwise, and shall be adhered to when:

A. A new building is hereafter erected; or

B. An existing building is enlarged to the extent that the cost of construction exceeds 50 percent of the improvement value of the building as shown on the Lincoln County Property Report from the Lincoln County Assessor's Office or to the extent that the building's capacity is increased by more than 50 percent in terms of units listed in LCMC 17.56.050; or

C. The occupancy classification of an existing building, or any portion thereof, is changed and the building enlarged; parking spaces shall be provided in proportion to the increase only, provided the increase is less than 50 percent of the existing building area. If the increase exceeds 50 percent, parking shall be provided for the entire structure in accordance with the requirements of this chapter. If the structure in which the change of use is to occur is not enlarged, no additional parking shall be required.

17.56.020 General standards.

A. The provision and maintenance of off-street parking, bicycle parking, and loading spaces and associated improvements is a continuing obligation of the property owner. The subsequent use of the property shall be conditional upon the unqualified continuance and availability of the amount of off-street parking, bicycle parking, and loading spaces required by this chapter.

B. Any requirement resulting in less than a whole number shall be rounded up to the nearest whole number for the required number of spaces. (Example: 0.75 equals 1 space; 1.25 equals 2 spaces; 1.50 equals 2 spaces; 1.75 equals 2 spaces).

C. Areas needed to meet the off-street parking and loading requirements shall not be transformed or changed to another type of use, or transferred to meet the parking requirements of another building or use, until the parking required for the original user of said parking or loading area is provided at another allowable location.

1. Required parking areas shall be available for the parking of operable passenger vehicles of residents, customers, patrons, and employees only.

2. Required parking and loading spaces and areas may not be used for the parking or storage of equipment, storage of goods or merchandise, displays of goods or merchandise, or any other use other than fulfilling the off-street parking or loading space requirements.

D. Portions of off-street parking areas may be redeveloped for transit-related uses, such as transit shelters or park-and-ride lots, to the extent the off-street parking area continues to meet applicable standards and subject to approval through the applicable procedural review.

17.56.030 Number of off-street parking spaces required.

A. The number of off-street parking spaces required shall be as set forth in Table 17.56.030-1.

Table 17.56.030-1 Required Off-street Parking Spaces

17.56.030 – 1 Number of spaces required.

The number of off-street parking spaces required shall be set forth in the following schedule:

Use	Requirement
A. Residential:	
1. **Detached** Single-**unit, attached single unit,** and **duplex** ~~**two-family dwelling**~~	
a. ~~**700**~~ **1,000** square feet or less per unit	1 space per dwelling unit
b. **Over 1000** ~~**701 to 1,000**~~ square feet per unit	~~**1.5**~~ **2** spaces per dwelling unit ~~**(round up)**~~
c. ~~**Over 1,000 square feet per unit**~~	~~**2 spaces per dwelling unit**~~
2. Multi~~**ple-family**~~ **unit** dwelling containing three or more dwelling units	1.5 spaces per dwelling unit **for those units with two or more bedrooms and 1 spacee per dwelling unit for one bedroom or studio units**
3. Rooming or boarding houses; residential hotel	1 space for each accommodation plus 1 additional space per 2 employees
4. Mobile home park	1.5 spaces per dwelling
5. Congregate care facility	1 space per 4 accommodations plus 1 additional space per employee
6. Bed and breakfast accommodation	1 space per accommodation plus the required spaces per dwelling unit
7. Elderly housing units	1 space per dwelling unit plus 1 additional space per employee
B. Commercial-Residential:	
1. Recreational vehicle park	1 space per recreational vehicle space plus 1 additional space per employee
2. Hotel or motel	1 space per guest room or suite plus one additional space for each employee

Use	Requirement
3. Club, lodge	Spaces to meet the combined requirements of the uses conducted, such as hotel, restaurant, auditorium, etc.
C. Institutions:	
1. Welfare or correctional institution, convalescent hospital, nursing home, rest home, sanitarium or similar institution	1 space per 4 beds for residents, patients or inmates plus 1 for each employee
2. Hospital	1 space per 2 beds plus 1 space for each employee
D. Places of public assembly:	
1. Place of worship, auditorium, gymnasium, community center or other place of public assembly	1 space per 4 seats or 8 feet of bench length in the main auditorium or, if no permanent seats are provided, 1 space per 80 square feet of floor area of the main auditorium
2. Library, reading room, museum, art gallery	1 space per 400 square feet plus 1 space for each employee
3. Preschool nursery, day nursery or kindergarten	1 space per teacher, adult supervisor or employee
4. Elementary or junior high school and equivalent private or parochial school	1 space per classroom and special instruction area or the requirement for a place of public assembly, whichever is the greater, plus 1 space per nonteaching and administrative employee
5. High school	8 spaces per classroom and special instruction area, or the requirement for a place of public assembly, whichever is the greater
6. College, university, institution of higher learning and equivalent parochial school	1 space for each 5 seats in total number of classrooms
E. Commercial amusement:	
1. Amusement park	1 space for 1,000 sq. ft. of patron serving area, plus 1 space for each employee
2. Billiard and pool halls	1 space for each table plus 1 space for each employee
3. Bowling alley	5 spaces for each alley plus 1 space for each employee

Use	Requirement
4. Dance hall	1 space for each 50 sq. ft. of patron area, plus 1 space for each employee
5. Golf course (9- and 18-hole)	5 spaces per hole, plus 1 space per employee at maximum shift plus 75 percent of the spaces otherwise required for any accessory uses (e.g., bar, restaurant, etc.)
6. Golf driving range	1 space for each 10 linear feet of driving line
7. Miniature golf	1-1/2 spaces per hole
8. Indoor arena or theater	1 space for each 4 seats or 8 feet of bench length
9. Moorage (boat)	1 space for each 2-boat berth plus 1 space for each employee
10. Skating rink	1 space for each 50 sq. ft. of floor or rink area plus 1 space for each employee
11. Stadium	1 space for each 8 seats or 16 feet of bench length
12. Swimming pool	1 space for each 100 sq. ft. of pool area plus 1 space for each employee
13. Tennis and racquet court	4 spaces for each court
F. Commercial:	
1. Store, supermarket, and department store	1 space for each 400 sq. ft. of gross floor area plus 1 space for each employee
2. Retail store handling bulky merchandise such as automobiles, furniture and large appliances	1 space for each 600 sq. ft. of gross floor area plus 1 space for each employee
3. Service or repair shop	1 space per 800 sq. ft. of gross floor area plus 1 space for each employee
4. Bank or office (except medical and dental)	1 space for each 400 sq. ft. of floor area plus 1 space for each employee
5. Medical and dental clinic	1 space per 200 sq. ft. of floor area plus 1 space for each employee
6. Restaurant, tavern or bar	1 space for each 3 seats provided for customers plus 1 space for each employee

Use	Requirement
7. Mortuary	1 space for each 4 chapel seats plus 1 space for each employee
G. Industrial:	
1. Manufacturing uses	1 space for each 2 employees on maximum shift
2. Storage warehouse, trucking freight terminals	1 space for each 5,000 sq. ft. for first 20,000 sq. ft. plus 1 additional space for each 50,000 sq. ft.
3. Wholesale establishment	1 space per employee plus 1 space per 700 sq. ft. of patron serving area

B. Exceptions to the number of off-street parking spaces required. One or more exception may apply to a development.

1. There are no off-street parking requirements for commercial uses, commercial buildings, or the commercial portion of mixed-use buildings located within the boundaries of any of the pearls (Wecoma, Oceanlake, Delake, Taft, Nelscott, Cutler City), said boundaries as identified on the city's adopted zoning map.

2. The number of off-street parking spaces may be reduced by 10 percent of the off-street parking requirement for every five bicycle parking spaces provided over and above the standard requirement for bicycle parking spaces.

3. The number of off-street parking spaces may be reduced by 10 percent of the off-street parking requirement by preserving at least two mature and healthy trees. To receive this credit, a licensed Oregon arborist must certify the trees to be preserved are healthy, and the grading plan must show enough protection and lack of disturbance around the roots (again, as certified by a licensed Oregon arborist) that the trees will be protected and preserved throughout construction and thereafter.

C. Uses not listed in Table 17.56.030-1. Uses not specifically listed in Table 17.56.030-1 shall furnish off-street parking as required by the director. In determining the off-street parking requirements for unlisted uses, the director shall use Table 17.56.050-1 as a general guide, and shall determine the minimum number of off-street parking spaces required to avoid undue interference with the use of public right-of-way.

17.56.040 Number of off-street loading spaces required.

A. Every building hereafter erected or established, for a use other than residential, having a gross floor area of 10,000 square feet or more shall provide and maintain at least one off-street loading space plus one additional off-street loading space for each additional 20,000 square feet of gross floor area.

B. Each loading space shall be not less than 10 feet wide by 25 feet in length and 14 feet in height.

17.56.050 Joint use of off-street parking and loading spaces.

A. Off-street parking and loading requirements may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures, sites, or developments that their operations and parking needs do not overlap in point of time.

B. If the uses, structures, sites, or developments are under separate ownership, the right to joint use of off-street parking or loading spaces must be evidenced by a deed, lease, contract, or other appropriate written document establishing the terms of the joint use, and submitted to the department.

17.56.060 More than one use in a building or on a development.

A. Where more than one use is included within any building or structure, or on any single parcel, lot or development, the off-street parking and loading requirements shall be the sum total of the requirements of the various uses.

B. In instances where the operations of the different uses are such that the hours of operation or uses complement each other insofar as the off-street parking or loading demand is concerned, a reduction in these requirements may be authorized as part of the applicable procedural review.

17.56.070 Development and Maintenance Standards for Off-street Parking for detached single-unit dwellings, attached single-unit dwellings, and duplexes.

A. Location.

1. Off-street parking areas shall be located on the same lot or parcel as the detached single-unit dwelling, attached single-unit dwelling, or duplex.

2. Boats, trailers, recreational vehicles, campers, and house trailers shall not be allowed within the required front setback area.

B. Parking Space Sizes and Driveway Approaches.

1. Standard spaces are sized at 9 feet wide by 20 feet long.

2. Compact spaces are sized at 8 feet wide by 16 feet long. Up to 50 percent of the required number of off-street parking spaces may be sized as compact spaces.

3. The number, placement, width, and spacing of driveway approaches shall be determined by the city engineer.

C. Surfacing.

1. Materials. Driveways shall have permanent, dust-free surfaces and shall be constructed to support use by solid waste collection vehicles and firefighting apparatus. Surfaces shall consist of one or more of the following materials:

a. Concrete or asphalt;

b. Block pavers of concrete, stone, brick, or similar material;

i. This surface is considered impervious unless, through consultation with the city engineer, the spacing and installation are determined to be sufficient to count as an allowable pervious surface.

c. Pervious concrete or asphalt; or

d. Other materials, as approved by the city engineer.

2. Maximum Impervious Surface for Driveways, Parking Spaces, and Parking Areas.

a. The maximum total combined impervious surface width for all driveways, parking spaces, and parking areas on the site shall be one-half foot in width per one lineal foot of street frontage, regardless of the number of individual driveways, parking spaces, or parking areas on the site. Additionally, the following shall apply:

i. The minimum width of a driveway, parking space, or parking area shall be 9 feet, regardless of the type of surface.

ii. The maximum impervious surface width per individual driveway, parking space, or parking area shall be 36 feet, regardless of the amount of street frontage.

iii. In instances where the lot or parcel has less than 50 lineal feet of street frontage, the maximum width of impervious surface for a driveway, parking space, or parking area shall be 25 feet.

iv. Lots or parcels having more than one street frontage shall only count the lineal street frontage of one frontage, using the longest street frontage for the calculation.

D. Installation and Maintenance.

1. Materials shall be installed and maintained adequately for all-weather use, including proper drainage, so as to avoid flow of water across sidewalks and any property line.

2. All pervious surfaces shall be designed, installed, and maintained to ensure proper stormwater infiltration.

17.56.080 Development Standards for Off-street Parking and Loading Areas for all uses other than detached single-unit dwellings, attached single-unit dwellings, and duplexes.

A. Location.

1. Off-street parking and loading areas shall be located on the same lot or parcel as the use or on a separate lot or parcel not farther than 1,000 feet from the building or use they are intended to serve, measured in a straight line from nearest property corner to nearest property corner.
   a. The burden of arranging for such off-premises parking or loading rests upon the person who has the responsibility of providing off-street parking and loading.
   b. Proof of such off-premises parking arrangements shall be provided. Acceptable forms of proof include deeds, leases, or contracts for such arrangement.
2. Area in a public right-of-way or an alley shall not be eligible as fulfilling any part of the off-street parking or loading requirements.
3. Off-street parking and loading spaces shall be located above, beneath, to the rear, or to the side of buildings.
4. Parking and loading spaces must be outside of required building setback areas.
5. Parking and loading spaces must be at least 10 feet from public right-of-way, and the space between the public right-of-way and the parking and loading spaces must be landscaped according to the standards in Chapter 17.55 LCMC.
6. In no case shall any parking area or parking or loading space be located between the front of the building and the front property line.
7. Parking and loading spaces must be located such that there are no backing movements or other maneuvering within public right-of-way. Backing movements or other maneuvering within alleys or private streets is allowed however.

B. Surfacing.

1. Parking spaces, parking areas, and driveways shall have permanent, dust-free surfaces and shall be constructed to support use by solid waste vehicles and firefighting apparatus.

2. Surfaces shall consist of one or more of the following materials:

a. Concrete or asphalt;

b. Block pavers of concrete, stone, brick, or similar material;

i. This surface is considered impervious unless, through consultation with the city engineer, the spacing and installation are determined to be sufficient to count as an allowable pervious surface.

c. Pervious concrete or asphalt; or

d. Other materials, as approved by the city engineer.

C. Redevelopment. Site design shall incorporate the conversion of existing parking areas located in front of buildings to pedestrian spaces as properties redevelop.

D. Installation and Maintenance.

1. Materials shall be installed and maintained adequately for all-weather use, including proper drainage so as to avoid flow of water across sidewalks and any property line.

2. All pervious surfaces shall be designed, installed, and maintained to ensure proper stormwater infiltration.

E. Maximum Impervious Surface.

1. All parking spaces, parking areas, and loading spaces in excess of the minimum required amount shall be surfaced with pervious materials as approved by the city engineer.

a. Except that, since commercial uses and buildings in the pearls do not have an off-street parking space requirement, if off-street parking is provided anyway as part of the development, the number of spaces provided in excess of what would have been required for the same use if it wasn't located in a pearl, shall be surfaced with pervious materials as approved by the city engineer.

F. Curbing and Wheel Stops.

1. Parking spaces shall be contained by a curb or wheel stop so placed to prevent a vehicle from extending into an adjacent property, public right-of-way, private street, sidewalk, or landscaping area.

2. Curbing shall be a minimum of four inches in height and width.

3. Wheel stops shall be a minimum of four inches in height and width, and six feet in length; shall be firmly attached to the ground, and so constructed as to withstand normal wear.

4. Parking spaces having curbing or wheel stops may be reduced in length by two feet, allowing for overhang of the vehicle parked in that space, provided the curbing or wheel stops are placed two feet back from the front of the parking space.

G. Marking. All off-street parking and loading spaces shall be permanently and clearly marked, and such marking shall be replaced regularly, so as to remain clearly visible at all times.

H. Landscaping.

1. In all instances except the following when occurring on individual lots - detached single-unit dwellings, attached single-unit dwellings, manufactured homes, and duplexes - and except in the R-1-5, R-1-7.5, R-1-10, R-1-RE, and VR zones, parking areas shall include landscaping to cover not less than ten percent of the area devoted to parking spaces and areas, which area is computed as a part of the required landscaping of the total gross area pursuant to Chapter 17.55 LCMC.

2.Surface parking lots must have perimeter buffer strip landscaping of not less than four feet in depth (see Figure 17.56.080-1) landscaped in accordance with Chapter 17.55 LCMC.

I. Screening. Any off-street parking area providing five or more parking spaces shall be screened from view by a screening hedge or a 6-foot-tall, sight-obscuring fence on each side that adjoins property situated in the R-1-5, R-1-7.5, R-1-10, R-1-RE, R-M, R-R, or NCR zones or the premises of any school. Screening hedges are subject to the provisions of Chapter 17.55 LCMC.

J. Lighting of Parking Areas.

1. If provided, light poles in parking areas shall not exceed a height of 20 feet.

2. Any provided lighting in parking areas shall be shielded or provided with cut-offs to avoid glare, light pollution (night sky) and light spillover onto residentially-used properties.

3. Maximum initial luminance of lighting provided in parking areas shall not exceed four foot-candles, with 0 foot-candles at property lines.

K.Accessible Parking. Parking areas shall meet all applicable accessible parking requirements of federal, state, and local codes.

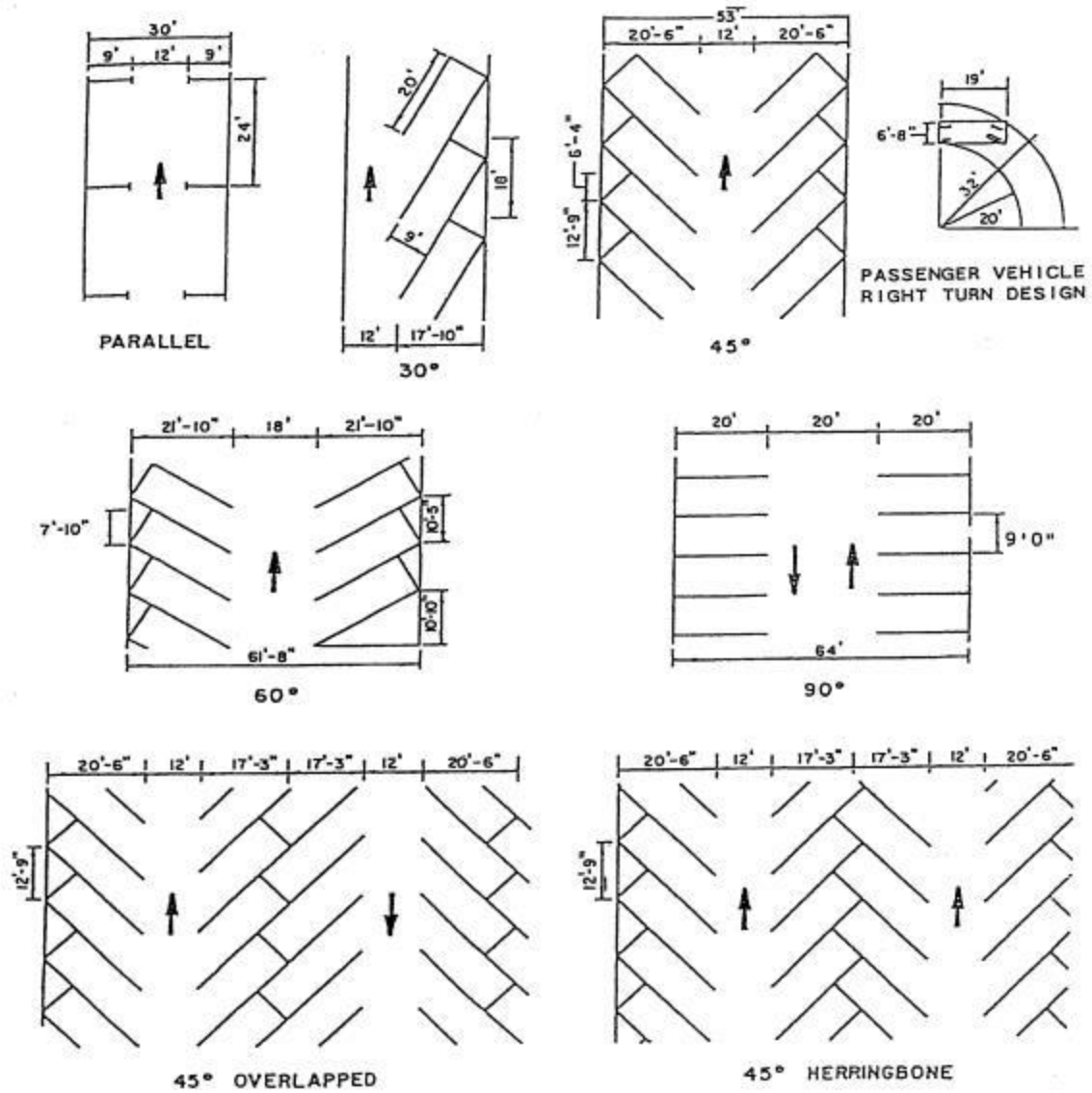
L. Parking Area Layout and Dimensions.

1. A minimum of 50 percent of the required number of parking spaces must be designed as standard sized spaces with a minimum space width of nine feet and length of 20 feet.

2. No more than 50 percent of the required number of parking spaces may be designed as compact sized spaces with a minimum space width of eight feet and length of 16 feet.

3. A clear pedestrian circulation route from parking stalls to the primary building entrance, or a pedestrian area immediately adjacent to the primary building entrance, must be provided.

4. Parking areas shall be designed as follows:



M. Parking rows.

1. Surface parking lots containing more than 20 parking spaces must have rows of not more than 12 continuous parking spaces and shall include one planting island between every 12 parking stalls.

a. Islands must be at least 5 feet wide, with a minimum area of 190 square feet in a double-loaded parking row or 95 square feet in a single-loaded parking row.

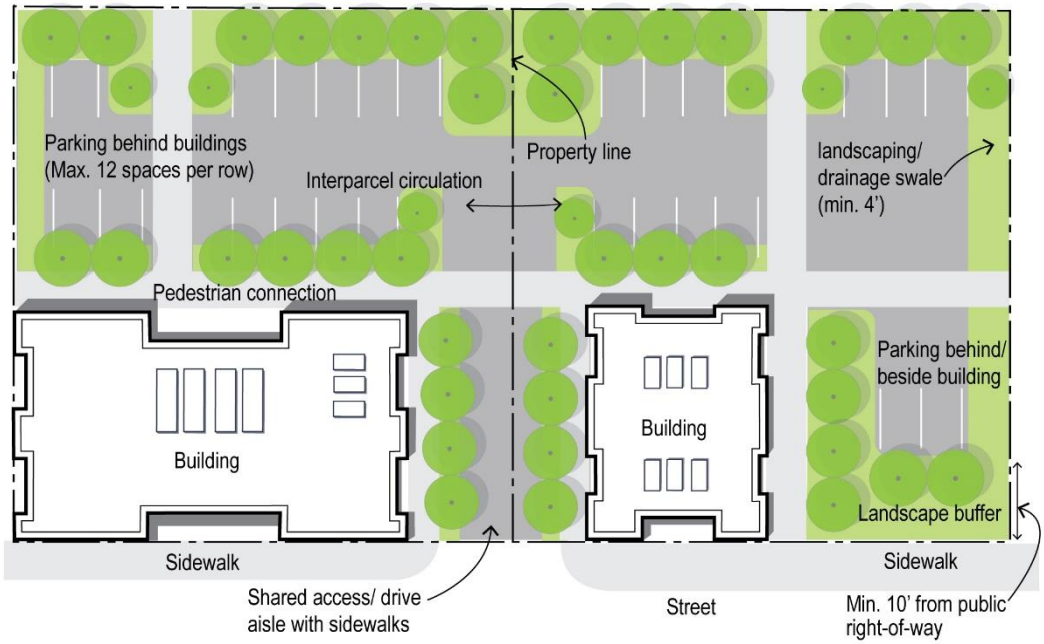
b. Islands must be provided with protective curbing to prevent vehicles driving directly into the island.

c. Islands count towards the interior parking lot landscaping requirement of subsection 17.56.080.I.1.

d. Islands must be landscaped pursuant to the provisions of Chapter 17.55 LCMC.

2. The perimeter of parking lots or the outer parking aisles must contain at least a four-foot-wide landscaping/drainage swale or landscape buffer (see Figure 17.56.080-1) landscaped pursuant to the provisions of Chapter 17.55 LCMC. The perimeter landscaping buffer counts towards the interior parking lot landscaping requirement of subsection 17.56.080.I.1.

Figure 17.56.080-1



N. RV, Motorhome, and Bus Parking. Developments with 50 or more required off-street parking spaces shall provide the following minimum number of off-street parking spaces sized and designated for the parking of RVs, motorhomes, and buses:

Number Required	Total Parking Spaces
1	50 – 75
2	76 – 100
3	101 – 200

Number Required	Total Parking Spaces
	One RV, motorhome, bus space for each additional 100 spaces or a fraction thereof.

Each RV/motorhome/bus space shall be not less than 10 feet wide and 30 feet long.

O. Structured parking.

1. Where structured parking is provided in a stand-alone structure that doesn't contain any uses other than parking, the structure must be set back from public right-of-way a minimum of 10 feet. The 10-foot setback area shall be landscaped subject to the provisions of Chapter 17.55 LCMC.

17.56.090 Bicycle parking

A. Number of bicycle parking spaces required. One bicycle parking space, as defined in subsection (D) of this section, is required for every 20 vehicle parking spaces required in LCMC 17.56.030.
B. Access. An unobstructed walkway of at least five feet in width shall connect each bicycle parking area to the primary entrance or the pedestrian area in front of the primary entrance.
C. Location. All bicycle parking areas shall be within a well-lighted area within 100 feet of, or clearly visible from the primary building entrance or public right-of-way. Where necessary, a sign shall direct users to the bicycle parking area.
D. Dimensions. Each bicycle parking space shall be at least two feet by six feet with a vertical clearance of six feet.
E. Security. Bicycle parking facilities shall be either a lockable enclosure for storing bicycles or a stationary object (i.e., a rack) to which bicyclists can lock their bicycles.

~~Chapter 17.56~~
~~OFF-STREET PARKING AND LOADING REGULATIONS~~

~~17.56.010 Generally.~~
~~No building, development, conditional use or other permit shall be issued until evidence and plans are presented in accordance with these provisions to show how the off-street parking and loading requirements are to be fulfilled and that property is and will be available for the exclusive use as off-street parking and loading space. The subsequent use of the property for which the permit is issued shall be conditional upon the~~

~~unqualified continuance and availability of the amount of parking and loading space required by this section. (Ord. 92-8 § 13; Ord. 84-2 § 5.010)~~

~~17.56.020 Off-street parking plan.~~

~~A plan, drawn to scale, indicating how the off-street parking and loading requirement is to be fulfilled shall accompany the application for a development permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled and shall include, but not be limited to:~~

~~A. Delineation of individual parking spaces, including disabled person parking spaces;~~

~~B. Circulation area necessary to serve spaces;~~

~~C. Access to streets, alleys and properties to be served;~~

~~D. Curb cuts;~~

~~E. Type of landscaping, fencing or other screening materials;~~

~~F. Grading, drainage, surfacing and subgrading details;~~

~~G. Delineations of all structures or other obstacles to parking and circulation on the site;~~

~~H. Specifications as to signs and wheel stops;~~

~~I. Loading areas and docks;~~

~~J. Location and type of lighting fixtures;~~

~~K. Location of planter bays where required;~~

~~L. Proposed number of employees and amount of floor area space applicable to the parking requirements of the proposed use. (Ord. 92-8 § 13; Ord. 84-2 § 5.020)~~

~~17.56.030 Off-street loading.~~

~~Every hospital, institution, hotel, commercial or industrial building hereafter erected or established having a gross floor area of 10,000 square feet or more shall provide and maintain at least one off-street loading space plus one additional off-street loading space for each additional 20,000 square feet of gross floor area. Any use requiring one-half or more of a loading space shall be deemed to require the full space. Each loading space shall be not less than 10 feet wide, 25 feet in length and 14 feet in height. (Ord. 92-8 § 13; Ord. 84-2 § 5.030)~~

17.56.040 Off-street parking.

Off-street parking spaces shall be provided and maintained as set forth in this section for all uses in all zoning districts. Such off-street parking spaces shall be provided at the time:

A. A new building is hereafter erected;

B. An existing building is enlarged to the extent that the cost of construction exceeds 50 percent of the market value of the building as shown on the county assessor's records or to the extent that the building's capacity is increased by more than 50 percent in terms of units listed in LCMC 17.56.050; or

C. The use of an existing building is changed and the building enlarged; parking spaces shall be provided in proportion to the increase only, provided the increase is less than 50 percent of the existing building area. If the increase exceeds 50 percent, parking shall be provided for the entire structure in accordance with the requirements of this chapter. If the structure in which the change of use is to occur is not enlarged, no additional parking shall be required;

D. Any use requiring one-half or more of a parking space shall be deemed to require the full space;

E. Parking spaces provided to meet the requirements of this section shall not be reduced in size or number to an amount less than required by this section for the use occupying the building. The provision and maintenance of off-street parking space is a continuing obligation of the property owner;

F. When additional parking or loading area is required, or added to an existing, nonconforming parking or loading area, the entire parking and loading area shall be improved as provided in LCMC 17.56.010, and landscaped pursuant to LCMC 17.52.100. (Ord. 92-8 § 13; Ord. 84-2 § 5.040)

17.56.050 Number of spaces required.

The number of off-street parking spaces required shall be set forth in the following schedule:

Use	Requirement
A. Residential:	
1. Single- and two-family dwelling	-
a. 700 square feet or less per unit	**1 space per dwelling unit**
b. 701 to 1,000 square feet per unit	**1.5 spaces per dwelling unit (round up)**

Use	Requirement
c. Over 1,000 square feet per unit	2 spaces per dwelling unit
2. Multiple-family dwelling containing three or more dwelling units	1.5 spaces per dwelling unit
3. Rooming or boarding houses; residential hotel	1 space for each accommodation plus 1 additional space per 2 employees
4. Mobile home park	1.5 spaces per dwelling
5. Congregate care facility	1 space per 4 accommodations plus 1 additional space per employee
6. Bed and breakfast accommodation	1 space per accommodation plus the required spaces per dwelling unit
7. Elderly housing units	1 space per dwelling unit plus 1 additional space per employee
B. Commercial-Residential:	
1. Recreational vehicle park	1 space per recreational vehicle space plus 1 additional space per employee
2. Hotel or motel	1 space per guest room or suite plus one additional space for each employee
3. Club, lodge	Spaces to meet the combined requirements of the uses conducted, such as hotel, restaurant, auditorium, etc.
C. Institutions:	
1. Welfare or correctional institution, convalescent hospital, nursing home, rest home, sanitarium or similar institution	1 space per 4 beds for residents, patients or inmates plus 1 for each employee
2. Hospital	1 space per 2 beds plus 1 space for each employee
D. Places of public assembly:	
1. Place of worship, auditorium, gymnasium, community center or other place of public assembly	1 space per 4 seats or 8 feet of bench length in the main auditorium or, if no permanent seats are provided, 1 space per 80 square feet of floor area of the main auditorium

Use	Requirement
2. Library, reading room, museum, art gallery	1 space per 400 square feet plus 1 space for each employee
3. Preschool nursery, day nursery or kindergarten	1 space per teacher, adult supervisor or employee
4. Elementary or junior high school and equivalent private or parochial school	1 space per classroom and special instruction area or the requirement for a place of public assembly, whichever is the greater, plus 1 space per nonteaching and administrative employee
5. High school	8 spaces per classroom and special instruction area, or the requirement for a place of public assembly, whichever is the greater
6. College, university, institution of higher learning and equivalent parochial school	1 space for each 5 seats in total number of classrooms
E. Commercial amusement:	
1. Amusement park	1 space for 1,000 sq. ft. of patron serving area, plus 1 space for each employee
2. Billiard and pool halls	1 space for each table plus 1 space for each employee
3. Bowling alley	5 spaces for each alley plus 1 space for each employee
4. Dance hall	1 space for each 50 sq. ft. of patron area, plus 1 space for each employee
5. Golf course (9- and 18-hole)	5 spaces per hole, plus 1 space per employee at maximum shift plus 75 percent of the spaces otherwise required for any accessory uses (e.g., bar, restaurant, etc.)
6. Golf driving range	1 space for each 10 linear feet of driving line
7. Miniature golf	1-1/2 spaces per hole
8. Indoor arena or theater	1 space for each 4 seats or 8 feet of bench length
9. Moorage (boat)	1 space for each 2-boat berth plus 1 space for each employee

~~Use~~	~~Requirement~~
~~10. Skating rink~~	~~1 space for each 50 sq. ft. of floor or rink area plus 1 space for each employee~~
~~11. Stadium~~	~~1 space for each 8 seats or 16 feet of bench length~~
~~12. Swimming pool~~	~~1 space for each 100 sq. ft. of pool area plus 1 space for each employee~~
~~13. Tennis and racquet court~~	~~4 spaces for each court~~
~~F. Commercial:~~	
~~1. Store, supermarket, and department store~~	~~1 space for each 400 sq. ft. of gross floor area plus 1 space for each employee~~
~~2. Retail store handling bulky merchandise such as automobiles, furniture and large appliances~~	~~1 space for each 600 sq. ft. of gross floor area plus 1 space for each employee~~
~~3. Service or repair shop~~	~~1 space per 800 sq. ft. of gross floor area plus 1 space for each employee~~
~~4. Bank or office (except medical and dental)~~	~~1 space for each 400 sq. ft. of floor area plus 1 space for each employee~~
~~5. Medical and dental clinic~~	~~1 space per 200 sq. ft. of floor area plus 1 space for each employee~~
~~6. Restaurant, tavern or bar~~	~~1 space for each 3 seats provided for customers plus 1 space for each employee~~
~~7. Mortuary~~	~~1 space for each 4 chapel seats plus 1 space for each employee~~
~~G. Industrial:~~	
~~1. Manufacturing uses~~	~~1 space for each 2 employees on maximum shift~~
~~2. Storage warehouse, trucking freight terminals~~	~~1 space for each 5,000 sq. ft. for first 20,000 sq. ft. plus 1 additional space for each 50,000 sq. ft.~~
~~3. Wholesale establishment~~	~~1 space per employee plus 1 space per 700 sq. ft. of patron serving area~~

~~H. Other uses not specifically listed above shall furnish parking as required by the planning director. In determining the off-street parking requirements for said uses, the planning director shall use the above requirements as a general guide, and shall determine the minimum number of parking spaces required to avoid undue interference with the public use of streets and alleys.~~

~~I. If the planning director finds that a portion of the floor area, not less than 100 contiguous square feet, in a retail store will be used exclusively for storage of merchandise which is not being displayed for sale, the director may deduct such space in computing parking requirements, but the owner shall not thereafter use the space for any other purpose without furnishing additional off-street parking as required by this section.~~

~~J. Reductions in Parking Requirements. An applicant may ask the community development director to reduce the minimum required vehicle parking standards in this section by one space for every five bicycle parking spaces on the site. The director may allow a maximum reduction of up to 10 percent of the required vehicle parking spaces. (Ord. 2019-03 § 1; Ord. 2016-21 § 13; Ord. 2012-06 § 11; Ord. 2001-01 § 2; Ord. 93-1 § 1; Ord. 92-8 § 13; Ord. 84-2 § 5.050)~~

~~17.56.060 Joint use of facilities.~~

~~The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap in point of time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use. (Ord. 92-8 § 13; Ord. 84-2 § 5.060)~~

~~17.56.070 More than one use.~~

~~Where more than one use is included within any building or on any single parcel, the parking requirements shall be the sum total of the requirements of the various uses; provided however, where the operations of these different uses is such that the hours of operation or uses complement each other insofar as the parking demand is concerned, the planning director may authorize a reduction in these requirements. (Ord. 92-8 § 13; Ord. 84-2 § 5.070)~~

~~17.56.080 Use of parking facilities.~~

~~A. Areas needed to meet the parking requirements of a particular building or use shall not be transformed or changed to another type of use, or transferred to meet the parking requirements of another building or use, until the parking required for the original user of said parking area is provided at another location. Such required parking shall be available for the parking of operable passenger vehicles of residents, customers, patrons and employees only, and shall not be used for the storage of vehicles or materials, or for the parking of trucks used in the conduct of the business or use.~~

~~B. Property owners may redevelop portions of off-street parking areas for transit-related uses, such as transit shelters or park-and-ride lots, to the extent the parking area continues to meet applicable standards and subject to the approval of the planning and community development director. (Ord. 2016-21 § 14; Ord. 92-8 § 13; Ord. 84-2 § 5.080)~~

~~17.56.090 Location of parking facilities.~~

~~Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located on the same parcel or on another parcel not further than 200 feet from the building or use they are intended to serve, measured in a straight line from the building. The burden of providing the existence of such off-premises parking arrangement rests upon the person who has the responsibility of providing parking, by evidence in the form of deeds, leases or contracts for such off-premises parking arrangement. Parking spaces in a public street, including an alley, shall not be eligible as fulfilling any part of the parking requirements. (Ord. 92-8 § 13; Ord. 84-2 § 5.090)~~

~~17.56.100 Parking – Front yard.~~

~~Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard, except in the case of one- or two-family dwellings, but such space may be located within a required side or rear yard. (Ord. 92-8 § 13; Ord. 84-2 § 5.100)~~

~~17.56.110 Development and maintenance standards for off-street parking areas.~~

~~A. Access. Except for single-family and two-family dwellings, groups of more than two parking spaces shall:~~

~~1. Be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley. If served by an existing dedicated alley for egress or ingress or as a backup space, then the alley shall be improved to city standards for permanent alley construction; and~~

~~2. Except as provided in LCMC 17.20.100 (E)(1), be served by a driveway that is, or driveways that are, improved from a public roadway to the parking area to a minimum width of 20 feet for two-way driveways and 10 feet for one-way driveways.~~

~~B. Screening. An off-street parking area for more than five vehicles shall be effectively screened by a sight-obscuring fence, hedge or planting on each side which adjoins property situated in residential zones or the premises of any school.~~

~~C. Lighting. Any lighting used to illuminate the off-street parking areas shall be so arranged that it will not project light rays directly upon any adjoining property in residential zones.~~

~~D. Surfacing.~~

~~1. Materials. Areas used for standing and maneuvering of vehicles shall have permanent, dust-free surfaces and shall be constructed to support use by solid waste~~

~~vehicles and firefighting apparatus. Surfaces shall consist of one or more of the following materials:~~

~~a. Impervious asphaltic or portland cement;~~

~~b. Permanent, dust-free surfaces of:~~

~~i. Block pavers of concrete, stone, brick, or similar material;~~

~~ii. Grid pavers of concrete, stone, brick, or similar material;~~

~~iii. Plastic grid pavers;~~

~~iv. Pervious asphalt;~~

~~v. Pervious concrete;~~

~~c. Crushed rock surfaces, if maintained according to the standards required in this subsection, may be used in areas for storage, display, loading and maneuvering of vehicles associated with large, low-intensity industrial or commercial uses (warehousing and distribution, manufactured dwellings or recreational vehicle sales, lumber yards, etc.), as determined by the planning director;~~

~~d. Other materials, as approved by the city engineer.~~

~~2. Installation and Maintenance.~~

~~a. Materials shall be installed and maintained adequately for all-weather use, including proper drainage so as to avoid flow of water across sidewalks and any property line.~~

~~b. All pervious surfaces shall be designed, installed, and maintained to ensure proper stormwater infiltration.~~

~~3. Maximum Impervious Surface.~~

~~a. Single-Family Dwellings and Duplexes. Driveways/parking areas shall be limited to a 20-foot width of impervious surface. Additional driveway width, if any, shall consist of pervious surfaces, as listed in subsection (D)(1)(b) of this section.~~

~~b. All Development Other Than Single-Family Dwellings and Duplexes. All parking spaces in excess of the minimum required amount shall be surfaced with pervious materials, as listed in subsection (D)(1)(b) of this section.~~

~~c. Exemptions. The restrictions in this subsection shall not be applied to the following:~~

~~i. Recorded, legal, access easements.~~

~~ii. Flag lot access ways (i.e., the "flagpole") for a width of up to 18 feet.~~

~~E. Vision Clearance. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line adjoining the lines through points 20 feet from their intersection.~~

~~F. Curbing and Wheel Stops. Parking spaces along the outer boundaries of a parking lot shall be contained by a curb or a bumper rail so placed to prevent a motor vehicle from extending over an adjacent property, or a street or sidewalk. Wheel stops shall be a minimum of four inches in height and width, and six feet in length; shall be firmly attached to the ground, and so constructed as to withstand normal wear. Wheel stops shall be provided where appropriate for all spaces abutting property lines, buildings, and landscaping, and no vehicle shall overhang a public right-of-way. Those parking spaces having wheel stops or curbs may be reduced in length by two feet, allowing for overhang of the vehicle parked in that space.~~

~~G. Marking. All spaces shall be permanently and clearly marked, and such marking shall be replaced regularly, to remain visible.~~

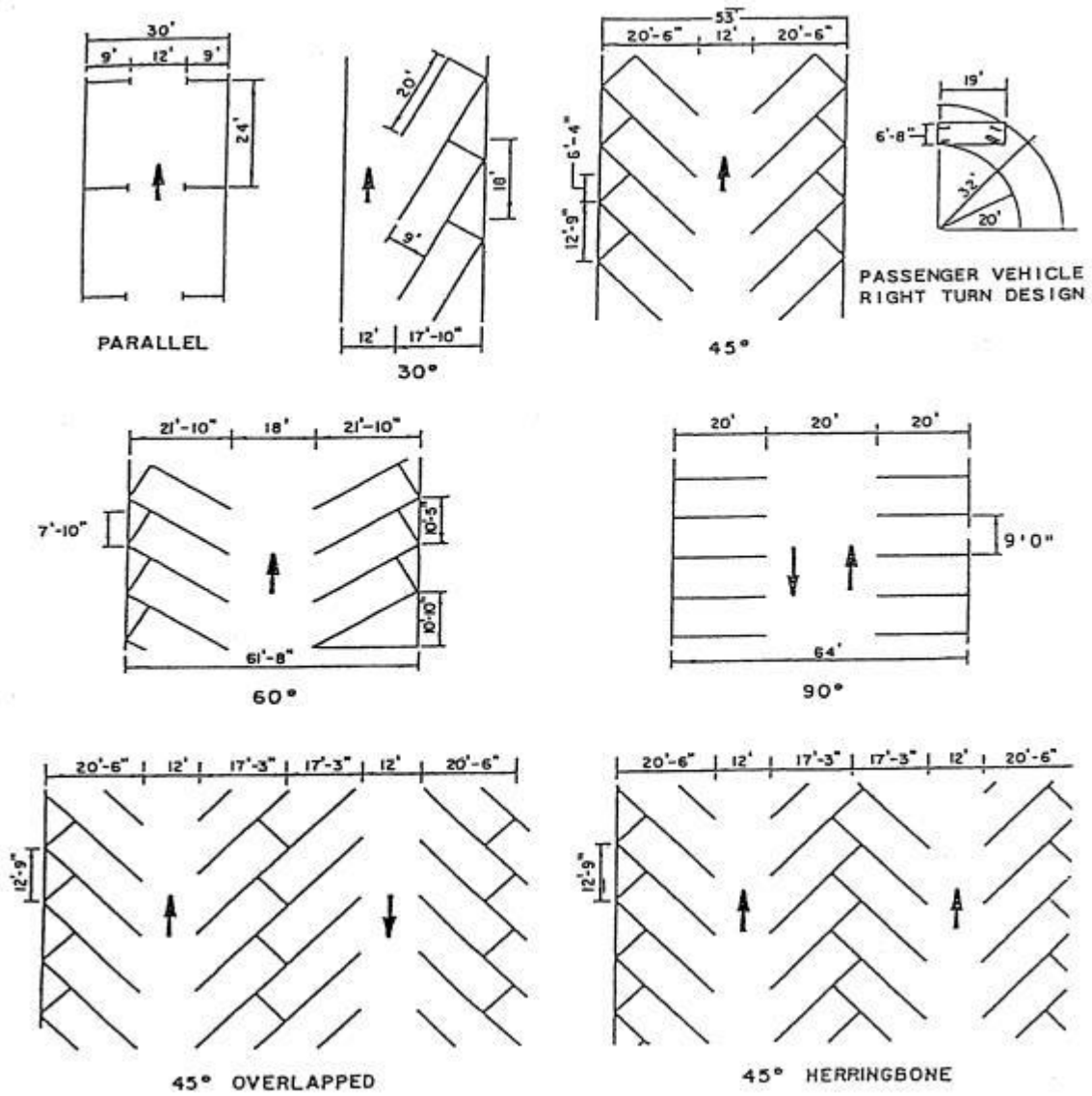
~~H. Landscaping. In all zones except single-family residential, all parking facilities shall include landscaping to cover not less than seven percent of the area devoted to outdoor parking facilities, which area is computed as a part of the required landscaping of the total lot area pursuant to LCMC 17.52.100.~~

~~I. Compact Car Parking. A maximum of 50 percent of the total required parking may be improved and designated for compact car parking spaces. The minimum dimensions for a compact car space are eight feet by 16 feet.~~

~~J. Accessible Parking. Parking areas shall meet all applicable accessible parking requirements of the State Building Code.~~

~~K. Parking Layout and Design Criteria.~~

~~**1. All required parking areas for standard sized vehicle stalls shall be designed with a minimum stall width of nine feet and length of 20 feet in accordance with the following parking layout chart.**~~



~~**2. For compact vehicle stalls, the stall width and length may be reduced to eight feet and 16 feet, respectively.**~~

~~**L. RV, Motorhome and Bus Parking. For each commercial site with 50 or more required off-street parking spaces, the following minimum number of off-street parking spaces shall be sized and so designated for motorhomes, RVs and buses:**~~

Number Required	Total Parking Spaces
1	50 – 75
2	76 – 100
3	101 – 200
One RV, motorhome, bus space for each additional 100 spaces or a fraction thereof.	

Each space shall be not less than 10 feet wide and 30 feet in length. (Ord. 2012-06 §§ 12, 13; Ord. 2010-6 § 11; Ord. 98-11 § 3; Ord. 97-6 § 1; Ord. 92-8 § 13; Ord. 84-2 § 5.110)

17.56.120 Bicycle parking.

Projects requiring site plan review shall provide at a minimum bicycle parking consistent with the following standards:

A. Location. All bicycle parking shall be within a well-lighted area within 100 feet or clearly visible from the primary building entrance. Where necessary, a sign shall direct users to the parking facility.

B. Access. An unobstructed walkway of at least five feet in width shall connect each bicycle parking facility to the building entrance.

C. Number of Bicycle Parking Spaces Required. New uses requiring new or additional vehicle parking improvements shall include one bicycle parking space, as defined in subsection (D) of this section, for every 20 vehicle parking spaces required in LCMC 17.56.050.

D. Dimensions. Each bicycle parking space shall be at least two feet by six feet with a vertical clearance of six feet.

E. Security. Bicycle parking facilities shall be either a lockable enclosure for storing bicycles or a stationary object (i.e., a rack) to which bicyclists can lock their bicycles. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit securing of the frame and both wheels, but not necessarily without removal of the front wheel. (Ord. 2016-21 § 15)

SECTION 25. A new Chapter 17.55 (Landscaping Standards) is hereby added to read as follows:

Chapter 17.55 Landscaping Standards

17.55.010 Purpose.

A. The goals of landscaping are to increase aesthetic value; provide environmental benefits, such as controlling erosion and functioning as part of the natural hydrologic cycle; provide an attractive natural balance to built areas; reduce runoff; screen or buffer uses; and to frame or complement views. The purpose of this chapter is to provide for the design, selection, installation, and maintenance of landscaping that will satisfy the aforementioned goals. The chapter also seeks to provide for selection of plant materials that will provide long-term growth, a balance of year-round coverage and greenery, and a variety of species for a healthier, drought-tolerant, disease-resistant plant inventory.

17.55.020 Applicability. The standards of this chapter shall apply to:

1. All Type II and Type III procedures.

2. New construction.

3. Previously developed sites whenever improved by 50 percent or more of the assessed value of the existing improvements.

17.55.030 Landscaping requirements for Detached Single-unit Dwellings, Attached single-unit dwellings, Manufactured Dwellings, and Duplexes.

A. Maximum Impervious Surface. Maximum coverage of an individual lot or parcel in impervious surfaces shall be limited to a percentage of the gross area of the lot or parcel, according to zone, as listed in Table 17.55.030-1.**

Table 17.55.030-1

R-1	R-1-RE	V-R	R-M	NCR	R-R	OPD I-M	OPD OF	NBMU	NBD
55%	55%	55%	55%	55%	65%	75%	80%	90%	90%

****55% for any zone not listed in Table 17.55.030-1**

Exemptions and adjustments:

a. Flag lot access ways (i.e., the "flagpole") shall not be counted as part of the impervious surface area on the site. They shall also be deducted from the gross square footage of the site when determining the allowable percentage.

b. Recorded, legal access easements shall not be counted as part of the impervious surface area on the site. They shall also be deducted from the gross square footage of the site when determining the allowable percentage.

c. Eco-roofs, installed or inspected and approved by a certified professional, shall not be counted as part of the impervious surface area on the site. They shall also be deducted from the gross square footage of the site when determining the allowable percentage.

d. For example, a lot in the R-1-RE zone is 5,000 square feet. It contains a 1,000-square foot flagpole/recorded, legal access easement/eco-roof. 5,000 less 1,000 equals 4,000. 55% of 4,000 equals 2,200; therefore, no more than 2,200 square feet of the site can be impervious, but the 1,000-square-foot area of the flagpole/recorded, legal access easement/eco-roof does not count against the 2,200 square feet of allowed impervious area.

e. For existing lots between 3,000 square feet and 4,000 square feet, maximum impervious surfaces shall be an additional five percent above the limit listed in the table above.

f. For existing lots less than 3,000 square feet, maximum impervious surfaces is an additional 15 percent above the limit listed in the table above or 100 percent, whichever is less.

B. Landscaping requirements. Landscaping is required on all disturbed portions of the site not covered by buildings, structures, or impervious surfaces. Existing plants and trees that are healthy and non-invasive count towards the minimum requirements listed below, provided they will be protected during development adequately enough to ensure future preservation.

1. At a minimum, the site shall contain the following spaced and/or grouped according to best planting practices and aesthetics:

a. One tree per 150 feet of total lot perimeter; and

b. One shrub per 30 feet of total lot perimeter; and

c. Sufficient number of living ground cover plants spaced to cover 10 percent of the gross area of the site within 3 years of planting.

C. Ground cover and mulch.

1. Mulch between plantings shall be at least a two-to three-inch-thick layer to ensure effective erosion control and to avoid leaching of excessive nutrients.

2. Acceptable mulch materials are straw, well-aged compost and leaves, wood mulch or bark dust, or wood nuggets that are a minimum diameter of one inch. Mulching with manure that has not been composted or aged is prohibited.

3. Non-living ground cover materials such as non-compacted pea gravel, river rock, pumice, stones, boulders, bark dust, and cedar chips are acceptable ground cover.

4. Standards for living ground cover are those set out in subsection 17.55.050.

17.55.040. Landscaping requirements for all development Other Than Detached Single-unit Dwellings, Attached single-unit dwellings, Manufactured Dwellings, and Duplexes.

A. Landscaping is required on all portions of the site not covered by buildings, structures, or impervious surfaces.

B. 15 percent of the total gross area of the site shall be landscaped with live vegetation according to the standards contained within this chapter. Existing plants and trees that are healthy and non-invasive count towards the 15 percent live vegetation requirement, provided they will be protected during development adequately enough to ensure future preservation.

1. At a minimum, the site shall contain three distinct and separate landscape areas, containing an overall total of the following spaced and/or grouped according to best planting practices and aesthetics:

a. One tree per 20 feet of total lot perimeter; and

b. One shrub per 10 feet of total lot perimeter; and

c. Living ground cover.

2. If islands are required in parking areas, each island must contain at least one tree, sized appropriately for the area of the island. The remainder of the island must be covered with shrubs and/or living or non-living ground cover, subject to the standards set out in subsection 17.55.040.C and 17.55.050. Islands count towards both the parking landscaping requirement and the 15-percent landscaping requirement.

C. Ground cover and mulch.

1. Ground cover used as mulch between plantings shall be placed at a minimum two-to three-inch-thick layer to ensure effective erosion control and to avoid leaching of excessive nutrients.

2. Acceptable mulch materials are straw, well-aged compost and leaves, wood mulch or bark dust, or wood nuggets that are a minimum diameter of one inch. Mulching with manure that has not been composted or aged is prohibited.

3. Non-living ground cover materials such as non-compacted pea gravel, river rock, pumice, stones, boulders, bark dust, and cedar chips are acceptable ground cover.

4. Standards for living ground cover are those set out in subsection 17.55.050.

17.55.050. Selection, Preparation, and Installation for all Landscaping

A. Selection of materials.

1. Invasive and noxious plants as defined in LCMC 8.12.010 or by the Oregon Department of Agriculture are prohibited.

2. Hydro-seeding is prohibited.

3. All selections must be healthy and disease-free at the time of planting.

4. Sizes of plantings.

a. Deciduous trees must be a minimum of 1.5 caliper inches at the time of planting.

b. Conifer trees must be a minimum of 5 feet in height at the time of planting.

c. Ground cover plants must be at least four-inch pot size.

d. Shrubs must be at least three-gallon size at the time of planting, unless three-gallon sizes are not available for purchase at the time of planting for the particular shrub selected. In those instances, one- or two-gallon size is allowed.

e. Plantings at their mature height shall not be higher than five feet if they would block the view of any shoreline of the Pacific Ocean, Siletz Bay or Devils Lake.

f. All plantings must be one, or a combination of, the following: native to the Pacific Northwest; selected from the *City of Lincoln City Guide to Landscape Selections*; or suitable for the site conditions as certified by a written and signed statement from a landscape architect licensed in the State of Oregon or a landscape nursery person.

B. Preparation.

1. All newly-landscaped areas must be cleared of invasive and noxious plants as defined in LCMC 8.12.010 and by the Oregon Department of Agriculture prior to installation of new landscaping.

2. All newly-landscaped areas must be cleared of dead, dying, or diseased vegetation prior to installation of new landscaping.

C. Installation.

1. Plant materials must be installed to current nursery industry standards.

2. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.

3. All landscaping shall be installed prior to issuance of a certificate of occupancy or, in

a. Agreement to Delay Installation. If all landscaping has not been satisfactorily completed prior to requesting issuance of a certificate of occupancy the director determines that a delay in completion of the landscaping is appropriate because there has not been a reasonable amount of time for the completion of the landscaping or for other reasons, then the director may require, as a condition of such issuance or use, a landscaping agreement signed by the owner, in a form satisfactory to the director. A landscaping agreement shall:

i. Identify all landscaping to be completed and establish a time period, not to exceed 120 days, within which the owner shall complete the landscaping;
ii. If the identified landscaping is not completed within the established time period, then this shall be considered a Class B violation with a fine of up to $1,000 per day for each day the identified landscaping remains incomplete.

17.55.060 Irrigation and Maintenance.

A. Irrigation. The intent is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. Irrigation systems shall be provided for all planted areas for a period of at least two years, or until it is demonstrated that new plants have become naturalized.

B. Continuous maintenance of property includes, but is not limited to, weeding, pruning, removing and eradicating invasive and noxious plants, removing diseased or dead vegetation and replacing with healthy specimens, and removing litter, trash, and debris. Failure to maintain property in accordance with this chapter shall be considered a Class B violation.

17.55.070 Clear-vision requirements. Landscaping shall be in conformance with the clear-vision area requirements set out in LCMC 17.52.060.

17.55.080 Living landscaping as screening.

A. When screening is required, the applicant may choose to use vegetation as the screening method. If so, the following standards must be met:

1. Screening shall be in the form of a hedge.

2. The hedge shall consist of evergreen shrubs and shall be native to the Pacific Northwest and suitable for the site conditions as certified by a nursery person or a landscape architect licensed in the State of Oregon or selected from the City of Lincoln City Guide to Landscape Selections.

3. Selected shrubs must have a mature height of at least 6 feet.

4. Shrubs must be of sufficient size and number to provide solid sight obstruction, at a minimum of 6 feet in height, at the time of planting.

SECTION 26. Chapter 17.52 (*Supplemental Regulations and Exceptions*), Secton 17.52.170 (*Trash receptacle enclosures*) is hereby amended to read as follows:

17.52.170 **Solid waste, garbage,** ~~T~~trash**, recycling, and composting** receptacle ~~enclosures~~ **storage areas**.

~~**In an R-M, PC, RC, GC and PI zone, a**~~**A**ll **solid waste, garbage,** trash**, recycling, and composting** receptacles shall be located within a building or within an enclosure **that is at least 20 feet or more from any pedestrian space** which screens the receptacle from the view of neighboring property**, pedestrian space,** or from ~~**a public**~~ right-of-way,

except those ~~**trash**~~ receptacles ~~**accessory to a**~~ **associated with a detached** single-**unit** ~~**family**~~ dwelling**, attached single-unit dwelling, duplex, or manufactured dwelling**.

SECTION 27. Chapter 17.52 (*Supplemental Regulations and Exceptions*), Secton 17.52.180 (*Screening of Mechanical equipment*) is hereby amended to read as follows:

17.52.180 **Placement and** Screening of mechanical equipment.

A. Any heating, air conditioning, or other ~~**special**~~ mechanical equipment installed on or near a building to be used to serve the building or a function performed therein, and any propane tanks, shall be screened from the ground level view from adjacent properties, **pedestrian space**s, and from public **right-of-way, and shall not be located within 20 feet of pedestrian space.** ~~**Streets**~~

B. Rooftop mechanical units shall not be visible from any public right-of-way and shall not exceed the allowable building height.

C. Ground-mounted mechanical units shall be limited to the sides or rears of buildings and screened from view from adjacent properties and from public right-of-way.

D. Standpipes, meters, vaults, and similar equipment shall not be placed on a front elevation when other alternative locations exist.

SECTION 28. Chapter 17.80 (*Provisions applying to special uses*), Secton 17.80.060. Paragraph F. is hereby amended to read as follows:

17.80.060.F. Bed and breakfast accommodations shall provide off-street parking spaces as required in Table 17.56.030-1 in Chapter 17.56 LCMC.

SECTION 29. Chapter 17.32 (General Commercial (GC) Zone, Section 17.32.110. Paragraph B, is hereby amended to read as follows:

17.32.110.B. Outdoor Storage Areas. All outdoor storage areas shall be screened from ground level view from adjacent properties and from **rights-of-way.** ~~**public streets**~~.

SECTION 30. Chapter 17.42 (Park (P) Zone), Section 17.42.060. Paragraph D, is hereby amended to read as follows:

17.42.060.D. Out~~side~~**door** Storage **Areas**. **All outdoor** ~~Outside~~ storage areas ~~**must**~~ **shall** be screened from ground level view from adjacent properties and from **rights-of-way. ~~public streets.~~**

SECTION 31. Chapter 17.52(Supplemental Regulations and Exceptions) Section 17.52.050. (Storage in front yard) is hereby deleted as follows:

~~17.52.050 Storage in front yard~~

~~Boats and trailers and house trailers shall not be stored in a required front yard.~~

SECTION 32. Chapter 17.34 (*Nelscott Plan District*), Sections 17.34.120 through 17.34.140 are hereby deleted as follows:

~~17.34.120 Off-street parking and circulation.~~
~~A. Intent. Parking is to be provided to meet the anticipated normal demand. Where areas of surface parking exist, such areas shall be oriented behind or to the side of buildings. Off-street parking and loading for uses within the Nelscott Plan District are to be provided in accordance with Chapter 17.56 LCMC except as provided below.~~

~~B. Standards. In addition to the standards of Chapter 17.56 LCMC and the standards for block layout, alleys and parking lot access provided in LCMC 17.34.080, the following provisions apply to all new development:~~

~~1. Drive-Up and Drive-Through Uses. New drive-up/drive-through facilities (e.g., windows, ATMs, etc.) are not permitted. Where applicable, the reviewing authority may approve the relocation and improvement of existing drive-up facilities, subject to a conditional use permit.~~

~~2. On-Street Parking. Existing or required paved, standard-sized parking spaces that abut a parcel and that are located in a public street may be counted toward the required parking for commercial development on that parcel. For parcels fronting on Highway 101, the number of on-street parking spaces for standard-sized vehicles within 200 feet of a parcel may be counted toward the required number of parking spaces for commercial or mixed uses.~~

~~3. Off-Street Parking. There is no minimum off-street parking requirement for the commercial component of any mixed use building within 400 feet of a public parking facility; all other uses shall conform to the minimum parking standards of the~~

~~municipal code except that required off-street parking spaces may be located on another parcel not more than 400 feet from the parcel they are intended to serve. Where new surface parking is planned, it shall be limited to parallel on-street parking spaces, parking bays abutting the street, and/or parking areas located behind or to the side of a building.~~

~~4. Parking Lot Design. Surface parking areas shall be divided into bays of not more than 12 parking spaces per bay. The minimum dimensions for landscape areas are four feet in width and 24 square feet in area. Additionally, where a parking area or access drive abuts a street or pedestrian access way, a landscape screen of not less than four feet in width and four feet in height shall be provided. Alternatively, the screen may be reduced to two feet in width where a masonry, wrought iron, brick or similar architectural-grade wall is also provided, subject to site plan review. Landscaping shall be provided in conformance with LCMC 17.34.140. The planning commission may allow a greater number of consecutive parking spaces where the development preserves and protects one or more existing mature trees or exceeds the minimum pedestrian space requirement in LCMC 17.34.110. The commission shall use its discretion in adjusting the standard; provided, that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from public rights-of-way.~~

~~5. Redevelopment of Surface Parking Lots. Site plans for properties adjacent to city-owned parking lots should allow for conversion of such lots to structured parking in the future. Site plans should also allow for the conversion of nonconforming, front yard parking lots to new building sites or pedestrian spaces as properties redevelop. Where a proposed project would construct underground parking, the review authority may adjust building coverage, setbacks, or other development standards to facilitate provision of public-private parking spaces.~~

~~6. Parking in Front of Buildings. Due to the pedestrian orientation of Nelscott, surface parking is not allowed between any new building and the street to which is it oriented. Where such parking currently exists, the owner may be required to install landscaping or other buffering between the parking area and the sidewalk with future redevelopment.~~

~~7. Service and Loading Areas. The visual, traffic, odor and noise impacts of service and loading areas, relative to streets, pedestrian spaces, pedestrian access ways and adjacent residences, shall be minimized. Service areas and loading docks/bays shall be accessed from an alley and screened using architectural elements that are compatible with adjacent building(s). Where no alley exists, service areas shall be accessed from streets other than Highway 101.~~

~~8. Exception for Commercial Vacation Rental Dwellings. A vacation rental dwelling in the NBMU or NBD subdistricts that (a) is in a building that existed on October 1, 2008, or pursuant to LCMC 17.34.040(E), replaces, with no increase in the number of~~

~~bedrooms, such a building that was destroyed by calamity (e.g., fire, flood, earthquake), and (b) is on a lot that is too small to accommodate the number of parking spaces required by LCMC 17.80.050, need only provide the number of parking spaces that, as determined by the planning and community development director, reasonably can be accommodated on the lot. (Ord. 2010-06 § 5; Ord. 2008-18 § 4(3)(F))~~

~~17.34.130 Pedestrian access.~~

~~A. Intent. In new development, the pedestrian circulation system shall provide a direct, convenient and comfortable means of accessing individual uses and connecting to other parts of Nelscott. The pedestrian system includes sidewalks, pathways, mid-block access ways, and the ocean beach.~~

~~B. Standards. To ensure safe, direct and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system conforming to city standards.~~

~~17.34.140 Landscaping.~~

~~A. Intent. Nelscott is identifiable, in part, by its shore pines and other coastal vegetation. While it is inevitable that some existing trees will be removed with new development, native vegetation should be preserved where practicable or otherwise replanted in required landscape areas. Trees and hedges serve as windbreaks and visual screens in an area that is otherwise being exposed to high winds. Grassy swales capture and cleanse surface water runoff before it infiltrates into the ground or seeps onto the beach. Mature vegetation also enhances real estate values. For these reasons, as well for aesthetic reasons, the city requires that all new developments and redevelopment projects attempt to save mature vegetation that is not within building envelopes and provide landscaping in surface parking areas, as buffers between uses, within street planter strips, and to soften the appearance of large building elevations.~~

~~B. Standards.~~

~~1. Mature Landscaping. Site plans shall incorporate existing, mature vegetation that is not within building envelopes and not within areas that are required to be graded or excavated (e.g., for utilities, foundations, and driveways) into the project's landscape design to the greatest extent practicable. Where mature tree removal is unavoidable (e.g., a tree's location precludes reasonable development consistent with prescribed building envelopes, required building orientation, or public improvement requirements), mitigation shall be required as per subsection (B)(3)(g) of this section.~~

~~2. Volume Landscaping and Screening. Large trees and/or shrub planting may be required in quantities exceeding the base requirements of this code to mitigate adjustments to other standards or the loss of mature trees as described under subsection (B)(1) of this section.~~

~~3. Minimum Landscape Standards.~~

~~a. All off-street parking and vehicular use areas (including driveways and loading docks) shall have perimeter landscaping of not less than four feet in depth, and interior landscaping covering at least 10 percent of the entire vehicular use area. The planning commission authority may reduce the minimum landscape area to not less than five percent where the development preserves and protects one or more existing mature trees. The commission shall use its discretion in awarding credit; provided, that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from public rights-of-way including the beach. Areas with preserved trees are counted toward the required parking lot landscaping.~~

~~b. Each separate landscape area shall be a minimum of 24 square feet with a minimum dimension of at least four feet and shall contain at least one tree. All remaining land in the landscape area shall be covered by a combination of shrubs, ground cover plants or other city-approved nonvegetative ground cover.~~

~~c. All required buffer strips, screens, and other required landscape areas shall be planted at a density to ensure the intended buffering or screening intent is met; in no case shall a landscape area have less than one tree per 200 square feet of surface or less than one shrub per 50 square feet of area.~~

~~d. Required trees and shrubs shall be noninvasive species that are known to thrive in the northern Oregon coastal environment.~~

~~e. The following guidelines apply:~~

~~i. Vegetation native to the Pacific Northwest coast is encouraged.~~

~~ii. Turf and grass is discouraged, except in residential developments and in water treatment swales.~~

~~iii. Species should be those contained in the Lincoln City tree planting guide and list of recommended species, or species recommended by a licensed nurseryman as being suitable for the local climate, as approved by the planning director.~~

~~f. Trees shall be at least two inch caliper at time of planting.~~

~~g. When tree mitigation is required the number of mitigation trees required shall be equal to at least one-half total number required to achieve the number of inches of mature tree(s) removed (diameter measured at four feet above grade). For instance, if a 12-inch diameter tree is removed, then two three-inch trees of the same or comparable species shall be planted.~~

~~h. Irrigation systems shall be provided for all planted areas for a period of at least two years, or until it is demonstrated that new plants have become naturalized.~~

~~i. Shrubs shall be at least a three-gallon size when planted.~~

~~j. If hedges are planted for screening, plants shall be at least of an initial size so that the required screening will be achieved within two years.~~

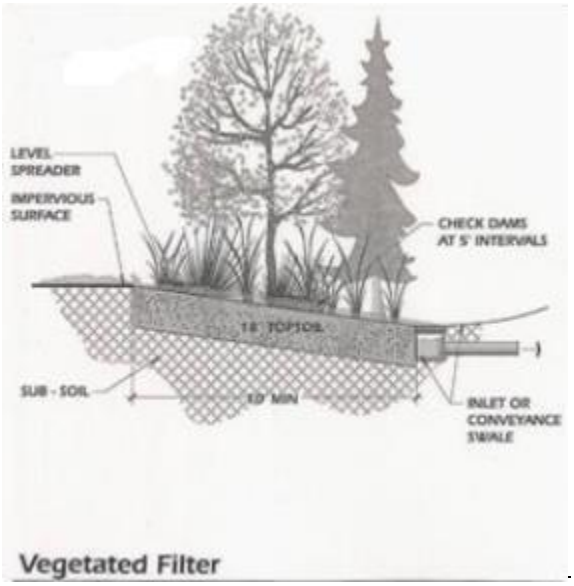
~~k. Trees shall be planted so that encroachment below eight feet into a public right-of-way can be prevented without long-term detriment to the subject tree.~~

~~l. Landscaping shall preserve an adequate line of sight around vehicle accesses.~~

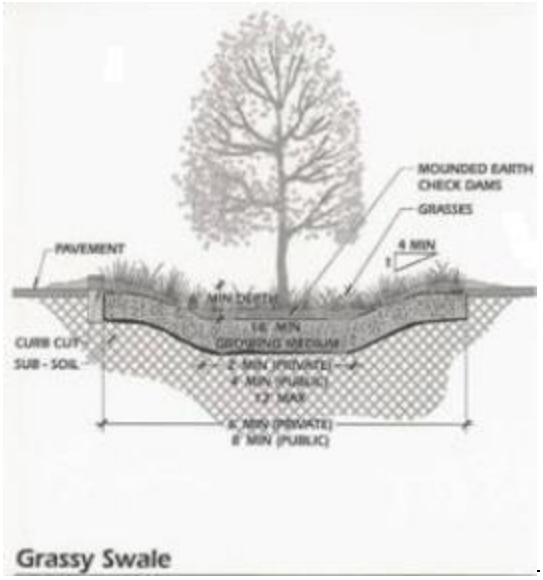
~~m. All landscaping materials shall be in vigorous and healthy growing condition and shall be installed according to common planting procedures, with consideration given to soil condition. The property owner is responsible for maintaining and replacing, as necessary, all approved landscape plants on his property and those within abutting rights-of-way (e.g., street trees).~~

~~4. Parking Area Landscaping. Surface parking areas shall contain landscaping as described under LCMC 17.34.120.~~

~~5. Water Quality. Where a surface parking area incorporates water quality filters/swales and porous paving materials, such as pavers set in sand, concrete blocks allowing grass to grow through, and/or porous concrete (e.g., particularly along walkways and in parking areas that are used infrequently), the reviewing authority may allow additional building (lot) coverage, consistent with the standards in Table 17.34.060.B. Porous paving may also be used for small areas, such as the first four feet of a parking lot's perimeter, where it would help reduce or slow surface water runoff. (Recommended: Figure 17.34.140.)~~



Vegetated Filter



Grassy Swale

SECTION 33 Findings. The findings contained in the Whereas Clauses of this ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

SECTION 34. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 35. Savings. Notwithstanding the amendment to this Title, the existing Title remains valid and in full force and effect for purposes of all criminal, civil or administrative code enforcement cases or land use actions or applications filed or commenced during the time said ordinances were operative. Nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 36. Measure 49 Reservation. Notwithstanding the amendments to this Title, the Lincoln City Municipal Code , Title 17, as it existed on the date of this ordinance adoption, is preserved in its entirety for purposes of application of such regulations to residential compensation claims, if any, made pursuant to Ballot Measure 49.

SECTION 37. Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

SECTION 38. Codification. Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or

re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 33-38) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 13th Day of July, 2020 (First Reading) and on the _____ day of July, 2020 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this _____ day of July, 2020.

_____
DICK ANDERSON, MAYOR

ATTEST:

_____
CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

_____
RICHARD APPICELLO, CITY ATTORNEY

EXHIBIT A - FINDINGS

Findings for Ordinances 2020-13 (Parking and Landscaping), 2020-14 (Permanent signs) and 2020-15 (Procedures)

The above referenced proposed ordinances were properly noticed pursuant to ORS 197.610 and were part of a city-wide Measure 56 notice to property owners. However, the ordinances are primarily housekeeping as the new Planning Director sought to better organize the development code; as such, notice to DLCD and the city-wide notices were probably not required as the statewide planning goals do not appear to be implicated by the re-organization. Notice was primarily done in an abundance of caution.

Ordinance 2020-13 moves landscaping requirements from the current numerous (scattered) locations to one uniform chapter. Similarly, the ordinance moves all parking and loading requirements to one existing chapter.

Ordinance 2020-14 reorganizes the sign code. Some years ago the City placed temporary signage in Chapter 9.34 in the Municipal Code – outside of the land use code processes which regulates permanent signage structures. The city maintained the requirements for temporary signage in both Title 17 and Title 9. The City now removes this duplication and places all temporary signage in Chapter 9.34 outside the land use chapter.

Ordinance 2020-15 reorganizes the administrative procedural requirements of the code and brings the city more in line with other jurisdictions in the valley by recognizing type 1-4 land use processes. Again, substantively requirements are not changing – the organization of the code is changing.

The public was exceedingly uninterested in the proposed amendments, with very little public comment or questions on the proposals.

A. Statewide Planning Goals

(1) Goal 1: Citizen Involvement

"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

All documents relating to the proposal(s) (amendments) were made available for public review and/or purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The city sent notice to all affected property owners regarding the public hearings on the proposed zoning ordinance amendments and the local newspaper published hearing notices in accordance with notice requirements. The planning commission and the city council each held a public hearing at which citizens were invited to participate. Therefore, the amendments are consistent with Goal 1.

(2) Goal 2: Land Use Planning

"To establish a land use planning process and policy framework as a basis for all

decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed them on a periodic cycle to take into account changing public policies and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revision of the plan and implementing ordinances. The City Council considered the proposed amendments to the Lincoln City Zoning Ordinance in accordance with the process and based on the criteria provided in the Municipal Code. Therefore the amendments are consistent with Goal 2.

(3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

The area affected by the proposed zoning ordinance amendments is located within the city's urban growth boundary. The city is currently is designated and zoned for urban development. There is no agricultural land in Lincoln City. The amendments do not affect agricultural lands. Goal 3 is not applicable.

(4) Goal 4: Forest Lands

"To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

The area affected by the proposed zoning ordinance amendment is within the city's urban growth boundary. The affected area does not include any designated forest lands; therefore, Goal 4 is not applicable.

(5) Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

"To protect natural resources and conserve scenic and historic areas and open spaces."

The amendments affect only areas already committed to urban development. They do not by themselves permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. The amendments are consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality

"To maintain and improve the quality of the air, water and land resources of the state."

The amendments will not adversely affect the quality of the air or water. They do not by themselves permit development that might affect water or air quality. The existing

ordinances and plan requirements relating to water and air quality will continue to apply to all properties that might be affected. Therefore, the amendments are consistent with Goal 6.

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

"To protect people and property from natural hazards."

The amendments do not by themselves allow development within any natural hazard area. The existing ordinances and plan requirements relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. Therefore, they are consistent with Goal 7.

(8) Goal 8: Recreational Needs

"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts."

The proposed ordinance amendments do not relate to recreation as that term is used in this goal and do not adversely affect the provision of or ability to site recreational areas in the City. The amendments are consistent with Goal 8.

Goal 9: Economic Development

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

The amendments are intended to address and remedy confusing and disjointed code provisions that the city believes are impeding development in the city. By better organizing the code and clarifying processes and requirements the city hopes the amendments will encourage development. The proposed amendments are consistent with Goal 9.

(10) Goal 10: Housing

"To provide for the housing needs of citizens of the state."

The amendments do not relate directly to the housing needs of the people of Lincoln City, except that clarity as noted above may encourage new development. Goal 10 therefore met or is not applicable.

(11) Goal 11: Public Facilities and Services

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

The amendments do not relate directly to public facilities and services. Goal 11 is not applicable.

(12) Goal 12: Transportation

"To provide and encourage a safe, convenient and economic transportation system."

The amendments do not relate directly to the development of the city's transportation system. Goal 12 is not applicable.

(13) Goal 13: Energy Conservation

"To conserve energy."

The amendments do not relate directly to energy conservation. Goal 13 is not applicable.

(14) Goal 14: Urbanization

"To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities."

The amendments do not relate directly to urbanization. Goal 14 is not applicable.

(15) Goal 15: Willamette River Greenway

"To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway."

The affected area is not located within the Willamette River Greenway; therefore, Goal 15 is not applicable.

(16) Goal 16: Estuarine Resources

"To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries."

The amendments by themselves do not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). All development in such areas already is controlled by existing ordinances and comprehensive plan standards. The amendments, therefore, are consistent with Goal 16.

(17) Goal 17: Coastal Shorelands

"To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands."

The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. All development in such areas already is controlled by existing ordinances and comprehensive plan standards. The amendments, therefore, are consistent with Goal 17.

(18) Goal 18: Beaches & Dunes

"To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas."

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The amendments do not, by themselves, allow any development in or near beach and dune areas. All development in such areas already is controlled by existing ordinances and comprehensive plan standards. The amendments are consistent with Goal 18.

(19) Goal 19: Ocean Resources

"To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations."

The amendments do not, by themselves, affect any ocean resources and, therefore, are consistent with Goal 19.

B. Comprehensive Plan Goals

(1) Planning Goal

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during their preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions and, therefore, in conformance with this goal.

(2) Citizen Involvement Goal

"Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process."

The City has developed a citizen involvement program. In addition, the public hearing process, with notice to the public and property owners and review of the amendments by the Planning Commission (a citizen board) and the City Council (comprised of elected citizen representatives,) establishes conformance with this goal.

(3) Public Services and Utilities Goal

"To plan and develop a timely, orderly, and efficient arrangement of public facilities and services, which compliment the area and serve as a framework for urban and rural development."

The proposed amendments do relate directly to public services and utilities. This goal is not applicable.

(4) Urbanization Goal

"To promote an orderly and efficient transition of land uses from rural to urban."

The amendments do not relate directly to urbanization. This goal is not applicable.

(5) Natural Hazard Goal

"The City shall control development in hazardous areas to protect life and property from natural disasters and hazards."

The amendments, by themselves, do not allow development in hazardous areas. Development in such areas is controlled by existing comprehensive plan and zoning ordinance standards, as well as building code requirements. The amendments are consistent with this goal.

(6) Housing Goal

"To provide for the housing needs of all citizens."

The amendments do not relate directly to the housing needs of the people of Lincoln City. The amendments do not substantively alter such requirements. The housing goal is met or does apply.

(7) Economy Goal

"To support the tourist industry and achieve a degree of diversity in the community, which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area."

The amendments are intended to address and remedy code provisions that are in need of clarity and better organization. By improving the clarity and organization of the code, the city hopes to encourage new development in the city. These amendments, therefore, are consistent with this goal.

(8) Aesthetic Goal

"To develop a livable and pleasing city which enhances man's activities while protecting the exceptional aesthetic quality of the area."

The amendments do not relate directly to aesthetics. This goal is not applicable.

(9) Transportation Goal

"To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people."

The amendments do not relate directly to transportation. This goal is not applicable.

(10) Energy Goal

"To conserve energy."

The amendments do not relate directly to energy conservation. This goal is not applicable.

(11) Overall Environmental Goal

"To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city."

The amendments, by themselves, do not allow development in sensitive natural resource areas. The existing ordinances and plan requirement relating to protecting the natural environment will continue to apply to all properties that might be affected. These amendments contribute to this goal.

(12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

"To conserve, to protect, to enhance the coastal resources of the city."

The amendments by themselves do not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay), in the city's coastal shorelands, beach and dune areas, or in ocean resource areas. The existing ordinances and comprehensive plan standards would be applied to any areas affected by these amendments, thereby protecting these resources. The amendments are consistent with this goal.

Council Communication

Ordinance 2020-17 Definitions

Meeting Date:	July 13, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	AnneMarie Skinner
Approval:	Bill Wyman	Estimated Time:	5 minutes

Question(s):

Should the City Council conduct and approve First and Second Reading and adopt Ordinance 2020-17 entitled:

ORDINANCE NO. 2020-17

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.08 (DEFINITIONS), AMENDING AND UPDATING CITY DEFINITIONS BASED ON CHANGES PROPOSED IN THREE OTHER ORDINANCES 2020-10, 2020-13, and 2020-14

Staff Recommendation:

Staff recommends Council conduct First Reading of Ordinance 2020-17 and, *if unanimous,* Conduct and approve Second Reading and adopt the Ordinance. Any changes must be read.

Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

Background:

Council directed that all definitions in the pending ordinances be combined to avoid duplication or inconsistency. All proposed amendments were within the other ordinances processed through the Planning Commission with proper notice to DLCD and residents.

Council Options:

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.

2. Conduct and approve First Reading. Read changes, if any. Continue Second Reading to July 27, 2020 [or]

3. Continue First Reading to July 27, 2020.

4. Do not proceed with proposed ordinance.

Potential Motions:

City Attorney: [Conduct First Reading of Ordinance by Title only]

ORDINANCE NO. 2020-17

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.08 (DEFINITIONS), AMENDING AND UPDATING CITY DEFINITIONS BASED ON CHANGES PROPOSED IN THREE OTHER ORDINANCES 2020-10, 2020-13, and 2020-14

Council:

1. Motion to approve First Reading of Ordinance 2020-17.

If unanimous: conduct Second Reading

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Council:

1. Motion to approve Second Reading and adopt Ordinance 2020-17.

[or]

2. Motion to set Second Reading for July 27, 2020.

Attachments:
Ordinance 2020-17 946pm (DOCX)

ORDINANCE NO. 2020-17

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.08 (DEFINITIONS), AMENDING AND UPDATING CITY DEFINITIONS BASED ON CHANGES PROPOSED IN THREE OTHER ORDINANCES 2020-10, 2020-13, and 2020-14

Annotated to show deletions and additions to the code sections being modified. Deletions are ***bold ~~lined through~~*** *and additions are* ***bold underlined****.*

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provides:

> 2.1 Powers of the City
> The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.
>
> 2.2 Construction of Charter
> In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution; and

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. *City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop,* 20 Or. App. 293; 531 P 2d 730, 734 (1975); *LaGrande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

WHEREAS, the definitional amendments to the Lincoln City Municipal Code are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A".

WHEREAS, the proposed definitional amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and

WHEREAS, on February 11, 2020, the City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of several proposed ordinance amendment(s) (three of which contained definitional changes) and on

February 26, 2020; notice of such definitional changes, included in the numerous ordinances was included in an ORS 227.186(4) notice to all affected property owners.

WHEREAS, the Planning Commission held a public hearing and considered the definitional amendments contained within the numerous ordinances. As part of the consideration of the other ordinances, listed noted above, the Planning Commission voted to recommend approval of the amendments contained herein to the City Council; and

WHEREAS, the City Council held a public hearing on June 22, 2020 on the defintional amendments included in this ordinance. On June 22, 2020 Council closed the record and deliberated on the proposed amendments and directed that all definitions be placed in one separate ordinance to avoid duplication and inconsistency. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance. After deliberation, Council provided direction and ordinances were returned for required readings on July 13, 2020.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 17.08 *(Definitions) Section 17.08.010 (Definitions),* are hereby amended to add, remove or amend, and insert into the Chapter, in the appropriate location in alphabetical order, the following defined signage terms:

17.08.010 Definitions

Note: Unless the context indicates otherwise, words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; undefined words have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.

"Accessory use" means a use or activity which is subordinate and clearly incidental to the primary use.

"Accessory structure" ~~or "accessory use"~~ means a structure or building detached from a principal structure or building and located on the same lot or parcel, subordinate and clearly incidental to the principal building or structure. The primary use of the site is not carried on in an accessory structure or building. ~~use incidental and subordinate to the main use of property and located on the same lot as the main use, including any required off-street parking within 200 feet (measured in a straight line) of the building or use it is intended to serve.~~

~~"Access way" means a pedestrian and/or bicycle connection between two rights-of-way, or to achieve other connectivity needs as determined by the planning commission. An~~

~~access way conforms to city standards and is in either an off-street public right-of-way or a public access easement on private property.~~

"Alcove" means a recessed section of a building's exterior wall; may provide weather protection or outdoor seating.

"Alteration" means any change, addition, or modification in construction. ~~or a change of occupancy~~. ~~Where the term "alteration" is applied to a change of construction, it is intended to apply to any change, addition, or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another or from one division of trade or use to another.~~

~~Alteration, Structural. "Structural alteration" means a change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams, or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration .~~

~~"Apartment" means any multifamily dwelling in which a dwelling unit is or dwelling units are rented, leased, let or hired out.~~

"Applicant" means a person who applies for approval under this code. An applicant can be the owner of the property, a contract purchaser, or someone who is legally authorized to represent the owner, such as a builder, developer, or contract purchaser.

"Assisted living facility" means an establishment which provides living quarters and a variety of supportive personal care, limited health care, housekeeping, and/or transportation services to individuals who are unable to live independently due to infirmity of age or disability, but who do not need the full-time, medically-oriented care of a nursing home. ~~Facility which provides or coordinates a range of elderly or disabled personal health care and daily living assistance services, available on a 24-hour basis in a residential setting comprised of one-family or single-family dwellings, duplex or two-family dwellings and multifamily dwellings or any combination thereof, provided, that at least one resident of each dwelling shall be an elderly or disabled person.~~

"Attached single-unit dwelling" means a dwelling unit which is located on that unit's own individual lot or parcel, which is used as an independent dwelling unit, and which is attached to one or more dwelling units by common vertical walls; also known as a townhouse.

"Attached single-~~family~~unit ~~housing~~ dwelling development" means a development consisting of ~~two~~ four or more ~~structures comprised of~~ attached single-unit~~family~~ dwellings.

"Awning" means a light roof-like structure, supported entirely by the exterior wall of a building; consisting of a fixed or movable frame covered with cloth, plastic, or metal; extending over doors, windows, and/or show windows; with the purpose of providing protection from sun and rain and/or embellishment of the façade.

"Awning sign" means a permanent attached sign affixed or attached to or placed upon an awning.

~~**"Baby-sitting home" means a home occupation in which care is provided to no more than two children (under 15 years old) at one time during a part of the 24-hour day, with or without compensation. This does not include the home of the child.**~~

"Beacon" means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

"Bed and breakfast accommodations" means any establishment located in a structure designed as a detached single-unit dwelling, providing limited overnight lodging and meals for guests pursuant to the requirements outlined in LCMC Section 17.80.060.

"Belt course" means a horizontal course in a masonry wall that is of a different color, texture, size, or material and which is compatible with the overall form and architectural composition.

"Blade sign" means a permanent attached sign that projects from, and is supported by or attached to, a roof, canopy, awning, marquee, or wall of a building or structure.

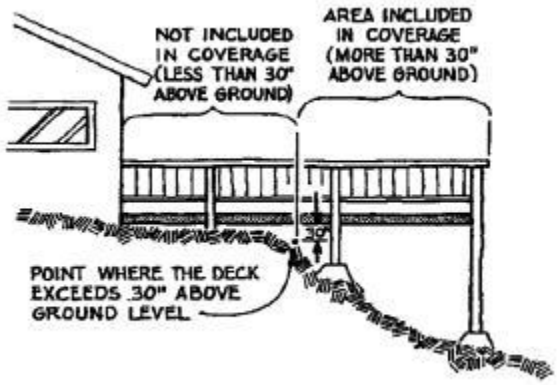
"Bollard" means a post of metal, wood, or masonry, or a combination thereof, that is used to separate or direct traffic, vehicles, pedestrians, or both. Bollards may or may not contain sidewalk or pathway lighting.

~~**"Breakwater" means a structure to protect a harbor or beach from the force of waves.**~~

"Building," means any structure utilized or intended for supporting or sheltering any use or occupancy. ~~including accessory buildings, means a structure built for the support, shelter or enclosure of any persons, animals, chattels or property of any kind.~~

"Building coverage" means the percentage of the total lot or parcel covered by the footprint of all primary and accessory structures and buildings, including decks,

balconies, porches, and stairs. Uncovered decks, porches, or stairs that are 30 inches or less from the ground are not included in the determination of building coverage. ~~**accessory buildings of greater than 200 square feet, decks, balconies, porches, and stairs. Uncovered decks, porches and stairs that are 30 inches or less from the ground shall not be included in the determination of building coverage.**~~



~~**"Building line" means a horizontal line that coincides with the front side of the main building.**~~

"Building official" means the building official of the city of Lincoln City, or ~~**the official's**~~ **authorized designee.**

"Canopy" means a light roof-like structure, supported by the exterior wall of a building and on columns or wholly on columns, consisting of a fixed or movable frame covered with approved cloth, plastic, or metal, extending over entrance doorways only, with the purpose of providing protection from sun and rain and embellishment of the façade.

"Canopy sign" means a permanent attached sign affixed or attached to or placed upon a canopy.

~~**"Carnival" means an enterprise offering amusement and entertainment through the use of rides and exhibitions.**~~

Carport means a stationary structure consisting of a roof, its supports, and not more than one wall or storage cabinets substituting for a wall, used to shelter motor vehicles, recreational vehicles, or boats; does not include temporary shelters or canopies affixed to a permanent foundation per applicable building codes.

"Changeable copy sign" means a permanent sign where the display can only be changed manually and that is incorporated into a permanent attached or permanent freestanding sign.

"City council" means the elected governing body of the city of Lincoln City.

"City engineer" means the city engineer of the city of Lincoln City or authorized designee.

"City manager" means the city manager of the City of Lincoln City or authorized designee.

"City recorder" means the city recorder of the city of Lincoln City or authorized designee.

"Component" means any element of a sign or its source of support (excluding the building) including but not limited to support structure, accessories, wiring, or framing. Paint, vinyl, paper, fabric, lights, diodes, or plastic copy panels on a sign do not constitute components.

"Department" means the planning and community development department of the city of Lincoln City.

"Detached single-unit dwelling" means a single dwelling unit that is not attached to any other dwelling unit by any means, has no roof, wall, or floor in common with any other dwelling unit, and is on its own lot or parcel.

"Driveway" means the area that provides vehicular access to a site from a street, and/or the area that provides vehicular circulation on a site.

"Clerestory" means the upper part of a wall that rises above a roof and that has windows.

"Commercial" means use involving the buying and/or selling of goods and/or services as the primary activity.

"Commercial building" means a building with more than 50 percent of its ground floor space used for commercial uses. ~~activities. Commercial buildings include, but are not limited to, stores, restaurants, hotels, motels, boarding, lodging or rooming houses, galleries, offices, mixed use buildings, fabrication shops, service stations, warehouses, and government buildings.~~

"Common open space" means land jointly owned to include open space, landscaping, and/or recreation facilities (e.g., may be managed by a homeowners' association).

"Community garden" means a site where plants, including flowers, are grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owner. The plants are grown for personal use by the gardeners, or for donation.

"Comprehensive Plan" means the current adopted Comprehensive Plan of the City of Lincoln City.

"Condominium" means ~~a form of ownership in which separate areas in a residential, commercial, or industrial building may be owned by individuals. The individual owners may also jointly own an undivided interest in common areas such as recreation areas, parking areas, land or other facilities.~~ownership of a single unit in a multi-unit structure that may contain common open spaces and facilities; includes both residential and commercial condominiums. See ORS 100 for applicable requirements.

~~"Convenience service retail uses" means establishments designed and intended to serve the daily or frequent trade or service needs of the surrounding population. Such establishments include grocery stores, variety stores, drug stores, coin-operated laundries, dry cleaning establishments, beauty and barber shops, and medical-dental and other professional offices. Specifically excluded are automobile service stations and drive-in restaurants.~~

"Corbel" means a projection on a building out from a masonry wall, sometimes to support a load and sometimes for decorative effect.

"Cornice" means any horizontal member, structural or nonstructural, projecting outward from the exterior walls at the roofline, including eaves and other roof overhang.

"Court" means any open space, unobstructed from the ground to the sky that is bounded on two or more sides by the walls of a building that is on the same lot or parcel. ~~open, unoccupied space, other than a yard, on the same lot with a building and bounded on two or more sides by such building.~~

"Day care center" means an establishment receiving compensation for providing care, supervision, and protection of six or more children at any one time during any part of the 24-hour day.~~a land use in which care is provided to six or more children at any one time and/or by two or more unrelated persons during a part of the 24-hour day. Such day care centers shall have and maintain certification of~~

~~approval from the Children's Services Division as defined and stated in ORS Chapter 148, Child Welfare Services.~~

"Day care home" means a home occupation taking place in a dwelling unit in which care is provided to no more than five children at any one time, by a resident of the dwelling unit, during a part of the 24-hour day, with ~~or without~~ compensation. ~~The care is only to be provided by the residents of the dwelling unit in which the care is administered.~~

"Director" means the planning and community development director of the city of Lincoln City, or authorized designee. ~~and any person designated by the director to act in the director's place.~~

"Discretionary" means a permit action or decision that involves judgment or discretion.

"Dock" means a floating structure extending along or out from the shore into a body of water, to which watercraft may be moored. ~~moorage facility constructed perpendicular or parallel to the shoreline~~.

~~"Dormitory" means a room for sleeping purposes for more than four persons, which is rented.~~

"Drive-in use~~restaurant~~" means an establishment or facility that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles before and during the transaction or activity. ~~a structure or portion thereof primarily so developed that its principal retail or service character is to provide short-order fast foods to patrons while in motor vehicles or while at a counter.~~

"Dwelling" means a structure conforming to the definition of a dwelling under applicable building codes and providing complete, independent living facilities for one or more persons, including permanent indoor provisions for living, sleeping, eating, cooking, and sanitation.

~~Dwelling, Attached Single-Family. "Attached single-family dwelling" means a dwelling which is located on that unit's individual lot, which is used as an independent dwelling unit, and which is attached to one or more dwelling units by common vertical walls.~~

~~Dwelling, Duplex or Two-Family. "Duplex or two-family dwelling" means a detached building designed and used as two independent dwelling units.~~

"Duplex" means one structure containing two primary dwelling units on one lot or parcel. The units must share a common wall or common floor/ceiling and are not located on their own individual lots or parcels.

~~**Dwelling, Multifamily. "Multifamily dwelling" means a building or portion thereof designed as three or more independent dwelling units, with each dwelling unit used as a dwelling unit for more than 30 days, but not including an attached single-family dwelling or a group of attached single-family dwellings.**~~

~~**Dwelling, One-Family or Single-Family. "One-family or single-family dwelling" means a detached building designed and used as one dwelling unit.**~~

"Dwelling unit" means **a building, or a portion of a building, that has independent living facilities including permanent indoor provisions for living, sleeping, cooking, and sanitation, and that is designed for residential occupancy. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar.** ~~**one or more rooms designed exclusively and used for occupancy by one family for living purposes and having only one cooking facility.**~~

"Electronic Display Center" means a permanent sign utilizing electronic technology such as Light Emitting Diodes (LED's), incandescent bulbs, or magnetized flipping devices to display content or animation any of which can be electronically, digitally, or mechanically changed by remote or automatic means, and that is incorporated into a permanent attached or permanent freestanding sign.

"Façade" means the exterior wall of a building or structure exposed to public view or that wall viewed by persons from a street, sidewalk, or right-of-way.

~~**"Family" means one person or two or more persons related by blood, marriage, legal adoption or guardianship, or a group of not more than five persons (excluding servants) all or part of whom are not related by blood, marriage, legal adoption or guardianship living together as a single housekeeping unit in a dwelling unit**~~.

"Fenestration" means the arrangement of windows and doors on the elevations of a building or structure.

"Flashing or blinking sign" means a sign that has the presence of a flashing or blinking light source (whether on the face or externally mounted), or the presence of a light source which creates the illusion of intermittent or flashing or blinking light by means of animation.

"Foot candle" means an English unit of measurement of the amount of light falling upon a surface. One foot candle is equal to one lumen per square foot. Foot candle is measured by means of an illuminance meter.

"Freestanding sign" means a permanent sign wholly supported by structures or supports that are placed on, or anchored in, the ground and that is independent of and detached from any building or other structure, whether portable or stationary. Freestanding signs are ground, monument, and pole signs in which changeable copy signs or electronic display centers may be incorporated.

"Frontage" means **that part of a property line abutting a street.** ~~**all the property abutting on a street.**~~

"Government sign" means a sign that is constructed, placed, attached, affixed, installed, erected, or maintained by the federal, state, or local government for the purpose of carrying out an official duty or responsibility, or a sign that is required to be constructed, placed, attached, affixed, installed, erected, or maintained by federal, state, or local government to enforce a property owner's rights.

"Grave marker" means a sign on a cemetery or mausoleum plot or space, including any floral displays or other decorations placed upon the plot or space.

"Gross area" means the total area within the property lines of a unit of land.

"Ground cover" means plants that grow densely and close to the ground, covering large expanses, and deliberately planted to prevent weeds or soil erosion**; also means processed plant material (e.g., mulch, bark chips), river rock, pea gravel, boulders, stones, driftwood, and similar, used for aesthetic purposes and to prevent erosion (i.e., cover bare ground).**

"Ground sign" means a permanent freestanding sign which is permanently anchored to the ground and has no air space between grade and the bottom of the frame or sign face.

"Handheld sign" means a hand-carried sign of four square feet or less in area, worn or carried by a person when being displayed.

~~**"Hardscape" means landscaping elements composed of permanent non-living materials, some of which are designed to sustain foot traffic and/or provide an extension of livable space to the outdoors. Examples include decks, patios, walkways, stairways, and gazebos; retaining walls, other stonework and decorative landscape art. Depending on the extent that the material prevents infiltration of**~~

~~storm water into the soil below, hardscape can be considered either impervious or pervious.~~

"Home occupation" means any lawful activity carried out for gain by a resident of a dwelling unit in that resident's dwelling unit and in which the activity is secondary to the primary use of the dwelling unit as a dwelling unit, where no employees not residing in the dwelling unit enter the premises for any activity related to the home occupation, and does not give the outward appearance of anything other than a residence. ~~not otherwise specifically provided for in this title, commonly carried on within a dwelling by a member or members of a family, no employee or other person being engaged in the same, and in which the activity is secondary to the use of the dwelling for living purposes. A home occupation is one that is conducted in such a manner as not to give the appearance of a business nor to infringe upon the right of neighboring residences to enjoy the peaceful occupancy of their homes.~~

~~"Horticulture" means the cultivation of plants, garden crops, trees and/or nursery stock.~~

"Hotel" means a facility offering transient lodging accommodations for compensation and which may or may not include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities, and where no cooking facilities are provided in any lodging rooms or suites. ~~building or portion thereof designed or used for occupancy of individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.~~

"Indirect" means, when describing the illumination of a sign, external illumination from a source located away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign from any right-of-way or adjacent property.

"Illuminated sign" means a sign characterized by the use of artificial light, either projecting through its surface(s) as internally or trans-illuminated; or reflecting off its surface(s) as externally illuminated. The illumination is "external" when the light source is separate from the sign and is directed to shine upon the sign and "internal" when the light source is contained within the sign, but does not include signs where the display is composed of dot matrix or LEDs.

"Illuminance" means the amount of light falling upon a real or imaginary surface at a given distance, commonly called "light level" or illumination."

"Integral sign" means a sign that is embedded, extruded, or carved into the material of a building façade and projecting no more than two inches from a

building, made of noncombustible material (such as bronze, brushed stainless steel, aluminum, or similar).

"Landscaping" **means any combination of living trees, shrubs, plants, flowers, vegetative ground cover, and non-vegetative ground cover, but not including invasive or noxious plants or weeds or artificial trees, shrubs, plants, or flowers, and can include such items as fountains and other water features, benches, decks, patios, pathways, and artificial turf or carpeting. ~~includes not only trees, grass, shrubs, flower and garden areas, but also the arrangement of fountains, patios, decks, street furniture and ornamental concrete or stonework areas and artificial turf or carpeting, but excludes artificial plants, shrubs, bushes or flowers.~~**

"Loading space" means an off-street space or berth **~~on the same lot, or parcel, with a building or use, or contiguous to a group of buildings or uses~~**, for the temporary parking of a vehicle while loading or unloading persons, merchandise or materials, and which space or berth abuts upon a street, alley or other appropriate means of access and egress.

"LED" means a semiconductor diode that converts applied voltage to light.

"Lot" means a **legally defined piece of land other than a tract that is the result of a land division. This definition includes the State definition of both lot, (result of subdividing), and parcel, (result of partitioning).** ~~plot, parcel or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.~~

~~"Lot area" means the total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public and private roads, and easements of access to other property.~~

"Lot depth" means the perpendicular distance measured from the midpoint of the front property to the midpoint of the opposite property line. ~~average horizontal distance between the front lot line and rear lot line.~~

~~"Lot line" means the property line bounding a lot.~~

~~Lot line, Front. "Front lot line" means, for an interior lot, a line separating the lot from the street; and for a corner or through lot, a line separating either (but not both) frontages of the lot from the street.~~

~~Lot line, Rear. "Rear lot line" means, for an interior lot, a line separating one lot line from another on the opposite side of the lot from the front lot line; for corner lots, either (but not both) interior lot line separating one lot from another; and for~~

~~an irregular or triangular-shaped lot, a straight line 10 feet in length that is parallel to and at the maximum distance from the front lot line.~~

~~Lot line, Side. "Side lot line" means, for interior lots, a line separating one lot from the abutting lot or lots fronting on the same street; for corner lots, a line other than the front lot line separating the lot from the street or line separating the lot from the abutting lot along the same frontage.~~

"Lot width" means the horizontal distance between the side property lines measured at right angles to the lot depth at a point midway between the front and rear property lines. ~~average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.~~

"Marquee" means a permanent roofed structure attached to and supported entirely by a building; no part of which shall be used for occupancy or storage; with the purpose of providing protection from sun and rain or embellishment of the façade.

"Marquee sign" means a permanent attached sign affixed or attached to or placed upon a marquee.

"Monument sign" means a permanent freestanding sign that is placed on a solid base that extends a minimum of 12 inches above the ground and extends at least 75 percent of the length and width of the sign. The above-ground portion of the base is considered part of the total allowable height of a monument sign.

"Medallion" means a small decorative detail used to accent a building's exterior.

"Mezzanine" means an intermediate level between a ground floor and the upper story(ies) occupying a partial area of floor space.

"Mixed use" means a development that includes a **building or buildings containing a** mix of commercial and residential uses that are planned and developed together on the same site. ~~or adjoining sites~~**.** The mix of uses may occur in the same building or in separate buildings**, provided at least one building in the development contains both commercial and residential uses.**

"Multi-unit dwelling" means a structure containing three or more dwelling units. The land underneath the structure is not divided into separate lots.

"Neat, clean, and in good repair" means the following: "Neat" means without rotting or broken parts; having parts that are solid and sound, without chipping or peeling paint, paper, vinyl or plastic; without graffiti; and without faded, washed-

out, or illegible displays. "Clean" means free of dirt, unsoiled, without grime or soot, but does not include minor dust coating that is undetected from the main-traveled way of a public right-of-way. "Good repair" means having sound and solid parts, without rotting or broken parts, firmly fixed in place so as to be able to withstand a wind pressure of 20 pounds per square foot of exposed surface.

"Neon sign" means a sign internally or externally illuminated by a light source consisting of neon or other method that simulates the appearance of a neon tube, except for fluorescent lighting.

"Net area" means the area left after subtracting from the gross area the following: significant wetland areas, significant riparian areas, areas dedicated for public rights-of-way, areas dedicated to the public for public parks, areas in a bluff erosion zone, and areas in a flood hazard area.

"Nonconforming commercial site development" means characteristics of existing developed properties that do not meet standards specified in Chapter 17.74 LCMC, ~~Commercial~~ Design Standards. ~~Or design standards adopted for specific pearl districts, as applicable.~~

"Nonconforming sign" means any sign which lawfully exists prior to the effective date of the ordinance codified in this chapter but which, due to the requirements herein, no longer complies with the height, area, or placement regulations or other provisions of this chapter.

"Occupancy classification" means the formal designation of the primary purpose of the building, structure, or portion thereof as listed in the adopted Oregon Structural Specialty Code and Oregon Residential Specialty Code.

"Off-street parking" means all off-street areas, not in public right-of-way or on private streets, designed, constructed, used, or required, or intended to be used, for the parking of motor vehicles. See Chapter 17.56 for parking standards.

"On-street parking" means parking in the public right-of-way, or private streets.

"Orient" means to cause to face toward a particular point of reference (e.g., "A building oriented to the street").

"Original art display" means a hand-produced work of visual art which is tiled or painted by hand directly upon, or affixed directly to an exterior wall of a building. Original art display does not include: mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing images.

"Owner**" is the owner of the title to real property or the contract purchase of real property of record, as shown on the latest assessment records in the Lincoln County Assessor's Office. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the city a copy of a recorded deed or contract of sale signed by the owner of record. ~~means the person in whom is vested the ownership, dominion or title of property; proprietor; including an authorized agent of the owner.~~**

"Parapet" means a low protective wall at the edge of a roof or balcony.

"Parcel." See "Lot."

"Parking area" means all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading or fire apparatus lanes.

"Parking space" means an improved space designed to provide temporary standing area for a vehicle. See Chapter 17.56 LCMC for parking space standards.

"Pathway" means a pedestrian and/or bicycle way on **public or** private property that provides pedestrian and/or bicycle circulation within a site and to adjacent sites and facilities, that **may or may not be dedicated to the public or within right-of-way.**

"Pearls" mean the 6 historic business districts that comprise the seven-mile stretch of Lincoln City that is connected by Highway 101 on the Oregon Coast. These districts are Wecoma, Oceanlake, Delake, Nelscott, Taft, and Cutler City, and the boundaries of each are identified on the city's adopted zoning map. Oceanlake, Nelscott, and Taft are also zoning districts in addition to being a pearl.

"Pedestrian-scale lighting" means lighting that is designed and located to illuminate a sidewalk, pathway, or other area that is used principally by pedestrians. Bollards, wall-mounted lights, and step lights are typical of pedestrian-scale lighting.

"Pedestrian space" means areas planned and improved to provide opportunities for active recreation, passive relaxation, or community interaction, and which are accessible to the general public or to residents, tenants, employees, or customers in common. Examples include plazas, courtyards, alcoves, outdoor seating areas, private parks, and viewpoints overlooking natural resource areas. Pedestrian spaces do not include public parks unless the public parks were approved as Pedestrian Space and conveyed to the city.

"Pediment" means a low-pitched gable over a portico, door, or window; may be used to reduce the scale of a building façade.

~~**"Perennial" means a landscape plant that persists for several years with new herbaceous growth from a part that lives over from one growing season to another**~~

"Permanent sign" means a sign permanently and directly attached by means of screws, nuts, bolts, anchors, or similar, or affixed directly, to a permanent structure, wall, building, canopy, awning, or marquee for permanent display.

"Pier" means**, in architectural terms, a portion of a wall between windows, doors, or other openings. As a water facility, it means** a fixed moorage facility constructed outward from the shoreline.

"Pilaster" means a shallow pier used to buttress a wall; or a rectangular column with a capital and base, projecting only slightly from a wall as an ornamental motif.

~~**"Planted area" means landscaped area that supports living vegetation. The area includes non-living groundcover (as defined in LCMC 17.52.100(F)(2)) in between plantings and is intended to reduce soil erosion and beautify the area.**~~

"Plaza" means an outdoor area designed to encourage social interaction and accommodate recreational evens, events, or relaxation. Plazas are typically provided with pedestrian amenities, art, and/or landscaping.

"Pole sign" means a permanent freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

"Portico" means a porch or entrance to a building consisting of a covered and often columned area.

"Practicable" means capable of being done after taking into consideration reasonable cost, existing technology, and logistics in light of overall project purposes.

"Primary entrance" means the entrance to a building that most individuals are expected to use. Generally, each building has one primary entrance; however, some buildings may have more than one primary entrance or may have entrances that open directly into the building's lobby or principal interior ground level circulation space.

"Primary structure" means a structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, design, appearance, and the orientation of the structures on a site.

"Primary use" means an activity or combination of activities of chief importance on the site. The main purpose for which the land or structures are intended, designed, or ordinarily used.

"Property line" means the division line between two units of land.

"Front property line" means a property line that abuts a street. On a corner lot, the front property line is the shortest of the property lines that abut a street. If two or more street property lines are of equal length, then the property owner can choose which property line is to be the front. However, a through lot has two front property lines regardless of whether street property lines are of equal or unequal length.

Rear property line means the line opposite the front property line. For irregular or triangular lots, the rear property line shall be a straight line 10 feet in length, within the lot, parallel with and at the maximum distance from the front property line.

Side property line means property lines that are neither a front or rear property line. On a corner lot, the longest property line which abuts a street is a street side property line.

"Public utility" means telephone, electric, natural gas, telecommunication, and similar franchise facilities, and water and wastewater (sanitary sewer and storm) conveyance and treatment facilities. Utility uses may or may not have regular employees at the site. Services may be public or privately provided.

"Radio and television transmitter or tower" means transmitter or tower that disseminates only radio and television communications intended to be received by the public, including the direct transmission or by the intermediary of relay stations.

"Repair" means mending or replacing broken or worn parts or elements with comparable (like for like) materials and like dimensions, while retaining all existing dimensions as well as all sound parts and elements.

"Replace" means actions to substitute one material or system for another when like for like is not possible.

"Residential facility" means a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

"Residential home" means a residential treatment or training home, as defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), a residential facility registered under ORS 443.480 (Definitions for ORS 443.480 to 443.500) to 443.500 (Investigation of registered facilities) or an adult foster home licensed under ORS 443.705 (Definitions for ORS 443.705 to 443.825) to 443.825 (Disposition of penalties recovered) that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

~~**"Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 through 443.825, a residential facility registered under ORS 443.480 through 443.500 or an adult foster home licensed under ORS 443.705 through 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.**~~

"Resort" means a place providing lodging and recreation to vacationers for a fee.

"Roof sign" means a permanent sign erected upon, against, over, or above the roof of any building or structure or a sign placed directly on the roof such as a painted sign where the painting takes place directly on the surface of the roof.

"Routine repairs and maintenance" means the activities intended to preserve and care for a structure, building, landscaping, or other improvements to such an extent that they remain safe, presentable, neat, and carry out the purpose for which they were initiated, installed, constructed or required, without expanding the existing development or activity; also the regular upkeep of physical properties including recurring, preventative, and on-going maintenance necessary to delay or prevent the failure of critical and non-critical building systems, buildings, and structures. Examples of routine repairs and maintenance include painting, re-roofing, repairing

dry rot, re-siding, replacing exterior windows or doors in the same location as their existing location, or similar.

"Setback" means the minimum or maximum distance required between a specified object and another point. Typically, a setback refers to the minimum or maximum distance from a building or structure to a specified property line.

"Front setback" means the required distance from the front property line and a specified object.

"Rear setback" means the required distance from the rear property line and a specified object.

"Interior side setback means the required distance from the side property line and a specified object.

"Street side setback means the required distance from the street side property line and a specified object.

"Garage/carport entrance setback" means the distance from the property line to the garage/carport entrance.

~~**"Shared street" means a low-volume and low-speed street, as the city's transportation system plan designates, used by pedestrians, bicyclists, and motor vehicles, and where pedestrians have priority over motor vehicles and bicyclists. Shared streets do not have clear division between pedestrian and motor vehicle space (e.g., no continuous curb) and typically include such features as street furniture (e.g., planters, street trees, benches) and areas for social interaction. Design criteria for shared streets are in the transportation system plan.**~~

~~**"Shared-use path" means a facility for non-motorized travel outside of the roadway, intended for transportation, recreation, or both. Typical design standards for shared-use paths are in the city's transportation system plan.**~~

~~**"Sign" means an identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business.**~~

"Sign" means any display, illustration, structure, or device that has a visual display where any portion of said visual display is visible from any public and designed to identify, announce, direct, or inform. The scope of the term "sign" does not depend on the content of the message or image being conveyed.

"Sign structure" means any structure which supports, has supported, or is capable of supporting a sign.

~~**Sign, Advertising. "Advertising sign" means a sign which directs attention to a business, product, activity or service which is not necessarily conducted, sold or offered upon the premises where such sign is located.**~~

"Sidewalk cafe" means any group of tables and chairs, and its authorized decorative and accessory devices, situated and maintained upon the public sidewalk or along the private porches, plazas, and arcades for use in connection with the consumption of food and beverage sold to the public from or in an adjoining indoor restaurant or delicatessen.

"Site" means for land divisions and property line adjustments, the lots, lots of record, parcels, or tracts proposed to be divided or reconfigured. For all other purposes, the site is an ownership except as follows:

- **If a proposed development includes multiple ownerships, then the site is the combined area of all contiguous ownerships.**
- **If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.**
- **If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.**

~~**"Silviculture" means the care and cultivation of forest trees; forestry.**~~

~~**"Site plan" means a plan, prepared to scale, showing accurately and completely all dimensions of the uses proposed for a specific parcel of land.**~~

"Spandrel" means the blank space between windows and successive stories; or the area between the top of a column or pier and the apex of the arch springing from it.

"Street" means, for purposes of this title, the entire width between the right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms, and may be used interchangeably with, "road," "highway," "lane~~ed~~," "place," "avenue," "alley" and other similar designations.

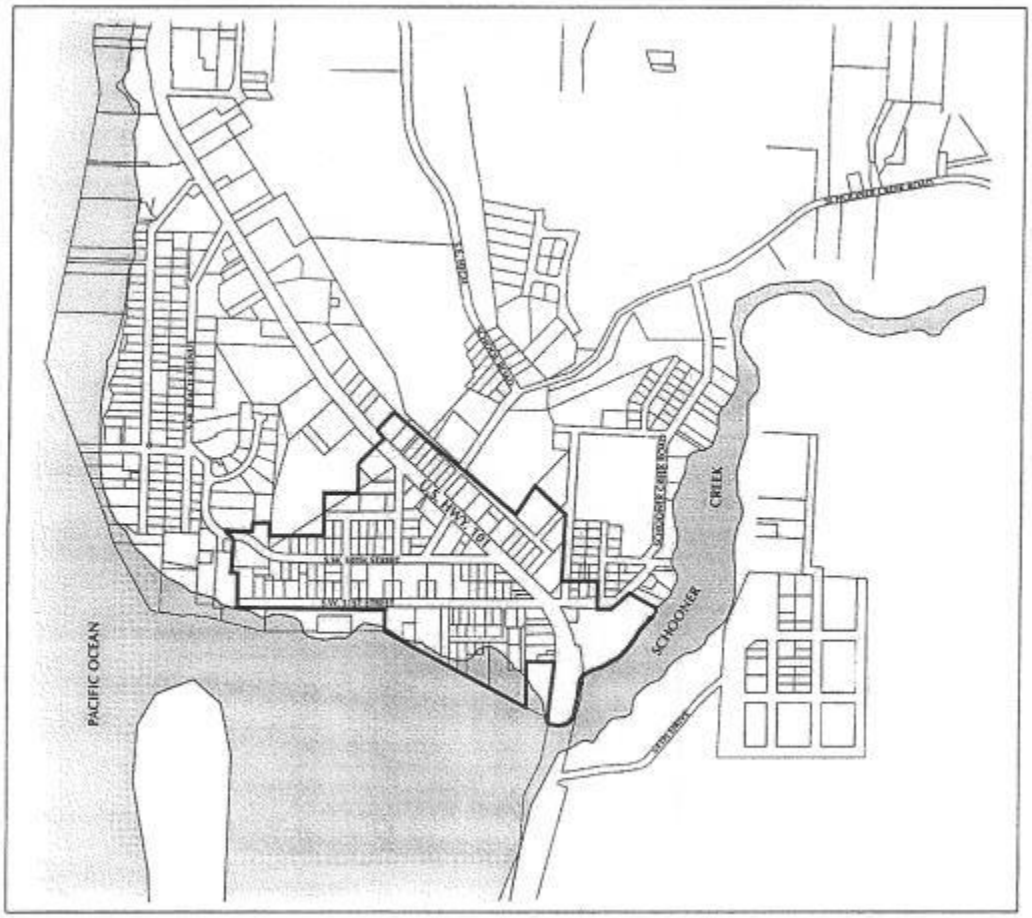
"Structure" means except as provided by applicable building codes, any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, utility vaults, and other similar objects. Structure does not

include paved areas or vegetative landscaping materials. ~~something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.~~

"Structural alteration" means a change or repair of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams, or girders. In addition, any decrease or increase to number of size of exterior openings shall be considered a structural alteration.

"Taft Village core" means the area depicted graphically below and generally defined by the Fleet Avenue alignment at Highway 101 (north), Schooner Creek bridge and Siletz Bay (south), Inlet Avenue (east), and the west end of SW 51st Street (west).

"Tenant space" means, in reference to Chapter 17.72 LCMC and Chapter 9.34 LCMC, an area, unit, or space occupied by a person or entity where a certificate of occupancy for the current occupancy classification and use of the area, unit, or space has been issued, as well as any other applicable permits related to the area, unit, or space.



Taft Village Core

"Tract" means a piece of land within a platted subdivision reserved for common open space, utility corridor, recreation facilities, sensitive lands, or other purpose; may be dedicated to a homeowners' association or other entity for maintenance.

"Transom" means a horizontal crossbar in a window, over a door, or between a door and a window.

"Transom window" means a window immediately above a door or other window and commonly hinged to a transom.

~~**"Transitional area" means an area consisting of a lot, lots or parts of lots, within any residential district, having side lot lines abutting a boundary of a commercial or industrial zone, and extending not more than 100 feet from such boundary into the residential zone.**~~

"Transparency (windows)" means non-reflective glass with a visible transmittance rating of 0.50 or greater, per the National Fenestration Rating council.

"Turret" means a small tower extending above a building.

"Underlying zone" means the property's existing zoning district ~~existing zone on the property~~ at the time an application is accepted for processing. ~~of application.~~

"Use" means the purpose or activity for which land or a building or structure thereon is designed, arranged, occupied, or intended or for which it is maintained, and shall include any manner or performance of such activity with respect to the performance requirements of this title.

~~**"Use limitations" means regulations intended to limit or emphasize the desired nature and quality of uses permitted within a business or special district.**~~

"Land Use regulations" means regulations which relate to a specific condition such as density or intensity or to building size, bulk or siting conditions occurring anywhere and for any type of building located within a given zoning district.

"Unlawful sign" means a sign or sign structure that does not conform to the provisions of this chapter and is not a nonconforming sign.

"Utility sign" means a sign constructed or placed by a utility on or adjacent to a pole, pipe, vault, substation, box, or pump of the utility.

"Variance" means a decision by the review authority to lessen or otherwise modify the requirements of the zoning code. ~~is a term applied to the authorization after a public hearing for the construction or maintenance of a building or structure. The rationale for the use of a variance is to provide for administrative relief from the literal terms of a zoning code.~~

"Vehicle sign" means a sign on or attached to a motor vehicle, truck, trailer, van, bus, railroad car, light rail car, or similar.

"Video sign" means a sign providing a display in both a horizontal and vertical format (as opposed to linear), through use of pixel and sub-pixel technology having the capacity to create continuously changing displays in a full spectrum of colors and light intensities.

"Wall sign" means a permanent attached sign that is affixed parallel with the wall or painted or printed on the wall, or is affixed flat against the sloping surface of the wall.

"Window sign" means a sign applied, printed, painted, attached, or affixed to the interior or exterior of a window and visible from outside of the window.

~~Yard, Transitional. "Transitional yard" means a yard that must be provided with landscaping and screening on a lot in a commercial district which adjoins a lot in a residential district. A transitional yard shall include any required yard or right of way setback.~~

~~"Yard" means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this title.~~

~~Yard, Front. "Front yard" means a yard between side lot lines and measured horizontally at right angles to the front lot line from the lot line to the nearest point of the building.~~

~~Yard, Rear. "Rear yard" means a yard between side lot lines or between a street side yard and opposite side lot line and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a main building.~~

~~Yard, Side. "Side yard" means a yard between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of the building.~~

~~**Yard, Street Side. "Street side yard" means a yard adjacent to a street between the front yard and the rear lot line measured horizontally and at right angles from the side lot line to the nearest point of the building.**~~

SECTION 2. Measure 49 Reservation.

Notwithstanding the amendment and removal of existing definitions as set forth in this ordinance, the definitions as they existed on the date of this ordinance adoption, is preserved in its entirety for purposes of application of such regulations to residential compensation claims, if any, made pursuant to Ballot Measure 49. This reservation does not modify or alter previous Measure 49 reservations concerning this chapter.

SECTION 3. Findings Adopted.

The findings contained in the Whereas Clauses of this Ordinance, and Exhibit A, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

SECTION 4. Severability.

The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 5. Savings.

Notwithstanding the amendment to this Title, the existing Title remains valid and in full force and effect for purposes of all criminal, civil or administrative code enforcement cases or land use actions or applications filed or commenced during the time said ordinances were operative. Nothing in this ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 6. Ordinance Effective Date.

Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

SECTION 7. Codification.

Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any

Whereas clauses and boilerplate provisions (i.e. Sections 3-7) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 13th day of July 2020 (First Reading) and on the ____ day of _____2020 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this _____ day of July 2020.

_____

DICK ANDERSON, MAYOR

ATTEST:

_____

CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

_____

RICHARD APPICELLO, CITY ATTORNEY

Exhibit "A"

FINDINGS

The Findings for Ordinances 2020-10, 2020-13, and 2020-14 support the definitional amendments contained in this Ordinance. Said changes were simply moved from the above-referenced ordinances to this ordinance for clarity. The Findings in the Exhibits to the above-referenced ordinances are adopted to support this ordinance and are specifically incorporated herein by this reference.

Council Communication

Ordinance 2020-18 Bard RD LID Final Assessment

Meeting Date:	July 13, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Public Works	Secondary Contacts:	Lila Bradley
Approval:	Ronald F Chandler	Estimated Time:	10 mins.

Question:

Should the City Council conduct and approve First and Second Reading of Ordinance 2020-18 and adopt the Ordinance imposing the Final Assessment for the SW Bard Road Sanitary Sewer LID?

ORDINANCE 2020-18

AN ORDINANCE OF THE CITY OF LINCOLN CITY PROVIDING FOR THE LEVY OF FINAL ASSESSMENTS FOR THE CONSTRUCTION OF A SEWER IMPROVEMENT PROJECT KNOWN AS THE "SW BARD ROAD SANITARY SEWER LOCAL IMPROVEMENT DISTRICT" SAID LID FORMED BY RESOLUTION 2019-26; FIXING AND SPREADING SAID FINAL ASSESSMENT AMOUNTS AGAINST BENEFITTED PROPERTIES WITHIN THE DISTRICT

Staff Recommendation:

Staff recommends Council conduct and approve First Reading of Ordinance 2020-18. If unanimous, staff recommends conducting and approving Second Reading and adoption of Ordinance 2020-18.

Ordinance Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance

prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

Final Assessment / Lien Authority:

13.04.120 Assessment ordinance.
When the estimated cost of an authorized local improvement has been ascertained on the basis of the contract award or estimate of costs of the engineer for the city, or after the work is done and the cost thereof has been actually determined, the council shall determine whether the property benefitted shall bear all or a portion of the cost. The city recorder, or such other person as the council may direct, shall prepare the assessment to the respective lots within the assessment district and file it in the appropriate city office. Notice of such assessment shall be mailed or personally delivered to the owner, or reputed owner, of each lot to be assessed. Such notice shall state the name of the owner or reputed owner, the description of the property proposed to be assessed, the amounts of assessment proposed on that property, and shall fix a date by which time objections shall be filed with the recorder, or other person designated by the council. Any such objection shall state the grounds for the objection. The city council shall consider such objections at a public meeting and may adopt, correct, modify or revise the proposed assessments and shall determine the amount of assessments to be charged against each lot within the district, according to the special and peculiar benefits accruing thereto from the improvement, and shall by ordinance spread the assessments. (Ord. 90-28 § 5; Ord. 84-15 § 11)

13.04.130 Notice of assessment.
Within 10 days after the ordinance levying assessments has been passed, the city recorder shall send by registered or certified mail a notice of assessment to the owner of the assessed property and shall publish notice of such assessment once in a newspaper of general circulation in the city, which shall be made not later than 10 days after the date of the assessment ordinance. The notice of assessment shall include the name of the property owner, a description of the assessed property, the amount of the assessment, and the date of the assessment ordinance, and shall state that interest will begin to run on the assessment and the property will be subject to foreclosure unless the owner either makes application to pay the assessment in installments within 20 days after the date of the publication of notice or pays the assessment in full within 30 days after the date of the assessment ordinance. No application for installment payments shall be approved or filed by the city if the amount remaining unpaid upon such assessment together with the unpaid balance of any previous assessments for improvements against the same property exceeds the assessed valuation of the property, as shown by the last county tax roll. (Ord. 90-28 § 6; Ord. 84-15 § 12)

13.04.140 Lien records – Collection and foreclosure proceedings.

A. After passage of the assessment ordinance by the council, the city recorder shall enter in the city lien docket a statement of the amounts assessed upon each particular lot, parcel of land or portion thereof, together with a description of the improvement, the name of the owners and the date of the assessment ordinance. Upon such entry in the lien docket, the amount so entered shall become a lien and charge upon the respective lots, parcels of land or portions thereof which have been assessed for such improvement. All assessment liens of the city shall be superior and prior to all other liens or encumbrances on property insofar as the laws of the state permit. Interest shall be charged at a rate that shall be variable, depending on (1) the rate the city would earn in the local government investment pool on the date of final assessment, plus two percent, during any period during which the improvement is financed out of the city's unbonded assessment fund; and thereafter (2) the average interest rate the city must pay the purchasers of Bancroft bonds, issued under the Bancroft Bonding Act procedures of state law, plus two percent to cover the city's costs of financing, such as but not limited to bond risk, during any subsequent period during which the improvement is financed out of revenues from the sale of Bancroft bonds. If the owners of real property have signed applications to pay in installments, the owners shall pay at the time of submission of the application a processing fee in the amount of one-half percent of the final assessment to cover the costs of processing the application, and also shall pay the amount of the county recording fee for the assessment lien.

B. Any assessments for which the owners of real property have signed applications to pay in installments, which are more than 30 days delinquent, may be charged a late payment charge, equal to one and one-half percent interest per month or part thereof, provided the owners have been notified in writing in advance by the city.

C. After 60 days from the date the assessments are due and payable, the city may proceed to foreclose the liens or enforce collection of the assessments in the manner provided by the general law of the state.

D. The city may charge all assessment accounts which are delinquent and subject to collection the city's reasonable attorney fees attributable to the collection process or foreclosure of the city's lien.

E. If the owners of real property have signed applications to pay in installments, the owners at any time may pay to the city the unpaid balance of the amount of the assessment, together with the full amount of interest to the next installment date, charges, and late payment penalties and charges accrued thereon to the date of payment, in full payment thereof. (Ord. 2016-02 § 2; Ord. 96-2 § 1; Ord. 90-28 §§ 7, 8; Ord. 84-15 § 13)

Background:

The Ordinance adopts the Final Assessment for the SW Bard Rd. Sanitary Sewer Local Improvement District. The Engineering Report has been updated based on the actual cost of construction.

Council Options:

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.

2. Conduct and approve First Reading. Read changes, if any. Continue Second Reading to July 27, 2020 [or]

3. Continue First Reading to July 27, 2020.

4. Do not proceed with proposed ordinance.

Financial Impact

None expected.

Potential Motions:

City Attorney: [Conduct First Reading of Ordinance by Title only]

ORDINANCE 2020-18

AN ORDINANCE OF THE CITY OF LINCOLN CITY PROVIDING FOR THE LEVY OF FINAL ASSESSMENTS FOR THE CONSTRUCTION OF A SEWER IMPROVEMENT PROJECT KNOWN AS THE "SW BARD ROAD SANITARY SEWER LOCAL IMPROVEMENT DISTRICT" SAID LID FORMED BY RESOLUTION 2019-26; FIXING AND SPREADING SAID FINAL ASSESSMENT AMOUNTS AGAINST BENEFITTED PROPERTIES WITHIN THE DISTRICT

Council:

1. Motion to approve First Reading of Ordinance 2020-18.

If unanimous: Conduct Second Reading

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Council:

1. Motion to approve Second Reading and adopt Ordinance 2020-18.

   [or]

2. Motion to set Second Reading for July 27, 2020

Attachments:
2020-18 7-6-20 ra 152pm (DOCX)
Final Engineer's Report - (Exhibit 1) 7.6.20 (PDF)

ORDINANCE 2020-18

AN ORDINANCE OF THE CITY OF LINCOLN CITY PROVIDING FOR THE LEVY OF FINAL ASSESSMENTS FOR THE CONSTRUCTION OF A SEWER IMPROVEMENT PROJECT KNOWN AS THE "SW BARD ROAD SANITARY SEWER LOCAL IMPROVEMENT DISTRICT" SAID LID FORMED BY RESOLUTION 2019-26; FIXING AND SPREADING SAID FINAL ASSESSMENT AMOUNTS AGAINST BENEFITTED PROPERTIES WITHIN THE DISTRICT

WHEREAS, following passage of Local Improvement District Initiation Resolution No. 2019-22 and duly advertised and noticed public hearings, the City Council passed LID formation Resolution No. 2019-26 on October 28, 2019 and ordered the formation of the "SW Bard Road Sanitary Sewer Local Improvement District" consisting of low pressure sewer and gravity sewer and ordered the construction of such local improvements consistent with the City Engineer's Report; and

WHEREAS, the construction contract was awarded to Jesse Rodriguez Construction LLC in January 2020, and construction of the SW Bard Road LID was completed in May 2020; and

WHEREAS, pursuant to LCMC 13.04.120 following completion of construction, property owners within the District were notified in writing and by advertisement of the final assessment and provided an opportunity to submit written objections (stating specific grounds) to Council; and

WHEREAS, on July 13, 2020 a noticed public hearing was held (although not required) for the purpose of hearing any last minute proper objections; and

WHEREAS, on July 13, 2020 Council deliberated as provided in LCMC 13.04.120; and

WHEREAS, following consideration of written objections and comments in the record, the Council elected to modify the proposed LID assessments from the estimates set forth in formation Resolution No. 2019-26 to reflect the actual costs of construction as set forth in the Final Engineering Report dated May 2020, attached hereto as Attachment 1, and incorporated herein by this reference; and

WHEREAS, Council further determined to spread the assessments by this Ordinance against each lot within the district, according to the special and peculiar benefits accruing thereto from the improvement, as reflected in Attachment 1 Lincoln City Final Engineering Report; and

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Acceptance. The City of Lincoln City sanitary and low-pressure improvement project, known as the "SW Bard Sanitary Sewer Local Improvement District" has now been completed in accordance with Lincoln City Resolutions No. 2019-22 and 26, and is hereby accepted and approved.

SECTION 2. Engineering Report and Total Cost. The Lincoln City Engineering Report, updated to show actual cost of construction, is hereby adopted and approved, said report and Exhibits being attached hereto and incorporated herein by this reference. The City Recorder has completed the assessment role covering the total cost of the project which was $171,908.48 which was ***less than*** the 2019 estimate of $212,371.50.

SECTION 3. Assessed Property. The full and complete legal description of the Local Improvement District area to be assessed for this local improvement project is contained in Exhibit "A" to Attachment 1 attached hereto and incorporated herein as though fully set forth.

SECTION 4. Final Assessment Roll. The final assessment notices have been mailed by the City Public Works Staff to all the property owners and the time within which to file objections has passed. The City Council has heard and passed upon all objections which were filed. The total final assessment roll has been completed and is attached hereto as Exhibit "D" to Attachment 1 and incorporated herein as though fully set forth.

SECTION 5. Levy of Assessments. The Final Assessment Roll set forth in Exhibit D to Attachment 1 as attached hereto is hereby approved and the City Council does hereby declare and levy the several assessments as set forth in the assessment roll as a levy and assessment against the several properties affected and as described in the final assessment roll and in the name of the individual property owners appearing or as a part of the description of said property.

SECTION 6. Installment Payments LID and SDC. Installment Payments for the LID final assessment shall be permitted consistent with LCMC 13.04.160, Resolution 2019-22, Resolution 2019-26 and this Final Assessment Ordinance. Frequency of installment payments and interest rates of the final assessment shall be as provided in the Final Engineering Report.

SECTION 7. Findings Adopted.

The findings contained in the Whereas Clauses of this Ordinance, as well as the competent substantial evidence in the whole record of this proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this action.

SECTION 8. Severability.
The sections, subsections, paragraphs and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 9. Codification.

Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 7-9) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing Ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 13th day of July, 2020 (First Reading) and on the 13th Day of July, 2020 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 13th day of July, 2020.

_____

DICK ANDERSON,
MAYOR

ATTEST:

_____

CATHY STEERE,
CITY RECORDER

APPROVED AS TO FORM:

_____

RICHARD APPICELLO
CITY ATTORNE

CITY ENGINEER'S REPORT

SW Bard Road Sewer Improvements

SANITARY SEWER LOCAL IMPROVEMENT DISTRICT

May 20, 2020

Background

In October of 2019 The Lincoln City City Council approved Resolution 2019-22, forming a Local Improvement District to install sanitary sewer service on SW Bard Road. Pursuant to the City of Lincoln City's Municipal Code of Ordinances Chapter 13.04, a contract for the construction of designed sanitary sewer service to the 17 properties was bid January of 2020. Construction was completed May of 2020.

Location of the Improvements

Exhibit "A" presents a map outlining the Local Improvement District boundary.

Wastewater Facilities Plan

The Bard Road Local Improvement District (LID) improvement flows to the SE 3rd St. Pump Station. This pump station is part of the "System Backbone" and has a current capacity rating of 4000 gallons per minute. The identified flow in 2004 was 2800 gallons per minute.

Budget for the design, maintenance, and improvement of this pump station has been put forward for the 2021-2022 & 2022-2023 fiscal year.

Description of the Improvements

The city has completed the construction of the Sanitary Sewer improvements. The As-built construction drawings for the sanitary sewer is put forward in Exhibit "B". The project constructed 357' of gravity sanitary sewer and 950' of low pressure sewer system. The gravity portion will consist of 8" PVC pipe, while the gravity portion will be 2" or 3" High-density polyethylene (HDPE) pipe. This provides a service lateral to each lot of record at the time of construction. The system was sized to serve each parcel's maximum build-out according to section 17.20 (R-M) of the current LCMC.

Property owners on the pressure sewer portion of the LID will need to install an E-One grinder pump when connecting to the public sewer system. The pump will be sized based on the size of development planned. Lots with potential development greater than or equal to 3 single family homes have been provided a larger pressure connection (2") to accommodate larger potential development without changing the public system.

Project Cost Summary

The final cost of construction and administration is $171,908.48; See Exhibit "C". City staff handled both project design and construction administration.

Zoning and Method of Assessment

Within the local improvement district, there are 17 properties. These vary in size from 6,970 square feet to 39,200 square feet. Sixteen (16) properties benefitting are zoned (Residential-Multifamily) R-M, with one (1) lot zoned (Open Space) OS. The benefitting lot's maximum densities are calculated per Chapter 17.20 of the Lincoln City Municipal Code, See Exhibit "D".

The maximum allowed density on these lots varies from 1 single family home to 24 potential multifamily units. 11 of the 17 parcels within the improvement district are developed with existing single family residential homes.

The method of assessment adopted in resolution 2019-22 based LID assessment on the maximum allowed Residential-Multifamily development. In the case that this assessment does not cover the minimum material and labor cost to install a parcel's lateral connection, a cost of $1,955.00 is assessed. This is the bid item cost for the required fittings at each lateral and 15' of service pipe. This has been applied to 1 parcel – Lot #00800.

The remaining construction cost of sanitary sewer improvements within the local improvement district is $169,953.48. This cost divided by the remaining 149 potential Multi-family units equals an assessment of $1,140.63 per potential multi-family unit.

Financing

Each lot owner will be given the option to finance the cost of the Local Improvement District. The City will finance up to 20 years, at a rate 2% over the current Local Government Investment Pool (LGIP) rate. The LGIP rate is 1.3% as of May 14, 2020. Each property's monthly cost for 20 year financing at 3.3% has been estimated using the project estimate. See Exhibit "D".

The City will place a lien on the property until the LID cost is paid in full. The City assessment lien shall be superior to all other liens or encumbrances on property insofar as Oregon Law permits. The property owner will have 60 days after the final assessment public hearing to either pay the LID assessment off in full or apply for the City financing. Property owners must pay or finance at least the base unit cost. Additional assessment may then be deferred until property sale or issuance of a building permit.

When a property has applied for financing of the LID cost, the owner shall pay at the time of submission of the application a processing fee in the amount of one-half (1/2) percent of the final assessment to cover the costs of processing the application. The property owner will also pay the amount for the county recording fee for the assessment lien.

If the property owners have signed applications to pay in installments, the owner at any time may pay to the City the unpaid balance of the amount of the assessment. This includes interest to the next installment date, charges, and lay payment penalties and/or charges accrued to the date of payment. LID lot assessments must be paid in full at (1) change in ownership of the property or (2) issuance of a building permit.

The estimated $1,140.63 per unit is to reimburse the City for the cost to install the public sewer. The total cost to connect to the sewer system would additionally include the items outlined in Exhibit "C":

- System Development Charges ($4,048.00 in 2019)
- Inspection Fees/Permit Fees
- On-site construction costs
- Abandoning existing septic tank (if applicable)

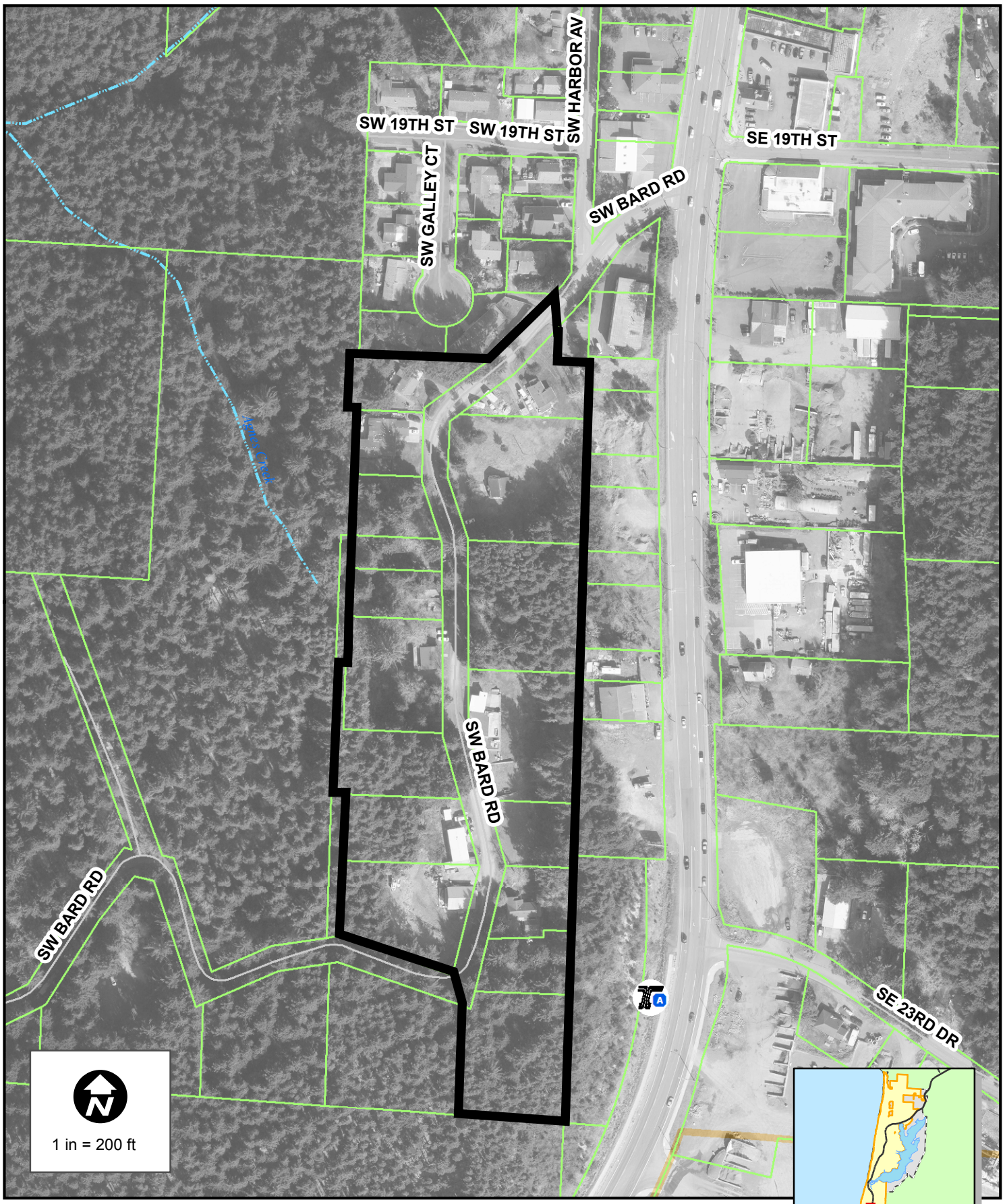
SEWER CONNECTION MANDATES

Existing developed properties in the LID will be required to connect to the sewer system under the following circumstances:

1. Septic tanks must be inspected at 5, 10, and 15 years. If the septic system fails an inspection, the owner will not be allowed to fix the septic system but must connect to the public sewer system
2. If an existing home is sold, a condition of the sale is for the home to be connected to the public sewer system.
3. If an existing home is remodeled or enlarged more than 50% of the existing value, or the remodel requires the expansion of the septic system, the home will be required to connect to the public sewer system.
4. All existing homes within the LID must connect to the public sewer system within the LID financing period of 20 years.

City Engineer's Signature: *Stephanie Reid, PE*

Date: *May 26, 2020*



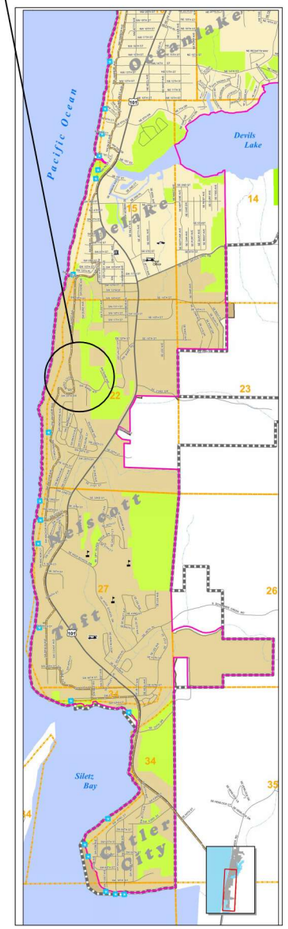
Vicinity Map

City of Lincoln City government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

LID COVER SHEET

EXHIBIT "B"

PROJECT LOCATION

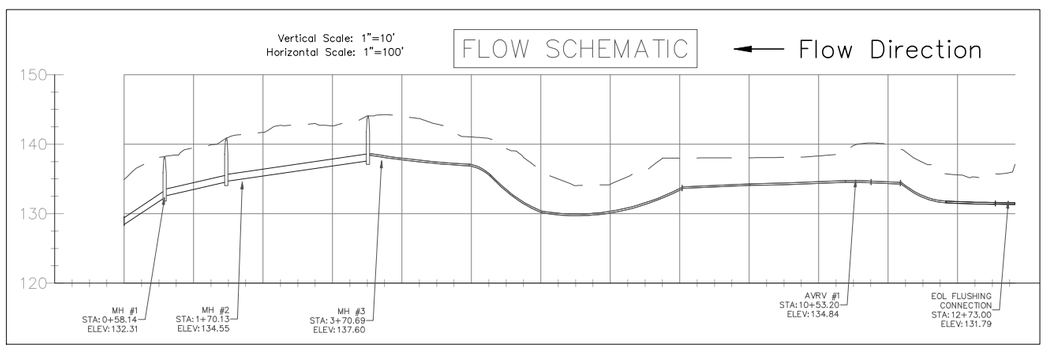


0 50 100 Feet
Scale: 1"=50'

MATERIAL SPECIFICATIONS:

- ALL LOW PRESSURE SEWER PIPING SHALL BE DR11 HDPE PIPE (IPS)
- ALL FUSED PIPE JOINTS, ANGLES, AND TEES SHALL BE BUTT FUSION UNLESS OTHERWISE APPROVED.
- FUNCTIONAL GREEN TRACER WIRE SHALL BE INSTALLED ALONG THE CROWN OF ALL SEWER PIPING. WIRE SHALL BE DAYLIGHTED AT BACKFLOW CONNECTIONS, MANHOLE CONNECTIONS, AIR RELEASE VALVES, AND FLUSHING STATIONS.
- AIR VACUUM / RELEASE VALVES SHALL BE DeZurik APCO 443, Val-Matic VM801A, OR EQUIVALENT. AVRV SHALL BE INSTALLED WITH 4" PVC FILTER HOUSING AND RECHARGABLE AIR FILTER. FILTER SHALL BE SWEET AIR SEPTIC TANK FILTER, STUDOR MAXI-FILTRA, OR EQUIVALENT.
- ALL VALVES SHALL BE PVC, FULL PORT BALL VALVES, TRUE UNION TYPE, 250 PSI PRESSURE RATING, EPDM SEATS AND THREADED ENDS. SEWER VALVES SHALL HAVE 2" SQUARE OPERATING NUT.
- BACKFLOWS CHECK VALVES AND INLINE VALVES SHALL BE COVERED WITH AN EXTENSION TYPE CURB BOX (PER E-ONE DETAIL)
- CAPPED END OF LATERAL SHALL BE MARKED WITH A GREEN PAINTED 2"X4" TRACER WIRE WILL BE DAYLIGHTED TO FINISHED GRADE.
- SUBMITTALS SHALL INCLUDE: CRUSHED ROCK BACKFILL, SEWER PIPE AND FITTINGS, SEWER APPURTENANCES, WORKER PIPE FUSION CERTIFICATION, WATER PIPE & BLOW-OFF FITTINGS, FULL CONSTRUCTION SCHEDULE, PRESSURE TESTING, EROSION CONTROL, AND TRAFFIC CONTROL.

SHEET 1: Cover Sheet
SHEET 2: STA 0+00 - 5+00
SHEET 3: STA 5+00-10+00
SHEET 4: STA 10+00-12+73
SHEET 5: Details
SHEET 6: Details



GENERAL NOTES:

- ALL CONSTRUCTION ACTIVITIES SHALL BE DONE IN ACCORDANCE WITH ODOT 2018 STANDARD SPECIFICATIONS. WORK SHALL BE LIMITED TO THE HOURS BETWEEN 7:00 AM AND 7:00 PM, MONDAY THROUGH FRIDAY, UNLESS OTHERWISE APPROVED BY THE ENGINEER.
- CONTRACTOR SHALL PROVIDE ALL APPLICABLE PUBLIC AND PRIVATE CONSTRUCTION NOTIFICATION AS DETAILED IN THE PROJECT SPECIAL PROVISIONS. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO, WATER SERVICE DISRUPTION AND INTERRUPTION OF ROADWAY AND DRIVEWAY ACCESS.
- CONTRACTOR IS RESPONSIBLE FOR MAINTAINING A CURRENT SET OF PLANS, SPECIFICATIONS AND SPECIAL PROVISIONS ON SITE AT ALL TIMES. CONTRACTOR IS REQUIRED TO RECORD ANY CONSTRUCTION DEVIATIONS TO THESE DRAWINGS AND NOTE THE LOCATION AND ELEVATION OF ALL EXISTING UTILITIES ENCOUNTERED. AS-BUILTS SHALL BE SUBMITTED TO THE CITY FOLLOWING PROJECT COMPLETION.
- LOCATIONS AND DESCRIPTIONS OF ALL EXISTING UTILITIES OR OTHER OBSTRUCTIONS SHOWN IN THE PROJECT PLANS ARE COMPILED FROM AVAILABLE RECORDS. ACCURACY AND COMPLETENESS ARE NOT GUARANTEED.
- CONTRACTOR SHALL FIELD-VERIFY ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION.CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE THAT OCCURS TO ASPHALT PAVEMENT, CONCRETE PAVEMENT, CONCRETE STRUCTURES, BUILDINGS, VALVE AND/OR METER BOXES, SIGNS, ETC. DUE TO CONSTRUCTION ACTIVITIES.
- NO OPEN EXCAVATION TO BE LEFT DURING CONSTRUCTION OFF HOURS. ALL OPEN CUTS OF EXISTING STREETS AND DRIVEWAYS TO BE BACKFILLED TO GRADE, PATCHED WITH A HOT OR COLD AC MIX, OR COVERED WITH A STEEL PLATE.
- EROSION CONTROL DEVICES MUST BE INSTALLED AND MAINTAINED MEETING CITY AND D.E.Q. REQUIREMENTS.
- CONSTRUCTION WILL RUN ADJACENT TO PRIVATE RESIDENCES, COMMERCIAL BUSINESS, AND PUBLIC FACILITIES. CONTRACTOR MAY BE REQUIRED TO LIMIT OR MODIFY CONSTRUCTION ACTIVITIES TO MEET NOISE OR ACCESS REQUIREMENTS.
- RESIDENTS AND BUSINESSES SHALL BE AFFORDED REASONABLE ACCESS TO THEIR PROPERTIES AT ALL TIMES DURING CONSTRUCTION. SHOULD ACCESS TO INDIVIDUAL PROPERTIES BE BLOCKED THE CONTRACTOR SHALL PROVIDE RESIDENTS 48 HOUR NOTICE PRIOR TO WORK.
- NO DISTURBANCE OR STAGING ON PRIVATE PROPERTY SHALL OCCUR WITHOUT WRITTEN CONSENT FROM THE PROPERTY OWNER.
- BARRICADES, SIGNAGE AND APPROPRIATE TRAFFIC CONTROL SHALL BE PROVIDED WHEN EQUIPMENT IS IN ROADWAY.
- SEWER SHALL MAINTAIN A DIFFERENCE IN DEPTH OF 1.5' BELOW ANY WATER CROSSING.
- LOW PRESSURE SEWER SHALL BE HYDROSTATICALLY PRESSURE TESTED AT 150 PSI FOR A MINIMUM OF 10 MINUTES. A PLAN SHALL BE SUBMITTED BY CONTRACTOR AND SHALL ALLOW FOR ADEQUATE EXPANSION OF HDPE PIPE. TESTING SHALL BE COMPLETED IN THE PRESENCE OF LCPW, AND RESULTS SUBMITTED TO THE CITY WITH GRAVITY SEWER TV FOOTAGE.

TRAFFIC CONTROL:

- CONTRACTOR SHALL BE ALLOWED TO CLOSE SW BARD ROAD TO THROUGH TRAFFIC DURING WORKING HOURS. ROADWAY SHALL BE RE-OPENED DURING NON-WORKING HOURS. LOCAL TRAFFIC SHALL BE ALLOWED, AND ACCESS MAINTAINED FOR LOCAL RESIDENTS UNLESS THE REQUIRED 48 HOUR NOTICE IS GIVEN FOR TEMPORARY RESTRICTION.

General Notes

OWNER:

CITY OF LINCOLN CITY
801 SW HIGHWAY 101
PO BOX 50
LINCOLN CITY, OREGON 97367

CONTACT: TERRY CHAMBERLAIN, P.E.
PHONE: 541.996.1292

INDEX

REGISTERED PROFESSIONAL ENGINEER
11687
OREGON
JULY 18, 1982
TERRY CHAMBERLAIN
EXPIRES: 12/31/2019

No.	Revision/Issue	Date
	As-Builts	05/2020

LINCOLN CITY PUBLIC WORKS
801 S.W. HWY 101
P.O. BOX 50
LINCOLN CITY, OREGON 97367
PHONE: (541) 996-2154
FAX: (541) 994-4881
www.lincolncity.org

PROJECT INFORMATION

Bard Road
Sanitary Sewer LID

SHEET TITLE:
LID Cover Sheet
DESIGNED BY: DW
DRAFTED BY: DW

IF LESS THAN FULL SIZE, NTS

PROJECT NO. : 16020	SHEET NO.
DATE : 5/21/2020	1 OF 6
SCALE : AS SHOWN	

FILE LOCATION:S:\Public Works\Engineering Capital Projects\16020 Bard LPS and paving\Design\Bard Sewer LID_Construction As-builts.dwg
PLOT DATE:5/21/2020
16020

EXHIBIT C

LID COST SUMMARY

	Sewer	
Engineering	In-House	
Total Engineering	$0.00	
Total Surveying	$0.00	
Total Construction Cost	**$156,280.44**	
Art Commission (.5% of Construction Cost)	$0.00	*Already allocated
Administration (10% of Engineering + Construction Cost)	$15,628.04	
Total Administration Cost	**$15,628.04**	
LID Total Project Cost (Engineering, Construction and Administrative)	**$171,908.48**	$171,908.48
Number of lots	17	

SYSTEM DEVELOPMENT CHARGES AND ESTIMATED ON-SITE COST

Sewer System Development Charge in 2020	**$4,129.00**
On-Site Improvements (Estimated Average Cost)	
Pump and Control Panel	$5,300.00
Installation of System and Decommission Septic	$6,000.00
Sewer Connection Inspection	$100.00
Total Estimated On-Site Improvements	**$11,400.00**

Exhibit "D" - Benefitted Lots & Cost Estimate

Summary					Multi-Family UNIT ASSESSMENT		Financing
Map & Taxlot	**Address (If Existing)**	**Owner**	**Zone**	**Assessed Value**	***Potential Multifamily Units**	**Multi-Family Sanitary LID Assessment**	**Monthly LID Payment**
							20 years @3.3%
7-11-22-AC-00300	2029 SW Bard Rd	The G. Doyle Daves, Jr. & Pamela G. Daves Revocable Trust	R-M	$123,340.00	4.0	$4,562.51	**$25.99**
7-11-22AC-00400	2026 SW Bard Rd	Drayton, JW & P B Family Trust & Drayton James Trustee	R-M	$79,780.00	6.0	$6,843.76	**$38.99**
7-11-22AC-00500	2120 SW Bard Rd	Drayton James Trustee& Drayton Patricia Trustee	R-M	$123,380.00	24.0	$27,375.06	**$155.97**
7-11-22 AC-00600	2055 SW Bard Rd	Ferschweiler, Ann & Vardell, Marla	R-M	$182,560.00	3.0	$3,421.88	**$19.50**
7-11-22 AC-00700	2117 SW Bard Rd	York, Sidney	R-M	$28,640.00	3.0	$3,421.88	**$19.50**
7-11-22 AC-00800	2133 SW Bard Rd	Downey, Judy	R-M	$95,170.00	1.00	$1,955.00	**$11.14**
7-11-22 AC-01000	2141 SW Bard Rd	Chave, Jason & Angela	R-M	$49,520.00	3.0	$3,421.88	**$19.50**
7-11-22 AC - 01100	-	Haun, David	R-M	$35,870.00	22.0	$25,093.80	**$142.97**
7-11-22 AC-01200	2203 SW Bard Rd	Hartwell, Lewis & Long, Haley	R-M	$156,590.00	11.0	$12,546.90	**$71.48**
7-11-22 AC 01300	**Open Space	Lincoln City	Open Space	$0.00	9.0	$10,265.65	**$58.49**
7-11-22 AC 01400	2216 SW Bard Rd	Thomas, Robert	R-M	$116,220.00	21.0	$23,953.18	**$136.47**
7-11-22 AC-01500	-	Thomas, Robert	R-M	$25,460.00	4.0	$4,562.51	**$25.99**
7-11-22 AC-01601	2257 SW Bard Rd	Chavez, Lydia	R-M	$66,490.00	6.0	$6,843.76	**$38.99**
7-11-22 AC-01600	2311 SW Bard Rd	Sanchez, Henry	R-M	$130,500.00	9.0	$10,265.65	**$58.49**
7-11-22 AC-01800	2314 SW Bard Rd	Saranno Inc, ATTN Daniel J. Gattie	R-M	$122,950.00	5.0	$5,703.14	**$32.49**
7-11-22 AC-01900	-	Langill, Robert & Langill, Kathleen	R-M	$26,860.00	3.0	$3,421.88	**$19.50**
7-11-22 AC-02000	-	Mintz, Marc	R-M	$44,160.00	16.0	$18,250.04	**$103.98**
		TOTALS:			150.0	$171,908.48	
Total LID Cost:		$171,908.48			LID Rate per MultiFamily Unit		
Number of Properties		**17**			**$1,140.63 or base cost* ($1,955.00)**		

*Potential Single Family Homes & Multifamily Unit counts represent the maximum possible density per LCMC, Section 17.20 (R-M Zone) and county tax lot data. This has been used for assessment purposes only, owner to verify with Lincoln City Planning Department for development planning

** Tax lot 07-11-22-AC-012000 is zoned "Open Space", but has been estimated as R-M for LID assessment.

Council Communication

Approval of Final Order for CPA/ZC 2020-01 Scrutton et al

Meeting Date:	July 13, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	AnneMarie Skinner
Approval:	Ronald F Chandler	Estimated Time:	5 minutes

Question(s):

Should the City Council approve the Final Order denying CPA/ZC 2020-01.

Staff Recommendation:

Staff recommends Council approve the Final Order denying CPA/ZC 2020-01.

Authority:

Lincoln City Comprehensive Plan, LCMC, Title 17, including specifically Chapter 17.88.

Background:

On June 22, 2020, following the public hearing and deliberations, Council passed a motion denying the requested comprehensive plan map and zoning map amendment.

THE DRAFT FINAL ORDER IS BEING PREPARED; IT WILL BE TRANSMITTED TO COUNCIL AS SOON AS IT IS AVAILABLE.

Council Options / Potential Motions:

1. Approve the Final Order.

2. Reject the Final Order.

Council Communication

Economic Development: New Tools for Housing

Meeting Date:	July 13, 2020	Primary Staff Contact:	Alison Robertson
Department:	City Council	E-Mail:	alisonr@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	15 Minutes

Staff has presented an update on new tools to address housing in Lincoln City to the Urban Renewal Agency. Staff would like a discussion on this presentation and recommend City Council duplicate any actions/decisions made by the Urban Renewal Agency as appropriate.

Background:
City Council has made housing a goal. The City has adopted the following housing objectives:

- "Encourage the development of affordable and workforce housing.
- Investigate ways to reduce fees on new construction of affordable and workforce housing, while ensuring new infrastructure is not underfunded.
- Facilitate development of affordable housing on city-owned properties.
- Periodically review the development code's regulations and zoning map to ensure they encourage a variety of housing types, such as accessory dwelling units, tiny houses, big houses and senior housing.
- Involve employers in efforts to provide and support workforce housing.
- Enact strategies to ensure that sufficient appropriately zoned land is available within the city and outside the tsunami inundation zone, such as increasing densities and annexing new lands.
- Design attractive neighborhoods that offer housing within walking distance to schools, jobs, shopping, and services.
- Streamline the permitting process for affordable and workforce housing." (City of Lincoln City Economic Opportunities Analysis and Housing Needs Analysis 2017)

Both City Council and the Urban Renewal Agency directed staff to come back with options for policies/programs to encourage public and private sector to address the housing needs in Lincoln City.

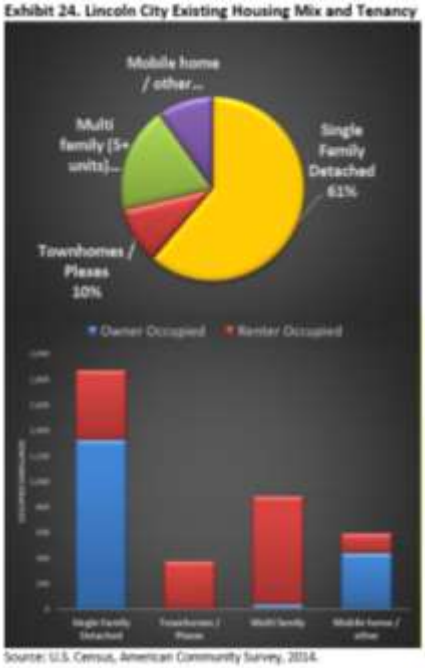
Housing Needs Assessment Review: (all data and figures below come from the 2017 Housing Needs Assessment: https://www.lincolncity.org/vertical/sites/%7BDDC39B4D-9F7A-

4251-AEA0-F594E7F89DDB%7D/uploads/LINCOLN_CITY_EOA-HNA-BLI_-_FINAL_WITH_APPENDIX.pdf)

I. Existing housing stock:

i. There are a total of 5,734 housing units in Lincoln City (2014 ACS data – most recent); with fairly even distribution among owner-occupied dwellings, renter occupied dwellings, and second homes/short-term rentals.

Exhibit 24. Lincoln City Existing Housing Mix and Tenancy



Source: U.S. Census, American Community Survey, 2014.

Exhibit 25. Lincoln City Existing Housing Characteristics

Housing Type	Owner-Occupied Dwelling Units	Renter-Occupied Dwelling Units	Second Homes & Short Term Rentals	Other Vacant Units	All Dwelling Units
Single Family Detached	1,325	545	1,100	91	3,061
Townhomes / Plexes	0	374	183	18	576
Multi-family (5+ units)	36	846	550	43	1,475
Mobile home / other	440	153	-	29	622
Total Units	1,801	1,918	1,834	181	5,734
Distribution	31%	33%	32%	3%	100%

Housing Type	Owner-Occupied Dwelling Units	Renter-Occupied Dwelling Units	Second Homes & Short Term Rentals	Other Vacant Units	All Dwelling Units
Single Family Detached	74%	28%	60%	50%	53%
Townhomes / Plexes	0%	19%	10%	10%	10%
Multi-family (5+ units)	2%	44%	30%	24%	26%
Mobile home / other	24%	8%	0%	16%	11%
Total	100%	100%	100%	100%	100%

Source: American Community Survey, 2010-2014; compiled by FCS GROUP.

II. Projected Housing Need

i. Scenario A:

The baseline housing forecast scenario takes into account trends in population and seasonal housing demand given recent housing capture rates for Lincoln City. Scenario A assumes that Lincoln City will continue to capture 38% of the County's growth by adding 1,583 residents over the next 20 years, which equates to a 0.85% annual average growth rate for Lincoln City. The baseline scenario also assumes that average household size (people per household) will continue its downward trend from 2.21 people per household in 2016 (est.) to 2.10 in 2036 (forecast), as "baby boomers" (residents born between 1946 and 1964) become empty nesters, retirees move into the area, and "millennials" (residents born between 1981 and 1997) delay starting families. The resulting baseline housing forecast for Lincoln City identifies the need for 948 net new dwellings for permanent residents over the next 20 years (Exhibit 26). If we assume the current level of seasonal housing (second homes and short-term rentals) and vacant inventory remain at current levels (36% of total inventory),

there would be additional demand for approximately 536 housing units. The combination of housing for permanent residents and seasonal housing is expected to require 1,484 dwellings over the next 20 years (Exhibit 26).

Exhibit 26. Lincoln City Housing Needs Forecast, Baseline Scenario A

	Estimate 2015	Estimate 2016	Forecast 2036	Proj. Change 2016-36	Proj. AAGR
Lincoln County Population	47,225	47,423	51,571	**4,147**	0.42%
Lincoln City Population	**8,485**	**8,601**	**10,183**	**1,583**	**0.85%**
City/County Share	18.0%	18.1%	19.7%	**38.2%**	
Lincoln City Housing Needs					
Group Quarters Population	85	86	102		
Population in Households	8,400	8,515	10,082		
Avg. Household Size	2.22	2.21	2.10		
Resident Housing Units	3,784	3,853	4,801	**948**	1.11%
Total Housing Units	**5,922**	**6,030**	**7,513**	**1,484**	1.11%
Seasonal & Vacant Housing Units	2,138	2,177	2,713	**536**	1.11%
Percent of housing stock	36%	36%	36%	**36%**	
Second Homes		2,000	2,492	**492**	
Short Term Rentals		497	619	**122**	

Source: Estimates based on 2014 ACS data and current Lincoln City permitting activity. Forecasts consistent with OEA 2015-2049 population forecast for Lincoln County, and projected 2010 to 2015 Lincoln City capture rates by FCS GROUP.

ii. Baseline Scenario B:

Scenario B is intended to address the current workforce housing imbalance along with the baseline demand forecast included with Scenario A. Through interviews, stakeholders identified the current lack of existing "affordable" workforce housing as an important issue that likely accounts for high levels of in-commuting by Lincoln City workers that travel long distances from their homes to their place of work. As indicated in the following map shown as Exhibit 27, the local "covered workforce" includes approximately 1,478 workers that live and work in Lincoln City; 1,937 workers that live in Lincoln City and commute outside the City to work and 2,896 workers that in-commute to jobs in Lincoln City. As indicated in Exhibit 28, an estimated 2,921 people in-commute to Lincoln City daily from a distance of 25 miles or greater based on 2014 Census data. If adequate workforce housing is provided in Lincoln City for 25% of these workers (preliminary policy goal), it would require 330 workforce dwellings to offset the current housing imbalance. In Scenario B, the total housing need consists of the baseline demand (1,484 units) plus the added workforce housing demand (330 units), or 1,814 dwellings.

Exhibit 28. Lincoln City Housing Needs Forecast, Workforce Housing Scenario B

	Estimate 2015	Estimate 2016	Forecast 2036	Proj. Change 2016-36
Existing Workforce In-commuters	2,896	2,921		
Avg. Household Size	2.22	2.21		
Housing Unit Demand	1,305	1,322		
City Capture Rate Policy Goal*			25%	
Existing Pent Up Workforce Housing Demand		------->	330	330
Baseline Scenario: Resident Housing Units		3,853	4,801	948
Baseline Scenario: Seasonal & Short-term Units		2,177	2,713	536
Total Housing Units	5,922	6,030		**1,814**

* Represents city policy aimed at capturing share of workforce in-commuters that currently travel over 25 miles into Lincoln City.
Source: U.S. Census, On The Map, 2014. FCS GROUP.

iii. Both scenarios show a need for increased housing, and scenario B specifically highlights a need for additional workforce dwellings. The average of these two scenarios is 1,649, or about 82 units per year for 20 years.

III. Projected Housing Unit Types

i. Scenario A:
In baseline forecast Scenario A, Lincoln City should plan for 1,484 additional dwelling units over the next 20 years. The expected housing mix under this scenario would consist of 798 single family detached homes, 160 townhomes/duplexes, 385 multifamily units and 141 manufactured housing units.

ii. Scenario B (Baseline + Workforce Housing):
The total housing need is expected to consist of 570 owner-occupied dwellings, 709 renter-occupied dwellings and 536 short-term rental units. The expected housing mix under this scenario would consist of 940 single family detached homes, 205 townhomes/duplexes, 484 multifamily units and 185 manufactured housing units. The amount of required land area to accommodate this level of housing development is expected to be approximately 249 acres.

	Scenario A	Scenario B	Average	Average Percent of Housing Stock Increase
Single Family Detached Homes	798	940	869	53%
Townhomes/Duplexes	160	205	182.5	11%
Multifamily Units	385	484	434.5	26%
Manufactured Housing Units	141	185	163	10%

iii. The housing unit types built in Lincoln City over the last 4 years are below:

	2016	2017	2018	2019	Average	Average Percent of Housing Stock Increase
Single Family Detached Homes	50	51	54	48	50.75	69%
Townhomes/Duplexes	0	3	3	1	1.75	2%
Multifamily Units	33	0	30	1	16	22%

iv. The buildable land inventory for residential uses in Lincoln City includes approximately 1,124.5 acres on 1,702 tax lots. Nearly 93% of the residential land supply, or 1,041 acres, is dedicated to single family homes. The remaining 83.5 acres is designated for multi-family development.

IV. Housing Attainability:

i. MFI for Lincoln County in 2014 was $42,429. A four-person family would be able to afford monthly rents at $849 or lower and homes priced at $168,000 or less.

Exhibit 31. Lincoln City and County Housing Attainability Guidelines

Lincoln County Median Family Income Level (2014)*		$42,429
Available Monthly Rent or Payment (@30% of income level)	**Lower-end**	**Upper-End**
High (120% or more of MFI)	$1,273	or more
Upper Middle (80% to 120% of MFI)	$849	$1,273
Lower Middle (50% to 80% of MFI)	$530	$849
Low (30% to 50%)	$318	$530
Very Low (less than 30% of MFI)	$318	or less
Approximate Attainable Home Price**	**Lower-end**	**Upper-End**
High (120% or more of MFI)	$252,000	or more
Upper Middle (80% to 120% of MFI)	$168,000	$252,000
Lower Middle (50% to 80% of MFI)	$105,000	$168,000
Low (30% to 50%)	$63,000	$105,000
Very Low (less than 30% of MFI)	$63,000	or less

* Based on Housing and Urban Development thresholds for Lincoln County in 2014.
Note, this analysis is generally consistent with 4-person household size characteristics.
** Assumes 20% down payment on 30-year fixed mortgage at 6.0% interest.
Source: analysis by FCS Group using Housing and Urban Development, and US Census data.

ii. The ability to deliver an affordable two or three bedroom apartment unit at 80% of the MFI would mean that such a unit would be rented at $850 or less, which is about 15-25% below current market prices for such a unit. A policy goal of providing 300 attainable apartments priced at 80% of the MFI would require total "incentives" of approximately $17,000 to $20,000 per dwelling unit.

iii. Recent home sales and asking prices of homes in Lincoln City shows indicate that over the past two years, there have been 172 sales per year. The standing inventory is now well below four months for units priced at 80% MFI or lower.

Exhibit 32. Lincoln City Housing Inventory, Absorption and Attainability

Asking Sales Price	Current Listings	Avg. Annual Sales	Standing Inventory (months)	Housing Attainability Group
$63,000 to $105,000	0	2	0	Low (30% to 50% of MFI)
$105,001 to $168,000	13	41	4	Lower Middle (50% to 80% of MFI)
$169,000 to $252,000	41	64	8	Upper Middle (80% to 120% of MFI)
$252,001 to $300,000	15	24	8	High (120% or more of MFI)
$300,001 to $400,000	45	25	22	High (120% or more of MFI)
$400,001 and higher	61	17	44	High (120% or more of MFI)
Total	**175**	**172**		

Source: Redfin; compiled by FCS GROUP as of 9/15/16.

Questions for Discussion

1. What economic development tools can encourage or improve housing?
    i. Façade Improvement Loan Program: Provide zero interest loans for façade improvements for existing commercial (*or residential*) buildings.
    ii. Energy Efficiency Loan Program: Provide loans for 0% interest for 10 years to fund energy efficiency projects for existing commercial (*or residential*) buildings or businesses such as: solar panels, new windows, heating unit, etc.
    iii. Pre-Development Assistance Program: System Development Charges and permit fees prepaid by URA to be repaid prior to Certificate of Occupancy or at time of sale or portion of sale.
    iv. Infrastructure Partners Program: For private redevelopment projects, partner to construct necessary and required public works infrastructure such as water, sewer and storm mainline extension, also sidewalks, off-street parking, curbs and gutters. This may also include telecommunications assistance, such as access to high speed broadband to foster job creation and economic development objectives.
    v. Mixed-Use Housing Loan Program: Provide loans for second story residential remodel construction of existing commercial buildings or percentage of cost for second story construction of new building.
    vi. Workforce Housing Loan Program: Provide loans for residential construction meeting the local workforce market defined as those earning 60%-120% of the median family income for Lincoln County.

2. What is the eligibility criteria for residential properties to apply to funding?
    i. Restrict funds based on home value (for home ownership):
        a. Restrict funds to home units valued at or below $252,000 based on the total market value for the Lincoln County tax assessor's property report data from the most recent year. This home market value limit is based on

120% of median family income attainable home-ownership for a family of four.
   b. Restrict funds to home units valued at or below $252,000 minus the loan requested amount.
ii. Income qualify:
   a. Funds restricted to applicants between 80 – 120% AMI/MFI?
   b. Income qualify for the first "round" of funding, restricting to 80 – 120% AMI/MFI. Then open it up to others depending on who is interested in the program.
vii. Home size:
   a. Funds restricted to home units approximately 1,200 square feet or less.
viii. Some combination of above options.

3. What types of housing units should be targeted?
   i. Make these programs available for all types of residential units.
   ii. Include single-family detached.
   iii. Include multi-family.
   iv. Include duplex/triplex/four-flat dwelling.
   v. Include cottage cluster.
   vi. Include Accessory Dwelling Unit (ADU).
   vii. Some combination of above options.

4. Should economic development tools include owner-occupied and renter-occupied dwellings?
   i. Include owner-occupied dwelling units
   ii. Include renter-occupied dwelling units.
   iii. Include second homes and short term rentals.
   iv. Some combination of above options.

5. Who should be able to apply?
   i. Allow applications from non-profits.
   ii. Allow applications from for profit, private property owners.
   iii. Allow applications from non-profits, for profit, private property owners.

Possible Motions by Agency

No motion needed. Staff would like a discussion on housing policy and responses to the above questions in developing criteria for new economic development programs. Staff recommends Council make the same

Attachments:

PowerPoint Presentation for Residential Economic Development Tools (PDF)

Residential Economic Development Tools

City Council has made housing a goal. CC + URA have directed staff to bring back options for economic development tools to encourage public and private sector to address housing needs in Lincoln City.

Outline

I. Review of housing stock and projected housing needs
   I. Existing housing stock
   II. Residential land needs
   III. Housing attainability

II. Ec dev tools to address housing in Lincoln City
   I. Economic development tools available
   II. Eligibility criteria
   III. Types of residential units
   IV. Owner-occupied and renter occupied
   V. Partnerships

Existing Housing Stock and Projected Housing Needs

BASED ON 2017 HOUSING NEEDS ASSESSMENT

Existing Housing Units

- 5,734 housing units in Lincoln City (2014 ACS data); fairly even distribution among owner-occupied dwellings, renter occupied dwellings, and second homes/short-term rentals.

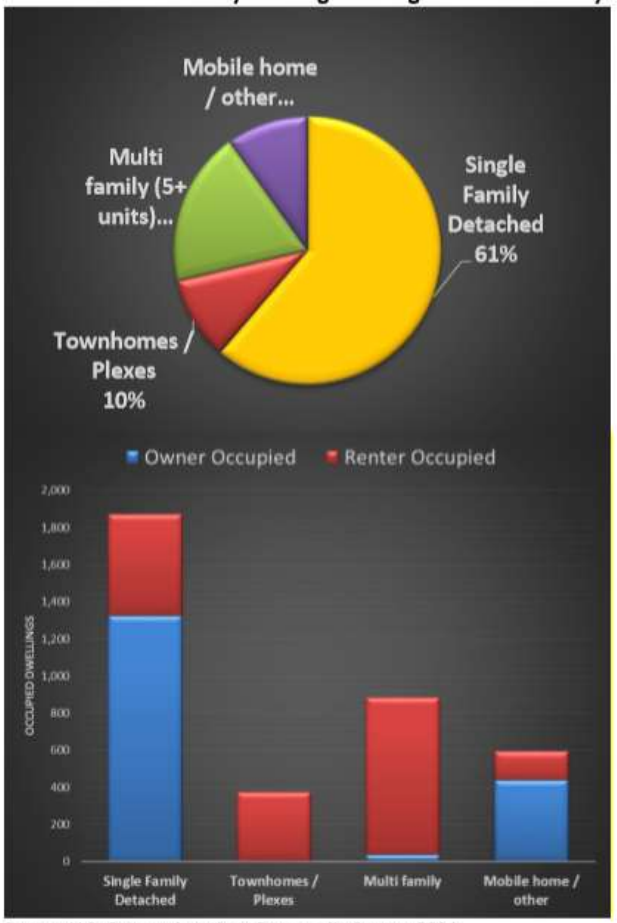
Exhibit 25. Lincoln City Existing Housing Characteristics

Housing Type	Owner-Occupied Dwelling Units	Renter-Occupied Dwelling Units	Second Homes & Short Term Rentals	Other Vacant Units	All Dwelling Units
Single Family Detached	1,325	545	1,100	91	3,061
Townhomes / Plexes	0	374	183	18	576
Multi-family (5+ units)	36	846	550	43	1,475
Mobile home / other	440	153	-	29	622
Total Units	**1,801**	**1,918**	**1,834**	**181**	**5,734**
Distribution	31%	33%	32%	3%	100%

Housing Type	Owner-Occupied Dwelling Units	Renter-Occupied Dwelling Units	Second Homes & Short Term Rentals	Other Vacant Units	All Dwelling Units
Single Family Detached	74%	28%	60%	50%	53%
Townhomes / Plexes	0%	19%	10%	10%	10%
Multi-family (5+ units)	2%	44%	30%	24%	26%
Mobile home / other	24%	8%	0%	16%	11%
Total	100%	100%	100%	100%	100%

Source: American Community Survey, 2010-2014; compiled by FCS GROUP.

Exhibit 24. Lincoln City Existing Housing Mix and Tenancy



Source: U.S. Census, American Community Survey, 2014.

Projected Housing Units Needed

- Scenario A: The baseline housing forecast scenario takes into account trends in population and seasonal housing demand given recent housing capture rates for Lincoln City.
- Scenario B: Scenario B is intended to address the current workforce housing imbalance along with the baseline demand forecast included with Scenario A. Through interviews, stakeholders identified the current lack of existing "affordable" workforce housing as an important issue that likely accounts for high levels of in-commuting by Lincoln City workers that travel long distances from their homes to their place of work.
- Both scenarios show a need for increased housing, and scenario B specifically highlights a need of additional workforce dwellings. The need for housing units in Lincoln City, over the next 20 years (to 2036) is between 1,484 (Scenario A-Baseline Housing Forecast) and 1,814 (Scenario B-Baseline + Workforce Housing Forecast). [The average of these two scenarios is 1,649, or about 82 units per year for 20 years.]

Projected Housing Unit Types

	Scenario A	Scenario B	Average	Average Percent of Housing Stock Increase
Single Family Detached Homes	798	940	869	53%
Townhomes/Duplexes	160	205	182.5	11%
Multifamily Units	385	484	434.5	26%
Manufactured Housing Units	141	185	163	10%

Housing Units Built in Recent Years

	2016	2017	2018	2019	Average	Average Percent of Housing Stock Increase
Single Family Detached Homes	50	51	54	48	50.75	69%
Townhomes/Duplexes	0	3	3	1	1.75	2%
Multifamily Units	33	0	30	1	16	22%
Manufactured Housing Units	0	9	1	6	4	5%
ADUs	0	3	1	1	1.25	2%
TOTAL	83	66	89	57	73.75	100%

Projected Housing Affordability

- The ability to deliver an affordable two or three bedroom apartment unit at 80% of the MFI would mean that such a unit would be rented at $850 or less, which is about 15-25% below current market prices for such a unit. A policy goal of providing 300 attainable apartments priced at 80% of the MFI would require total "incentives" of approximately $17,000 to $20,000 per dwelling unit.

Exhibit 31. Lincoln City and County Housing Attainability Guidelines

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Low (30% to 50%)	$318	$530
Very Low (less than 30% of MFI)	$318	or less
Approximate Attainable Home Price**	**Lower-end**	**Upper-End**
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* Based on Housing and Urban Development thresholds for Lincoln County in 2014.
Note, this analysis is generally consistent with 4-person household size characteristics.
** Assumes 20% down payment on 30-year fixed mortgage at 6.0% interest.
Source: analysis by FCS Group using Housing and Urban Development, and US Census data.

What economic development tools can encourage or improve housing?

Economic Development Tools

1. Façade Improvement Loan Program (include residential)
2. Energy Efficiency Loan Program (include residential)
3. Pre-Development Assistance Program (include residential)
4. Infrastructure Partners Program (include residential)
5. Mixed-Use Housing Loan Program (create new tool)
6. Workforce Housing Loan Program (create new tool)

For residential economic development tools, what is the eligibility criteria?

Eligibility Criteria - Options

1. Restrict funds based on home value (for home ownership):
   A. Restrict funds to home units valued at or below $252,000 based on the total market value for the Lincoln County tax assessor's property report data from the most recent year.
   B. Restrict funds to home units valued at or below $252,000 minus the loan requested amount.
2. Income qualify for resident/s:
   A. Funds restricted to applicants between 80 – 120% MFI/AMI.
   B. Income qualify for the first "round" of funding, restricting to 80 – 120% MFI/AMI. Then open it up to others (could add property value restrictions) depending on who is interested in the program.
3. Home Size: funds restricted to home units approximately 1,200 square feet or less.
4. Some combination of above options.

Eligibility Criteria - Notes

- Portland Housing Bureau income qualifies rather than setting limitations on the value of the house to target affordable and workforce housing. They have also set a limit of $10,000 on liquid assets.
- Tillamook County housing doesn't use income qualifications. Tillamook has low vacancy rates, so important goal is increasing housing stock – maybe an applicant has enough money to fix their roof without public funding, and it that's the case, then they should.
- Need to consider if the home value is more appropriate criteria to build up existing home values, or to focus on income qualifying to support workforce directly. If the goal is to improve the existing housing stock, these programs will work without income qualifying.
- DevNW awards loan funds for home repair projects for individuals under 80% AMI. If we do decide to income qualify, we don't want to overlap with competitors in this area.

For residential economic development tools, what types of housing units should be targeted?

Housing Unit Types to Incentivize - Options

1. Make these programs available for all types of residential units.
2. Include single-family detached.
3. Include multi-family.
4. Include duplex/triplex/four-flat dwellings.
5. Include cottage cluster.
6. Include Accessory Dwelling Units (ADU).
7. Some combination of the above.

Housing Unit Types to Incentivize - Notes

- Recommendation from residential policy experts to make these available for all residential developments, and lean on the side of casting a wider net; criteria can be refined in the future as needed depending on who is interested. Best practice would be to leave the program broad and let the market decide.
- Recommendation from developer to focus on missing middle housing and multiple unit projects. There are difficult to subsidize, these programs could be potential gap funds. Use these programs for ADUs – remove restriction that requires property owner to live on site so that both unit could be rented.
- According to Housing Needs Assessment, nearly 93% of (buildable) residential land supply is for single-family homes.

Should ec dev tools include owner-occupied and renter-occupied dwellings?

Owner-Occupied and Renter-Occupied Dwellings - Options

1. Include owner-occupied dwelling units
2. Include renter-occupied dwelling units.
3. Include second homes and short term rentals.
4. Some combination of above options.

Owner-Occupied and Renter-Occupied Dwellings - Notes

- Recommendation from policy expert to leave flexibility for rental properties.
- If a single-family home owner is renting the home, it is likely they would have other means to finance home improvements (ex: sell the home).

Who should be able to apply?

Applicants - Options

Allow applications from:

1. Non-profits.
2. For profit, private property owners.
3. Any developers that will meet other determined criteria.

Applicants - Notes

- If targeting workforce and affordable housing market, someone should have to income qualify, either City/URA through program criteria, or through partnering with developers that will income qualify the residents.
- Programs using public dollars should not be used to gain profit – the only way to do this is to income qualify either the resident OR by working with a non-profit.

Council Communication

UR Property Tax

Meeting Date:	July 13, 2020	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

A question came up during the Planning Commission meeting regarding the assessment and distribution of property taxes for Urban Renewal districts. Staff will present information about property taxes, its allocation and use in an Urban Renewal District.

Council Communication

COVID-19 Upate

Meeting Date:	July 13, 2020	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

The City Manager will provide an update on the City's action pertaining to the COVID-19 pandemic.